

CAPITULATION

of the Danish Islands in the West-Indies.

Art. 1. The Islands of St. Thomas and John's, and their dependencies, are hereby placed under the protection of his Britannic Majesty, until by a conclusion of peace it shall be settled whether they are to be Danish or English property.

Answer. The islands of St. Thomas and John's and their dependencies must be rendered to the force of his Britannic Majesty, on the conditions as follows:

2. Military honors are to be shown at the surrender. The officers to keep and continue to wear their swords.

Answer. Granted.

3. All the inhabitants of the island are to enjoy the fullest security for their persons and property and other rights, as well as the free exercise of Religion.

Answer. All Danish inhabitants and the blacks of the island and of the U. States of America, shall enjoy the fullest security for their persons and properties, as well as the free exercise of religion, provided they do not endeavour collusively to cover property of the enemies of Great-Britain and Ireland. By properties is to be understood goods and merchandize now on shore.

4. Arms and ammunition to be delivered by a commission composed of officers of both parties, also the magazines and provisions, and what else may be found in the fort as it shall be found to-day, according to returns to be drawn up:

Answer. Agreed.

5. All Danish officers of the garrison, civil officers and sailors, to be conducted conveniently and safely to their native country, and those that may desire to proceed to America and elsewhere to be provided with proper passports.

Answer. The garrison must be considered prisoners of war, and will be conveyed to Europe as speedily as possible and every indulgence shewn them.

6. No military to be quartered in houses in barracks, and decent rooms to be assigned by the Burgher Council, and a commission appointed to that purpose.

Answer. Agreed.

7. The Danish laws and ordinances to remain in force, all courts and judicial offices to be occupied by the present officers. In the case that no appeal can take place to the high court of justice at Copenhagen, one is to be established here by the English Government, to consist of three of the most able candidates in law and two respectable citizens, acquainted with the Danish language.

Answer. The Danish laws and ordinances will remain in force as at present. But the persons filling civil offices must be submitted to the approbation of their Excellencies the Commanders in Chief. In the event of appeal, to lie to his Britannic Majesty in Council.

8. The King's and public treasures, all the book keepings and accounts, archives and protocols, remain unmolested under the hands of the respective officers for mutual security and use.

Answer. All property belonging to the King or the Government must be given up to his Britannic Majesty, and all public records and papers be submitted to the inspection of the British, and the records and papers will afterwards be allowed to remain in the proper offices.

9. His Majesty the King of Denmark hav-

ing advanced a loan to the planters; the said planters continue to pay off according to the method regulated, unto his said Majesty. The King of Denmark retains the right of mortgage in the said estates, with the exception that the owners, in consideration of precedent in favorable commercial conjunctures and the present circumstances, make no payment this year upon the Royal loan which has been effected for the benefit of the planters.

Answer to the last article. But with respect to the payment to be made upon the loan advanced by the King of Denmark to the planters, it is agreed to be left to the determination of the King of Great-Britain & Ireland in Council, how they are to be made and applied.

10. No inhabitant shall be compelled to carry arms or perform military duty, when he has made his oath of military obedience.

Answer. Agree to, but they will be requested to take an oath of allegiance expressing that they will not either openly or secretly do any thing hostile to the British Government.

11. The Americans shall be permitted without restraint to export produce of the island and provide necessaries. The inhabitants also to ship to America.

Answer. These colonies must trade under the same laws as govern the British West-India islands.

12. A secret and separate convention to permit the inhabitants of the neighbouring islands or from the main to trade thither in order to provide the country with fresh provisions.

Answer. The affirmation to this proposition must depend upon the decisions of his Majesty the King of Great-Britain and Ireland.

13. The free coloured people of this island shall be regarded and protected as heretofore under the Danish Government, and they shall not be forced to do any military duty.

Answer. The Danish free coloured people will be protected as heretofore, and will not be forced to do any military duty, but they must take the oath of allegiance conformably to the answer to article 10th.

14. The preliminary articles on which this proposed capitulation depends that the officers sent on board the fleet ascertain the number of British troops to be three thousand at least.

Answer. His Excellency the Danish Governor is not expected to sign the capitulation until the return of the officers he has sent to see the British troops.

15. In the general claim of Danish and neutral property to be respected as belonging to lawful owners is also comprehended the vessels and all properties afloat in this harbour, or what might arrive during the time the Danish colonies remain in possession of his Britannic Majesty.

Answer. To reply to the third proposition additional, all the forts, military ports and vessels of war must be given up as soon as the capitulation is ratified by the Commander in Chief.

16. It is requested that the military and naval officers should be permitted either to remain here or to return by the way of America or any other neutral state, and that the private soldiers and sailors should be provided with passports.

Answer. The officers of the army are to be prisoners of war on their parole of honour, not to serve till exchanged, and will have

permission to depart in the most convenient manner with passports, but their stay here must not exceed a month. The non-commissioned officers must be disposed of as his Majesty shall direct.

17. It is understood it is hoped that slaves belonging to the Danish subjects or other subjects considered as neutrals, are to be considered as property belonging to the owners, and to continue as such.

Answer. Agreed.

18. Shall the police of this island continue to perform their official duty with the same authority as under the Danish Government, and with the known usages of the colony?

Answer. Agreed unless ordered otherwise.

19. The property afloat considered to be given into the hands of the British Commanders will be considered, it is hoped, as left under sequestration, and not be disposed of, but in case of a declaration of war, & all such property to be treated in the same manner as was usual, in case of declaration by British cruizers before the present misunderstanding between the British and Danish nations.

Answer. The property afloat will be detained agreeable to his Majesty's instruction in the hands of agents who are responsible for their conduct, and are only to dispose of perishable articles. It will probably be found expedient to send part of this property to Europe, to wait his Majesty's decision.

20. In regard to the twelfth article of the capitulation, referred to the determination of his Britannic Majesty, it is hoped their Excellencies the Commanders in Chief will give a provisory order to admit all traders with provisions as heretofore, because this island from immediate wants of provisions might be exposed to inconveniences and sufferings.

Answer. The Commander in Chief will take the matter into consideration, being disposed to do what may be of advantage to the colony.

21. The King's Surgeon to the garrison having great practice in this island, will be suffered it is hoped to remain undisturbed as a particular regarded practitioner in the colony.

Answer. Agreed, taking oath of allegiance.

22. For the use of this and other Danish islands has been issued by his Danish Majesty a paper currency, whereof a considerable sum is now in possession of the community, and as such paper money has hitherto passed to the great use and convenience of the inhabitants, it is hoped that it will henceforth be ordered to pass at current money.

Answer. The Commanders in Chief permit the paper money of Denmark to pass current for the convenience of the colony, but do not mean to compel merchants to take it in large payments or English seamen for their wages.

St. Thomas's, 28th March, 1801.

G. W. Von Schou en.

Fred. Maitland, Brig. Gen.

E. D. King, Capt. R. Navy.

Ratified,

John Thos. Duckworth, R. Ad.

Thomas Trigge, Lieut. General.

[The articles of capitulation of the other islands surrendered to the British, were similar to the above.]