

International Law Studies—Volume 60

Documents on Prisoners of War

Howard S. Levie (Editor)

The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. Government,
the U.S. Department of the Navy or the Naval War College.

DOCUMENT NO. 22

**THE "DIX-HILL CARTEL" FOR THE GENERAL EXCHANGE OF
PRISONERS OF WAR ENTERED INTO BETWEEN THE UNION AND
CONFEDERATE ARMIES**
(22 July 1862)

SOURCE

War of the Rebellion: A Compilation of the Official
Records of the Union and Confederate Armies.
Series II, Volume IV, at 266

NOTE

Because of this Cartel for a general exchange of prisoners of war, entered into by the two sides comparatively early in the American Civil War (1861-1865), it was assumed that prisoners of war would be held for only very short periods of time before being released on parole, thereafter to be administratively exchanged. Accordingly, no agreement was ever negotiated with respect to the treatment which prisoners of war were to receive while being held as such. Inasmuch as the Cartel was not fully complied with by either side (during the early part of the war the Union would have profited by full compliance and during the latter part of the war the Confederacy would have so profited), the poor treatment which prisoners of war received from both sides was the cause of bitter recriminations — and several post-war trials. (See DOCUMENT NO. 25.)

TEXT

HAXALL'S LANDING, ON JAMES RIVER, VA.,

July 22, 1862.

The undersigned having been commissioned by the authorities they respectively represent to make arrangements for a general exchange of prisoners of war have agreed to the following articles:

ARTICLE 1. It is hereby agreed and stipulated that all prisoners of war held by either party including those taken on private armed vessels known as privateers shall be discharged upon the conditions and terms following:

Prisoners to be exchanged man for man and officer for officer; privateers to be placed upon the footing of officers and men of the Navy.

Men and officers of lower grades may be exchanged for officers of a higher grade, and men and officers of different services may be exchanged according to the following scale of equivalents:

A general commanding in chief or an admiral shall be exchanged for officers of equal rank, or for sixty privates or common seamen.

A flag officer or major-general shall be exchanged for officers of equal rank, or for forty privates or common seamen.

A commodore carrying a broad pennant or a brigadier-general shall be exchanged for officers of equal rank, or twenty privates or common seamen.

A captain in the Navy or a colonel shall be exchanged for officers of equal rank, or for fifteen privates or common seamen.

A lieutenant-colonel or a commander in the Navy shall be exchanged for officers of equal rank, or for ten privates or common seamen.

A lieutenant-commander or a major shall be exchanged for officers of equal rank, or eight privates or common seamen.

A lieutenant or a master in the Navy or a captain in the Army or marines shall be exchanged for officers of equal rank, or six privates or common seamen.

Masters' mates in the Navy or lieutenants and ensigns in the Army shall be exchanged for officers of equal rank, or four privates or common seamen.

Midshipmen, warrant officers in the Navy, masters of merchant vessels and commanders of privateers shall be exchanged for officers of equal rank, or three privates or common seamen.

Second captains, lieutenants or mates of merchant vessels or privateers and all petty officers in the Navy and all non-commissioned officers in the Army or marines shall be severally exchanged for persons of equal rank, or for two privates or common seamen, and private soldiers or common seamen shall be exchanged for each other, man for man.

ART. 2. Local, State, civil and militia rank held by persons not in actual military service will not be recognized, the basis of exchange being the grade actually held in the naval and military service of the respective parties.

ART. 3. If citizens held by either party on charges of disloyalty or any alleged civil offense are exchanged it shall only be for citizens. Captured sutlers, teamsters and all civilians in the actual service of either party to be exchanged for persons in similar position.

ART. 4. All prisoners of war to be discharged on parole in ten days after their capture, and the prisoners now held and those hereafter taken to be transported to the points mutually agreed upon at the expense of the capturing party. The surplus prisoners not exchanged shall not be permitted to take up arms again, nor to serve as military police or constabulary force in any fort, garrison or field-work held by either of the respective parties, nor as guards of prisons, depots or stores, nor to discharge any duty usually performed by soldiers, until exchanged under the provisions of this cartel. The exchange is not to be considered complete until the officer or soldier exchanged for has been actually restored to the lines to which he belongs.

ART. 5. Each party upon the discharge of prisoners of the other party is authorized to discharge an equal number of their own officers or men from parole, furnishing at the same time to the other party a list of their prisoners discharged and of their own officers and men relieved from parole, thus enabling each party to relieve from parole such of their own officers and men as the party may choose. The lists thus mutually furnished will keep both parties advised of the true condition of the exchange of prisoners.

ART. 6. The stipulations and provisions above mentioned to be of binding obligation during the continuance of the war, it matters not which party may have the surplus of prisoners, the great principles involved being, first, an

equitable exchange of prisoners, man for man, officer for officer, or officers of higher grade exchanged for officers of lower grade or for privates, according to the scale of equivalents; second, that privateers and officers and men of different services may be exchanged according to the same scale of equivalents; third, that all prisoners, of whatever arm of service, are to be exchanged or paroled in ten days from the time of their capture, if it be practicable to transfer them to their own lines in that time; if not, as soon thereafter as practicable; fourth, that no officer, soldier or employee, in the service of either party, is to be considered as exchanged and absolved from his parole until his equivalent has actually reached the lines of his friends; fifth, that the parole forbids the performance of field, garrison, police, or guard, or constabulary duty.

JOHN A. DIX,
Major-General,
 D. H. HILL,
Major-General, C. S. Army.

SUPPLEMENTARY ARTICLES.

ART. 7. All prisoners of war now held on either side and all prisoners hereafter taken shall be sent with all reasonable dispatch to A. M. Aiken's, below Dutch Gap, on the James River, Va., or to Vicksburg, on the Mississippi River, in the State of Mississippi, and there exchanged or paroled until such exchange can be effected, notice being previously given by each party of the number of prisoners it will send and the time when they will be delivered at those points respectively; and in case the vicissitudes of war shall change the military relations of the places designated in this article to the contending parties so as to render the same inconvenient for the delivery and exchange of prisoners, other places bearing as nearly as may be the present local relations of said places to the lines of said parties shall be by mutual agreement substituted. But nothing in this article contained shall prevent the commanders of two opposing armies from exchanging prisoners or releasing them on parole from other points mutually agreed on by said commanders.

ART. 8. For the purpose of carrying into effect the foregoing articles of agreement each party will appoint two agents, to be called agents for the exchange of prisoners of war, whose duty it shall be to communicate with each other by correspondence and otherwise, to prepare the lists of prisoners, to attend to the delivery of the prisoners at the places agreed on and to carry out promptly, effectually and in good faith all the details and provisions of the said articles of agreement.

ART. 9. And in case any misunderstanding shall arise in regard to any clause or stipulation in the foregoing articles it is mutually agreed that such misunderstanding shall not interrupt the release of prisoners on parole, as herein provided, but shall be made the subject of friendly explanations in order that the object of this agreement may neither be defeated nor postponed.

JOHN A. DIX,
Major-General,

D. H. HILL,
Major-General, C. S. Army