

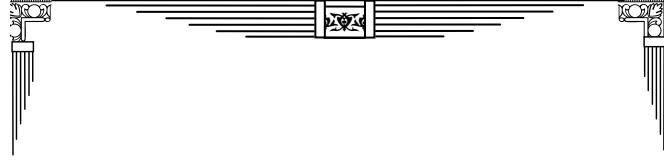
**عناية دايات الجزائر بالمنشآت المائية
وأوقافهم على صيانتها وترميمها
(العيون والسواقي أنموذجا)**

عنوان البحث باللغة الإنجليزية:

**The care of the deys of Algiers for water
provision and their wakf procedures in favor of
the restoration of fountains and water channels**

الإستاذة الدكتوراة

لطيفة بورابة



ملخص

تعدّ ندرة المياه الصالحة للشرب، وبعد منابع جلبها إلى مدينة الجزائر على مرّ العصور عقبة طبيعية عويصة أرقت أهلها، وكبحت جماح تطوّر عمرانها الحضري بشكل مطرد منذ عصور قديمة موغلة في القدم؛ حيث ظلّت على هيئة تجمع سكني ساحلي بسيط إلى غاية قدوم الإخوة بربروس في مستهلّ القرن (١٠٩ هـ / ١٦ م)، واتخاذها لأول مرة كعاصمة للبلاد منذ ذلك الحين حتّى الآن، وسرعان ما تحوّلت إلى حاضرة مزدهرة في الصّفة الجنوبية من البحر المتوسط، تأمّها الأساطيل، والقناصل، والسّفراء من مختلف البلدان الغربية، وتقطنها جاليات من جنسيات مختلفة بفضل جلب الماء إليها من مناطق بعيدة، وما أحدثه من نقلة نوعية في مختلف مناحي الحياة بها، ففي خضمّ هذا النسق العام نروم مقاسمتكم أشغال ملتقاكم الأغرّ بمداخلة حول دور حكّام الجزائر من الدايّات في توفير هذه المادّة الحيوية للمدينة بأموالهم الخاصّة في إطار ما يُعرف شرعا باسم "الوقف"، أو "الحبس".

ونظرا إلى كثرة إنجازاتهم، وتعدّدها في هذا المقام كمدّ القناطر، وحفر القنوات، وشقّ التّرع، وبناء الخزانات، سنقصر الحديث عن عمل خيريّ واحدٍ منها ألا وهو: استحداث العيون العامّة ومد السواقى في السّاحات، والأحياء، والسّهر على صيانتها وترميمها باستمرار لضمان تزويد أهل المدينة ومرافقها العامّة من هذه المادّة، اعتمادا على فحص نتائج البحث الأثري (الكتابات الأثرية)، واستقراء وثائق المحكمة الشّرعية المحفوظة بالمركز الوطني للأرشيف إلى جانب دفاتر سجلات البايليك.

The care of the deys of Algiers for water provision and their *wakf* procedures in favor of the restoration of fountains and water channels

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The scarcity of drinking water and the sources from which it could be extracted, can be regarded, as a major obstacle during centuries past, one which exhausted the population and on a higher level, impeded the urban development of a whole city. One can observe that the limited availability of water maintained the city in a state of basic coastal community until the Barberousse brothers came to power at the beginning of the 16th century (9th of the Hijrah), and promoted the city to a rank which it has retained to the present day. It soon became a prosperous haven on the southern side of the mediterranean sea, and was quickly reinforced by fleets and visited by ambassadors and consuls from around the world. Thanks to the new infrastructures that allowed for the capture of drinking water in remote areas, standards of living improved dramatically and the city began welcoming new inhabitants of different nationalities.

We hope to share the results of an archival data investigation and reveal the way in which the Deys of Algiers showed their commitment by ensuring clean drinking water for the city's inhabitants with their own money.

Since their achievements are incalculable, whether in terms of erecting aquaducts, tracing the

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canalisation network, digging canals, or building tanks, we decided to focus on a particular type of social commitment from the governors of Algiers, which is commonly known as the “Houbous“ or the “Wakf“. This concerns the introduction and development of public fountains, the digging of canals in public places, and their maintenance and restoration ensuring that not only the city but its major establishments such as hotels, public baths and other workshops, would never lack of that vital element that is water.

The following research is based, as mentioned previously, on archeological evidence, namely Ottoman inscriptions, and archival data from the law courts, kept today in the Center of National archives⁽¹⁾, and finally on the Beylik’s registers ⁽²⁾.

Before examining the question of the water supply infrastructure, a brief historical summary of the city during the ottoman period, would be useful for a better understanding of the context of those major reforms.

The city of Algiers is situated at 36° 47 north longitude and 44° east latitude and there is consensus on the origin of the name, which refers to the islands surrounding the north-western side of the

(1) Besides the Beylik’s and treasury records, contracts of the Charia courts are considered as a source for ottoman history specialists. They are presented in small forms, in 150 boxes and kept in the national meuseum of antiquities and islamic arts. For further details,

حمّاش (خليفة): «دكان الحرمين الشريفين في مدينة الجزائر في العهد العثماني». في مجلة الدارة، العدد الأول، ١٤٣١هـ، ص. ٨٨.

- For more details about water suply and sewerage service, (2) check notebook n° 70, dated in 1668-1679/1079-1090 (Hijrah) and notbook n° 385 dated in 1118-1126 (Hijrah)

gulf of Algiers, known today as the Amirauté (الأميرالية) (1).

We also know that, though the archival data is scarce(2), Algiers was erected on the ancient city of Icosium (ايكوزيوم) and was deserted until the fourteenth century/ tenth of the Hijrah. When Belkin Ibn Ziri (بلكين بن زيري), came to power, authorized by his father, Manad Ibn Ziri (مناد بن زيري) (3), he undertook to bring the city back to life.

After that, the city was known as Beni Mazghana or Mazghan, (بني مزغنة), after a local berber tribe named the Sanhadja «صنهاجة», who used to live in the vicinity of the city. It was then that the city and its port became one of the most important coastal cities in the Maghreb(4).

During the last quarter of the twelfth century,

- Le Tourneau; «Aldjazair».In Encylopedie de l'Islam, t.II, (1) J.Brill, Paris; 1977, p.533.

- Ibid,p.533.(2)

(3) عبد القادر نور الدين، صفحات في تاريخ مدينة الجزائر من أقدم عصورها إلى انتهاء العهد التركي، كلية الآداب، الجزائر، ١٩٦٥، ص ٣١

- Le Tourneau; «Aldjazair». Op, cit, p.533.(4)

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the Thaâliba،⁽¹⁾ (الثعالبة) settled in the valley of the Mitidja⁽²⁾. About three centuries later, the city requested help from the ottomans and since then it enjoyed a long period of both political stability and economical prosperity, which allowed it to become an attractive ottoman base in the mediterranean sea.

The city gained in importance and became the capital of the country. A centralized government Beylik (البايلىك) was established and took the name of "Regency of Algiers" or in Arabic Iyalat el Djazair⁽³⁾ (إيالة الجزائر). The Ottoman presence in Algeria traversed four major phases or periods: the Beylerbey period (1534-1587) (مرحلة البايلربايات), the Pacha period (1587-1659) (مرحلة الباشاوات), the Agha period (1659-1671) (مرحلة الأغاوات) and finally the Dey period (1671-1830) (مرحلة الدايات). The government was

(١) The thaâliba descended from the Sanhadja tribe, and exactly from the Beni belkane Ibn Kert, who were related to the Beni Ali Ben Bakr Ben Sghir. They setteled in the mitidja but they originally came from the Tityry mountains. For more details, عبد الرحمن بن خلدون، تاريخ ابن خلدون المسمى ديوان العبر والمبتدأ والخبر في تاريخ العرب والبربر ومن عاصرهم من ذوي الشأن الأكبر، ج٥، تحقيق خليل شحادة، دار الفكر، بيروت، ٢٠٠٠، ص. ٨٤.

(٢) Op, cit, p.533. Le Tourneau; «Aldjazair».

(٣) The word «الإيالة» is an arabic word commonly used at the time to describe the different states under the ottoman power in Algeria. Algiers is one of these states. For further details, حماش (خليفة): «دكان الحرمين الشريفين في مدينة الجزائر في العهد العثماني». مرجع سابق، ص. ١١.

led by a supreme governor assisted by a court of dignitaries⁽¹⁾.

The Dey period⁽²⁾ counts amongst the most important regarding the events that the city of Algiers was facing and the emerging changes in the political, economical and social fields⁽³⁾.

The city was divided during the Ottoman period in two sections:

-The upper section, called, the mountain, starts from the first slopes to the fort of Casbah⁽⁴⁾. It is known to have plenty of houses, streets specifically dedicated to local kinds of craft workshops, mosques and also

(١) - (المدني أحمد توفيق)؛ محمد عثمان باشا، داي الجزائر ١٧٦٦ ١٧٩١، الجزائر، م.و.ك، ١٩٨٦، ص ٢٣.

(٢) By the year 1695, the army took in charge the election of the Deys, they had the power to depose them. This state of fact lasted til the end of the ottoman period in Algeria. However, the Dey could'nt assume office until he received the auththorization from the Sultan in Istanbul. By sending the Koftan, The Seif and a Furman to complete the election. The Dey's number has reached 30, further details,

يوسف أمير، مرجع سابق، ص ١٧ وص ١٨
(٣) - (يوسف أمير، أوقاف الدايات بمدينة الجزائر وفحوصها من خلال سجلات المحاكم الشرعية، (١٠٨١هـ - ١٢٤٦هـ / ١٦٧١م - ١٨٣٠م)، مذكرة الماجستير في التاريخ الحديث، قسم التاريخ، كلية العلوم الإنسانية والاجتماعية، ٢٠٠٩ - ٢٠١١، ص ٢

- The inscription, found on the frontdoor of what is commonly (٤) called the «citadelle of Algiers», states that it has been erected by Aruj Berberousse in 1516/932 of the Hijrah, but was finished by in 1591/1000 of the Hijrah. For more (خضر باشا) Khodhr pacha details, see, Gabriel colin; Corpus des inscriptions arabes et turques de l'Algérie, Ernest Leroux, Paris, 1901, n° 15, p. 26.

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narrow streets because of the site topography⁽¹⁾.

The lower section of the city was the center of administrative and business matters. It is the area in which prestigious palaces and buildings were located, such as Dar el Imara (دار الإمارة), which is situated at the junction of two major streets: bab azzoun and bab el oued. Next to it, we find Dar Essika (دار السكة) for currency insurance and also beit el- mal «بيت المال»⁽²⁾. That's where most of the mosques of the city were located, including the great mosque (الجامع الأعظم)⁽³⁾, the mosque called Essayida (جامع السيدة)⁽⁴⁾ and the one

Raymond; «Le centre d'Alger en 1830». In Revue de - André⁽¹⁾

l'occident et de la Méditerranée, n° 31, 1981, p.73

is one of the most important institutions (بيت المال)- Beit el- mal⁽²⁾

in the country. The manager of Beit el Mal is chosen by «Beit el Maldji». Among his tasks and according to what is reported in the archive: resolving inheritance matters, handle the sales of the «beit el mal» properties such as gardens, houses and lands,

) and two assistants (قاضي) whether in or outside the city. A judge

take in charge the procedures inherent to these (موثقان)

tasks. Further details,

- عائشة غطاس؛ الحرف والحرفيون بمدينة الجزائر ١٧٠٠-١٨٣٠ مقارنة اجتماعية -

اقتصادية، المؤسسة الوطنية للاتصال والنشر والإشهار - الرويبة، ص. ٧٩

The mosque called «the big mosque» was built by Yousef Ibn⁽³⁾

Tachfine Almourabiti back in 590/1096. For more details, (R)

Dokali; Les mosquées de la période Turque à Alger, SNED, ALGER, 1974, p.15.

- The mosque «Essayida» counts amongst the most important in⁽⁴⁾

Algeria during the ottoman period. Situated in front of «Dar el Imara», it received a large number of the dignitaries and governors of Algiers, and according to the document dated back in 972 H, the mosque was put under what we call the Wakf 36 years earlier. This shows that the mosque had already been built

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commonly called, «**The great mosque**». The area gained in importance thanks to the proximity of the port⁽¹⁾.

The city of Algiers counts five city gates:

- The first is situated in the center of the lower corner of the city and goes by the name of Bab Azzoun (باب عزون)
- The second is in the northern corner and is called Bab el oued (باب الواد) after the river in its suburbs.
- The third gate is Bab Edzira (باب الجزيرة) and is situated on the right side of the port of Algiers if you happen to come from the coast. It is known since the French colonial period as Bab el Bahriya (باب البحرية) where the headquarters of the Imara are located or bab França (باب فرنسا)
- The fourth is Bab el Bhar (باب البحر), in the port of Algiers.
- The fifth is Bab eljdid (باب الجديد) situated between Bab Azzoun and what is known as the «**Citadelle**» or the fort of the Casbah. It was the last-gate to be erected which explains its name: Bab Eljdid (the new Portal⁽²⁾).

in 1536. The mosque was under the administration of a «Wakil».

Further details,

لطيفة بورابة: «جامع السيدة في مدينة الجزائر العثمانية

(دراسة تاريخية وأثرية)». في مجلة جامعة الأمير عبد القادر للعلوم الإسلامية، العدد

٣٨، سبتمبر ٢٠١٦، ص ٥٠٠

(١) Dokali Op, Cit, (R) -p. 15.

(2) (Dr) Bonnafont; Douze ans en Algérie 1830-1842, Librairie de

la société des gens de lettres, Paris Royal, 1883, p.130

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- The Deys' achievements in water supply planning and their legal measures:

After their settlement in Algiers, the Ottomans drafted a series of plans to create a hydraulic network supplied by the generous number of natural springs, wells and small rivers present in the "Fahs" (الفحص), the city's suburbs. The governors of the city decided to put the Andalousian community - chased and harassed by the inquisitors and known for their mastery of irrigation techniques - in charge of building a hydraulic network and, more specifically, aquaducts.

The city and the governors owed to them the four principal aquaducts of the city, which ensured the capture of drinking water and brought it to the city via a complex network of channels. There, it was collected and stocked in tanks, then distributed to homes, fountains and palaces.

The city of Algiers counts four aquaducts:

-The aquaduct of Telemly (قناة تليملي): erected during the reign of Hassan Pacha (حسن)

(back in 1550⁽¹⁾). Measuring 3800m, it ensured, by crossing Bab Eljdid, the distribution of water in 29 fountains⁽²⁾. It is also the most ancient of the four.

- Hassan Ben Kheireddine Barberousse reigned three times, the (١) first lasted from 1545 to 1551; the second from June 1557 to 1561 and the last, from October 1565 to 1567. He died in 1570. (F.D)Haedo; Histoire des rois d'Alger, For further details, see traduite et annotée par H..D Grammont, Alger, Adolphe Jourdan, 1881, p. 81

Moulay Belhamissi: Alger par ses eaux XIème – XVIème (٢) siècles.

-The aquaduct of Bir Traria, (قناة بئر طرارية): also built during the 16th century, precisely in 1573 by Aarab Ahmed Pacha (أحمد أعراب)⁽¹⁾. The aquaduct captured water from a spring situated about a mile and a half from the western side of Bab Azzoun. The water passed by a point near to the gate and entered the city via Bab el Oued after a path of 1700m, providing water for the northern part of the city⁽²⁾.

- The aquaduct of the Hama (قناة الحمامة): was finished in 1611, built by an Andalousian architect named Ousta Moussa (أوسطا موسى)⁽³⁾ during the reign of Kusa Mustapha Pacha. Its principal source was the Hama and the aquaduct was about 4300m long and entered the city by Bab Azzoun. It was destined to ensure the distribution of water to many fountains, army bases and palaces: El Djenina (قصر الجنيينة)⁽⁴⁾.

- The main purpose behind the erection of that aquaduct, was to (1) provide the northern part of the city with water, further details, عائشة غطاس، الحرف والحرفيون بمدينة الجزائر ١٧٠٠-١٨٣٠ مقارنة اجتماعية اقتصادية، المؤسسة الوطنية للاتصال، النشر والإشهار- الروبية، ص ٧٤

M. Belhamissi; Op; Cit; p. 46. (٢)

- Ousta Moussa Al Andalousi Al Himiari, is a descendant of the (٣) Himiar tribe in the Arabic Peninsula. He emigrated from Spain with the rest of the Andalousian community and undertook the construction of several buildings in Algiers. Further details, يوسف أمير، مرجع سابق، ص. ١٤٤

- (Fatiha) Loualich; La famille à Alger(XVII – XVIII) Parente, (٤) Alliance et patrimoine; Thèse de doctorat de l' EHESS, 2008, p.

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-The aquaduct of Ain Zeboudja:(قناة عين الزبوجة) is the last(XVIIIth century) and also the longest. It collected its waters from Ben Aknoun,(بن عكنون) about ten Km to the south west of the medina and was destined to provide 14 fountains with drinking water⁽¹⁾.

These four aquaducts made the city of Eldjazair the first in the Maghreb to have an elaborate network for the collection and delivery of drinking water drawn from extra-muros sources.



Photo n°1: The aquaduct of the Hama in 1830 (M. Berbrugger).

The distribution of water was ensured thanks to a series of measures. First, the water was stocked in special tanks connected to a principal network of channels which were, in, turn, connected to a

secondary network. The secondary network ensured the delivery and distribution of water to fountains, palaces, mosques, baths and army bases. The private homes were supplied thanks to the public fountains, which numbered around one hundred according to European sources.

The Deys of the city enforced legal measures to ensure that drinking water would be supplied after their death. They ultimately put some private properties under «**Wakf**», so that their regular dividends could be used for the sake of the constant delivery of water to the city's inhabitants⁽¹⁾. Here are some examples of cases of «**Wakf**» and of the governors' will:

1- **Dey Ali Pacha Neksis** «علي باشا نقسيس» (1168-1179h/1754-1766)⁽²⁾

The delivery could be insured by many ways, one of the mis (١) . It etymologically means «to give someone (سقاية)the Sikaya water to drink».It is also the place where people go to drink water or animals as well. The archeological term however refers to a mechanism that is positioned on the top of a well to pull water. This last action is insured by animals. This system contains a number of boxes and canals that pull up water and bring it to a cistern also related to secondary canals that deliver the pulled water to a predetermined place. Further details, see عاصم محمد رزق، معجم مصطلحات العمارة والفنون الإسلامية، مكتبة مدبولي، ٢٠٠٠، ص ١٣٧

- His real name was Ali Pacha, but he had several surnames such (٢) . He was (بوصبع) as Melmouli, Neksis or Bousbaâ (which is the equivalent of a (آغا العرب) promoted Agha of Arabs minister who has all power of decision and counts among the =

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The Pacha Neksis reigned for twelve years and oversaw the construction of a hundred buildings, inside the city as well as outside it. The most famous are certainly-the fountains and a water tower called Kheznet ain el ma .(خزنة عين الماء)

Various events influenced the plan and measures undertaken under the reign of Neksis, especially the earthquake of 1755 which ruined the central part of the city and damaged the aquaducts and water channels. The Dey Ali Neksis restored the system and built new fountains, one of which bears the following inscription:

»Ali Pacha thought that he could reach salvation through the use of his own wealth by undertaking a charitable action»⁽¹⁾.

The most important achievements of the Dey Neksis are:

The restoration of the water tower (Kheznet Ayn Elma):

highest functions), he then became one of the Dey's of the city. Amongst his achievements, the rise of the Sidi Lakhel mosque, better known as «zaouiet Sidi Lekhel», situated above the janissary house. To build that mosque, he put a certain number of his properties under «Wakf». He also built, near the «Rahba el Kadima», a hanafite court of justice in 1168/1754. For further details,

(يوسف أمير، أوقاف الدايات بمدينة الجزائر....مرجع سابق، ص ص ٨٣ و٨٤)

in the (١) - (عين البحرية)، This inscription is situated in Ain el Bahriya

ancient port. The only thing that remains, is the frame which seems to have been covered with decorated porcelaine tiles. It was erected by the dey Ali pacha Neksis in 1764. Further details, see - Colin(Gabriel); Corpus des inscriptions arabes et turques de l'Algérie, Ernest Leroux, Paris, 1901,n°86; p. 125 et M. Belhamissi; Op; Cit; p.54.

The wakf documents delivered by the legal court by Chaabane in 1177, indicate that this water tower was located in «essour» near Bab el oued. Supervisor of the wakf contracts, Elhadj Ismail Khoudja ben Khalil, undertook its restoration and then authorised the erection of other buildings, some near the water tower, others above Sour Harim almadina (صور حریم المدينة), using the dividends collected from the properties under the wakf and dedicated to the fountains of the city. When the supervisor proposed the idea of new buildings to the Dey, he showed a keen interest and not only did he encourage him but also insisted that these new buildings would be put under the wakf (الوقف) dedicated to the fountains. It had to be added to the list of all the properties that are subject to the Wakf. The document can be translated as follows: «**Praise be to**

Allah for the permission given by the one who cares for the residents' and city's highest interests, his highness Abu Elhassan, Sayyid Ali Pacha, Elhadj Ismail Khoudja Ibn Elkhalil, who supervises the wakf on watersupply properties in the guarded Eldjazair, and undertakes the restoration of the water tower, located in the area of Bab el Oued that faces the coast ... Once the restoration was completed, he undertook the construction of another building at near the water tower and a second one in the area of Sour Harim elmadina, using the dividend collected from the properties that were put under wakf to provide water inside the city. He also consulted the aforementioned Sayyid Ali Pacha who allowed him to build whatever building he wished,-provided that it

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would immediately be included amongst the water supply wakf properties...»⁽¹⁾

Following the agreement with the Dey, the supervisor built a house composed of two rooms and a livingroom⁽²⁾. He then informed the Dey that the project was finished. The Dey undertook to send the supervisor to the hanafite court of justice to meet the gudge Kadhi (قاضي) Abu Elwafa Almoustafa and make sure that all the legal procedures of the Wakf on water infrastructures, were being followed.

The text reads as follows: «**The aforementioned Elhadj Ismail Khoudja complied with the decision of the Dey and proceeded with the erection of a second floor building where two rooms were fitted out while a livingroom was to be constructed on the ground floor. Once the mission was achieved, Sayyid Elhadj Ismail Khoudja let the Pacha know of the conduct of the mission at the designated location...afterwards, the aforementioned supervisor Elhadj Ismail Khoudja would be sent to the hanafite court of law, where he would meet the great historian judge Abu Elouafa Elhadj Moustafa, our pride amongst all judges and a source of welfare for all, and would be given a document in which all details of the mission were to**

- Legal court, box 1/26, document 25.⁽¹⁾

The livingroom is the lower area of a house while the rooms ⁽²⁾ are on the higher floors.

Jean-Michel Venture de Paradis; Alger au XVIII siècle (1788-1790), Grand- Alger livres(G.A.1), Alger, 2006, p.21.

be noted. The judge also drafted a document that states that the two floor building would be added to the list of water supply properties put under the Wakf and that the dividends would be used for that purpose...»⁽¹⁾

The text reveals the caution of the Dey when it came to ensuring that the water tower would remain a major stock for all the fountains of the city as well as an area for drinking water to be preserved.

The Dey also paid particular attention to the creation of a certain number of fountains for the inhabitants but also for the city's merchants and workshops. These fountains aroused the amazement and admiration of travellers, ambassadors, artists, soldiers and orientalists. Cano Alonzo (كانو ألونزو), describes them in his book History of Algiers and the Regency in 1769, saying:

«The city used to not have enough water to fulfill its daily needs. Today, however, it is provided with a water more pure, and in greater quantity, than the city of Madrid and is also better constructed and more beautiful than in France...»

and adding that **«the fountains are embellished with watertaps made of bronze⁽²⁾ upon which the name**

- Legal court, box 1/26, document 25.(١)

- The watertap of Ayn Ezzerka is made of yellow bronze(٢)

عناية دايات الجزائر بالمنشآت المائية وأوقافهم على صيانتها وترميمها...

and signature of the craftsman is affixed»⁽¹⁾.

Amongst the fountains dating back to the reign of Ali Pacha Neksis and which survived the centuries are Ayn Ezzerka, Ayn Sidi Lekhal, Ayn Elinkishariya and Ayn Elkaysariya.

1- Ayn Ezzerka (عين الزرقة):

located extra-muros and outside Bab Azzoun, it was equipped with a retention pond, which is still to be admired today.

The inscription in Osmanli:

قلوب اثار علي باشا بو حياتي مقامنده //

ايدوب شفقت كردي جناح علينامه مهماننده //

ايدوب كرم ويردي رغبت خيراته احساننده //

بولوب رفعت دائما اولسون حفظ اماننده //

كلوب تاريخي هم بيك يوز يتمش طقوز سنه سنده //

Translation of the text into English:

Ali Pacha in this life,

He gives us compassion,

grace and he has bestowed very much. He helped those who needed it thanks to his own magnanimity.

(He came in 1179.)

(1) صليحة جبار، الجزائر في عهد الداى علي باشا، مذكرة ماجستير في التاريخ العثماني، قسم التاريخ، كلية العلوم الإنسانية والاجتماعية، جامعة -الجزائر -2، 2010-2011، ص. 102.

بحوث مؤتمر العمل الخيري

- The text in Arabic

علي باشا في هذه الحياة

منحنا الشفقة

أعطى الكرم، أحسن كثيرا

بتطوعه العالي حما الذين يحتاجون المساعدة

جاء في سنة ١١٧٩



Photo n°2: Picture of the inscription of Ayn Zarka.

عناية دايات الجزائر بالمنشآت المائية وأوقافهم على صيانتها وترميمها...



Photo n°3: Ayn Zarka.

It was built in a tragic context, when the earthquake of 1755 destroyed part of the aqueducts and water channel network. The Dey Ali Pacha Neksis decided to restore the system and build new fountains⁽¹⁾.

2- Ayn elkaysariya (عين القيسرية):

It was built by Ali Pacha in 1762/1176H. It disappeared almost completely except for the Turkish inscription saved in the National Museum of Antiquities and Islamic Arts. Here is the translation of the text from Osmali;

علي باشا نشان ایچون بو عینه //

قتی زیاد اتدی ابنی روانه //

(1) Moulay Belhamissi; Op; Cit; p p.53 et 54

سنة ستة وسبعون ومائة وألف //

Translation of the text into English:

Ali Pacha came to the fountain for glory.

He amplified his own water.

1176

- The texte in Arabic

جاء علي باشا إلى هذه العين من أجل رفع شأنها
قام بزيادة غزارة مياهها / سنة ستة وسبعون ومائة وألف



Photo n°4: Picture of the inscription of Ayn Elkacariya.

(National Museum of Antiquities and Islamic arts).

3- Ayn Dar Elinkichariya (عين دار الإنكشارية):

Built in 1760-1761/1174H by Ali Pacha Neksis. Here
:is the text of the inscription

١١٧٤

جا (جاء) قدر العين من علي باشا

عناية دايات الجزائر بالمنشآت المائية وأوقافهم على صيانتها وترميمها...

ربنا اجعل له سعيه مشكور. واشرب من مايتها واقرا التاريخ

يطيب حياتا شراب طهور

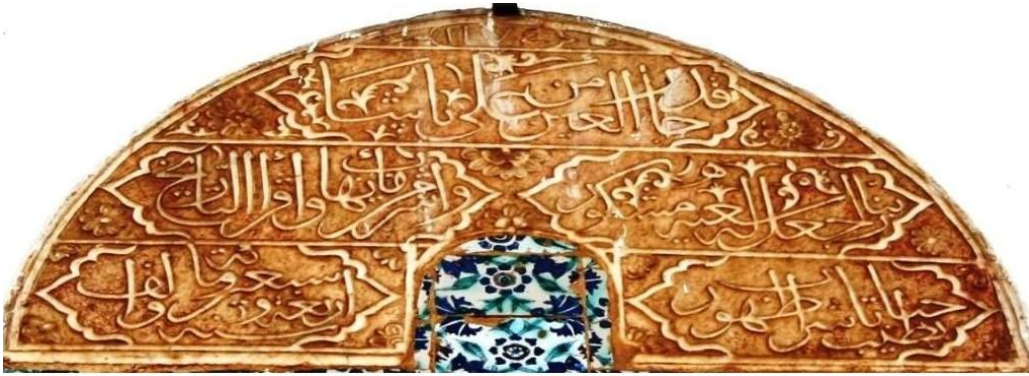
سنة أربعة وسبعين ومائة وألف

- Translation of the inscription into English:

Year 1174

The providential fountain from Ali Pacha

May God retribute his quest. Drink from it and read history



: Picture of Ayn Dar Elinkichariya°Photo n°

(National Museum of Antiquities and Islamic arts).

4- «عين سيدي محمد لكحل:

According to the inscription, the fountain was built in
:1760/1174H. Here is the-text in Ottoman Osmanli

بوچشمة نك بنا سينه علي باشا ايدوب همت/

شكر لركلدى تاريخى محل نعمت جميل جنت //

سنة أربعة وسبعون ومائة وألف // .

Translation of the text into English:

Ali Pacha helped construct this fountain.
Gratitudes came like the beautiful blessing of
heaven.

- The text in Arabic

همّ علي باشا من أجل أن يتم بناء هذه العين

جاءت التشكرات مثل نعم الجنة الجميلة

سنة أربعة وسبعون ومائة وألف



Photo n°6: Picture of the fountain

(National Museum of Antiquities and Islamic arts)

2- The Dey Mohamed Pacha (الداي محمد باشا) (1766-1791/1179-1205):^(١)

- Mohamed Ben Othman is one of the most famous deys of (١) Algiers. He managed to integrate the Khaouadja after he arrived to Algiers, because he «هيئة الخواجات» corporation could write and read. He then was promoted to higher functions and was appointed Khaznadji by Ali Pacha. Mohamed Echerif Zahar says about the reign of Ali Pacha, in the same book above-mentioned: «When Ali pacha, whose surname was Bousbaâ grew ill, he gathered all his ministers, and amongst

عناية دايات الجزائر بالمنشآت المائية وأوقافهم على صيانتها وترميمها...

One of the city's dignitaries Mohamed Echerif Zahar (أحمد شريف الزهار), wrote in a chapter of his memoirs, about the reign of the Dey Mohamed Pacha. He said: «**One of his achievements is that he delivered the waters of the Hama to the city and erected an aquaduct and decided to put it under Wakf properties, so that the money would be used in restoring it if it were to be damaged^(١), and to pay the Wakil; he also asked that it would be distributed in mosques, towers as well as the military bases and ablution areas. What remained was to be delivered to street fountains, so that people could fill their domestic tanks. That water was routed from outside the city but the amount remained small**»^(٢).

The following figures in a wakf document, where a foundouk, located outside the gate of Bab Azzoun and destined to gather and keep animals, was put under wakf and supervised by a Wakil, to make sure that the dividend

, Khouja (آغا العرب), Agha Elarab (الخزينة) (أمين) them: the kheznadj, wakil beit (وكيل الحرج), wakil el kharadj (وخوجة الخيل) el kheil and recommended Ali Pacha We also noticed the (بيت مال) elmal keen interst that he showed towards religious, military buildings and public infrastructures. For more details, check أحمد شريف الزهار، المصدر السابق، ص ٢٤ و ص ٥٧ و يوسف أمير، مرجع سابق، ص ٨٥

As noted above, water was distributed through public fountains (١) that were connected to pipelines by a complex network of underground pottery pipes or open pipelines. The fragility of this network required frequent repairs. For more details; check, F.Loualich; Op; Cit; p. 216

(٢) - الزهار (أحمد شريف)، نفس المصدر، ص ٣١ و ٣٢.

would be used in favor of water supply^(١). The text reads as follows:

«Praise be to Allah, the glorious prince and the pride of the nation, the source of all good and generosity, Sayyid Mohamed Pacha, may God glorify, fulfil and allow him what he aims for in both worlds, regarding his generous soul, since he put under wakf the city's barn, located out of bab Azzoun, one of the gates which, by God's grace, guarded Eldjazair. The gate was restored by the above-mentioned prince, in front of Bab el Knissiya, including all that part of the foundouk that has been put under Wakf and attached to the functioning of public fountains. The wakf was supervised by a Wakil, who collected the dividend of the foundouk for that purpose. May God be satisfied and grant him with his blessing ...»^(٢).

It is to be noted that the measures taken by the Dey Mohamed Pacha, are considered to be direct charity – described as «**Khayri**» wakf, which means that the dividend was to be invested directly and exclusively in the fountains^(٣).

The following fountains are to be found amongst those erected by the Dey Mohamed Pacha

The eponymous fountain: Built in 1180H, -

- Legal court, box n⁰1, document 20.(١)

- Legal court, box n⁰1, document 20..(٢)

(٣) A word derives from the verb «رجع، يرجع» , which means that the charity goes precisely where it was destined for, and is cited in the Houbous or Wakf Council. The word «Mardjaa» is also used in legal contracts to describe where the wakf area stopped. Read, خليفة حماس، مرجع سابق، ج ٣، ص ٩٠٢

عناية دايات الجزائر بالمنشآت المائية وأوقافهم على صيانتها وترميمها...

unfortunately only the inscription remains. This which is conserved in the National Meuseum of Antiquities and Islamic Arts.

:- Inscription's original text

مفرح خوش بنا قلمش بنا سى مستدام السون //
الهى روز محشرده يوزى اق روحى شاذ السون //
الهى محمد باشا صاحب خانه دائم سعيد السون //
كيروب جنت سرايينة جهنمدن بعيد السون //
سنة ثمانون ومائة وألف //

Translation of the text into English

It is a comfortable and spacious structure which was left behind by him. His structure should live on and endure.

He will have a white face on the day of resurrection, may he rest in peace.

Divine Mohammed Pasha, your reign is happy and lasting.

Get into the palace of heaven, away from hell. Year 1180

:The text in Arabic -

خلف بعده مكانا مريحا وواسعا ليعش بناؤه و يدوم
ليكن وجهه أبيض و روحه عالية يوم المحشر
يا رب ليكن محمد باشا ملك هذه الدار دائما سعيدا
ليدخل قصر الجنة وليبعد عن جهنم



Photo n°7: Picture of the original inscription of the fountain

(National Museum of Antiquities and Islamic Arts).

4- The Dey Mostapha Pacha (مصطفى باشا)- (1212-1220H/ 1798-1805):^(١)

He was amongst the city's richest governors and owned a significant amount of property in

- Mostapha Ben Brahim, assumed office right after Mohamed (١) pacha, for a year, during the reign of Sultan Sélim the third. Chérif Ezzahar, Captain of the city's Nobilitas, says about his reign, in his mémoire, that he had been in charge of the treasury during the reign of his uncle Hassan Pacha: «He assumed office as a treasurer right after his uncle's death. He was a good, fair and a generous soul towards both good and science people, but also towards the poorest and the orphans.

المصدر السابق، ص ٧١

عناية دايات الجزائر بالمنشآت المائية وأوقافهم على صيانتها وترميمها...

the city. He devoted his reign to, amongst other tasks, the construction of fountains and the planning of a new network of longer water channels; he also built new tanks to stock the collected water and put many of his properties under Wakf to insure their restoration when required.

The two documents in our possession prove that he clearly purchased many properties in order to put) to ترجمانه them under Wakf and charged his translator (complete the purchase.

One of them, dated on Chawal 2014 H, says that the Dey charged his translators Elhadj Elarbi, son of Elhadj Mohamed and Mohamed el kandakdji, son of Saghoul, to put the property, located near Bab Jdid, under wakf and specified the way it would be invested in the city's brook, after his death.

The text reads as follows:

«Praise be to Allah, this is a copy of two official documents, one of which is a Wakf document and that below, a governance contract. The first, signed soon after our religious mentor, the king of kings, Sayyid Mostapha Pacha, son of the late Ibrahim, may God have mercy on his soul, came to the throne, concerns the property located near Bab jdid. His translators, Elhadj Elarbi, ben Elhadj Mohamed and Sayyid Mohamed Elkandakdji Ben saghloul, testify on behalf of the Dey, that he would benefit from his above-mentioned property while living and that it would be put under God's Wakf, after his death for his children's sake. If one of them dies, his own children would benefit from it; if all of the descendants are dead, the property under Wakf, will be invested in the city's brook restoration and function for as long as it is

«useful....This is a certified legal document»^(١)

According to a legal document dated on Safar 1219/1804, the Dey also bought lands to build a brook, as he wished to route water from the gardens^(٢) he owned in towards a (زغارة)^(٣) the fahs of the city, namely Zghara tower, called «**Kalet el Foul**»^(٤).

The tower had been built to protect the city from potential attacks and ensure the exploitation of the surrounding lands. On the way to the tower, the brook had to be oriented towards as many plots of land as possible, near (جنة)so the Dey took it upon himself to buy a garden

- Legal court, box n°106-2/107, document.n°36.(١)

- The gardens of the dey used to be called «Djana» which means (٢) a beautiful garden where high quality vegetables and fruits are grown, it is also often situated in the suburbs of the city where the land is fertile, safe and easily supplied with water. See, Khelifa Hamach, same, V.3, p.727.

- The fahs (suburbs) of Algiers are divided in three major parts, (٣) related to the city gates. According to the legal documents, each fahs count a certain number of smaller pieces of lands. One of the mis the northern part, located out of Bab Azzoun gate. It includes for instance the area named: Zghara. For more details, :check

صخرية بن قويدر: أسعار جنّات فحّص مدينة الجزائر في القرن ١٢هـ / ١٨م من خلال سجلات المحاكم الشرعية، مذكرة ماجستير في التاريخ الحديث، كلية العلوم الإنسانية والاجتماعية ق، قسم التاريخ، ٢٠١٠-٢٠١١، ص. ١٨.

It also can be pronounced «Kanet el foul», according to the (٤) court documents n° 11 and 37.

عناية دايات الجزائر بالمنشآت المائية وأوقافهم على صيانتها وترميمها...

(١) (رقايح) the one he already owned, comprising three areas previously put under Wakf by their owners and one more also put under wakf for the (الحرمين الشريفين) disadvantaged people in the middle-east, after obtaining the owner's agreement.

:As the text explains

«Praise Allah the great, the highest, the magnanimous, our mentor Mostapha Pacha, son of the late Sayyid Ibrahim, may God cool his grave and honor him with a place in his heaven; he built Bakalat elfoul, out of Bab eloued, one of the the guarded city's gates, and near el Jinane, a tower devoted to protect the city against the Christians, God's enemies, who attacked the aforementioned tower. Sayyid Mostapha Pacha then sought to collect and route the water from his own Jinane (garden), situated in Zghara and also , all the way to its (جنة الصناجي) known as Janat essenadji destination: the tower; he put it under wakf in the presence of two witnesses; the water would be used by all members of the Muslim community for their daily needs and especially when fighting the above-mentioned enemies...In order to ensure the delivery of water, he had to buy part of the Jinane next to his, , and to build the (جنة الطويل) known as janat ettouil

(١) (الرقايح) - The area is called in arabic Rokaa (١) which, prepared and exploded, takes the name of Djana which means «heaven», but if neglected or abandoned, . These plots are very often related to (رقعة) becomes a Rokaa gardens, because the farmer, would invest in an intergrated type of culture, to insure the family needs without resorting to the local market. That's why, the land would be divided in two parts: the first would be dedicated to growing fruits and vegetables and the second to grain production. For further details, check;

خليفة حماس، مرجع سابق، ج ٣، ص ٧٣٦ و ص ٧٣٧

Sakiya (canal) from the top of his jinane...He asked for the owner's permission to buy a part of his land and was allowed to build his canal through the land that they agreed on. They agreed on a price of 30 dinars at the time, which is now 60 dinars soltaniya ^(١)»

It is clear that the Dey Mostapha Pacha was eager to reinforce the defense of the city and ensure the necessary water supply in the event of an attack by the Christians ^(٢)(France, United Kingdom, Holland and Spain)

Also apparent are the wise methods that the Dey used when dealing with his own people, since he could have easily taken the land he needed to build the canal without asking for permission; it seems that he not only asked for it and proposed to buy it with his own money; he also applied the laws related to that type of transaction.

(جلسة حانوت)He also put under wakf djalsat elhanout , near the (المعدن)in Rabie elaouel 1219He near el maadan , for the sake of the poorest of (قانة الفول)fort of kanet elfoul in order to ، (فقراء الحرمين الشريفين)، the two holy mosques) that would be used by the الساقية build a canal (community; he then built tanks near the tower to allow the people around to quench their animals' thirst as well as

- Legal court, box 1/47, doc 11.(١)

-The most important campaigns led against the city are: the (٢)

battle of Beaufort in 1663, two campaigns led by Duquesne between 1682 and 1683; the D'Estrée Campaign in 1688. The spanish battles are: the one of the emperor Charles the fifth in 1541; The O'reiley campaign in 1775 and the Don Barcelone campaigns, one in 1783 and the other in 1784. For further details, read: Aperçu historique, statistique et topographique sur l'état d'Alger à l'usage de l'Armée expéditionnaire d'Afrique, 2eme édition, Paris, 1830, p. 35, 37,

فريد بنور، المخططات الفرنسية تجاه الجزائر (١٧٨٢ - ١٨٣٠)، مؤسسة كوشكار للنشر

والتوزيع، ص ٥٣٥

عناية دايات الجزائر بالمنشآت المائية وأوقافهم على صيانتها وترميمها...

that of people; he finally created a canal that would be used inside the tower. From each building, the wakil of the that he (الدينار السلطاني) wakf, would get two dinars soltani to (خوجة العيون)، would then give to the khoudja elouyoun ensure the required restorations and anything relating to the water delivered to the fort of Kanet elfoul. ^(١)

The text gives the following information:

«Praise be to Allah. The last of the great sultans,

Mawlana, sayyid. Mostapha Pacha was established in history, the son of the late, and the generous Sayyid Ibrahim, who is mentioned in this contract. He put all the series of shops referred to under wakf. He also witnessed Sayyid Haj Mohammed Shaoush, son of Elhadj Elhadi, and ensured that he stopped all the series of the shop mentioned above to run the work on all sides of the area near the Maadan, which is located near the kanet el foul, and that they would be used for the sake of the poor of the two Holy Mosques, as it is bound by the wakf of the two holy mosques. Sayyid. Mostapha Pacha would route the water inside the tower, near kanet el foul (the bean grocery), restored by him, and the water would be used by the Muslim community to feed their animals. He also set up a number of water tanks leading to the tower; from the dividend of that wakf, two golden sultan dinars would be allocated each year to the supervisor of the wakf) وكيال الوقف Khoudja (); that contract is (الساقية) elouyoun to restore the canal (to be effective and eternal)»^(٢).

Through this endowment, one can feel the keenness of Dey Mostapha Pacha to complete the charitable work

(١) سلسلة البايليك، السجل ٣٢٠٥ رقم الوثيقة: ٣٧

- Legal court, box n°.56, doc.20.(٢)

بحوث مؤتمر العمل الخيري

he strove to carry out. After establishing the water tank and after buying the lands passed by the Sakia, he stopped the series of shops on the sheltered land for the sake of the poor of the two holy mosques. He then put the tanks near the water tower under wakf to allow the army to quench the thirst of their animals. Finally, he allocated two sultan golden dinars^(١) to repair the water tanks entering the tower and commissioned Khoudja elouyoun for that charity work.

The fountain of the Dey: can to this day be admired with all of its architechtural elements-and also its archaeological inscription. It now goes by the name of Bouloughine.

:- Inscription's original text

قد أمر ببناء هذا العين من مائها الرائق ذي القوة //

والعزم الصادق على سبيل الخيرات والحسنات //

أحيا الله مقاصده في الدنيا والآخرة //

الأبّر السيد مصطفى باشا والي جزاير سنة ١٢١٩ (٢)

- The royal gold dinar is the gold coin of Algeria during the (١)

Ottoman era. It was minted in 926 AH / 1520 AD and continued until 1246 AH / 1830 AD, date of the fall of the city of Algiers in the hands of the French. It weighs between 3.40 and 3.45 grams of gold:It is commonly called in the european

sorces: Sequi. For further details, check: «دكان

الحرمين الشريفين في مدينة الجزائر في العهد العثماني». في مجلة الدارة، العدد

الأول، ١٤٣١هـ، ص ص. ١٠١ و ١٠٢

(٢) هل كتابتها (جزاير) وليست (الجزائر) هو أمر مقصود في المعنى؟، مع العلم أنها مكررة

بنفس الصورة أكثر من مرة

عناية دايات الجزائر بالمنشآت المائية وأوقافهم على صيانتها وترميمها...

- Translation of the text into English

Has ordered the building of this fountain with its powerful waters//

With sincere determination to achieve good deeds //

God reviving his intentions in the world and the hereafter//

The well intentioned Sayyid Mostapha Pacha the protector of Eldiazair in 1219



Photo n°8: The inscription of the fountain of Bouloughine

(ayn Bouloughine).

5- **The Dey Hussein** (الداي حسين) (1233 AH - 1246 AH / 1818 - 1830)^(١):

- He was born in 1764 in the village of Vurla on the southern (١) shore of Izmir. He grew up in Istanbul, where he received the principles of reading and writing. He then came to Algeria and worked as a soldier in the Aujak. He took the post of Khoudja of the horses» during the reign of Dey Omar Pasha (1230 AH - 1232 AH / 1815 - 1817 AD), and is mentioned in the documents as follows: ««... the greatest of the great sultans in history, Mawlana Hussein Paha, son of the late sayyid Hassan.....». He took power in the year 23 Rabi Thani II 1233 / 1818, as a successor to Dey Ali Khoudja (1224 - 1230 / 1809 - 1815) after the latter recommended to him the mandate. He built a mosque for the sermon and restored a mosque (Safar 1242 / 1826). For more details, check:

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One of the most important architectural works was mentioned by the captain of Ashraf Algeria, Sharif El Zahar: «... he arranged a road for the water of Ain Zeboudja, and he acquired other springs whose waters were added to this, and flowed to the city, which no longer lacked water».

In a document dated late Rajab in 1155 AH, it is clear that the Dey Hussein put under wakf all the houses that were located in the Western rampart street ^(١). He was determined to do this so that the dividend would be used for its restortation when required ^(٢).

The text explains these actions:

Praise be to Allaah. This copy is a contract that » binds all the houses located in the western Great Wall ^(٣). It is transmitted here by (حومة قاع الصور الغربي) area necessity and it is authenticated. Praise be to God. Following the doctrine of the Imam of Abu Haneefah al-Nu'man (may Allaah be pleased with him), Dey Hussein put under wakf the building, which was to be used for the sake of his widowed wife; then after the death of the male heirs the dividend would be used to repair the sakia of the fountain; this is an

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- المدني (أحمد توفيق)، محمد عثمان باشا، داي الجزائر ١٧٦٦-١٧٩٦، الجزائر، م،
و، ك، ص ١٨١.

- (حمدان بن عثمان خوجة)، المرأة، لمحة تاريخية وإحصائية على إيالة الجزائر،
ترجمة محمد بن عبد الكريم - بيروت، مكتبة الحياة، ١٩٧٢، ص ١٤٥

(١) - It extends to the end of the city wall by the sea.

(٢) - Legal Court, box n°. 25, document 50.

(٣) إن كان المقصد هو البناء الذي يحده المكان فهي (سور)

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authenticated and eternal document» (١).

This is further illustrated by one of the documents of the legal Court, dated 1242, and in a number of its contracts, such as those concerning the confinement of Dey Hussein, and a copy from the Scientific Council (٢). However, Khoudja al-ouyoun did not have enough money to repair the property that Hussein Pacha had put under wakf after its destruction. He took the case to the Scientific Council to find someone to ensure what is . The request was accepted commonly called the anaa by the same Dey Hussein, who took it upon himself to take care of the matter.

"Praise be to God after Moulana Hussein Pacha of times past, may God allow him eternal happiness, the son of the late Sayyid, has through this contract put under wakf the Sakia located in the area situated outside of Bab Jdid, one of the guarded city's gates... "..." ... The supervisor, Khoudja El-Ayoun, son of Sayyid Ismail paid for the land for its construction... as he uses it every year always and continuously... "

«... He invested for the reconstruction of the area's square the amount of eight dinars, spent from every dinar, nine dirhams, each year for the days to (٣)come...."»

(١) Legal Court, box n°. 25, document 50.

(٢) Scientific council. A supreme judicial body in Algeria, the Supreme Court in the Court of Appeal, or the Office dedicated to the complains. Its sessions took place weekly, specifically on Thursdays. The council includes, respectively, representatives of the religious body, both Hanafi and Maliki, and there is the Mufti and the judge of each doctrine; also attended a Janissary's army's representative (representative of the military). This Council shall be entitled to adjudicate disputes which the judge is unable to clear

عائشة غطاس، المرجع السابق، ص ٧٨

(٣) - Legal Court, box 55, document 28

بحوث مؤتمر العمل الخيري

- The fountain of Kheiredine, piece of the remaining fountains of the Dey Hussein.

This fountain located on the port of Algiers and more specifically on the pier of Kheireddine ^(١) is among the last achievements of the last dey of Algiers.

- Translation of the Osmanli text:

ومن الماء كل شيء حي //
والى سلطان جزاير اول حسين باشا // نيتى خيره انك
خيراته سعى داعيا
لطفى جار انك يدر صوهربر محلده كى // اب اجرا ايليوب
بوج شمه ايتدى بناء
بومحل تشنده عطشان ريان ايلدى // اي ج حسن ايله
حسينك عشقنه تازه ماء
سنه ١٢٣٥

Translation of the text:

"We made from water every living thing." (AL-ANBYA verse 30)

All the life of Hussein Pacha, governor of Algeria,

- In 936H / 27 May 1529, Kheiredine Barberous began the ^(١) destruction of the fortress of the Pénon, once built by the Spanish on the largest island of the Algerian basin, he ensured the connection of the islands and then with the whole coast, creating the port of Algiers; for further details, read: Le Tourneau; «Aldjazair».In encyclopedie de l'Islam, t II, Brill, Paris,1977, p.533.

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was lived with charity and the intention of helpfulness. He built fountains all around the country, with pleasure. In the drought areas of the country, he provided clean water sources for residents. Thanks to Hassan and Hussein, fresh water could be drunk.

- Translation into Arabic:

و من الماء كل شيء حي .

الوالي سلطان جزاير حسين باشا بجهود متواصلة للخير وبنية صادقة، باشر في تشييد هذه العين. مثلما يقوم بتوفير الماء في كل مكان، وبالقدر الكافي. إليه يعود الفضل

يروى كل عطشان في مكان ندر فيه الماء، إليك ماء عذب تكريما لحب الحسن والحسين وحبه. عام ١٢٣٥.

A fountain is a precious and useful achievement considered worthy of a kind of worship; it is also a work of art; the inscriptions in Turkish or Arabic which decorate these small monuments indicate to the passerby the name of generous builder and are for him what might be regarded as real titles of nobility.

The texts usually praise the merits of the founder and solicit a prayer for him.



Photo n ° 9: The archaeological inscription of the fountain located on the jetty of Kheireddine, now restored and exposed in the National Museum of Antiquities and Islamic Arts.

The documents indicate that the building and preservation of fountains and canals was not confined only to the governors, but also included employees of «الخوجات»the administrative sector such as the Khoudjat ^(١), with their various functions. This is the case of Muqtada Muhammad ibn Mostapha Khoudja ben Murad, one of the supervisors, who put under wakf a building during the last days of Ramadan 1114 H He was to benefit from the dividend until the day of his death, after which, it would be used to repair, restore and rebuild the fountain and the canals whenever required, in perpetuity ^(٢).

The text explains:

«Praise be to Allah. This is a copy of a contract that is transmitted here by necessity and the text of it is confirmed. Praise be to Allah. And may he witness, that the wakf of all the higher part of the building by Mohamed ben Mostapha Khoudja ben Mourad, would benefit him for the duration of his life, following in that the doctrine of the Imam Abu Hanifa, may Allah be pleased with him, and after his death the building would be put under wakf to be used for the fountains of Algiers. If destroyed, it shall be added to the other

hoğă, hûğa secretary; check: (Mohamed) ben Cheneb; mots (١)
turks et persans conservés dans le parler algerien. Publication du
cinqua,tenaire de l'Université d'Alger, 2012,p.42.
- Legal Court, box 68, document n^o 7.(٢)

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**wakf buildings inside and outside that country (1).....
this contracts stands forever».**

A similar action was taken by Sulayman Khoudja of the horses, Ibn Abdul Rahman, who opened his fountain near the bridge of Wad el Harrach and built tanks in which the water was collected, putting a set of shops under wakf in 1212 He / 1797 to ensure their restoration whenever (2) needed.

The real estate that was dedicated to the fountains and canals had an economic purpose since investing in these small buildings would allow the shops (3), cafes, workshops and hotels to maintain their daily work rhythm, once provided with water and ensured of their restoration whenever these buildings were damaged (4).

In case the building had to be demolished because of the lack of means to restore it, there was the possibility of

(1) - Legal Court, box 68, document n^o 7(1)

(2) خليفة حماش، مرجع سابق، ج 3، ص 957.

(3) - That kind of procedure is used when a building under wakf is destroyed or its walls cracked, it becomes unfit for exploitation, and the owner is unable to provide the money for its reconstruction. The latter, with the consent of the judiciary, acquires it. This is the rent that is called in Algeria (سنة).
Review,

خليفة حماش، مرجع سابق، ج 3، ص 892

(4) The main reason Water installations were damaged during the Ottoman era, are earthquakes that hit the city several times: On the 5th of July 1042/1632; the 19th of Safar 1138; the 23rd of February 1716, and that of the 28th of Mai 1734, and in 1755. This was mainly due to failures in the waterways; more details, check: (G. Delphin; Histoire des pachas d'Alger de 1515 à 1745, extrait du journal Asiatique, imprimerie Nationale, paris, MDCCCXXV, p.217 et 218-

building another one that could replace it and provide the necessary amount of money for investment in the community, through the Anaa

. This procedure underlies the rent of a building (العناء) previously considered unfit for use, which has been bought by a new owner who agrees to take on its restoration.

One more element must be mentioned and that is the location of the building put under wakf. The closer they are to the city centre, where all the commercial activities take place, the more money can be earned from the use of these buildings.

Management of public fountains and wakf procedures:

A quick look at the way both hanafite doctrine related to the administration of drinking water and the effective application of the rules concerning the provision of drinking water to the inhabitants of the city, shows that :there were two sectors

(خوجة)The first was led by the Khoudja el-ouyoun

and is paid by the (قايد), Khoudja or Caid (١)(العيون) government. Amongst the tasks of Khoudja elouyoun were:

The supervision of the construction of aquaducts and the restoration of waterways; the building and repairing of public fountains.

The second branch of the administration is the «**Houbous**» office, which oversees the buildings put under wakf, supervises the legal procedures and undertakes the

- Archive mention two names in charge of the administration of (١)
; (ناظر الماء) water: Khoudja el- ouyoun and «nadher elouyoun
for further details, check: Legal court, box 47/1, doc.11

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wise investment of the dividend in the restoration of aquaducts and fountains. The interest behind it rests of course in the fact that water is a vital element for everyone but mainly because, to ensure the efficient functioning of the city, drinking water had to be provided in the required amounts to allow the numerous shops, workshops, mosques and public baths to fulfill their daily tasks. The appropriate administration of the houbous or the wakf is also one of the Cheikh el balad's tasks, since he is the one who ensures the correct application of the provisions of the contracts produced by the courts of law^(١).

Here are the names of some of the supervisors who were in charge of the administration of drinking water and whose signature can still be found in the city's records n° 1118/ 1706 à 1126/ 1714^(٢): Ali khudja; khalil agha, yusuf khudja et ismail yoldash.

In conclusion, it is evident that providing the city with drinking water was a major goal of each of the governors of Algiers. Their tenacious attitude is not so much related to the fact that water is a vital element and should be provided in sufficient amounts to people, as much as it is to the economic activity of the city, since it provides people who work in baths, workshops, or mosques, for instance, with a regular job; on the other hand, a city with elaborate water infrastructures is a clean city that invites people from around the world either to visit or to settle^(٣).

This reaserch reveals that the actions of the governors of Algiers were not confined to the political and military sphere, but also encompassed charitable objectives, through the allocation of their properties to the

Sakina Missoum, Op, Cit,p.110 (١)

F. Loualich; Op; Cit; p. 217 (٢)

- Ibid,p.76.(٣)

water establishments, as no such budgeting provisions were made by the authorities. The income of the confiscated property was the only financial source for the maintenance of fountains, aquaducts and channels.

That is in accordance with what is stated in the Holy

(^١)Quran in sourat Al-Anbiya

Original Documents Annex

1 - Illustrated forms of the contracts of the legal Court

(^٢)- Legal contract n^o1

Contract Renewal of the water safe and put under wakf in favor of the water entering the city; achieved by Ali

(^٣)Neksis Pacha, dated late Chaaban 1177 H

- Legal Court, box n^o1/26 document n^o 25,

(١) القرآن الكريم، سورة الأنبياء، الآية ٣٠

(٢) صليحة جبار: الجزائر في عهد الداى علي باشا ١٧٥٤ - ١٧٦٦، مذكرة الماجستير في

التاريخ الحديث، قسم التاريخ، كلية العلوم الإنسانية والاجتماعية، قسم التاريخ، ٢٠١٠ -

١٦١، ٢٠١١

Legal Contract No. 01.From printed contracts (^٣)

عناية دايات الجزائر بالمنشآت المائية وأوقافهم على صيانتها وترميمها...



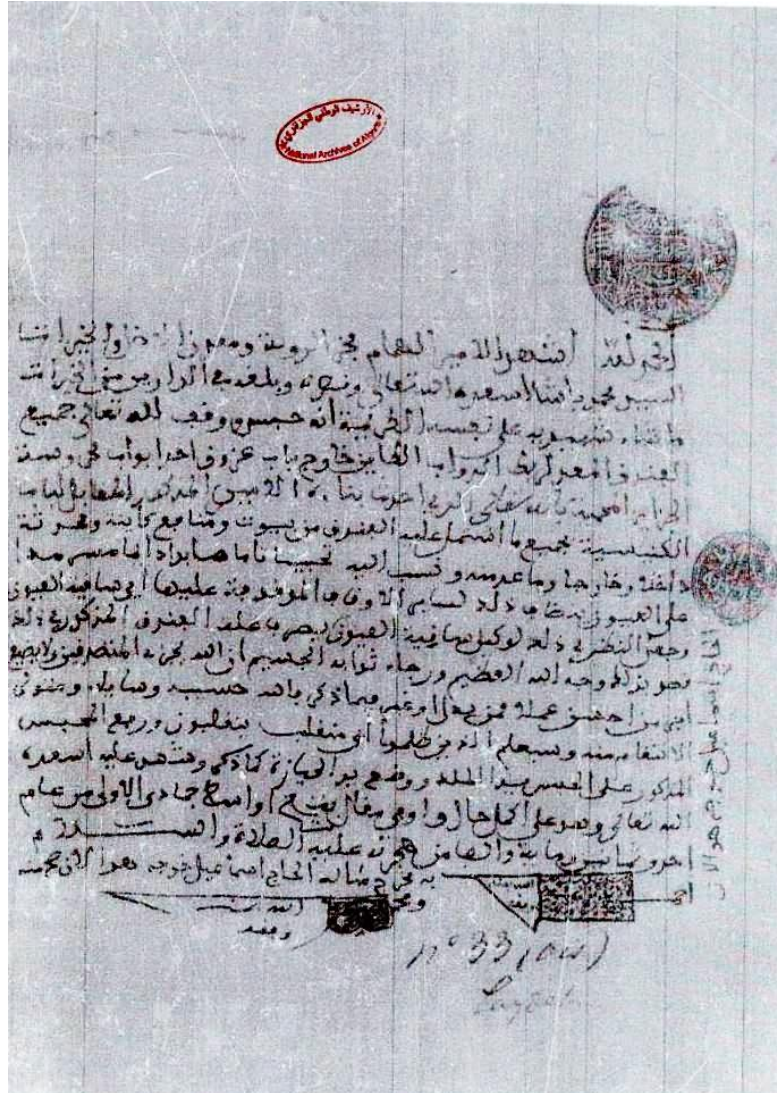
-Legal contract n° 2:

Wakf contract on the animal area, in favor of public fountains, achieved by Dey Mohammed pacha, dated June

(¹)1081H

- Contract n°. 20, from printed contracts(¹)

- Legal Court, box n° 01, document n° 20



-Legal Contract n° 3:

Contract for the purchase of plots of land for the creation of the waterpipes, achieved by the Dey Mostapha

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(١) Pacha; dated early 1219H / 1804

Legal Court, box n°. 47/1, n°11 -

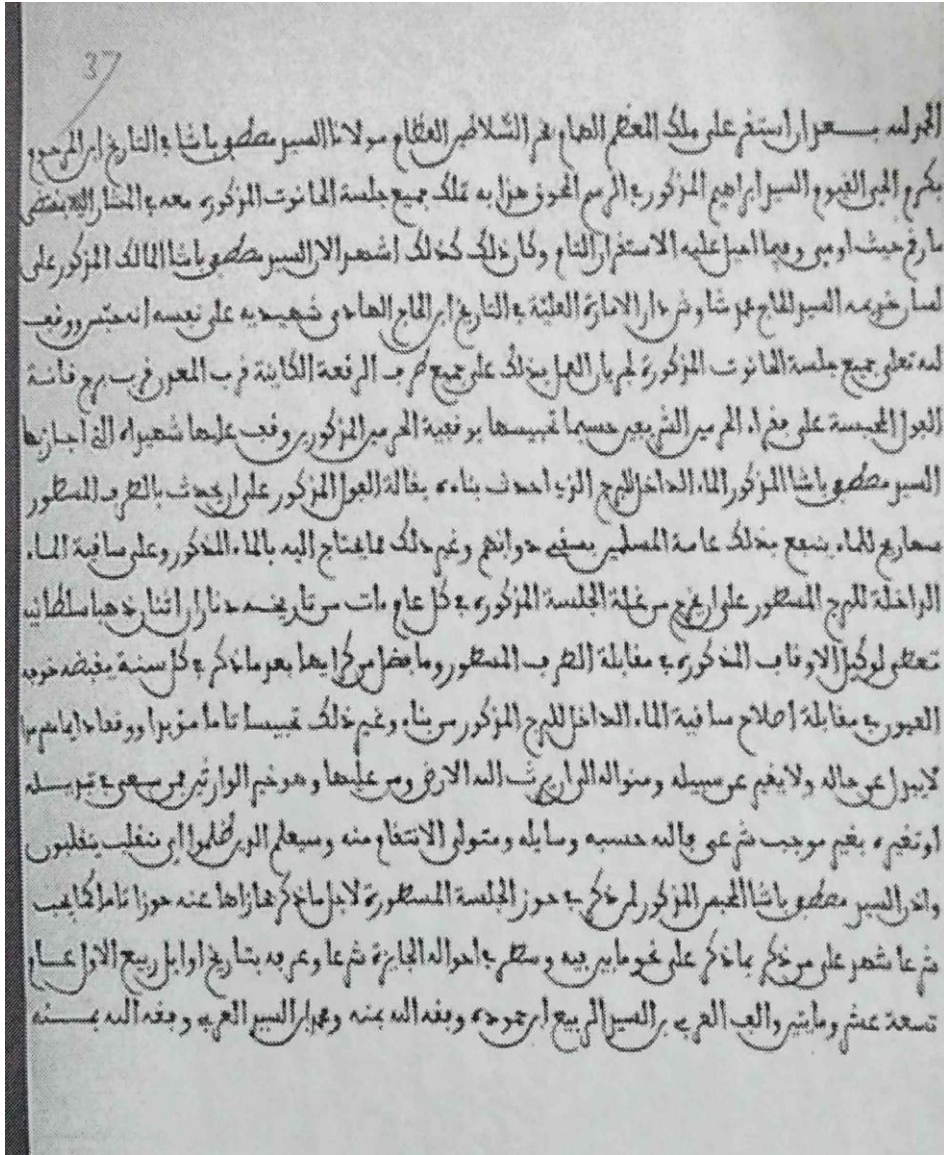


- L

A contract about the shop area for the water fountain created by Dey Mostapha Pacha and dated in early spring I

- Legal contract n° 4, from printed contracts(١)

2019^(١) the contract of law n° 5 of the contracts printed
- Beylik Series, record number 3205 document n° 37

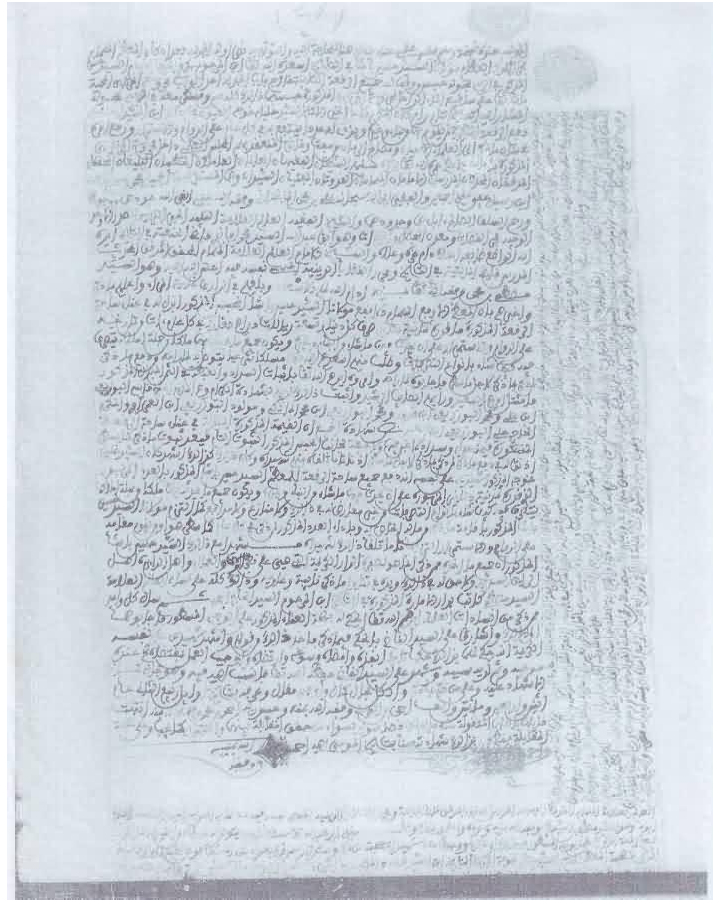


- Contract n°. 50, from printed contracts. (١)

عناية دايات الجزائر بالمنشآت المائية وأوقافهم على صيانتها وترميمها...

:- Legal contract n° 05

Wakf contract on the shop area situated outside bab Jdid in favor of a new fountain by the Dey Hussein of 1242H^(١).



(٢)2- Printed Contracts:

- Legal contract n° 7, from printed contracts.^(١)

The texts of the documents mentioned in the article were read (٢) with the help of the office, the documentary and the archivist from the national archive of Bir Khadem. Mr. Belabidi Lakhdar.

- Legal contract n° 1:

Contract Renewing the water safe put under wakf in favor of the water that flows inside the city; achieved by Ali Pacha Neksis, dated late Chaaban 1177H

- Legal Court, box n° 1/26,document n° 25.

الحمد لله بعد أن وقع الإذن ممن له النظر في مصالح العباد والبلاد وهو المعظم الأرفع... وهو أبو الحسن السيد علي باشا... السيد الحاج إسماعيل خوجة بن خليل الناظر على أوقاف عيون الماء داخل محروسة الجزائر... في تجديد بناء خزنة عين الماء الكائنة بقاع الصور بناحية باب الوادي من ناحية البحر، ثم جدد بناء ذلك الحاج إسماعيل خوجة، بعد تجديد البناء المذكور ظهر للحاج إسماعيل خوجة أن يحدث بناء بعضه أعلى خزنة الماء، وبعضه أعلى صور حريم المدينة من المال المتحصل عليه من غلة الأوقاف المدفوعة على عيون الماء الكائنة داخل البلد المذكور، واستشار في ذلك ناظر الأوقاف المذكور السيد علي باشا المذكور، فأجابه إلى ذلك وأذن له في بناء ما أراده، على أن يكون بعد تمام البناء حسبا على عيون الماء المذكورة، وملحقا بجميع الأوقاف المذكورة عليها... فلما أن تم بناء العلوي، أعلم الحاج إسماعيل خوجة السيد علي باشا المذكور بجميع ما أحدثه من بناء المذكور بالموضع المسطور، فبعد وقوع الإعلام المذكور وجه حينئذ السيد علي باشا المذكور ناظر الأوقاف السيد إسماعيل خوجة المذكور إلى المحكمة الحنفية لدى قاضيها في التاريخ العالم العلامة..... على أن يكتب له رسما يتضمنه جميع ما ذكر، فأجابه إلى ذلك وأذن لشهيديه السيد القاضي المذكور في كتب على ذلك على الوجه المسطور من كون جميع العلوي المذكور، وصار حسبا ووقفا على جميع عيون الماء داخل البلد المذكور، وملحقا بجميع الأوقاف الموقوفة عليها، ويصرف غلة ذلك في مصالح عيون الماء المذكورة، وفيما استدام به منفعة ذلك على الدوام

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والاستمرار. قيد بذلك شهادته هنا بتاريخ أواخر شعبان المبارك من عام سبعة وسبعين بوحدة في العقد والنيف وماية (١) وألف من هجرته عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ.

-Legal contract n° 2:

- Wakf contract on the animals area for the benefit of fountains; achieved by Dey Mohammed Pacha, dated in June 1081

- Legal Court, box n°1, document n° 20.

الحمد لله أشهد الأمير الهمام فخر الدولة، ومعدن الفضل والخيرات، السيد محمد باشا أسعده ونصره ورفع، وبلغه في الدارين من الخيرات ما شاء شهيديه على نفسه الكريمة أنه حبس ووقف لله تعالى جميع الفندق المعد لربط الدواب الكاين (٢) خارج باب عزون أحد أبواب محروسة الجزائر المحمية بالله تعالى الذي أحدث بناءه الأمين المذكور المقابل لباب الكنيسية بجمع ما اشتمل عليه الفندق من بيوت ومنافع كاينة ومحدثة داخلا وخارجا، وما عد منه ونسب إليه تحببسا تاما مؤبدا دائما مسرمدا على العيون، وجعل النظر في ذلك لوكيل ساقية العيون، يصرف غلة الفندق المذكور في ذلك، قصد بذلك وجه الله العظيم ورجاء ثوابه الجسيم.... جمادى الأولى من عام أحد وثمانين وماية

-Legal Contract n°3:

Wakf contract on a house situated near Bab Jdid in ; achieved by Dey Mostapha «ساقية» favor of a waterpipe Pacha and dated in Chawal 1214 H.

(١) هل كتابتها (ماية) وليست (مائة) هو أمر مقصود في المعنى؟، مع العلم أنها مكررة بنفس الصورة أكثر من مرة

(٢) هل كتابتها (كاين) وليست (كائن) هو أمر مقصود في المعنى؟، مع العلم أنها مكررة بنفس الصورة أكثر من مرة

بحوث مؤتمر العمل الخيري

- Legal Court, box n°. 106- 2 / 107 Document n°. 36

«الحمد لله هذه النسخة رسمان اثنان، أحدهما رسم تحييس والآخر رسم حكم أسفله نص، أولهما: (الحمد لله بعد أن استقر على ملك المعظم الإمام الهمام فخر السلاطين العظام مولانا السيد مصطفى باشا في التاريخ ابن المرحوم بكرم الحي القيوم سيد إبراهيم المذكور في الرسم أعلاه جميع الدار الكائنة قرب باب الجديد المذكورة معه... أشهد الآن سيد مصطفى باشا المذكور على لسان ترجمانه السيد الحاج العربي ابن السيد الحاج محمد والسيد محمد القندقجي بن سغلول به عرف شهيديه على نفسه أنه حبس ووقف على نفسه لله تعالى جميع داره المذكورة ابتداء على نفسه، يتتبع بغلة ذلك. مقلدا في ذلك بعض أئمة مذهبه مذهب الإمام أبي حنيفة النعمان رضي الله عنه وجعل الجنة منزله ومثواه، ثم بعد وفاته يرجع الحبس المذكور حبسا ووقفا على أولاده الموجودين الآن وهم: السيد إبراهيم، والسيد محمد، والدة عائشة^(١)، وعلى زوجته السيدة عائشة ابنة عبد الله، كواحدة من أولاده المذكورين مدة كونها أئمة فإن تزوجت، أو ماتت يرجع منابها لأولاده المذكورين وعلى ما يتزايد له بقية عمره من الذكور والإناث، فإن انقضوا عن آخره، يرجع الحبس المذكور على ساقية الداخلة لمحروسة الجزائر، وتصرف غلة ذلك في مصالحها بما تستدام به منفعة الحبس المذكور حبسا تاما مؤكدا بتاريخ أوائل شوال عام أربعة عشر ومائتين وألف.

-Legal Contract n°4:

A contract for the purchase of land for the creation of the water tank by the Dey Mostapha Pacha dated early 1219H / 1804.

, n°. 11 - Legal Court, box n° 47/

(١) أظنها والسيدة عائشة

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الحمد لله، بعد أن كان معظم الأرفع الهمام الأنفع مولانا السيد مصطفى باشا في التاريخ ابن المرحوم بكرم الحي القيوم السيد إبراهيم برد الله ضريحه وأسكنه من الجنان فسيحه أحدث بقالة الفول خارج باب الواد، أحد أبواب الجزائر المحمية بالله تعالى، وبمقربة من جنان برجا مُعدا لمحاربة أعداء الدين النصارى لحصن البلاد المذكور من عدوهم المسطور، وكان مما رame سيد مصطفى باشا المذكور من التقرب إلى مولاه من فعل الخيرات واستجلاب الحسنات أن يأتي بالماء للبرج المذكور من عين ماء جنته الكائنة بفحص زغارة المعروفة بجنة السناجي المذكورة معه في رسمها، وقف عليه شهيديه ليكون الماء المذكور داخل البرج المسطور ويستسقوا منه سكانه وجماعة المسلمين وخصوصا وقت محاربة العدوالمذكور، وكان مما يحتاج إليه لمرور الماء المذكور أن يتاع من الجنة التي أسفل جنته المذكورة المعروفة بجنة الطويل قدر إحداث ساقية للماء المذكور من أعلى الجنة المسطورة، ثم يهبط منها قليلا وينعطف لناحية القبلة إلى أن ينتهي لرقعة هنالك محبسة على ذرية الحاج عبد الرحمن ابن الوزان. وطلب السيد مصطفى باشا المذكور من مالكيها.....، مؤرخا بأوائل ذي الحجة الحرام عام ١١٩٥، ووقف عليه شهيديه فأجابه إلى ذلك وباعا له قدر موضع إحداث الساقية المذكورة للماء المسطور عرض الموضع المذكور ستة أذرع بيعا بتا، لما قدره ثلاثون، بل ستون دينارا الآن ذهباً سلطانية قبض البائع المذكور من المبتاع المسطور جميع العدد المزبور معاينة لذلك القبض التام وسلمما له موضع إحداث الساقية المذكورة من التسليم....لما قدره ثلاثون، بل ستون دينارا الآن ذهباً سلطانية قبض البائع من المبتاع المسطور جميع العدد المزبور معاينة لذلك القبض التام وسلمما له موضع إحداث الساقية المذكورة من التسليم التام، ثم رام سيد مصطفى المذكور مرور الساقية المذكورة من الجنة المسطورة في الرقعة التي كان حبسها حاج عبد الرحمن ابن الوزان

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المذكور عليه وعلى ذريته وذرية ذريته وطلب ممن انحصر فيه حبسها من ذرية الحاج عبد الرحمن المذكور..... المؤرخ بأواسط رمضان عام ١٢٠٢هـ. وقف عليه شهيديه مع إحداث ساقية الماء المذكورة بالرقعة الثانية المحبسة عليهم المجاورة من بعض جهاتها لرقعة العرجوني ومن أخرى لرقعة محبسة على فقراء الحرمين الشريفين المذكورة أيضا معه في رسمها بشهادة من ذكر والتاريخ المسطور وقف عليه شهيديه فأجابوه إلى ذلك وأذنوا له في إحداث ساقية الماء المذكورة إذنا تاما تلاقاه منهم شهيداه ودفع لهم عددا قدره اثنين وعشرين دينارا ذهبيا سلطانية ليستعينوا بها على إصلاح الرقعتين المذكورتين من حرث وغيره، قبضوا ذلك منه معاينة القبض التام، ثم رام مرور ساقية الماء المذكورة بالرقعة الكائنة هنالك المحبسة على ذرية الحاج عبد الهادي الوزان..... مؤرخ بأواخر شوال، عام ألف ومائتين وواحد (١٢٠١هـ) وقف عليه شهيداه فأجابوه إلى ذلك وأذنوا له في إحداث الساقية المذكورة للماء المسطور بالرقعة المحبسة المذكورة إذنا تاما تلقاه منهم شهيداه ودفع لهم أيضا ما قدره عشرين دينارا ذهبيا سلطانية يستعين على ذلك ومصالح الرقعة المذكورة، وعرفه بتاريخ أوائل صفر الخير عام تسعة عشر ومائتين وألف

-Legal contract n^o5

A Wakf contract on a shop place in favor of a waterpipe created by dey Mostapha Pacha and dated early spring 1019H.

- Beylik Series, Record 3205 Index n^o:37

الحمد لله بعد أن استقر على ملك المعظم الهمام آخر السلاطين العظام، مولانا السيد مصطفى باشا في التاريخ ابن المرحوم بكرم الحي القيوم السيد إبراهيم المذكور في رسم المحقوق هذا به تملك جميع جلسة الحانوت المذكورة معه المشار إليه، أشهد الآن السيد الحاج مصطفى باشا المالك المذكور، على

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لسان خادمه السيد الحاج محمد شاوش دار الإمارة العليا في التاريخ ابن الحاج الهادي شهيداه علي نفسه، أنه حبس ووقف لله تعالى جميع جلسة الحانوت المذكور لجريان العمل بذلك علي جميع طرف الرقعة الكاينة قرب المعدن قرب برج قانة الفول، المحبسة علي فقراء الحرمين الشريفين حسبما تحبسها بوقفية الحرمين الشريفين وقف عليه شهيداه التي أجاز بها السيد مصطفى باشا المذكور الماء الداخل للبرج الذي أحدث بناءه بقالة الفول المذكور، علي أن يحدث بالظرف المسطور صهاريج للماء ينتفع بذلك عامة المسلمين يسقي دوابهم مما يحتاج إليه من ماء المذكور، وعلي ساقية الماء الداخلة للبرج المسطور، علي أن يخرج من غلة الجلسة المذكورة في كل عام فات من تاريخه دينارين اثنين ذهباً سلطانيا تعطى لوكيل الأوقاف المذكورة، مقابلة الظرف المسطور ما فضل من كرائها بعدما ذكر من كل سنة يقبضه خوجة العيون في مقابلة إصلاح ساقية الماء الداخل للبرج من بناء وذلك تحبباً دائماً مسرماً....

- Legal Contract n° 06:

Wakf contract of a house in favor of the a waterpipe by Dey Hussein Pacha; dated in Chawal 1255 H

- Legal Court, box n°. 25, document n° 50.

الحمد لله، هذه النسخة رسم تحبب جميع الدار بحومة قاع السورالغربية الكبيرة تنقل هنا للحاجة بها والتوثق به الحمد لله، أشهد المكرم الحاج حسين المذكور مالكا فيما حوَّق هذا به شهيداه علي نفسه أنه حبس لله تعالى ووقف جميع الدويرة المذكورة معه؛ حيث أشير علي أن ينتفع بغلة ذلك مدة حياته مقلداً في ذلك مذهب الإمام أبي حنيفة النعمان رضي الله عنه ثم علي عقبه وعاقب عقبه وما تسلوا وامتدت فروعهم في الإسلام، ثم بعد انقطاع من ذكر يرجع ذلك وقفاً وحبساً علي زوجه الولية فاطمة بنت حسين و.... فإن انقرضوا من آخرهم آتى الحمام علي وضيعهم ورفيعهم، رجع ذلك وقفاً وحبساً علي ساقية العيون،

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ويصرف ذلك على الساقية المذكورة بمال الحبس المذكور من الحدود والحقوق الحرم والمنافع والمرافق الداخلة فيه، والخارجة عنه وما عرف منه وعرف به، ونسب قديما وحديثا عليه، تحببسا تاما مؤبدا، ووقفا دائما مسرمدلا لا يبدل عن حاله ولا يغير عن سبيل، إلى أن يرث الله الأرض ومن عليها، وأواخر رجب.. المبارك ١١٥٥

:- Legal contract n° 7

Rent contract of an area under wakf and situated outside Bab Jdid gate in favor of a new fountain achieved by the Dey Hussein of 1242 H.

- Legal Court, box n° 55, document n° 28.

" الحمد لله، بعد أن كان المعظم الهمام مولانا حسين باشا في تاريخ أسعده الله، ابن المرحوم السيد في رسم محوّله حبس ووقف لله تعالى جميع الرقعة الكاينة خارج باب الجديد، أحد أبواب محروسة المحمية بالله تعالى، على ساقية الماء داخل محروسة الجزاير المذكورة حسبما ذلك كله ميسر ومسطر معد في الرسم المشار إليه البيان التام... رام الآن المكرم الأجل الخير الأكمل السيد خليل خوجة العيون في تاريخ ابن السيد إسماعيل دفع الرقعة المذكورة لمن يقوم بها من بناء وغيره ويؤدي له... كذا ينتفع به كل عام على الدوام وباستمرار... " وأخبرهم بأن المعظم الهمام أبذل في عناء ساحة الرقعة المذكورة، ما قدره ثمانية دنانير، صرف كل دينار تسع ريات دراهم صغار. في كل عام آتي من تاريخه على الدوام والاستمرار على أن حدث فيها ما شاء البناء ويكون جميع ما يحرثه بها ملكا وجملة وجملة أملاكه يتصرف فيه كيفما يشاء.... "



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