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Documents on Prisoners of War

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TREATY OF PEACE AND AMITY BETWEEN THE UNITED STATES OF AMERICA AND THE BASHAW, BEY, AND SUBJECTS OF TRIPOLI, IN BARBARY (4 June 1805)

SOURCES

8 Stat. 214
 11 Bevans 1081
 58 Parry 143
 2 Malloy 1788
 2 Miller 529

NOTE

This is the treaty which ended the war (1801-1805) between the United States and Tripoli, one of the "Barbary Coast pirate states." The 300 Americans referred to as being "in the possession" of the Bashaw (Pasha) of Tripoli were the officers and crew of the U.S.S. Philadelphia, captured when that ship went aground in Tripoli Harbor on 31 October 1803. Although the Barbary Coast states were not noted as having a particularly humanitarian attitude toward prisoners of war, most of the captured men had survived their 19 months of imprisonment.

EXTRACTS

ART. II. The bashaw of Tripoli shall deliver up to the American squadron, now off Tripoli, all the Americans in his possession; and all the subjects of the bashaw of Tripoli, now in the power of the United States of America, shall be delivered up to him; and as the number of Americans in possession of the bashaw of Tripoli, amounts to three hundred persons, more or less, and the number of Tripoline subjects in the power of the Americans, is about one hundred, more or less, the bashaw of Tripoli shall receive from the United States of America, the sum of sixty thousand dollars, as a payment for the difference between the prisoners herein mentioned.

ART. 16th. If in the fluctuation of human events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves, but shall be exchanged rank for rank. And if there should be a deficiency on either side, it shall be made up by the payment of five hundred Spanish dollars for each captain, three hundred dollars for each mate and supercargo, and one hundred Spanish dollars for each seaman so wanting. And it is agreed that prisoners shall be exchanged in twelve months from the time of their capture; and that the exchange may be effected by any private individual legally authorized by either of the parties.