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Documents on Prisoners of War

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CARTEL FOR THE EXCHANGE OF PRISONERS OF WAR BETWEEN GREAT BRITAIN AND THE UNITED STATES OF AMERICA
(12 May 1813)

SOURCES

2 Miller 557
1 BFSP 1410
62 Parry 243

NOTE

This 1813 Cartel was negotiated to replace a prior (28 November 1812) provisional agreement of much more limited scope (it had dealt with naval prisoners only) which had been disapproved by President Madison. The Cartel was signed in Washington on 12 May 1813 and it provided that, if approved by the Secretary of State of the United States, it was to be "provisionally executed" until it was known whether the British authorities (mistakenly stated to be the Lords Commissioners of the Admiralty) approved. Secretary of State Monroe approved the Cartel on 14 May 1813 and its implementation was begun. Subsequently, the British Government found a number of technical objections present in the Cartel and submitted a new proposal. While there is no record of the approval of that proposal by the United States, and the Cartel here presented was never ratified by Great Britain, it appears probable that it was at least considered to provide a modus operandi during the balance of the War of 1812 (1812-1815) between the two countries. (The often unique orthography appears in the original)

EXTRACTS

The Provisional agreement for the exchange of naval prisoners of war, made and concluded at Halifax in the province of Nova Scotia on the 28th day of November 1812 between the Honourable Richard John Uniacke His Britannic Majestys attorney and advocate General for the province of Nova Scotia and William Miller Esquire Lieutenant in the Royal navy and agent for Prisoners of War at Halifax; and John Mitchell Esquire late counsel of the united states at St. Jago de Cuba, american agent for Prisoners of war at Halifax, having been transmitted to the Department of state of the United States for approval and John Mason Esquire Commissary General for Prisoners for the United States having been dually authorized to meet Thomas Barclay Esquire his Britanic Majestys agent for Prisoners of war and for carrying on an exchange of Prisoners for the purpose of considering and revising the said provisional agreement and the articles of the said agreement having been by them considered and discussed — it has been agreed by the said Thomas Barclay and John Mason subject to the ratification of both their governments that the said provisional agreement shall be so altered and revised as to stand expressed in the following words:

ARTICLE FIRST — The Prisoners taken at sea or on land on both sides shall be treated with humanity conformable to the usage and practise of the most civilized nations during war; and such prisoners shall without delay, and as speedily as circumstances will admit, be exchanged on the following terms and conditions. That is to say — An admiral or a General commanding in chief shall be exchanged for officers of equal rank or for sixty men each; a vice admiral or a Lieutenant General for officers of equal rank or for forty men each, a Rear Admiral or a Major General, for officers of equal rank, or for thirty men each; a Commodore with a broad pendant and a Captain under him or a Brigadier General for officers of equal rank or for twenty men each; a Captain of a line of Battle ship or a Colonel for officers of equal rank or for fifteen men each; a Captain of a frigate, or Lieutenant Colonel for officers of equal rank or for ten men each; Commanders of sloops of war, Bomb Catches, fire ships, and Packets or a Major for officers of equal rank, or for eight men each; Lieutenants or masters in the navy, or Captains in the army, for officers of equal rank, or for six men each; Masters-Mates, or Lieutenants in the army for officers of equal rank, or for four men each; Midshipmen, warrant officers, Masters of merchant vessels, and Captains of private armed vessels, or sub Lieutenants and Ensigns for officers of equal rank, or for three men each: Lieutenants and mates of private armed vessels Mates of merchant vessels and all petty officers of ships of war, or all non commissioned officers of the army, for officers of equal rank, or for two men each — seamen and private soldiers one for the other.

SECOND — All non combatants that is to say, surgeons and surgeons mates, Pursers, secretaries Chaplains and Schoolmasters, belonging to the army or men of war; surgeons and surgeons mates of merchant vessels, or Privateers; passengers, and all other men who are not engaged in the naval or Military service of the enemy, not being sea faring persons; all women and girls, and all Boys under twelve years of age; every person of the foregoing description, or of whatever description exempt from capture by the usage and practise of the most civilized nations when at war — if taken shall be immediately released without exchange and shall take their departure at their own charge, agreeably to passports to be granted them, or otherwise shall be put on board the next cartel which sails; persons found on board recaptured ships, whatever situation they may have held in the Capturing ship, shall not be considered as non combatants — non combatants are not to be imprisoned except for improper conduct, and if poor or unprovided with means to support themselves, the government of each nation will allow them a reasonable subsistence, having respect to their rank and situation in life.

THIRD — American prisoners taken and brought within any of the dominions of his Brittanick majesty shall be stationed for exchange at Halifax in Nova Scotia — Quebec, Bridgetown in Barbadoes, Kingstown in Jamaica — Falmouth and Liverpool in England and at no other posts or places — and British prisoners taken and brought into the United States shall be stationed at Salem in Massachusetts — Schnecteday in the state of New York — Providence in Rhode Island — Wilmington in Delaware, Annapolis in

Maryland — Savannah in Georgia — New Orleans in Louisiana and at no other ports or places in the United States. — The Government of Great Britain will receive and protect an agent to be appointed by the Government of the United States, to reside at or near each of the before mentioned places in the British Dominions for the purpose of inspecting the management and care which is taken of the american prisoners of war at each station: and the Government of the United States will in like manner receive and protect an agent, to be appointed by the British Government to reside at or near each of the stations before mentioned within the dominions of the United States for the like purpose of inspecting the management and care taken of the British prisoners of war at each of the stations — and each Government shall be at liberty to appoint an agent to reside at or near any Depot established for prisoners by the other nation, for the purpose of taking care and inspecting the state and situation of such prisoners — and such agents shall be protected respectively in the same manner as the agents at the stations for exchange.

FOURTH Whenever a Prisoner is admitted to parole the form of such parole shall be as follows —

Whereas the agent appointed for the care and custody of prisoners of war at _____
in _____ has been pleased to grant leave to the
undersigned _____ Prisoner of war as described on the back hereof to
reside in _____ upon condition that _____ give
parole of honor not to withdraw from the bounds prescribed _____ there
without leave for that purpose from the said agent. That _____ will
behave decently and with due respect to the laws of this country and also that
will not during _____ continuance in
either directly or indirectly carry on a correspondence with any of the enemies of
or receive or write any letter or letters whatever, but through the hands of said agent, in order
that they may be read and approved by him _____ do hereby
declare _____ have given _____ parole of
honor accordingly, and that _____ will keep it inviolably, dated at _____

Signature.	Quality	Ships or Corps	Men of War Privateer or Merchant in which taken

And the agent who shall take such parole shall grant a certificate to each prisoner so paroled, certifying the limits to which his parole extends, the hours and other rules, to be observed, and granting permission to such person to remain unmolested within such limits and every commissioned officer in the navy or army, when so paroled, if in health shall be paid by the agent that has granted such parole to him during the continuance thereof the sum of three shillings sterling per day each, for subsistence; and all other prisoners so paroled shall be paid each person at the rate of one shilling and six pence per day sterling, at the rate of four shillings and six pence sterling per

American milled dollar; which pay in case of actual sickness shall be doubled to each so long as the surgeon shall certify the continuance of such sickness; and each sick prisoner shall also be allowed the attendance of a nurse, in case the surgeon shall certify the person to be so ill as to require such help; all which subsistence and pay is to be paid in advance twice in every week; and prisoners who shall wilfully disobey the rules and regulations established for Prisoners on parole, may be sent to Prison. And all rules and regulations to be observed by prisoners on parole, are to be published and made known to each prisoner — and when any prisoner shall be allowed to depart at his own expense if he has not a sufficiency of money for that purpose he shall be allowed necessary money not to exceed the parole subsistence, to which he would have been entitled for one month, if he had remained.

FIFTH — And in case any prisoner be permitted to return to his own country on parole, on condition of not serving until duly exchanged such prisoner shall sign an engagement in the following form —

Whereas	Agent for the care and custody of Prisoners of War
at	has granted me the undersigned prisoner, described on the
back hereof, permission to return to	upon condition that I give
my parole of honor that I will not enter into any naval military or other service whatever against	the
the	or any of the dominions thereunto belonging; or against
any powers at peace with	until I shall have been regularly exchanged,
and that I will surrender myself, if required by the agent of the government at such place and at	such time as may be appointed, in case my exchange, shall not be affected; and I will until
exchanged, give notice from time to time of my place of residence. Now in consideration of my	enlargement I do hereby declare, that I have given my parole of honour accordingly and that I
will keep it inviolably — given under my hand at	this
day	in the year of our Lord.

and to the Prisoner so granted his enlargement on parole, shall be given a certificate and passport specifying the terms and conditions of his enlargement, and a description of his person, & notice of such parole agreement shall be sent to the agent for prisoners of war at the nearest station to the place where such parole shall be granted.

SIXTH — In case any prisoner of war shall become unmindful of the honourable obligation he lies under, to the nation which shall have granted him his parole, and shall violate the same, he shall be liable to be dealt with according to the usages and customs observed in such cases, by the most civilized nations, when at war; and either nation shall have a right to demand from the other, the surrender and restoration of any prisoner of war who shall violate his parole, and every just & reasonable satisfaction shall be given to the nation demanding the same, to shew that if such prisoner be not returned, it is by reason of its not being in the power of the nation to which he originally belonged.

SEVENTH — No prisoner shall be struck with the hand, whip, stick, or any other weapon whatever, the complaints of the prisoners shall be attended to, and real grievances redressed; and if they behave disorderly, they may be closely confined, and Kept on two thirds allowance for a reasonable time not exceeding ten days. They are to be furnished by the government in whose possession they maybe, with a subsistence of sound and wholesome pro-

visions, consisting of, one pound of Beef, or twelve ounces of pork; one pound of wheaten bread, and a quarter of a pint of pease, or six ounces of rice, or a pound of potatoes, per day to each man; and of salt and vinegar in the proportion of two quarts of salt and four quarts of vinegar to every hundred days subsistence. Or the ration shall consist of such other meats and vegetables (not changeing the proportion of meat to the vegetables, and the quantity of bread salt and vinegar always remaining the same) as may from time to time be agreed on, at the several stations, by the respective agents of the two governments, as of equal nutriment with the ration first described — Both Governments shall be at liberty, by means of their respective agents to supply their prisoners with clothing, and such other small allowances, as may be deemed reasonable, and to inspect at all times the quality and quantity of subsistence provided for the prisoners of their nations respectively, as stipulated in this article.

EIGHTH — Every facility shall be given, as far as circumstances will permit, to the exchange of prisoners; and they shall be selected for exchange according to the scale hereby established on both sides, by the respective agents of the country to which they belong, without any interference whatever of the government in whose possession they may be — and if any prisoner is kept back, when his exchange shall be applied for, good and sufficient cause shall be assigned for such detention.

THIRTEENTH — Lists shall be exchanged by the agents on both sides, of the prisoners hitherto delivered and after such lists are adjusted and signed agreeably to the rule of exchange hereby established, the persons named therein shall be considered as liberated and free to serve again, as well as those heretofore exchanged, notwithstanding any parole or engagement they may have previously entered into; and in future prisoners embarked in a cartel — belonging to the nation sending such prisoners, shall not be credited to the nation so sending them until they are delivered at one of the stations of the nation to which such prisoners belong, and a receipt is obtained from the proper agent of such delivery — But where the Prisoners and Cartel both belong to the same nation the delivery shall take place and receipts be given at the port of embarkation; provided that the delivery shall not be considered compleat, untill the cartel is in the act of departing the port, and the nation delivering the prisoners, shall retain the custody of them by mantaining a sufficient guard on board the Cartel untill she is actually under way — when the receipt shall be duely executed and delivered, and when special exchanges are negotiated in discharge of special paroles, a certificate of such exchange must be forwarded to the station where the parole was granted.

FOURTEENTH — If either nation shall at any time have delivered more prisoners than it has received, it is optional with such nation to stop sending any more prisoners on credit, untill a return shall be made equal in number to the balance so in advance.