

of his Britannick Majesty's Ships, till they can also be transported to France.

IV. That all your Sick and Wounded shall be taken tender Care of, in the same Manner with our own.

V. That the Commander in Chief now in the Garrison shall have Liberty to send off two covered Waggon, to be inspected only by one Officer of ours, that no Warlike Stores may be contained therein.

VI. That if there are any Persons in the Town, or Garrison, which you shall desire may not be seen by us, they shall be permitted to go off masked.

The above we do consent to, and promise on your Compliance with the following Conditions, viz.

I. That the Surrender and due Performance of every Part of the aforesaid Premises be made and compleated as soon as possible.

II. That as a Security for the punctual Performance of the same, the Island Battery, or one of the Batteries of the Town, shall be deliver'd, with all the Artillery and Warlike Stores thereunto belonging, into the Possession of His Britannick Majesty's Troops, before Six of the Clock this Afternoon.

III. That His Britannick Majesty's Ships of War, now lying before the Port, shall be at Liberty to enter the Harbour of Louisbourg, without any Molestation, as soon after Six of the Clock this Afternoon, as the Commander in Chief of the said Ships shall think fit.

IV. That none of the Officers, Soldiers, nor Inhabitants in Louisbourg, who are Subjects of the French King, shall take up Arms against His Britannick Majesty, or any of his Allies, until after the Expiration of the full Term of Twelve Months from this Time.

V. That all Subjects of His Britannick Majesty, who are now Prisoners with you, shall be immediately delivered up to us.

P. Warren, W. Pepperrell.

It having been desired by the Governor of Louisbourg that his Troops might march out of the Garrison with their Arms and Colours, and to be then delivered into the Custody of Commodore Warren and Mr. Pepperrell, till the said Troops Arrival in France, and to be then returned to them, the same was consented to.

Admiralty Office, July 23.

On Tuesday the 9th of this Month, his Majesty's Ship the Lion, of 58 Guns, being in the Latitude of 47 : 57 N. and West from the Meridian of the Lizard 39 Leagues, Capt. Brett, her Commander, saw two Sail to Leeward, to which he immediately bore down, and by Three in the Afternoon made them to be Two of the Enemy's Ships. By Four o'Clock he was within two Miles of them, they then hoisted French Colours and shortned Sail; one of them was a Man of War of 64 Guns, and the other a Ship of 16 Guns. At Five the Lion ran along-side the large Ship, and began to engage within Pistol Shot, and continued in that Situation until Ten, during which Time they kept a continual Fire at

each other, when the Lion's Rigging being cut to Pieces, her Mizen-mast, Mizen Top-mast, Main-yard, Fore-top-sail-yard, and Main-top-sail-yard shot away, all her lower Masts and Top-masts shot through in many Places, so that she lay muzzled in the Sea, and could do nothing with her Sails, the French Ship sheer'd off, and in less than an Hour was out of Sight, the Lion not being able to follow her. The small Ship in the Beginning of the Engagement made two Attempts to rake the Lion, but was soon beat off by her Stern Chace, and after that lay off at a great Distance. Forty-five of the Lion's Men were killed outright, and 107 wounded, seven of whom died of their Wounds soon after.

Capt. Brett was wounded and very much bruised in the Arm, and his Master had his right Arm shot off in the Beginning of the Engagement. His Lieutenants were all wounded two Hours before the Action was over, but nevertheless would not leave the Deck, but continued encouraging the Men to the last, excepting the first Lieutenant, who was so much hurt, that he was obliged to be carried off at Nine o'Clock, not being able to stand any longer. The Lion is come into Plymouth to clean and refit for the Sea.

*Erratum.* In the third Line of the second Column of last Saturday's Gazette, for Don Philip, read, the Dauphin of France.

Whitehall, July 23, 1745.

Whereas it has been represented to their Excellencies the Lord Justices, That great Abuses have been, and continue to be committed, with Relation to the Passes granted by his Majesty to several of his Subjects, for removing their Goods and Effects from France, after his Majesty's Declaration of War against that Crown, pursuant to the Nineteenth Article of the Treaty concluded at Utrecht in the Year 1713, whereby it is stipulated, That, in case of a Rupture between the Two Crowns of Great-Britain and France, the entire Space of six Months, to be reckon'd from the Day of the Rupture, should be allowed to the Subjects of each Power, to remove their Merchandizes, and Effects; and that, although the said Term of six Months is long since expired, French Wines, and other Merchandizes are frequently imported from France into Great-Britain and Ireland, under Colour of some of the said Passes; Their Excellencies, in order to put a Stop to the said Abuses, have thought fit to direct, and their Excellencies do hereby direct, and declare, That all Passes granted for the Purpose above-mentioned, during the said Term of six Months, shall be from henceforth deemed to be void, and of no Effect; and that no Regard shall be had thereto. And the Lords Commissioners of His Majesty's Treasury, and Admiralty, the Judge of the High Court of Admiralty, the Commissioners of his Majesty's Customs, the Commissioners of his Majesty's Revenue in Ireland, the Commanders and Captains of His Majesty's Fleets, and Ships of War, and all others, whom it may concern, are to take Notice hereof.

Andrew Stone