

according to law, this deponent having seized said vessel near Point Miscow on the 24th day of July instant, as above stated, for breach of the said Treaty.

(Signed)

H. H. KNOCKER, R.N., *Lieutenant*.

JOHN JERWANS, his $\times$ mark.

JOHN SMITH.

JOHN MAGUIRE, his $\times$ mark.

WILLIAM PARR.

DAVID JOHNSTON.

Sworn by the said deponents severally at Bathurst, in the county of Gloucester, this 25th day of July, 1854.

Before me,

(Signed)

WILLIAM NAPIER.

S. PEARCE GLOUCESTER.

Inclosure 3 in No. 37.

Mr. Partelow to Mr. Read.

Sir,

Secretary's Office, Fredericton, July 29, 1854.

REFERRING to your letter of the 25th instant, reporting the seizure of the American schooner "Ellen" of Salisbury for an infringement of the fishery laws, I am to acquaint you that, according to the advice of the Attorney-General, his Excellency is informed that such seizure cannot be understood as having taken place under the Provincial Act 16 Vict., cap 69, inasmuch as neither the seizing offices nor the armed vessel which Lieutenant Knocker commanded bore any Commission on authority from the Lieutenant-Governor of New Brunswick.

From instructions which he has received his Excellency is also of opinion that it is advisable all proceedings against the vessel so seized should take place in the Admiralty Court of St. John's, and you will govern yourself accordingly.

I have, &c.

(Signed)

J. R. PARTELOW.

Inclosure 4 in No. 37.

Opinion of Attorney-General of New Brunswick on Seizure of "Ellen."

IN the matter of the seizure of the American schooner "Ellen" by Lieutenant Knocker of Her Majesty's navy under instructions from the Admiral of the station for fishing within British waters contrary to Treaty.

1st. I am of opinion, from reading the depositions of the captors that the seizure is legal.

2nd. Under the circumstances of this seizure it is expedient that the proceedings for condemnation should be in the Vice-Admiralty Court of this Province, inasmuch as I do not conceive the seizure to come within the terms of the Provincial Act of 16 Vict. cap. 69.

(Signed)

J. K. STREET, *Attorney-General*.

Fredericton, July 29, 1854.

No. 38.

Mr. Hammond to Mr. Merivale.

Sir,

Foreign Office, August 22, 1854.

I AM directed by the Earl of Clarendon to request that you will inform Secretary Sir George Grey that, in accordance with his suggestion, he has referred to the Law Officers of the Crown your letter of the 25th ultimo, upon the subject of the instructions to be given to Lord Elgin in the matter of the Treaty between Her Majesty and the United States of America relative to fisheries and to commerce and navigation which was signed at Washington on the 5th of June last; and I am to transmit to you, for Sir George Grey's