

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 numbers 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 rank 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