

II. The Garrison, and those belonging to it, shall keep their Equipages, and every Thing belonging to them in Property.

II. *Granted.*

III. The Garrison shall be distributed by Battalions, as they are now formed in Silesia. The Officers to remain with their Detachments.

III. *The Places of Detention shall be assigned both to the Officers and private Men.*

IV. The Soldiers shall not be lodged in the Casemates, but in convenient Quarters, where, besides the ordinary Allowance, Wood and Straw shall be delivered to them, and necessary Cloathing, upon the Officers Receipts.

IV. *The Allowance to the Prisoners rests as has been regulated by the Cartel.*

V. His Prussian Majesty is desired, in Case of Exchange, to give the Preference to the Officers and private Men of this Garrison.

V. *Granted.*

VI. The Commandant shall be permitted to send two Officers of his own Choice to his Excellency Field Marshal Count Daun, and even to Vienna, to solicit this Exchange; and he shall be at Liberty to send a Copy of this Capitulation.

VI. *Refused. All this may be facilitated by Letters; but it is granted that he may send an Officer with the Capitulation.*

VII. His Prussian Majesty is prayed to grant a Pardon to all the Deserters from his Army, who may be found in the Place; but those in the Imperial Royal Service, who, during their being Prisoners of War, have entered into the Prussian Service, shall not be looked upon as Deserters, and shall remain in Prison till they are ransomed.

VII. *The Deserters shall be retaken, and remitted to the Regiments in which they were before: It shall depend on the King's Clemency to punish them or not.*

VIII. Relays of Horses shall be given to the Officers both for themselves and their Equipages, gratis, to the Place of their Destination; and they shall be permitted to send back to the Dominions of her Imperial Royal Majesty, their Horses, Equipages, and Domesticks, or to send for them from thence; to which End the necessary Passports and Escorts shall be given to them; but those Equipages shall not be visited. Moreover, Relays of Horses shall be given them gratis in this Case also.

VIII. *Granted, for their Persons, and for whatever they shall take with them to the Place of their Destination; but whatever they shall send or fetch, shall be at their own Charges.*

IX. Whatever belongs to the Commissariat of War and Provisions, the Physicians, Surgeons, Clerks of the Fortifications and Artillery, shall not be reputed Prisoners of War, but they shall be permitted to return with their Effects, and Books of Accounts, into her Imperial Majesty's Dominions.

IX. *The Physicians and Surgeons are not accounted Prisoners of War. All the others shall be released, but shall be reputed Prisoners of War, and shall give their Acknowledgment as such, till such Time as they are made good to us.*

X. It shall be in like Manner permitted to all the Sutlers, Tradesmen, and all who have followed the Garrison hither, to return into the said Dominions of her Imperial Royal Majesty, with all their Effects and Commodities.

X. *Granted.*

XI. All possible Care shall be taken of the Sick and Wounded of the Garrison; for which Purpose the Officers, Physicians, Surgeons, and necessary Nurses, shall be permitted to remain with them. The Maimed shall be free, and shall have Liberty to return, after they are perfectly healed, into the Dominions of her Imperial Royal Majesty, in order to receive the Assistance necessary to their Condition.

XI. *The former is granted.*

*The latter is limited; they may return after their Recovery, but it must be partly made good on the Exchange.*

XII. The Officers shall be permitted, on the Demand of the Commandant, to go to attend their Affairs, and their Health, either in the Hereditary Dominions, or elsewhere.

XII. *This will depend on a special Permission of his Majesty.*

XIII. The Debts of the Military Chest, contracted with the Inhabitants, shall be liquidated, in order to be made good afterwards by her Imperial Royal Majesty.

XIII. *Agreed; but the Officers shall be obliged also to liquidate their Debts, or to give sufficient Security.*

XIV. The Town, the Magistracy, the Burghers, Convents, and Churches, shall be preserved in the Enjoyment of their Rights, Privileges, Immunities, and free Exercise of their Religion.

XIV. *That goes of Course.*

XV. As soon as the present Capitulation is signed, Hostages shall be given, and all Hostilities shall cease, and the Fort of Jauernick, la Fleche, and the Barrier of Strigaw, shall be delivered to the Troops of his Prussian Majesty.

XV. *Agreed.*

XVI. As soon as the Relays shall be all ready, and Four and Twenty Hours after the Signing the present Capitulation, the Garrison shall march out, as demanded above by the 1st Article, to be removed to the Places intended; but it shall not be allowed, until the entire Evacuation, to the Troops of His Prussian Majesty to enter either into the Town, or into the other Posts occupied by the Garrison, excepting only the Commissaries and Officers, who shall be appointed to take Custody of the Arsenal, the Magazines, and the Provisions, and those, who shall come to receive the Prisoners made by the Garrison during the Siege; and that, in order to avoid the Disorders that might arise between the Troops of the two Powers.

XVI. *Agreed; but the Garrison shall march out at Eight o'Clock To-morrow Morning.*

XVII. If it should happen that Difficulties should arise in the Execution of the present Capitulation, they shall be decided in Favour of the Garrison.

XVII. *That shall be according to the Exigence of the Case.*

Addition.

It is not possible to go out To-morrow Morning by Eight o'Clock; and the Garrison shall not go out till the next Day at the same Hour.

the 9th of Oct. 1762.

Teichenau.

Signed,

Lauenzien,

Francois Comte de Guasco.

Hambourg, October 26. Advice was received here last Night from Berlin, that on the 15th Instant, General Haddick's Army, with That of the Empire, gained a considerable Advantage over Prince Henry near Freyberg, in which the Prussians had lost near a Thousand Men Killed and Wounded, besides Eight Pieces of Cannon: Upon which Prince Henry retreated with his Army, during the Night, to Siebenlehn, which his Royal Highness effected in the greatest Order. However, the Day following he approached again within a German Mile of Freyberg, and hoped to recover soon that Place. Before this Affair happened, his Prussian Majesty detached from the Army under his Command, Twenty six Battalions and Seventy Squadrons, to reinforce That under his Brother Prince Henry; which Reinforcement, it was hoped, would oblige the Enemy to quit their present Position, and enable his Royal Highness to regain the Superiority he has had during the Campaign.

Hague, October 26. Nothing is come in from the Army since the last Post; but we are informed from other Places, that the Siege of Cassel is carried on with great Vivacity; and it was expected the first Parallel would be completed on the 22d. The Fire of the Besieged, has hitherto done no Mischief; and as there is not much Artillery in the Place, it is expected,