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SUPPLEMENT

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SATURDAY, NOVEMBER 20, 1813.

WAR DEPARTMENT.

Downing-Street, November 19, 1813.

A DISPATCH, of which the following is an extract, has been this day received at Earl Bathurst's Office, addressed to his Lordship by Field-Marshal the Marquess of Wellington, dated Vera, November 8, 1813.

I HAVE the honour to send the copy of the capitulation of the garrison of Pamplona.

Nothing of importance has occurred in the line since I addressed you on the 1st instant, and I have not heard from General Clinton.

I HAVE the honour of transmitting to you, in order to its being laid before His Excellency the Commander in Chief of the National Armies, the capitulation granted to the garrison of the town and citadel of Pamplona, in the terms prescribed by the order of His Excellency the Commander in Chief. I have not been able to transmit it to you before, it having been necessary for me to retain it, with a view to ensure the fulfilment of its conditions. I also enclose a certificate, which I required from the Head of the Civil Administration of the place, before I entered into treaty with the enemy, in order that I might be sure that none of the inhabitants had perished during the blockade, either from ill-treatment or want.

(Signed) CARLOS D'ESPANA.

THE General of Brigade Cassan, Baron of the Empire, Member of the Legion of Honour, Governor of the place and citadel of Pamplona, on the part of His Imperial and Royal Majesty Napoleon, and the Mariscal del Campo Don Carlos D'España, Knight of the Order of St. John of Jerusalem, Commander in Chief of the Spanish and allied troops, forming the blockade of the said citadel and place, has named to discuss and decide on the articles of capitulation, according to the terms of which the place and citadel shall be delivered over to the said troops, viz.

Major-General Cassan names the Adjutant Commander L. de Maucune, Baron of the Empire, Member of the Legion of Honour, Chief of the Staff; and Don Carlos de España names Baron Don Francis D. Vives, Commandant-General of the third district of the line of blockade; Colonel Goldfinch, of His Britannic Majesty's service, and Colonel D. Ventura Mina, chief of the staff of the second division of the fourth corps of the Spanish army.

These officers having met between the advanced posts of the place, and those of the blockading troops, on the spot of the hospital of St. Pierre, and having exchanged their respective powers, have this day, 30th October 1813, agreed upon the following articles, subject to the ratifications of their respective generals.

Article I. The garrison shall march out of the place with the honours of war, for the purpose of

returning to France, and shall be escorted as far as the out-posts of the French army, by a detachment of the allied army.

Answer.—The French garrison shall march out of the place with all the honours of war, shall lay down their arms, and colours and eagles, at the distance of three hundred yards from the barrier, shall surrender themselves as prisoners of war to the Spanish and allied armies, and shall march to the port of Passages, there to embark, and be conveyed to England.

The officer commanding the escort of the garrison, on the march shall take all the necessary means for ensuring the fulfillment of the articles of capitulation, towards all persons concerned.

Art. II. The subalterns and soldiers shall keep knapsacks, and the officers their swords and baggage.

Answer—Granted, on condition that the place and citadel shall be given up without any injury having been done to them; and that the shot, and all the ammunition remaining, shall be found not to have suffered any damage; and that there shall be left three day's provisions.—If there should remain any mines in the works of the citadel, the powder with which they are charged shall be removed before the giving up of the place.—Granted also, in consideration that there remains no doubt that the French garrison has behaved honourably towards the inhabitants of the town, during the blockade.

Art. III. The officers of health and others holding employments in the French army, shall be treated as the garrison, and enjoy the same advantages.

Answer—Granted, and they may be proposed by the Marquess of Wellington, Commander in Chief of the allied armies, to the General in Chief of the French army, in exchange for Spaniards, and particularly those of Navarre, who are detained as prisoners in France.

Art. IV. The military who have suffered amputation, and all others not in a state to serve, shall return to France, as soon as they can support the fatigue of the journey.

Answer—They shall remain prisoners of war, till they are exchanged, and shall be treated as the rest of the garrison.

Art. V. The sick remaining in hospital, shall be treated with all the care due to their situation; there shall remain with them a sufficient number of officers of health and attendants, and as soon as they are perfectly recovered, they and the persons remaining to take care of them, shall follow the destination of the garrison.

Answer—Granted.

Art. VI. The allied army shall provide the numbes of carriages, horses, or mules, necessary for transporting the baggage and disabled men.

Answer—Granted, with respect to every thing which can be provided by the country.

Art. VII. Lodgings and provisions shall be furnished to the troops of the garrison, at the halting places according to the arrangements, and at the expence of the allied armies.

Art. VIII. The military of the garrison being in a very feeble state, in consequence of the privations they have endured, the halting-places on their march shall be as near to each other as possible.

Answer—Granted.

Art. IX. All French (non-combattans), who are at this moment in the town of Pamplona, shall not be considered as prisoners of war, but shall have permission to return to France.

Answer—They may be proposed in exchange against Spaniards of the civil administration, who are detained in France, and especially for inhabitants of Navarre.

Art. X. Passports to return to France shall be given to all old men exceeding sixty years of age, to the wives and children of the military, and others employed in the French army.

Answer—This Article shall be referred, and particularly recommended by the General commanding the blockade, to his Excellency the Commander in Chief the Duke of Ciudad Rodrigo.

Art. XI. The Spaniards and French who have taken up their residence in Spain, prior to and subsequent to 1808, and who, since that time, have served in any civil capacity, shall not in anywise be molested, neither themselves nor their families, in their persons or property, on account of their opinions, or the part they may have taken.

The families of such amongst them as, in the course of the month of June last, have followed the French army, shall receive protection for themselves and their property.

Answer—These persons shall remain under the protection of the laws of the Spanish Government.

Art. XII. Officers actually prisoners of war, on parole at Pamplona, not being released by the present capitulation, shall not be allowed to serve against France or her allies, until regularly exchanged.

Answer—All officers of whatsoever rank, who shall be found upon parole, or confined in the fortress of Pamplona, shall be delivered up unconditionally to the General commanding the blockading forces, it being matter of right that all military persons have their liberty, when found in a fortress taken possession of by an army of the nation to which they belong.

Art. XIII. Commissaries shall be named on both sides, for the delivery and receipt of every thing concerning the artillery, the engineers' department, and the general administration.

Answer—Granted: all plans belonging to the fortress, as well as all other public papers, shall be faithfully delivered over to the Commissary of the Spanish, by the Commissary of the fortress.

Art. XIV. The General, governor of the fortress, shall have the option of sending an officer from Pamplona, by the shortest road, to his Excellency the General in Chief of the French armies, in order to transmit to him the present capitulation, and to explain to him the reasons of it. Such officer shall be furnished with an escort, sufficient for his personal safety, as far as the advanced posts of the French army, and shall not be considered as a prisoner of war.

Answer—Granted, such officer not being above the ronk of a captain; he must be considered as a prisoner of war on parole, until his exchange, which may immediately take place, for an officer of equal rank of the Spanish army. All dispatches with which he is charged, must be open.

Art. XV. As soon as the ratifications shall be

exchanged, commissaries, named according to the 13th article of the present capitulation, shall be admitted into the fortress to fulfil their mission.

On the same day, and immediately after the exchange of the ratifications, detachments of the blockading troops shall occupy La Porte de Secours, of the citadel, and La Porte de France, of the town; and to avoid disorder and confusion, the blockading troops are not to enter the place and citadel, until the French troops shall have retired.

Answer—Granted.

Art. XVI. The garrison shall evacuate the place on the 1st of November, at two o'clock, P. M. by the Porte Neuve.

Answer—Granted.

Art. XVII. It is to be distinctly understood, that the garrison of Pamplona shall enjoy all advantages which might be guaranteed by any armistice, or such other arrangement as may have been concluded between His Majesty the Emperor and King, and the coalesced powers previous to the ratification of the present capitulation.

Answer—Refused.

Art. XVIII. If any discussion shall arise in the fulfilment of the articles of the present capitulation, the interpretation shall always be favourable to the garrison.

Answer—Granted.

Conditions imposed upon the Garrison by Commanding Officers of the Allies.

NO Spaniard, without regard to sex or class, can be allowed to follow the French garrison to its destination; and all such, whether civil or military, will remain under the protection of the laws.

Answer—On the part of the garrison, no facility to expatriate will be given to the persons here designated.

All prisoners of war, without any exception, and all deserters belonging to the Spanish and allied armies, shall be given up to the troops of the said armies without exchange, upon the ratification of the capitulation.

Answer—Prisoners of war, contained in this article, shall be delivered over to the allied armies, as well as deserters, if any should be found.

The forced loan of twenty thousand duros, levied upon the inhabitants during the blockade, (the funds of which have been appropriated for the payment of the troops of the garrison) not being recoverable, on account of the occupation of the country by the allied armies, shall be recognised as a credit of Spain upon the French Government, and shall be taken into account when, at a peace, the interest of the two nations shall be settled.

Answer—It will be the more easy to settle this demand, when the two nations shall treat upon their respective interests, as much is due to the French Government on account of the arrears of the contributions of Navarre; and as the town itself, as well as many of the inhabitants of Pamplona, owed conjointly, at the period of the 1st of January of the present year, the sum of three hundred and thirty thousand six hundred and fourteen *realles de vellon.*

These presents done in duplicate before Pamplona, the day, month, and year, as below, and signed Francisco Dionisio Vives—Baron L. de Maucune—W. Goldfinch, Captain of the Royal Engineers, and Lieutenant-Colonel Ventura de Mena. The present capitulation ratified in all its ports, at Pamplona the 31st October, 1813. The General Governor of the town and citadel of Pamplona.

BARON DE CASSAN.

The present capitulation approved and ratified by the undersigned Mariscal de Campo of the National Armies of Spain, Knight of the Royal Military Order of St. Louis, and of St. John of Jerusalem, Commandant of the blockade of Pamplona, in virtue of the authority of the Marshal-General the Duke of Cuidad Rodrigo, General in Chief of the National and Allied Armies of Spain.

Camp before Pamplona, October 31*st*, 1813.

CARLOS DE ESPANA.

(A true copy.)

(Signed) L. WIMPFEN.

I, Don Joseph Joachim Foncellas, President of the Municipality of Pamplona, certify, that Brigadier Don Francisco Dionisio Vives, Colonel Goldfinch, and Colonel Don Ventura Mena, officers appointed by Field-Marshal Don Carlos D'España, Commander in Chief of the right of the line of blockade, having appeared before me, and required that I would state what had been the conduct of the French garrison during the blockade, I explained to them, that with respect to the people, it had been conformable to good discipline, and that the arrangements made by the governor during the scarcity, which prevailed in consequence of the blockade, did not occasion the death of any inhabitant.

In order that this may avail those whom it may concern, I give it in the Convent of St. Peter, this 30th day of October 1813.

(Signed) MARQUIS OF FONCELLAS.

(True copy,)

Signed) A. WIMPFEN.

Printed by ROBERT GEORGE CLARKE, Cannon-Row, Parliament-Street.

[Price Sixpence.]