

exceeds the Time of Twelve Hours for Consultation is not in my Power to grant you.

I am ready to grant a Capitulation that can be determined upon in this Space of Time; if not, the individuals that are involved in the Disaster must submit to the Discretion and Mercy of the Conquerors.

God protect your Excellency many Years.

Your Excellency's most attentive humble Servant,
JUAN MANUEL DE CAXIGALLY.

On Board of the Ship the South Carolina under Sail before New Providence, One of the Bahama Islands, this 6th of May, 1782, at Six o'Clock in the Evening.

I DO hereby certify the above a true Translation from the Original.

Nich. M. Almgreen, Sworn Interpreter.

New Providence, May 6, 1782.

*Bahama, Providence, May 6, 1782,
Four o'Clock P. M.*

S I R,

I HAVE dispatched Captain Hunt to inform your Excellency I am attacked by Two American Frigates, One large one, some Row Gallies, and Forty Sail of Transports from the Havanna, with Troops on Board. Three British Frigates would relieve me. I am, in haste,

J. MAXWELL.

To the Right Hon. Lieutenant-General Leslie, or Officer commanding Charles-Town.

Articles of Capitulation agreed on at Nassau in New Providence, this 8th Day of May, 1782, between his Excellency Don Juan Manuel de Caxigally, Captain-General and Commander in Chief over the Island of Cuba, Governor of Havanna, and Lieutenant-General of his Catholick Majesty's Arms; And his Excellency John Maxwell, Esq; Captain-General, Governor and Commander in Chief of the Bahama Islands, Chancellor, Vice-Admiral and Ordinary of the same, and a Lieutenant-Colonel in His Majesty's Army.

Article I.

THE Possession of the Islands of New Providence, Eleuthera, and Harbour Island, as also of all other the Bahama Islands, together with the Artillery, Powder, Arms, Ammunition and Stores, as also all the Forts and Posts in the same, now in Possession of the Troops of His Britannic Majesty, shall be delivered up to the Troops of his Catholic Majesty, together with an Inventory thereof. The British Garrison to march out with all the Honours of War, Arms shouldered, Drums beating, Colours flying, Two Field Pieces, with Six Rounds of Ammunition, and the same Number of Rounds to each Soldier, and then deliver up their Arms; and that all Officers, Military and Civil, retain their Side Arms: After which the Troops shall be embarked as speedily as possible on board of Vessels, sufficiently provided and victualled, at the Expence of his Catholic Majesty, to be sent without any unnecessary Delay to any Port in Great Britain or America, in the Possession of His Britannic Majesty, at the Option of Governor Maxwell. The Troops to be under the immediate Direction of their own respective Officers, and not to serve against Spain, or her Allies, until an equal Number of Prisoners belonging to Spain, or her Allies, shall be given by Great Britain in Exchange, according to the established Custom of Equality.

Article I. Granted; and the Troops are to be sent to any Port in Great Britain, or to Bermuda, or to any of His Britannic Majesty's Islands in the West Indies, except Jamaica; and not to serve against any of the Powers at War against Great Britain, until duly exchanged.

Article II. All Officers Civil and Military, and other Inhabitants who shall chuse to leave these Islands, shall have Liberty to depart with their Families, Negroes, and other Effects of all and every Kind whatsoever, and shall have Eighteen Months allowed them to settle their Affairs, and sell their Effects.

Article II. Granted; and such of the Inhabitants as shall chuse to reside in these Islands, after the Expiration of Eighteen Months, shall be obliged to take the Oath of Allegiance to his Catholic Majesty.

Article III. The Inhabitants within all the Islands within this Government, both Secular and Clergy, shall be maintained in the Possession of their real and personal Estates and Property, of what Nature soever, as well as in the Enjoyments of their Rights and Privileges, Honour and Emoluments; and the free Negroes and Mulattoes in their Freedom, Immunities and Properties.

Article III. Granted in the General, provided that those Privileges, Rights, Honours and Emoluments do not interfere with or impede the established Rule of the Police, and the Military Orders of the Place.

Article IV. The Inhabitants shall pay no other Duty than they paid to His Britannic Majesty, without any other Tax or Import.

Article IV. Granted, during the War.

Article V. The Ships, Vessels and Droughers, belonging to the Inhabitants of these Islands, shall remain the Property of the said Inhabitants.

Article V. All Ships, Vessels and Droughers, and Boats, that are now within the Bahama Islands, and actually the Property of any of the Inhabitants thereof, shall be deemed the Property of the said Inhabitants; and all other Vessels, except Neutral Vessels, now within these Islands, the Property whereof shall be proved to be in any Person or Persons not Inhabitants of these Islands, shall belong to his Catholic Majesty, as shall also all Artillery and Military Stores on board of any of the said Vessels; and none of them shall be sold to the Enemies of his Catholic Majesty.

Article VI. The Inhabitants shall observe a strict Neutrality, and shall not be forced to take up Arms against His Britannic Majesty.

Article VI. Answered in Article the Second.

Article VII. The Inhabitants shall enjoy a free Exercise of their Religion, and their Ministers their Curacies.

Article VII. Granted, during the War; and the Ministers to be subject to the Authority of the Governor.

Article VIII. A Safeguard shall be appointed for all Papers at the Government-house; and those shall not be liable to any Inspection, but Liberty shall be granted to him to embark them.

Article VIII. Granted, except Plans of the Islands and Geographical Papers.

Article IX. The Sick shall be taken Care of at his Catholic Majesty's Expence, and sent to Charlestown when recovered.

Article IX. Granted; to be sent to Bermuda, and be treated and nourished as Prisoners.

Article X. The Inhabitants shall enjoy, until the Peace, their Laws, Customs and Ordinances; Justice shall be administered by the same Persons who are actually in Office; all Expences attending the Administration of Justice shall be defrayed by the Colony.

Article X. Granted; and it is to be understood, that the said Tribunal shall be subject to the superior Authority of the Governor.

Article XI. If there be any doubtful Expressions in any of the foregoing Articles, they are to be interpreted according to the common Meaning and Acceptation of the Words.

Article XI. Granted.

Article XII. The Governor shall be permitted to send a Flag of Truce to New York with the Capitulation, Quarters shall be provided for the Garrison, and the Women and Children victualled as formerly.

Article XII. Granted; the Flag to be sent at the same Time the Troops sail.

JOHN MAXWELL. JUAN M. DE CAXIGALLY.

Article XIII. Out of Respect to Governor Maxwell's Disposition for Defence, and his Humanity to the unfortunate Prisoners, I shall not consider him as a Prisoner of War longer than until he is landed with his Troops at a British Port.

JUAN M. DE CAXIGALLY.