

Articles of Capitulation agreed upon and granted between his Excellency Don Bernardo de Galvez, his Catholick Majesty's Governor and Commander in Chief of the Province and Forces of Louisiana, and Alexander Dickson, Esq; Lieutenant-Colonel of the 16th Regiment of Infantry, and Commander of the Troops of His Britannick Majesty upon the Mississippi, &c. for the Garrison and District of Baton Rouge in West Florida.

Article I.

THE Garrison shall not be made Prisoners of War; nor obliged to engage not to bear Arms for a certain Time.

Article II. But they shall go out with all the Military Honors, Arms, Baggage Horses, Drums beating, Matches lighted at both Ends, Colours flying, Two Pieces Field Artillery, with their Ammunition for Fifty Rounds, and Thirty-six Rounds for the Infantry.

Article III. The Garrison shall be conveyed as soon as possible; under a good Escort and Convoy, to Pensacola, in Spanish Vessels, either by the Balise, or the Lakes, as it may be thought proper; and the Troops shall be furnished with good and wholesome Provisions for the Passage, at least for Three Weeks, the Vessels and Provisions being first examined and searched by Commissaries appointed for that Purpose by Lieutenant Colonel Dickson; and the Charges and Expences shall be repaid on the Debarcation of the Troops at Pensacola.

Article IV. His Excellency Don Bernardo de Galvez shall provide the Troops with a Vessel of 100 Tons Burthen, or with Two large Boats, which shall not be searched; and, in Case of Want, with as many more as shall be found necessary for conveying the Wounded and Sick, which shall be able to undergo the Fatigues of the Voyage: And the other Sick and Wounded that cannot be conveyed immediately, shall be permitted, as soon as they are able, to join their Regiments; and, in the mean Time, his Catholick Majesty shall furnish them with every Assistance of which they may stand in Need.

Answer. The Superiority of the Troops under my Command, as well as of Arms, Ammunition, and Provisions, together with the Knowledge I have of the bad Situation in which the Troops and the Fort of Baton Rouge must be, from which all Communication is cut off; having taken every Vessel coming from Pensacola with Troops and Provisions, as well as the armed Vessel West Florida, which was their only Protection, and from which Vessels there are already in Town more than 150 Prisoners of War: All this will not permit me to accede to the Proposition of not making Prisoners of War the British Troops which are in the Fort of Baton Rouge. I therefore positively require their surrendering themselves Prisoners of War; but considering the honorable Defence made by Lieutenant-Colonel Dickson, his Officers and Troops, they shall go out with Drums beating, Pieces charged, and Colours flying, Five Hundred Paces from the Fort, where they shall deliver the Arms and Colours to the Troops under my Command, and surrender themselves Prisoners of War; to be exchanged at the Pleasure of the King my Master; engaging, at the same Time, that they shall be treated with Respect and all possible Humanity.—The Field Officers shall be permitted to wear their Swords.—The Fort at the Natchez, as depending on this, shall be evacuated and delivered up to me; and the Garrison shall have the Liberty to retire to Pensacola, Jamaica, or such other Place under the Government of His Britannick Majesty, as they shall judge proper.

What is contained in the above is to be considered as my Answer to the 1st, 2d, 3d, and 4th Articles.

Article V. All the Baggage and other Effects, belonging to the Officers, Soldiers, and other Persons of the Garrison, shall remain their Property, and be sent with them.

Granted.

Article VI. In case any Soldiers, or other armed Persons, shall be found in the Garrison, who have before been in the Service of his Catholick Majesty, and have absented themselves without Leave, that Matter shall not be examined into; but they shall enjoy the Terms of the Capitulation in as ample a Manner as the others.

Granted.

Article VII. Every Person that shall have borne Arms in this Garrison shall be treated as Part of the Garrison, whether they are engaged in any Military Corps, or occupy any Employ under His Britannick Majesty, or not.

Being considered as Part of the Garrison, they shall be Prisoners of War, reserving to myself the Right to grant Liberty (to those who are not Soldiers) or to enlist them if I think proper.

Article VIII. All the Negroes that shall be found in the Garrison shall be delivered to their Masters, as also all the Slaves taken or retaken since the Commencement of Hostilities between the Crowns of Spain and Great Britain in these Environs.

Granted.

Article IX. The Inhabitants of this District shall be under the same Laws, and enjoy the same Privileges and Immunities of Religion and Judicature, and shall have the same Magistrates as they had under the English Government, at least till the Peace shall be re-established.

Granted in every Point that shall not be contrary to our Laws, until the Decision of the King my Master is known.

Article X. The Inhabitants shall, in like Manner, be kept in full and entire Possession of all their Effects and Slaves, and in short of every Thing that belongs to them.

Granted.

Article XI. All the Cattle and other Provisions taken from the Inhabitants for the Troops of his Catholick Majesty shall be paid for, without Deduction, according to the established Price of such Articles in Louisiana.

Granted, provided they shall produce sufficient Proofs.

Article XII. All the Inhabitants who shall prefer quitting the Country or District, in order to establish themselves in some Part of the Dominions of His Britannick Majesty, shall be provided with a Passport for their Persons, Families and Effects, and they shall be permitted to remain without being disturbed or obliged to take the Oath of Fidelity to his Catholick Majesty.

Granted, in respect to the Liberty of retiring; but they shall be obliged to take the Oath of Fidelity during their Residence in the Jurisdiction of his Catholick Majesty.

Article XIII. The Effects moveable or immovable, whether of Military or other Persons absent or present, shall remain their Property, and they shall have the Right to sell or dispose of them, as they shall judge proper.

Granted.

Article XIV. There shall not be the least Insult offered to the Troops of the Garrison by the Besiegers; and the Savages, Mulattoes, and Negroes shall be particularly prevented from infringing this Stipulation.

Granted.

Article