

shall only decide on the Interests of Individuals and Differences connected with them in virtue of the said Laws

XII. The Debts acknowledged by Individuals during or previous to the Time fixed by the preceding Article, shall be exacted agreeably to the Basis determined by the same Article.

XIII. The Papers concerning the Controul and Matriculation of the Troops shall be carried away by the Quarter-Master.

XIV. Desirous of preserving the Spice Plantation called La Gabrielle in all its Splendour and Agriculture, it is stipulated that neither it nor any of the Plantation Trees or Plants shall be destroyed, but that it shall be preserved in the State in which it is given up to the Commanders of His Royal Highness the Prince Regent.

XV. All the Papers of the Stores, of Inspection, of the Customs, or of any Responsibility whatever, shall be deposited in the Secretaries' Office, or in any other Place that may be agreed on to be referred to when there is Occasion: the Whole shall be under the Seal of the Two Governments, and at the Disposal of His Imperial and Royal Majesty.

XVI. The present Capitulation shall be written in the Three Languages, and signed by the Three Officers stipulating.

At the advanced Posts of Bourde, this 12th January 1809.

(Signed) VICTOR HUGUES.
JAMES LUCAS YEO.
MANUEL MARQUES.

List of Killed and Wounded of His Majesty's Ship Constance, James Lucas Yeo, Esq; Captain, between the 16th December 1808, and 14th January 1809.

Mr. John Read, Lieutenant of Royal Marines, mortally wounded; died January 8, 1809.

Mr. Samuel Blyth, Lieutenant, dangerously wounded in Five Places.

James Thomson, Quarter-Master's Mate, dangerously wounded.

Hans Matteson, Able, ditto.

William Neale, Coxswain, ditto.

John Le Grandeure, ditto.

Charles Christoph, killed.

Thomas James, Landman, badly wounded.

Thomas Roberts, Able, ditto.

Samuel Gardner, Able, ditto.

Nicholas Glowmaw, Able, slightly wounded.

Thomas Burnes, Ordinary, ditto.

John Wells, Ordinary, ditto.

Thomas Wolley, Landman, ditto.

John Sinnott, Ordinary, ditto.

George Leader, Able, ditto.

Marines.

William Bateman, Private, mortally wounded; died January 14, 1809.

Hugh Carrogan, Corporal, dangerously wounded.

John Lear, Private, ditto

David Daniels, Private, ditto.

Richard Davis, Private, ditto.

Jacob Osterlony, Private, slightly wounded.

Robert Luscombe, Private, ditto.

James Simpson, Serjeant, ditto.

Total—1 killed, 23 wounded.

(Signed) JAMES LUCAS YEO, Captain.
THO. SEVESTRE, Surgeon.

Admiralty-Office, April 15, 1809.

Copy of a Letter from Admiral Young, Commander in Chief at Plymouth, to the Hon. W. W. Pole, dated the 13th Instant.

SIR,

I HAVE great Pleasure in transmitting, for the Information of the Lords Commissioners of the Admiralty, the Copy of a Letter from Captain Seymour, of His Majesty's Ship Amethyst, to Admiral Lord Gambier, giving his Lordship an Account of the Amethyst having taken another of the Enemy's Frigates. I am, &c. W. YOUNG.

MY LORD, *Amethyst, off Ushant, April 12, 1809.*

I HAVE very sincere Pleasure in acquainting you of the Capture of Le Niemen, a fine new French Frigate of Forty-four Guns, Twenty-eight of which are Eighteen Pounders on the main Deck, and Three Hundred and Nineteen Men, Copper fastened, Two Days from Verdun Roads, with Six Months Provisions and Naval Stores on board, and bound to the Isle of France, commanded by Mons. Dupotet, Capitaine de Frigate, a distinguished Officer, who defended his Ship with great Ability and Resolution.

At Eleven in the Forenoon of the 5th Instant, the Wind at East, Emerald North within Signal Distance, Cordovan bearing E. by N. 42 Leagues, a Ship was perceived in the E. S. E. coming down, steering to the Westward; which hauled to the S. S. E. on making us out. She was immediately chased, but at Twenty Minutes past Seven we lost Sight of her and the Emerald, and had not gained on the Chace.

After Dark the Amethyst's Course was shaped to meet the probable Route of an Enemy, which, at Half past Nine, we crossed One, but though within Half Gun-Shot at Eleven, from which Time till One the Bow and the Stern Chasers were exchanging, her extraordinary sailing prevented our effecting any Thing serious. From One till past Three A. M. on the 6th, the Action was severe, after which the Enemy's Main and Mizemasts fell, his Fire became faint, was just silenced, while ours continued as lively as ever, when the Arethusa appeared, and on her firing, he immediately made a Signal of having surrendered, and proved to be the same Frigate recommended to my Notice in your Lordship's Order of the 9th Ultimo. She fell on board us once in the Contest; she had Forty-seven killed and Seventy-three wounded. The Main and Mizemasts of the Amethyst fell at the Close of the Action, and she had Eight killed and Thirty-seven wounded.

To render just Praise to the brave and admirable Conduct of every Officer and Man of this Ship's Company (of whom I wo Officers and Thirty-seven Men were absent in Prizes, the Prisoners from which, Sixty-nine, were on board), I am perfectly unequal. The great Exertions and Experience of the First Lieutenant, Mr. William Hill, and Mr. Robert Fair, the Master, I am particularly indebted for. Lieutenants Waring and Prytherch, of the Royal Marines, deserve my best Thanks.

The Prize's Foremast fell next Day, and I left her in tow of the Arethusa, who afforded us in every Instance the most prompt Assistance; and by Captain Mend's Desire I write.