

P.S.—I inclose also a copy of the opinion of the Attorney-General of this Province, which I have received since this despatch was written.

E. H.

Inclosure 2 in No. 37.

Depositions.

IN the matter of the American fishing schooner "Ellen," of Salisbury, being seized by the Provincial armed schooner "Alice Rogers," for breach of the Treaty of 1818.

H. H. Knocker, Lieutenant commanding the armed vessel "Alice Rogers," John Jewans, Pilot, John Smith, John Macguire, William Parr, and David Johnston, seamen of said vessel, severally make oath and say, and first this deponent H. H. Knocker, for himself saith that, this deponent with his said vessel left the port of Port Daniel on the north side of the Bay Chaleur on the morning of Monday, 24th July instant, and stood over towards Miscow Island, and at or about noon of same day deponent saw a schooner hove to on the starboard tack, and on nearing her deponent saw several of the crew at the weather rail apparently heaving something overboard. At 38 minutes after 12 the said schooner filled and bore up for the mouth of the bay, deponent then fired a blank cartridge, and the vessel taking no notice of it, deponent fired a shot ahead of her on which she hove to, and hoisted American colours, with her head off shore. At a quarter after 1 o'clock deponent boarded the said schooner, which he found to be the American fishing-schooner "Ellen" of Salisbury. Deponent asked the master, Ezra Morill, his reasons for being hove to within the limits prescribed by the Treaty for the space of an hour and a half. At first the said Ezra Morill stated that he had sent a boat into Miscow Harbour. Deponent convinced him that he had not done so, his only boat being still at the davits, the said master, Ezra Morill, then stated that he was waiting for another vessel off the Point Miscow, and then he was going into Miscow for water. Deponent then asked said Ezra Morill his reason for having had his lines over the side, he denied that they had been over, deponent then proved to him that the lines had been over the side, and that his lines were still wet. The said master, E. Morill, then offered to give this deponent an amount of money if deponent would leave him and his vessel, and also said that he thought the Americans were allowed to fish anywhere, having seen it so stated in the newspapers. And this deponent further said that he, this deponent, had already boarded this same vessel at anchor in Percé, on the 6th day of July instant, and warned the said master, E. Morill, that the Treaty was to be enforced and carried out the same this year as it had been in previous years; and deponent further saith that, on deponent's boarding the said vessel on the 24th instant, the starboard side of the deck was slightly wet, the mackerel were in pickle, but some of them evidently recently caught, and three fresh codfish were found in a cask, and on lifting up the hatch on deck, deponent found the gills of a mackerel quite fresh and bleeding.

And this deponent further saith that the bearings on board said vessel, the "Ellen," were as follows, viz., centre of the saddle on Miscow Island by compass, east by south, Miscow Harbour steering point, south and by east by compass. Port Daniel N.N.W., by compass; soundings $6\frac{3}{4}$ fathoms, thus giving about five miles S.W. of Miscow Point in the Bay of Chaleur the cross bearings at the time of boarding giving within three miles of the shore of the said vessel had been standing off shore for 12 minutes, and these deponents, John Smith, John Macguire, W. Parr, and David Johnston, for themselves, severally say that they did not hear the offer of money for his release made by the said Ezra Morill as above stated, but that the whole of the other matters and things above stated are correct and true, and the said deponent, John Smith, further saith, that one of the crew of the said vessel, the "Ellen," after the seizure of the said vessel on the 24th instant, on deponent saying to him that it would go hard with them, informed this deponent that the crew of the said vessel, the "Ellen," had only had their lines out a little while; and on the said Lieutenant H. H. Knocker boarding the said vessel, deponent heard the master, E. Morill, say something to the said Lieutenant Knocker, which deponent did not understand, when the said Lieutenant Knocker answered loudly "No, thank God, I am an Englishman and I will not." And this deponent, John Jewans, pilot, for himself saith that, at the time of boarding the said vessel, the "Ellen" of Salisbury, the bearings, distances, and sounding were as above set forth.

And this deponent, H. H. Knocker, further saith that he did, on the 25th day of July instant, deliver up the said vessel, the "Ellen," unto J. Read, Esq., the Collector of Customs at the Port of Bathurst, according to deponent's instructions, to be dealt with