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Documents on Prisoners of War

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## DOCUMENT NO. 16

**TREATY OF PEACE AND AMITY CONCLUDED BETWEEN THE  
UNITED STATES OF AMERICA AND HIS HIGHNESS OMAR  
BASHAW, DEY OF ALGIERS (30 June 1815)**

## SOURCES

6 Stat. 224  
5 Bevans 45  
3 BFSP 45  
65 Parry 33  
1 Malloy 6  
2 Miller 585

## NOTE

Algiers, another of the "Barbary Coast pirate states," (see DOCUMENT NO. 12) had instituted hostilities against the United States in 1812. Probably because of its preoccupation with and involvement in the so-called War of 1812 (1812-1815) with Great Britain, no major action was taken by the United States against Algiers until the more important conflict had been concluded. A few weeks after the exchange of ratifications of the Treaty of Ghent (DOCUMENT NO. 15) ending that war, Congress authorized naval operations against Algiers. These operations were completely successful and this Treaty of Peace was prepared aboard an American warship off the coast of Algiers and was signed by the Dey on 30 June 1815. (According to one authority, a draft of the proposed treaty was prepared aboard ship and was sent ashore by small boat for review by the Dey. It returned three hours later with the draft signed and with the prisoners of war mentioned therein.) The difference between the provisions of this treaty and those of the 1805 Treaty between the United States and Tripoli (DOCUMENT NO. 12) with respect to the excess number of prisoners of war held by one side is worthy of note. (For technical reasons it became necessary for the Parties to enter into a new treaty, which they did on 22 December 1816 (8 Stat. 244; 5 Bevans 51; BFSP 841; 66 Parry 453; 2 Miller 617). Article 3 below had, of course, already been executed; and Article 17 was reproduced in identical form. For comparison purposes, and as a curiosity, a literal English translation of the Turkish version of Article 17 is given below. It appears in Miller.)

## EXTRACTS

ART. 3. The Dey of Algiers shall cause to be immediately delivered up to the American squadron now off Algiers, all the American citizens now in his possession, amounting to ten, more or less; and all the subjects of the Dey of Algiers, now in possession of the United States, amounting to five hundred, more or less, shall be delivered up to him; the United States, according to the

usages of civilized nations, requiring no ransom for the excess of prisoners in their favor.

ART. 17. If, in the course of events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves; they shall not be forced to hard labor, or other confinement than such as may be necessary to secure their safe keeping, and shall be exchanged rank for rank; and it is agreed that prisoners shall be exchanged in twelve months after their capture; and the exchange may be effected by any private individual legally authorized by either of the parties.

[English translation of the Turkish version:

ARTICLE 17.

If, in case of war with the Americans, they are taken prisoners, the guards may not treat them with heavy blows and keep them as slaves. If Algerian prisoners should arrive in their country, they shall be exchanged; a delay of a year shall be given.]