

**University of Algiers II at Bouzaréah
Faculty of Letters and Languages
Department of English**

**THE DIPLOMATIC RELATIONS OF
THE UNITED STATES OF AMERICA
WITH ALGERIA 1785-1797**

**Thesis submitted in fulfilment of the requirements
for the Degree of Doctorate in English
in American Civilization**

**Submitted by:
Mrs Linda. Belabelouahab-
Fernini**

**Supervised by:
Prof. Yamina. Deramchia**

2012-2013

**University of Algiers II at Bouzaréah
Faculty of Letters and Languages
Department of English**

**THE DIPLOMATIC RELATIONS OF
THE UNITED STATES OF AMERICA
WITH ALGERIA 1785-1797**

**Thesis submitted in fulfilment of the requirements
for the Degree of Doctorate in English
in American Civilization**

**Submitted by:
Mrs Linda. Belabdelouahab-
Fernini**

**Supervised by:
Prof. Yamina. Deramchia**

2012-2013

Board of Examiners

Chairman:

Prof. M'hamed Bensemane

University of Algiers II at Bouzeéah

Supervisor:

Prof. Yamina Deramchia

University of Algiers II at Bouzaréah

Examiners:

Dr. Fouad Djemai

University of Algiers II at Bouzaréah

Prof. Ali Tablit

University of Algiers II at Algiers

Prof. Abbas Bahous

University of at Mostaganem

Prof. Bouteldja Riche

University of Tizi Ouzou

Declaration

I hereby declare that the substance of this thesis is entirely the result of my investigation and that due reference and acknowledgement is made, whenever necessary, to the work of other researchers

Date.....

Signed.....

Dedication

To my dear parents

and

all my family

Acknowledgments

The writing of this thesis involved the assistance and intellectual generosity of a lot of people. I feel personally indebted to my Supervisor Prof. Yamina Deramchia who has been helpful, understanding and patient all along these years. Her encouragement and solicitous suggestions allowed me to deepen and document my research. I would like to thank her for her availability without which this thesis would not have been completed.

My special thanks also go to the late Prof. Moulay Belhamissi, the undisputable authority concerning the Algerian Navy, who provided me with invaluable information, advice and a copy of his own three-volume PhD Thesis. Prof. Abdelmadjid Chikhi, director of the National Archives Centre, also deserves thanks for the help he offered and the outstanding interest he showed in my topic. Special thanks also to historian Belkacem Babaci, whose aid, information and particular knowledge on Rais Hamidou have proved necessary for the writing of my article with an Algerian perspective on the most famous corsair of the Algerian Navy. I also feel very grateful to Prof. Ali Tablit for his accessibility, intellectual helpfulness, and acumen. I thank him for his permanent back-up, and the loan and donations of useful references, including theses and several articles, necessary to the completion of my work. My thanks are also expressed to Mr. Mahdjoubi Rousafi for assistance with Arabic resources needed for this research. My appreciation is also due to Prof.

Djillali Benouar who has always been encouraging and has given me advice to better my work.

I would like to express my gratitude to the Temimi Foundation and especially to Prof. Abdeldjalil Temimi for his help and support. Acknowledgements are also due to the staff and librarians of different institutions, the University Library of Algiers, the National Public Library of Algiers, the Algerian National Archives Centre, the Library of Congress and the U.S. Department of State, who provided me with the necessary guidelines for the required sources. I am also thankful to Robert A. Schneider, editor of *The American Historical Review* for the insightful remarks he made with regard to my article on Rais Hamidou. Especial thanks are also directed to Karen P. Hughes, Under Secretary for Public Diplomacy and Public Affairs, who welcomed my topic and advised me to consult the State Department historians and the NAAR (National Archives and Records Administration) in a Q&A on Public Diplomacy for Fulbright Alumni.¹ The directions and addresses she provided were essential and relevant to the references of my Dissertation.

¹ In a Q&A for Fulbright Alumni that took place on Wednesday October 24, 2007, Under secretary for Public Diplomacy and Public Affairs, Karen P. Hughes expressed her interest in the topic of my present thesis: "This is another example of what a terrific resource our Fulbright alumni are! Your study of the 1797 peace treaty is a reminder that our friendship and diplomatic relations with Algeria are almost as old as our country. You might want to publish your articles on the State Alumni website. I agree that rediscovering our rich history and many connections is a way to build foster greater understanding – thanks for your leadership and scholarship!" in <<https://alumni.state.gov/news2/qa-live/qa-live/public-diplomacy>> [October, 2007].

My deep recognition goes to my family, close friends and husband for the thoughtfulness, and patience they showed during my period of study. Without their enduring support, this thesis would not have been fulfilled. My thanks also go to my two children for bearing my long periods of work that often prevented me from being more available.

Preface

Trips to Morocco, Tunisia, Turkey and the United States coupled with a desire to bridge American and Algerian histories helped shape the inspiration for this very topic. To conduct this research, the use of key primary sources was imperative. Attempting to have access to them, even abroad, was not an easy task since most of them were rarely requested.

This research also involved several visits to the University Library of Algiers, the National Library of Algiers, and to the Algerian National Archives Centre. During these visits, important information was gathered, former theses were consulted, and interviews with outstanding scholars were held. Reports by and on American Consuls, special agents, accounts of captives, presidents' quotations and correspondence, and the 1795 Treaty of Amity and Peace as well as other Barbary Treaties helped document the American-Algerian relations in a multicultural, diplomatic history approach.

Technology also had its share. Thanks to the Internet, research became easier, economical, and time-saving. Scholars over the world could be contacted via e-mail. In addition, Internet Archives offered an endless list of primary sources previously inaccessible online.

Abstract

The diplomatic relations between the United States of America and Algiers go back to the late eighteenth century. While the United States was then emerging as a fragile independent country, the Regency of Algiers had been the leading power of the Barbary States years earlier. The Muslim component of the latter was inextricably linked to the history of the United States before, during and after its Revolution.

This research studies the diplomatic relations between the two countries in the period lasting from 1785, when two American ships were captured by Algerian privateers, to the return of the American captives to Philadelphia in 1797. In an effort to counterbalance the prejudiced literature following the 9/11 2001 events stereotyping Algiers as a pirate state, this research attempts to uncover the often overlooked context and consequences of the episode between 1785 and 1797. The context of war that existed between the two countries led to far reaching consequences. This thesis reached a set of conclusions. First, through its two offensives, the Regency of Algiers was at war with the United States until the signature of the treaty of Amity and Peace of 1795. This war occurred within the scope of the laws that prevailed and governed the different nations at that time. Second, the Regency of Algiers was not a pirate state. It was a privateering sovereign state recognized by the international community with which it had signed several treaties. Third, the 1795 American-Algerian

Treaty is unprecedented in so many aspects. It is a formal recognition by the Regency of Algiers of the independence of the United States. It is the first treaty America signed in a foreign language with Algiers. It is also the sole treaty in which the United States pledged to pay an annual tax to a foreign country in exchange for prisoners.

This research work also underlines the literary and political legacy of this war. While the former is expressed through the proliferation of early American captivity narratives, the latter embodies the inspiration for a new American Constitution, the birth of the U.S. Navy, and the shaping of the early American foreign policy.

Abbreviations

- ASP/FR:* American State Papers, Class I: Foreign Relations, 1789-1828.
- ASP/NA:* American State Papers, Class VI, Naval Affairs, 1794-1825
- CCPPJJ:* The Correspondence and Public Papers of First Chief-Justice of the United States
- GRDS:* General Records of the Department of State (Spain), Washington.
- SaL:* The Public Statutes at Large of the United States of America, 1789 to 1845.
- SJ:* Secret Journals of the Acts and Proceedings of Congress.
- SPPD:* State Papers and Publick Documents of the United States.
- USDC:* The Diplomatic Correspondence of the United States of America, 1783-1789
- USRDC:* The Revolutionary Diplomatic Correspondence of the United States.

Table of Contents

Acknowledgments.....	i
Preace.....	iv
Astract.....	v
Abbreviations.....	vii

Introduction.....	1
-------------------	---

Part One

Eighteenth-Century Political Background

Chapter One

The United States: Its Pre and Post Revolution Barbary connections.....	10
---	----

1/ The American-Barbary initial skirmishes.....	10
2/ Barbary and the American Revolution.....	12
a/ The Founding Fathers' tolerance for Muslims.....	12
*/ The Founding Fathers and religion.....	12
*/ Thomas Jefferson's drafting of the American Declaration of Independence.....	14
b/ North African Muslim participation in the American Revolution.....	17
3/ The aftermath of the American Revolution.....	19
a/ From United Colonies to independent United States.....	19
*/ The first nation to recognize the new born America.....	20
*/ Muslims' desired inclusion in the building of the American Nation.....	22
b/ The birth of a Nation and the end of British maritime protection.....	24
*/ The American-French alliance.....	24
*/ The American treaties with the Barbary States.....	26

Chapter Two

Algiers: the leading power of the Barbary States.....	29
---	----

1/ Algerian Privateers.....	29
a/ Counteract European Piracy and Privateering.....	30

b/ Collect revenues to conduct commerce.....	31
2/ Algerian treaties with European countries.....	32
a/ Holland.....	34
b/ Denmark.....	34
c/ Austria.....	35
d/ Sweden.....	35
e/ Great Britain.....	36
f/ Spain.....	38
g/ France.....	39
3/ Violation of these Treaties.....	42
a/ The stakes of alliances.....	42
b/ The conflicts of interests.....	44

Part Two

Revisiting the War between the Regency of Algiers and the United States 1785-1797

Chapter Three

The American-Algerian War.....	48
1/ The genesis of the war.....	48
a/ Early American-Algerian naval battles.....	48
b/ Algiers' declaration of war on the United States.....	50
2/ The capture of ships.....	53
a/ <i>The Maria</i>	55
b/ <i>The Dauphin</i>	57
3/ The captives of Algiers.....	59
a/ The crew of <i>the Maria</i>	60
b/ The crew of <i>the Dauphin</i>	60
c/ Treatment of the captives.....	62
d/ The captives' Petition to King George III.....	68
4/ The First negotiations.....	71
a/ John Lamb's mission.....	71
b/ Mapping early negotiations with the Regency.....	75
c/ America's failure in its first foreign policy crisis.....	78

Chapter Four

The American-Algerian Treaty of Amity and Peace

1795.....	84
1/ The outcome of previous negotiations.....	84
2/ The context of the Treaty.....	85
a/ Historical background.....	85
b/ The second Algerian offensive.....	85
c/ The rules of a Barbary treaty.....	88
3/ The Treaty.....	89
a/ The detractors of the treaty.....	90
b/ The Treaty negotiators.....	93
c/ Peace concluded.....	100
d/ The text of the Treaty.....	111
*/ Translation of 1930.....	112
*/ Hunter Miller's Notes.....	113
4/ The peculiarities of the Treaty.....	119
a/ Themes of the treaty.....	119
*/The payment of tribute.....	119
*/Ransom of the captives.....	120
b/ A similar copy of the Swedish-Algerian Treaty.....	121
5/ The United States' Acts.....	123
a/ An Act making an Appropriation for Defraying the Expenses which May Arise in Carrying into effect the Treaty made between the United States and the <i>Dey</i> and Regency of Algiers.....	123
b/ An Act Authorizing the President of the United States to Apply a Further Sum to the Expenses of Negotiations with the <i>Dey</i> and Regency of Algiers.....	124

Part Three

Making America: The legacy of the American-Algerian War

Chapter Five

The literary dimension of the American-Algerian

War.....	126
----------	-----

1/ Barbary Captivity in early American Literature.....	126
a/ Susanna Rowson’s <i>Slaves in Algiers</i>	126
b/ Paul. M. Baeppler’s <i>White Slaves, African Masters</i>	128
2/ The “Algerines” in early American novels.....	131
a/ Peter Markoe’s <i>The Algerine Spy in Pennsylvania</i>	132
b/ Royall Tyler’s <i>The Algerine Captive</i>	135

Chapter Six

The Political consequences of the American-Algerian

War.....	139
----------	-----

1/ Inspiration for a new American Constitution.....	139
a/ The financial and military weaknesses of the Articles of Confederation.....	141
b/ The creation of a more powerful central government.....	146
2/ The birth of the US Navy.....	149
a/ Algiers as the first serious threat to American shipping.....	149
b/ Shipping as the first issue to divide the young American Republic.....	150
c/ The Navy Act.....	151
*/ The formation of a Navy to use against Algiers.....	151
*/ The building of ships would cease in case of peace with Algeria.....	153
3/ Shaping Early American Foreign Policy.....	154
a/ The Tripolitan War.....	155
b/ The Algerine War.....	163

Conclusion.....	172
-----------------	-----

Timeline.....	181
---------------	-----

Appendices

1/ A copy of the Letter from M. de SOULANGES, to Judges and Consuls at Nantz on July 14 th , 1785	184
2/ Jay to the President of Congress. Office for Foreign Affairs. October 13, 1785.....	185
3/ The First 1785 Negotiations: John Lamb’s own copy.....	186
4/ The English version of the De Castries Letter.....	187
5/ The French version of the De Castries’s Letter.....	188
6/ Message from the President of the United States, Relative to Prisoners at Algiers, May 8, 1792.....	189
7/ The lists of the 1793 American prisoners and their ships.....	190

8/ D. Humphreys, Esq to the secretary of state November 19, and 23, 1793.....	194
9/ The Navy Act.....	195
10/ Instructions for negotiations with the <i>Dey</i> of Algiers.....	197
11/ Letter of demands of the <i>Dey</i> of Algiers to Heysell January, 1795.....	198
12/ Text of the American-Algerian Treaty of Amity and Peace September 5, 1795....	200
13/ The Ottoman Text of the American-Algerian Treaty of Amity and Peace September 5, 1795.....	205
14/ An Act Making an Appropriation for Defraying the Expenses which May Arise in Carrying into Effect Treaty Made between the United States and the <i>Dey</i> and the Regency of Algiers.....	227
15/ An Estimated cost of Naval stores of the 1795 Treaty.....	228
16/ An Estimated cost of the 1795 Treaty.....	229
17/ An Act Authorizing the President of the United States to Apply a Further Sum to the Expense of Negotiations with the <i>Dey</i> and Regency of Algiers.....	231
18/ Text of the American Treaty with Tripoli June 4, 1805.....	232
19/ Text of the American Treaty with Algeria June 30 and July 3, 1815.....	236
20/ Text of the American Treaty with Algeria December 22 and 23, 1816.	240
21/ Table of Treaties signed by the Regency of Algiers between 1619 and 1830.	245
22/ Table of the Algerian and American governments between 1785 and 1815.....	246

Bibliography	248
---------------------------	-----

Illustrations	259
----------------------------	-----

1/ A portrait of a <i>Dey</i> of Algiers.....	259
2/ Algiers in the 18 th Century.....	260
3/ A Map of Barbary.....	261
4/ Decatur's Squadron off Algiers.....	262

Introduction

Since September 11, 2001, Muslims have not only been labelled as an inappropriate presence in America, but also denied to having had any role in the American experience. In fact, the legacy of their centuries-long history in America is often disclaimed. Have centuries of Muslim contributions to the American nation fallen into oblivion? In fact, the proliferation of the recent literary production addressing the American-Muslim connection has been mainly confined to the domain of piracy and terror.

There are some exceptions, however, mostly from writers like the 2004 Douglas Dillon prize winner, Richard B. Parker, who deals with this link by depicting America's first diplomatic and naval encounters with the Muslim world in *Uncle Sam in Barbary: A Diplomatic History*.¹ Similarly, Dr Jerald F. Dirks deepens this link by illustrating the Muslim presence in every chapter of American history. In *Muslims in American History: A Forgotten Legacy*² Dirks offers a series of Muslim biographies as priceless models which could help build the identity of American Muslims.

¹ Richard B. Parker, *Uncle Sam in Barbary: A Diplomatic History* (University Press of Florida, 2004). Former ambassador and Middle East scholar, Richard Bordeaux Parker speaks perfect Arabic. He is the author of several books about the practice of diplomacy in North Africa. He had fifty years of experience in the Middle East, including as former ambassador to Algeria (1975-1977), Lebanon (1977-1978), and Morocco (1978-1979).

² Jerald F. Dirks, *Muslims in American History: A Foreign Legacy* (Armana Publications, 2006). Dirks is a Caucasian American convert to Islam and a fervent defender of the Muslim heritage of Americans. He is the author of: *The Abrahamic Faiths*, *Understanding Islam: A Guide for the Judaco-Christian Reader*, *The Cross and the Crescent* and *Abraham: The Friend of God*. His wife, who is also an American Muslim, is the co-editor of *Islam Our Choice: Portraits of Modern American Women*. Edited by Debra L. Dirks & Stephanie Parlove (Amana Publications, May 2003).

Samuel Flagg Bemis, the Pulitzer Prize winner historian and specialist in American Diplomacy, alleged that the Treaty of Paris was the most illustrious achievement in the annals of American Diplomacy.³ Though this treaty denoted formal British recognition of the United States' independence, it also signified the withdrawal of British privileges provided to Americans under their colonial status. Among these benefits was the shield for American Mediterranean commerce. In fact, Britain had already ceased delivering Mediterranean passes to American ships during the Revolution. After their independence, the Americans wanted to restart their trade in Mediterranean waters.

American independence also meant that the new-born country had to make its own treaties with the Barbary States which controlled the Mediterranean trade. The Barbary powers consisted of the kingdom of Morocco and three other North African States namely: Algeria, Tunisia, and Tripoli. Unlike Morocco, the latter were called regencies because their regimes were part of the Ottoman Empire and were ruled by semi-independent vassals of the Sultan in Istanbul.⁴

³ Refer to Samuel Flagg Bemis, *The Diplomacy of the American Revolution*, (Indiana University Press, 1957). Bemis won the Pulitzer Prize for Biography or Autobiography in 1950 with his work: *John Quincy Adams and the Foundations of American Foreign Policy*, (Greenwood Press, 1981).

⁴ The Barbary States is an expression used for the North African states of Tripolitania, Tunisia, Algeria, and Morocco. From the 16th century, Tripolitania, Tunisia, and Algeria were autonomous provinces of the Turkish Empire. Morocco pursued its own independent development. Quoted in "Barbary States" *The Columbia Encyclopedia, Sixth Edition*. 2008. <<http://www.encyclopedia.com>>. [December, 2010]. For further information on the Barbary States refer to: G. A Jackson, *Algiers: being a complete picture of the Barbary States; their government, laws, religion, and natural productions; and containing a sketch of their various revolutions, a description of the domestic manners and customs of the Moors, Arabs, and Turks; an account of the four great capitals of Algiers, Tripoli, Tunis, and Morocco, and a narrative of the various attacks*

Barbary Diplomacy consisted in making non-Muslim states pay a *jyzia* tax or tribute enforced on all non-Muslim subjects of the Islamic empire. In fact, tribute was a conventional agreement between the Turks and all the European powers.⁵ In this sense, the European countries paid tribute to the Barbary States for a safe passage in the Mediterranean and the security of their commerce.

Skirmishes between the Thirteen Colonies and the Barbary States had existed before the emergence of the United States, the lack of British protection seriously endangered American ships in the Mediterranean. Just a year after American independence, in 1784, the American ship the *Betsy* was captured by Morocco.⁶ A year later, in 1785, two American ships the *Maria* and the *Dauphin* were also seized by “Algerine” privateers.⁷ In 1793, eleven other American vessels were captured by “Algerine” corsairs and more than a hundred captives remained prisoners in Algiers until a Treaty of Amity and Peace was signed between Algiers and the United States in 1795. Hostilities between the two countries would restart in 1812 and end in 1815.

The conflict between the United States and Algiers basically stretched from 1785 up to 1815. The focus will be laid on the diplomatic relations between both

upon Algiers, by the European states; including a faithful detail of the late glorious victory of Lord Exmouth (London: R. Edwards, 1817). In <http://www.archive.org/stream/algiersbeingcomp00jack> > [January, 2008].

⁵ A *Jyzia* is a tax that the *Dhimmi*-non-Muslims living in an Islamic State- had to pay. The tax is a tribute. For further information refer to: "عندما كان الياها يدفع الجزية" in http://sub5.rofof.com/010kbaol6/shkyb_arslan.html > [December, 2010]. See also: "احمد" in <http://www.islamonline.net> > [February, 2004] and to "الجزية في الإسلام" in <http://www.albshara.com/showthread.php?t=6601> >. [December, 2004].

⁶ Morocco was the first country to seize a US ship. The latter was captured off the coast of Spain in 1784. Thanks to the intervention of the Spanish foreign minister, Conde de Floridablanca, the Sultan Sidi Mohammed of Morocco released the *Betsy* with her crew and cargo on July 9, 1785.

⁷ It was during this year that Algeria declared war on the United States.

countries from 1785 to 1797. This historical chapter that involved Algiers and the United States following American independence is often overlooked. Even though it was America's first conflict with the Muslim world, little scholarship from both countries was devoted to it. H. G. Barnby⁸ was presumably the only western writer - -to my knowledge - - who labelled the crisis in a very explicit way by the use of the word war. This conflict was tackled by other American writers such as Richard Parker⁹ and Glen Tucker¹⁰ in a Barbary context of American diplomatic history.

Recent Western references that have dealt with the Barbary wars include hints of the American-Algerian episode in a context of Barbary terror. In an effort to explain the 9/11 events, a very prejudiced literature with regard to the Muslim world has evolved. All eighteenth-century recognized worldwide practices were scrutinized through twenty-first century lenses. Such biased literature obeyed a preconceived interpretation that reconsidered every Barbary-American exchange by redefining it as a root of Barbary horror. Consequently, piracy embodied privateering, and privateers were represented as pirates.

The neglected and overlooked early American relations with the Barbary States and more specifically with the Regency of Algiers were rediscovered by western writers

⁸ H. G. Barnby, *The Prisoners of Algiers. An account of the forgotten American-Algerian War 1785-1797* (London: Oxford University Press, 1966). Refer to these references that include this period: Gray E. Wilson, "The First American Hostages in Moslem Nations, 1784-1789" *American Neptune* 41 (July, 1981), pp. 208-23, and Carl M. Kortepeter, "The United States Encounters the Middle East. The North African Emirates and the U.S. Navy (1783-1830)" *Revue d'Histoire Maghrebine* (Tunisia) 10 (December 1983), pp. 301-13.

⁹ Richard Parker, *Uncle Sam in Barbary: A Diplomatic History* (University Press of Florida, 2004).

¹⁰ Glen Tucker, *Dawn Like Thunder; The Barbary Wars and the Birth of the U.S. Navy* (New York, 1963).

who for the most part, presented and analysed the events only from their own point of view. The Algerian perspective on the relations between Algeria and the United States, which was represented by at least two Algerian scholars, was virtually ignored. The first one was suggested by the renowned professor Ali Tablit, who devoted his Doctorate Thesis to the Algerian-American Relations from 1776 to 1830.¹¹ He considered the American-Algerian Crisis with special focus on the American prisoners of Algiers. The second researcher, Fatima Maameri, attempted to re-examine the relations between Algeria and the United States from 1783 to 1816.¹² She studied the evolution of American Commercial Diplomacy to its Gunboat Diplomacy.

This thesis seeks to explore the diplomatic relations of the United States with Algeria from the capture of the *Maria* and *Dauphin* by Algerian corsairs in 1785 to the release of American prisoners and their return to the United States in 1797. Even though the period of tension between the United States and the Barbary States began before American independence, the target period of study is the episode lasting from 1785 to 1797 because it was America's first post-independence tension, it occurred with Algiers, and persisted for more than a decade. In addition, the conflict was solved with the signature of a Peace Treaty that was unprecedented in several ways. Most important, there is an attempt to highlight the impact of the American-Algerian crisis in the making

¹¹ علي تابلت، العلاقات الجزائرية-الأمريكية 1776-1830 أطروحة دكتوراه دولة في تاريخ الحديث و المعاصر 2006-2007. This thesis is an outstanding reference for American-Algerian relations from the American independence to the French colonization of Algeria.

¹² Fatima Maameri, "Algerian-American Relations Reconsidered, 1783-1816" Revue Sciences Humaines N 29 (Université Mentouri Constantine, Juin 2008), pp-39-50. Also refer to her Doctorate Thesis: Ottoman Algeria in Western Diplomatic History With Particular Emphasis on Relations with the United States of America, 1776-1816 Doctorat d'Etat, (University Mentouri of Constantine, December 2008).

of America through the literary production and political consequences that resulted from it.

The leading drive of undertaking such a topic is to endeavour to assess the diplomatic relations involving the United States and Algiers from 1785 to 1797 in order to elaborate a keener understanding of the American-Algerian diplomatic history during this epoch. This research attempts to show how the American-Algerian war led to the birth of an intensive American literary production that helped shape the American identity. It also tries to illustrate how this very war created the need for a more powerful American Constitution, the foundation of the American Navy, and the shaping of an early American Diplomacy.

Supplementing prior investigation on the wars between America and the Barbary States, this study of the American-Algerian war offers a broader context for American diplomacy and military policy. As American Diplomatic History covers an important part in American studies, such an analysis endeavours to contribute to an emerging Algerian historiography of early American-Algerian Diplomatic Relations.

The present thesis consists of three main parts of two chapters each. In part one, Eighteenth-Century political background of both the United States and Algeria in its Barbary Islamic North African context is examined. The first chapter concerns the Barbary connections with the United States before, during and after its Revolution. The pre-Revolution Barbary-American links are portrayed by the American-Barbary initial skirmishes. Then, the ties between Barbary and the United States are studied during the American Revolution by underlining the Founding Fathers' tolerance for Muslims and mentioning North African contribution to the American Revolution.

The aftermath of the American Revolution witnessed the transition from the status of thirteen United Colonies to United States, the recognition of the independence of the United States, and the desire to include Muslims in the building of the American nation. The birth of the American nation coincided with the end of British maritime protection that led to the American-French 1778 alliance on the one hand, and to American treaties with the Barbary States, on the other.

The second chapter displays the importance of the international status of the Regency of Algiers as the leading power of the Barbary States. The role of the Algerian privateers and the Algerian Navy are also highlighted since they paved the way to the diplomatic relations between Algiers and the European countries. The negotiations between Algiers and European countries ended with treaties of Amity and Peace to guarantee the security of the commerce of the latter in the Mediterranean Sea. To better grasp eighteenth-century practices, an attempt is made to unveil the reasons why these treaties were often violated and endeavour to explain the correlation between the stakes of alliances and conflicts of interests.

The second part of this thesis is devoted to revisiting the war between the Regency of Algiers and the United States during the period lasting from 1785 to 1797. Even though the terms crisis, tension, and conflict are often used to characterize the period of American-Algerian diplomatic relations, the gist of our argument in the first chapter of this part is that labelling this conflict as the American-Algerian War is more adequate. The genesis of this war is investigated from the early American-Algerian naval battles to Algiers' declaration of war on the United States. We consider that there

are several reasons why this war deserves more attention in American foreign relations and American Diplomatic History.

The capture of the two American ships in 1785 marked a turning point in the American-Algerian relations. It was America's first hostage crisis. It happened before George Washington became a president and lasted the two terms of his presidency. The capture of ships leads us to tackle the question of the captives, their identity, treatment, petition to King George III, and to explore the first negotiations for their release. In displaying the mapping for the early American negotiations with the Regency of Algiers, an attempt is made to analyse why John Lamb's mission caused America's failure in its first foreign policy crisis.

Chapter two deals with the 1795 American-Algerian Treaty of Amity and Peace. The word peace included in the title of the Treaty implies that a genuine previous state of war had existed between Algiers and the United States. In an effort to explain the historical context of the treaty, the outcome of previous negotiations and a report on the reasons of the Algerian 1793 second offensive against American shipping are displayed. Before undertaking a textual analysis of this Treaty, an attempt is made to investigate the detractors of the treaty additionally to the treaty negotiators who allowed peace to be settled. Some peculiarities of the Treaty are revealed as well as the existence of secret clauses. Finally, we conclude that this Treaty did not put an end to the state of war existing between Algiers and the United States by using two Acts enacted respectively on May 6, 1796, and March 3, 1797 that foreshadowed a subsequent state of war between the two countries.

The third part of the thesis deals with the legacy of the American-Algerian war. There is an attempt to underline the contribution of this war to the literary and political formation of the early republic. The first chapter examines the literary production related to the American-Algerian War through Barbary captivity in early American literature with the study of the works of Susanna Rowson's *Slaves in Algiers*,¹³ and Paul Baepler's *White Slaves, African Masters*¹⁴. As for the use of Algerian captives in early American novels, it is portrayed by Peter Markoe's *The Algerine Spy in Pennsylvania*,¹⁵ and Royall Tyler's *The Algerine Captive*.¹⁶ The choice of such a sample was meant to show that the American-Algerian war inspired early American writers to use Algiers as a setting and "Algerines" as a theme. The scarcity of scholarship on these early literary works fuelled our interest to highlight them as a literary consequence of the American-Algerian War.

The second chapter emphasizes the political consequences of the late eighteenth century American-Algerian war. It attempts to explain how the latter inspired Americans to conceive of a stronger Constitution, to create a Navy, and to shape their early foreign policy by highlighting two American wars that followed the American-Algerian war namely: the Tripolitan War and the Algerine War.

¹³ Susanna Rowson, *Slaves in Algiers or, A Struggle for Freedom* (Acton, MA: A Copley Edition, 2000).

¹⁴ Paul Baepler, *White Slaves, African Masters. An Anthology of American Barbary Captivity Narratives* (The University of Chicago Press, 1999).

¹⁵ Peter Markoe, *The Algerine Spy in Pennsylvania or, Letters Written By A Native Of Algiers On the Affairs of the United States in America, From the close of the year 1783 to the Meeting of the Convention* (Westholme Yardley, 2008).

¹⁶ Royall Tyler, *The Algerine Captive or, The Life and Adventure of Doctor Updike Underhill: Six Years A prisoner Among the Algerines* (New York: The Modern Library, 2002).

Part One

*If you would like to understand anything,
observe its beginning and its development*

Aristotle

Eighteenth-Century Political Background

Chapter One

The United States: Its Pre and Post-Revolution Barbary connections

1/ The American-Barbary initial Skirmishes

While Algiers was the leading power of the Barbary States, the United States was preparing for its independence from Great Britain. A large amount of what has been written on the American Revolution explains the limited scope of its context and relations with eighteenth-century Barbary. We propose to reveal the American Barbary States links before, during and after the American Revolution.

We suggest Pre-Revolution links between the United States and the Barbary States through their early skirmishes. The historian Robert J. Allison argues that the American war with the Barbary States in the eighteenth century fashioned the Americans' vision of their new nation. In his article "The Jihad of America's Founding Fathers," Robert J. Allison dates America's first encounter with the Muslim World as early as even before the existence of the United States.¹ Indeed, the eminent Captain John Smith, the founder of the colony in Jamestown had fought the Turks, and he had been captured by the Pasha of Nalbrits.²

¹ Robert J. Allison, "The Jihad of America's Founding Fathers" (September 27, 2001) <<http://www.theglobalist.com/DBWeb/StoryId.aspx?StoryId=2155>> [December 4, 2004].

² For more information, refer to "John Smith" <http://www.1911encyclopedia.org/John_Smith> [October 30, 2006].

The kingdom of Morocco seized an American ship in 1625. Even though the capture of ships was usually related to the Barbary States, there were often battles between the American colonies and the Barbary States. James Fenimore Cooper traced America's first naval battle back to 1645. It was the battle where a ship from Massachusetts subjugated an Algerian ship.³ From 1673 to 1682, England's relations with Algiers deteriorated. During that epoch, the two countries did not sign a treaty. Since the Barbary States were known to be at war with any country with which they had not signed a peace treaty, there was warfare between England and Algiers. Subsequently, in July 1677, the corsairs of Algiers apprehended the *Susannah*, kept by the New York City merchant Jacob Leinbuy, in the English Channel. Eight men constituted the crew of this vessel. At that period, forty pounds sterling were needed for the liberation of an English prisoner. This capture was among the three hundred ships seized by the Barbary States.⁴ Donations of New Yorkers of all ethnic groups allowed for the release of the captives.

The lack of treaties conducted to hostilities which led to incarcerations. According to Lee Barnes, between 1550 and 1650, probably more Christian slaves were taken to Barbary than African slaves to the New World.⁵ Moulay Belhamissi however, explains how an outstanding number of Algerians were enslaved and captured by

³ Allison, "The Jihad of America's Founding Fathers."

⁴ David William Voorhees, "Turkish Slavery" <<http://www.southeastseaport.org/magazine/articles/1977b-01.shtm>> [October 30, 2006].

⁵ Lee Barnes, "Islam's place in British History" (December 14, 2005) <<http://www.bnp.org.uk/columnists/brimstone.2.php?led=69>> [October 30, 2006].

different European countries from the 16th to the 19th centuries. ⁶

As for Nabil Matar, who authored *Britain and Barbary, 1589-1689*, he points out the British relations with the Barbary States of North Africa by alleging that they were imperative in the makeover of the British imperial ideology. The occupation of Tangier from 1662 to 1684, as well as the fleet sent against Algiers during the reign of Charles II represented the instigation of the British Empire in Africa for Robert J. Allison. ⁷

As American-Barbary links occurred before the American Revolution, they heavily contributed in shaping American subsequent relations with the Barbary States. As we deal with the American Declaration of independence, and the treaties signed between the Barbary States and America in the aftermath of its Revolution, these contributions became more forceful and inextricably linked to the early United States History.

2/ Barbary and the American Revolution

a/ The Founding Fathers' tolerance for Muslims

* The Founding Fathers and religion

In 1797, during John Adams' presidency the Senate ratified "The Treaty of Peace and Friendship between the United States and the *Pasha* and Subjects of

⁶ Moulay Belhamissi, « *Course et contre-course en méditerranée ou comment les algériens tombaient en esclavage (XVI^e siècle – 1^{er} tiers du XIX^e siècle)* » *Cahiers de la Méditerranée* N 65, 2002 in <<http://cdlm.revues.org/36>> [January, 2005].

⁷ For further information refer to: Nabil Matar, *Britain and Barbary, 1589-1689* (Gainesville: University Press of Florida, 2005).

Tripoli." ⁸ The twelve-article Treaty declares America's government as secular. Its eleventh article records:

As the government of the United States of America is not in any sense founded on the Christian Religion -- as it has in itself no character of enmity against the laws, religion, or tranquillity of Musselmen -- and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of harmony existing between the two countries. ⁹

This treaty has been interpreted differently. Daniel Pipes ¹⁰ exploited it to justify that the 'war on terror' undertaken by the United States at the beginning of the third millennium was not a war on Islam but rather a war on radical Islam. He indicated that the Founding Fathers held no hostility against the quietude or religion of Muslims.

On May 15, 1776, the Virginia Convention legislated a resolution to suggest that the General Congress announce the United Colonies as free independent states. This is how twenty-three days later, Richard Henry Lee stated his resolution. ¹¹ According to

⁸ It was signed and sealed in Algiers on the 4th day of Radjeb 1211 corresponding to the 3rd of January 1797 by Dey Hassan Bashaw and Joel Barlow.

⁹ The Avalon Project, "The Barbary Treaties : Treaty of Peace and Friendship signed at Tripoli November 4, 1796" <<http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1796t.htm>> [November, 2006].

¹⁰ Daniel Pipes, "In 1796, U.S. Vowed Friendliness With Islam" in New York Sun (November 7, 2006). <<http://www.sullivan-county.com/news/ffnc/>> [February 17, 2007].

¹¹ "Resolved, That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown,

him, genuine freedom “embraces the Mohametan and the Gentoo (Hindi) as well as the Christian religion.”¹² From Lee’s assertion, it seems evident that there was a willingness to incorporate the Muslim ‘ingredient’ in the building of the new republic.

* Thomas Jefferson’s drafting of the American Declaration of Independence

The beginning of the American nation can be traced back to its Declaration of Independence that Thomas Jefferson drafted between June 11 and June 28, 1776. The models of individual liberty, which constituted its political philosophy, had already existed in John Locke’s letter on Tolerance and in the Quran.

As an illustration, the point related to governments based on the assent of the people and the protection of their rights for life, liberty, and property reflects a principle already brought up in the Quran. The latter supports a prior consultation of people as well as a consultation among themselves before making a decision. Another principle with regard to the freedom in the choice of religion guarantees to everyone living in a Muslim country the right to believe in anything without compulsion. People from

and that all political connection between them and the State of Great Britain is, and ought to be totally dissolved.

That it is expedient forthwith to take the most effectual measures for forming foreign Alliances.

That a plan of confederation be prepared and transmitted to the respectable Colonies for their consideration and approbation.” The Avalon Project, “Lee’s Resolution”. <<http://www.yale.edu/lawweb/avalon/lee.htm>>. [December 14, 2007].

¹² James H. Huston, “The Founding Fathers and Islam” (May 2002). <<http://www.loc.gov/loc/lcib/0205/tolerance.html>>. [February 17, 2007].

different religions are allowed to live without any oppression in a Muslim country.¹³
These principles are ensured by the Declaration of Independence.

The existence of some common principles in the Quran and the American Declaration of Independence may lead us to think that Thomas Jefferson might have known or had access to the contents of the Holy book of Islam. One may even think that a possible inspiration from Quranic sources might have helped him draft the Declaration. A proof that Jefferson had access to such sources could reinforce the assumption of an allegeable influence.

The first Muslim democrat United States congressman provides us with an answer: Keith (Hakim Mohamed) Ellison¹⁴ who serves the 5th Congressional District of Minnesota. His election scandalized many Americans, and his ceremonial pledge-in attracted more media than ever witnessed in the history of the U.S. House. Keith Ellison found himself under heavy criticism because he took oath of office on the Quran on January 4, 2007. The Quran he used was no common book. It was the personal copy owned by Thomas Jefferson.¹⁵

Even though there were earlier translations of the Qur'an, Jefferson was helped

¹³ Refer to the following 'Surats' of the Quran: in 2: 256: "There shall be no compulsion in religion: the right way is now distinct from the wrong way..." See also: 6: 151: "...You shall not kill -- God has made life sacred -- except in the course of justice. These are His commandments to you that you may understand". And, 2: 191: "...Oppression is worse than murder..."

¹⁴ Ellison, 42, was born in Detroit, Michigan. He is a father of four children. He moved to Minnesota in 1987. He graduated from the University of Minnesota Law School with a Juris Doctor degree in 1990. He is also a state legislator and a community advocate. He converted to Islam in college.

¹⁵ In 1815, it was acquired by the Library of Congress with a collection of 6,400 volumes sold by Jefferson for \$ 24,000 in replacement of the congressional library that had been burned by the British troops during the war of 1812.

in his reading of the holy book by the translation of George Sale that was published in 1734 in London.¹⁶ Frank Dewey, a scholar who studied the records of Jefferson orders of books, informs us that Jefferson bought this copy around 1765. In fact, it was the 1764 edition that Jefferson purchased. Even though Sale's translation was the first genuine English translation of the Arabic text, it was heavily rejected by the Muslim World because of its criticism of the Prophet and Islam in its supplementary notes.¹⁷

Although he has been fiercely criticised, Ellison justified his choice of Jefferson's Quran by stating that it showed that a visionary like Jefferson believed that wisdom could be gleaned from many sources. Ellison sought to bring a new insight on American history¹⁸ by avowing that the Founding Fathers were influenced by the Quran.¹⁹ He defended his decision by affirming that Jefferson's Quran "shows that from the earliest times of the American Republic, the Quran was in the consciousness of people who brought about democracy."²⁰

¹⁶ Sebastian R. Prange, "Thomas Jefferson's Qur'an" *Saudi Aranco World* July/August 2011 in <http://www.saudiaramcoworld.com/issue/201104/thomas.jefferson.s.qur.an.htm> [February, 2013].

¹⁷ "English Translations of the Qur'an" in <http://answeringislam.org/authors/gilchrist/quran/translations.html> [February, 2013]

¹⁸ Ted Sampley, "What Jefferson learned from the Muslim book of jihad" *The U.S. Veteran Dispatch*. (January 2007). <http://usvetdsp.com/jan07/jeff_quran.htm>. [November 15, 2007].

¹⁹ For further information refer to: Niraj Warikoo, "Ellison: Quran influenced America's founding fathers". (January 5, 2007). <[http://www.freep.com/apps/pbcs.dll/article?AID=/2007/0105/NEWS01/70105032/100...>](http://www.freep.com/apps/pbcs.dll/article?AID=/2007/0105/NEWS01/70105032/100...). [February 17, 2007].

²⁰ Kimberly West, "What Thomas Jefferson Might Have to Say About Congressman Keith Ellison Swearing in on His Quran". (January 19, 2007). <[http://www.associatedcontent.com/article/120692/what_thomas_jefferson_might_hav...>](http://www.associatedcontent.com/article/120692/what_thomas_jefferson_might_hav...). [December 16, 2007].

Running for religious freedom in Virginia, Thomas Jefferson called for the acknowledgement of the religious rights of the Jew and the Gentile, the Christian and the Muslim.²¹ The Bill for Establishing Religious Freedom became a law on January 16, 1786. Its value lies in the fact that it generated the First Amendment of the U.S. Constitution that corresponds to the first section of the Bill of Rights as well.²²

The Founding Fathers must have been influenced by Islam through the early tolerance they showed toward Muslims. This tolerance is seriously menaced these days by the misunderstanding of the Islamic religion and the vision of the American Founding Fathers.

b/ North African Muslim participation in the American Revolution

A large amount of what has been written over the years on the American Revolution deals with a limited scope of its heroes. Unlike the studies focusing mostly on the involvement of White and Afro-Americans,²³ we suggest providing evidence of Afro-American and North African Muslim participation in the American Revolution.

²¹ Thomas Jefferson, "Autobiography on the Bill Establishing Religious Freedom" (1921). <<http://teachingamericanhistory.org/library/index.asp?documentprint=601>>. [December 16, 2007].

²² The First Amendment records:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

It was approved by the House of Representatives on September 24, 1789 and by the Senate the following day. In 1791, it was ratified by the States.

²³ Among the various participants in the American Revolution, one key person kept our attention: Crispus Attucks (1723?-1770). He was the first American to be killed for the cause of the American Revolution. He died in the Boston Massacre: the struggle that led to the Revolutionary War. The son of a native African father and a Natick Indian

Salem Poor (1747-1780) was one of the African-Americans who were born into slavery in the American colonies. He served with honour at the Battle of Bunker Hill. Six months after this Battle, fourteen officers who attended it wrote a petition to the Massachusetts legislature in December 1775, to praise Poor for his bravery and for having “behaved like an experienced officer as well as an excellent soldier.”²⁴ After his fight at Bunker Hill and Charlestown, he fought at Valley Forge as well as White Plains.

Peter Salem (1750?-1816) was an African American born a slave in Framingham, Massachusetts. He participated in the French Indian War and fought at Lexington and Concord. He fought at the Battle of Bunker Hill, and the battles of Saratoga and Stony Point. After being freed, ‘Peter Buckminister’ became known as Peter Salem ²⁵. As a revolutionary hero, a monument was constructed in Massachusetts to honour his memory. Salem Poor has been honoured, along with Peter Salem, on U.S. postage stamps for their service of distinguished valour in the American Revolution.

North African Muslim contribution to the American Revolution can be exemplified by Yusuf Ben Ali, also known as Joseph Benenhaly or the “mysterious Ben

mother, Attucks was an escaped slave who worked as a seaman near Boston. He was buried in the Park Street cemetery in Boston. In 1858, black abolitionists started “Crispus Attucks Day”. His Monument was built in the Boston Common in 1888.

In the speech she delivered in support of the House Resolution to denounce the American presence in Iraq and Afghanistan, Ms Kilpatrick states Crispus Attucks:

“Indeed, when it comes to war, the very first person, black, white, Asian, Pacific Islander, or Native American to die for this country was an African American, Crispus Attucks, who did not even have the right to vote, the right to buy property, the right to be recognized as a human being. He wanted the right to love our country.” Congressional Record. *Iraq War Resolution*. (February 14, 2007).

<http://congreCORD.liberatedtext.org/iraqwar/2007/02/h_cr14fe07_01.html>.

[December 21, 2007].

²⁴ Quoted in “Salem Poor” <<http://www.multied.com/Bio/RevoltBIOS/PoorSalem.html>>.

[December 21, 2007].

²⁵ Salaam in Arabic stands for peace, as for Salem, it means someone peaceful.

Ali.” He was a Muslim from Morocco who fought in the American Revolution under the order of General Thomas Sumter. Sumter²⁶ provided Ben Ali with a piece of land close to his farm in Sumter County after the Revolutionary War. Nowadays, Ben Ali’s descendants are still known as the Turks of Sumter County because of their Moorish origin.²⁷

Americans with North African and Muslim background played a role in the birth of the United States. They are part of American history therefore included in the meaning of American Independence Day.

3/ The aftermath of the American Revolution

a/ From United Colonies to United States

The first reference to the word ‘states’ can be found in the Resolution presented to the Continental Congress by Richard Henry Lee suggesting a Declaration of Independence on June 7, 1776. “Resolved. That these United Colonies are, and of right ought to be independent States.”²⁸ On July 2, 1776, the United Colonies became officially referred to as the United States of America.

²⁶ “The Turks of Sumter County, South Carolina”

<<http://sciway3.net/clark/freemoors/turknewspaper.htm>>. [December 22, 2007].

²⁷ In 1790, the Moors Sundry Act was passed by the South Carolina legislature. It allowed the subjects of the King of Morocco a particular status. It acknowledged Moors as ‘white’ people with Jury duty as a favour. Moors were not concerned by the laws regulating Blacks and slaves.

²⁸ *Journals of the Continental Congress*—“Resolution of Richard Henry Lee; June 7, 1776” *The Avalon Project* in <http://avalon.law.yale.edu/18th_century/contcong_06-07-76.asp> [November, 2006].

The Barbary States of North Africa consisted of present day Algeria, Tunisia and Tripoli and the Kingdom of Morocco. Since the United Colonies declared their independence from Great Britain, the Founding Fathers must have searched for a powerful model to follow. The appellation United Colonies had to be changed. The point we are driving at is that the three Barbary States might have inspired the Founding Fathers to rename the United Colonies, the United States. One has to take into consideration the historical context of the drafting of the American Declaration of independence. At the time the thirteen colonies were combating for their freedom from the mother country, the Barbary States had already acquired a powerful reputation in the Mediterranean and across the Atlantic.²⁹

***/ The first nation to recognise the new-born America**

During his visit to Boston and Cambridge, Morocco's ambassador to the United States, Aziz Mekaour, boasted about Morocco's free Trade Agreement with the United States that went into effect on January 1, 2006.³⁰ He declared that Morocco was the first country to acknowledge the independent United States as a sovereign nation in

²⁹ A proposal for a confederation of African countries under the name of the United States of Africa (USA) was made by North African countries as connotation for the union of countries of the Maghreb. Was it a suggestion to a world power that the acronym was chosen? Or, was it a mere allusion to the former North African Barbary States? One may think of the amalgam of both.

³⁰ Daniel Benaim, "A visit to market Morocco. Envoy touts trade, long ties to US". (June 18, 2006).
<http://www.boston.com/news/local/articles/2006/06/18/a_visit_to_market_morocco> [September, 2006].

1777. Some claims affirm that the Netherlands was the first country to recognize the newly born United States of America back in 1776. This assertion is sustained by the fact that a small Dutch Caribbean colony gave a 21-gun greeting to an American ship. Such salute was given to independent states. In fact, in 1776, the Netherlands was the first country to salute the American flag. However, Morocco was the first country to recognize the infant United States as a new political entity back in 1777.

Michael Oren, author of *Power, Faith, Fantasy: America in the Middle East, 1776 to the Present*,³¹ in a paper - - read to the Washington Institute's Special Policy Forum -- explained that the American presence in the Middle East focused on three themes, namely: power, faith, and fantasy. As for the first, it concerns the concrete American interests in the Middle East. The pursuit of this power, according to Oren, started just after the birth of the United States. Acknowledging that Morocco was the first country to recognize the United States as an independent country in 1777, he also mentions that one of the first treaties of the United States was with Morocco.³²

The American Barbary States links extend to Post-Revolution United States. A large amount of what has been written on the Barbary States over the recent years emphasizes that America had to face terror and piracy from the Barbary States in its early years after independence. However, most of the material hardly mentions the episode of its recognition as a free independent country. When it was the most fragile, it needed a powerful hand to welcome her to the family of Independent States. That

³¹ Michael Oren, *Power, Faith, and Fantasy: America in the Middle East, 1776 to the Present*. (New York: W.W. Norton & Company, 2007).

³² "The History of U.S. Foreign Policy in the Middle East" (March 28, 2007) <<http://www.washingtoninstitute.org/templateC05.php?CID2578>> [February 8, 2008].

helpful hand was from the Barbary States. This very link ought not to be subject to oblivion.

***/ Muslims' desired inclusion in the building of the American Nation**

A group of common people of Chesterfield County, Virginia, petitioned the State assembly on November 14, 1785 to express their opinion with regard to the inclusion of Muslims, amid other people to partake in the growth of the United States:

Let Jews, Mohametans and Christians of every denomination enjoy religious liberty.. thrust them not out now by establishing the Christian religion lest thereby we become our own enemies and weaken this infant state. It is men's labour in our manufactories, their services by sea and land that aggrandize our Country and not their creeds. Chain your citizens to the state by their Interest. Let the Jews, Mohametans and Christians of every denomination find their advantage in living under your laws.³³

This inclusion, according to the people of Chesterfield County can operate fully with the establishment of religious freedom. They did not advocate the institution of the Christian religion because they considered it as a restrictive parameter. They rather promoted religious diversity since they regarded this latter as a strength that would

³³ From a petition of citizens of Chesterfield County VA., to the State assembly Nov 14, 1785 quoted in James H. Huston, *"The Founding Fathers and Islam"*. (May, 2002). <<http://www.loc.gov/loc/lcib/0205/tolerance.htm>>. [February 17, 2007].

allow the involvement of citizens from different religions in the construction of the new independent state.

Even though there were few people belonging to the founding generation who argued against Islam, it is necessary to mention those who had a favourable attitude toward it. The Pennsylvanian philosopher of the American Revolution and subscriber of the Declaration of independence, Benjamin Rush, praised the Islamic principles and expressed their positive impact on young American people. He avowed that he had: "rather see the opinions of Confucius or Mohammed inculcated upon our youth than see them grow up fully devoid of a system of religious principles."³⁴

A positive opinion on Muslims was also stated by the president of Yale College, Ezra Stiles, who mentioned, back in 1783,³⁵ an analysis that evidenced that the Muslim principles could be useful to the different people of the new nation.³⁶ Muslims were thought to exercise good principles because they knew they would be paid back in their second life. For the Founding Fathers, such a responsible and sane conduct was needed to ensure a respectable social behaviour.

In attempting to arrange for workmen at Mount Vermont in 1784, George Washington made it clear that he would receive Muslims: "If they are good workmen, they may be of Asia, Africa, or Europe. They may be Mohometans, Jews or Christians

³⁴ Quoted in James H. Huston, "*The Founding Fathers and Islam*" (May 2002). <<http://www.loc.gov/loc/lcib/0205/tolerance.html>> [February 17, 2007].

³⁵ In 1780, he was studying Arabic. He gave the priority to the Near Eastern Languages. In 1842, Arabic was first taught at Yale College before any course in English or American literature or most modern languages. In fact, the study of Arabic commenced in Europe in the 10th century A.D. It reached its climax two or three centuries later and knew a revival in the 16th and 17th centuries.

³⁶ Ibid 30, op., cit.

of any Sect, or they may be Atheists.”³⁷ At the time of America’s making, there were a lot of Muslims living there. There were early Muslim communities in South Carolina and Florida back to the pre-Revolutionary era at least. Even though there were earlier translations of the Quran, the first American edition of the Quran did not appear until 1806.³⁸

From the quotations presented above, it seems evident that the Founding generation showed an early tolerance with regard to Muslims. Furthermore, the incorporation of Muslims in the building of the new nation was not only accepted, but it was hoped for as well.

b/ The birth of a nation and the end of British maritime protection */ The American-French alliance

Immediately after 1783, American merchant shipping in the Mediterranean was jeopardised since it was no longer protected by the British tribute to the Barbary States. Michael Oren traces America’s involvement in the Middle East back to July 4, 1776, when America confronted the world and more specifically the Middle East without the shield of her mother country. Now that America was independent, it had to depend on

³⁷ “George Washington (1732-1799). Some of his quotations”

<<http://www.egreetingsect.com/1F/B/AG/index.shtml>> [December 25, 2007].

³⁸ *The Koran, Community Called The Alcoran of Mohamet*. Trans by Sieur de Ryer 1st ed (Springfield: Henry Brewer, October 1806) In <<http://archive.org/stream/korancommonlycal00john#page/n4/mode/1up>> [February, 2013].

herself to secure the safety of her merchant shipping in the Middle East. The Post-Revolution relationships between America and the Barbary States played an outstanding role in the making of what was going to become one of the greatest nations in the world.

The formal recognition of the United States by France was marked by the signature of a Treaty of Amity and Commerce³⁹ that expressed the agreement of the two countries to help each other in an unlimited scope of time in case of British aggression.

The French-American alliance is relevant to our study since the first reference to the Barbary Powers is clearly stated in the eighth article of the Treaty signed between the United States and France in 1778.⁴⁰ French alliance with the United States comprised irrefutable proof of her need to seek the protection of this latter to safeguard her safety and interest in the Barbary Coast. Even two years earlier, the Continental Congress in the seventh article of its plan of a treaty with France had already expressed concerns with regard to impending threats emanating from Algiers.⁴¹

³⁹ The Avalon Project, "Treaty of Amity and Commerce Between The United States and France; February 6, 1778" <<http://www.yale.edu/lawweb/avalon/diplomacy/fr1778-2.htm>>. [December 26, 2007].

⁴⁰ *Idem*.

⁴¹ "The most Christian king shall protect, defend and secure, as far as in his power, the subjects, people and inhabitants of the United States, and every of them, and their vessels and effects of every kind, against all attacks, assaults, violations, injuries, depredations or plundering, by or from the King or emperor of Morocco or Fez, and the states of Algiers, Tunis, and Tripoli, and any of them, and every other prince, state and power on the coast of Barbary in Africa." In Secret Journals of the Acts and Proceedings of Congress, from the First Meeting thereof to the Dissolution of the Confederation, by the Adoption of the Constitution of the United States, V 2. (Boston, MA: Thomas B. Wait, 1820), pp. 63-64, "Plan of a Treaty with France," September 17, 1776 in

*/ American Treaties with the Barbary States

The series of treaties signed between the United States of America and the Barbary Powers started three years after her independence and ended in 1836, half a century later. During fifty years, America signed 8 treaties with the Barbary States: two treaties with Morocco, three others with Algeria, two with Tripoli and one with Tunisia.

The twenty-five article treaty signed between the United States and Morocco on June 28, 1786,⁴² also known as the treaty of Marrakech, provided for the defence of American shipping in the Mediterranean and for commerce between the two nations. The importance of this treaty lies in the fact that it was the first signed with any Arab, Muslim or African country.⁴³ It also showed the old peace and friendship of both nations.

Fifty years later, a second treaty was signed between the two countries on September 16, 1836.⁴⁴ The treaty sought to secure American shipping and insert a clause stipulating to make the treaty remain effective indefinitely.

<<http://www.archive.org/stream/secretjournalsof2unit>>. This work will be abbreviated hereafter as SJ.

⁴² The Avalon Project, "Treaty with Morocco, June 28 and July 15, 1786" <<http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1786T.htm>>. [December 27, 2007].

⁴³ "Historical background on United States- Morocco Relations" <<http://www.usembassy.ma/usmorrelations/historicalbgnd2.htm>>. [December 27, 2007].

⁴⁴ The Avalon Project, "Treaty with Morocco September 16, 1836" <<http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1836T.HTM>> [December 27, 2007].

In his Address on the Gala Dinner offered by the US-Algerian Business Council and the Algerian Embassy to the United States, His Excellency Abdelaziz Bouteflika, dated American Algerian relations back to 1795:

Our current relations are not commensurate with what they could be after the 207 years of mutual recognition and support which have elapsed since the signature on September 5, 1795 of our first Peace and Friendship Treaty.⁴⁵

In 1812, however, the *Dey* of Algiers, Omar Bashaw, expelled Tobias Lear, the US consul general, and declared war on the United States for not paying her tribute. The war between the two countries ended with the signing of a treaty, aboard the *Guerrière*, in the Bay of Algiers, on June 30 and July 3, 1815.⁴⁶ By this treaty, the *Meshuda* and *Estedio* were returned to the Algerians in exchange for all American captives. The third treaty signed with Algiers was on December 22 and 23, 1816.⁴⁷ It was a renewal of the previous treaty with an additional explanatory Article.

The treaty with Tripoli signed on November 4, 1796 and at Algiers January 3, 1797 was a treaty of Peace and Friendship between the U.S. and the *Pasha* and Subjects

⁴⁵ "Address of His Excellency Abdelaziz Bouteflika" (September 16, 2002). <http://www.algeria-us.org/news_reports/Presidential%20Address.htm> [December 27, 2007].

⁴⁶ The Avalon Project, "Treaty with Algeria June 30 and July 3, 1815" <<http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1815t.htm>>. [December 27, 2007].

⁴⁷ The Avalon Project, "Treaty with Algeria December 22 and 23, 1816" <<http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1816t.htm>>. [December 27, 2007].

of Tripoli of Barbary.⁴⁸ It was terminated by Tripoli in 1801 and renegotiated after the first Barbary War in 1805.⁴⁹

The treaty signed between Tunis and the United States on August 28, 1797 up to 1799, provided safety to Americans at a higher price than what was mentioned in the treaty of Tripoli.⁵⁰ Four articles were amended, namely, the sixth, eleventh, twelfth and the fourteenth and resulted in the Convention with Tunis of February 24, 1824.⁵¹

During the fifty years following her independence, the United States signed eight treaties with the Barbary Powers. The North African Barbary Coast represented a threat to the United States, but it also mirrored the hope of the growth of a safe American maritime shipping in the Mediterranean.

⁴⁸ The Avalon Project, "*Treaty with Tripoli November 4, 1796 and at Algiers January 3, 1797*" <<http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1796t.htm>>. [December 27, 2007]. The eleventh article of this Treaty stipulated that America was not a Christian Nation and that it was not hostile to Muslims.

⁴⁹ The Avalon Project, "*Treaty with Tripoli June 4, 1805*" <<http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1805t.htm>>. [December 27, 2007].

⁵⁰ The Avalon Project, "*Treaty with Tunis August 28, 1797*" <<http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1797t.htm>> [December 27, 2007].

⁵¹ The Avalon Project, "*Tunis-Convention of February 24, 1824 Amending the Treaty of August 1797, and March 26, 1799*" <<http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1824t.htm>> [December 27, 2007].

Chapter Two

Algiers: the leading power of the Barbary States

Even though the Barbary States were under the nominal control of the Ottoman Empire, they were independent and ruled by Turkish corsairs. The most famous Barbary corsairs were the Barbarossa brothers: Arudj, Kheir ed-Din, Issak and Elias.¹ Thanks to its powerful navy, Algiers was the leading power of the North African states. It was this very power that made the European nations appeal for her alliance and conciliation in times of conflicts. These latter were not restricted to Europeans, they were also vital for the regencies themselves that needed the support of Algiers for peace as well as to put an end to conflicts which occurred between them as in the case of Tripoli and Tunisia in 1692. In fact, the protection of the *Dey* of Algiers was requested by Tripoli against the *Bey* of Tunisia. The advice of the *Dey* of Algiers was also needed by Tripoli, a year later in its conflict with France, thereby extending the outstanding role of Algiers to settling conflicts between the regencies and other countries.²

1/ Algerian Privateers

Algerian privateers were not criminals as often suggested. They were

¹ They were from the island of Lesbos in Greece. Their mother who was Christian was the widow of a Christian priest. As for their father Yaqub, he was a retired Janissary soldier who owned a boat to trade his products of pottery. His sons Arudj and Kheir ed-Din assisted him in his activities. Further details are available in: "Privateering History: The Barbarossa Brothers" (December 3, 2002). <<http://www.privateer.omena.org/barbarosa.htm>> [July, 2004] and Emile Bradford, *The Sultan's Admiral: The Life of Barbarossa* (New York, Harcourt, Brace and World, 1968).

² Moulay Belhamissi, *Marine et Marins D'Alger (1518-1830)*, 3 ed., Vol. 3, *Grandeur et Décadence* (Bibliothèque Nationale, 2003), pp. 25-26.

government agents since we have records of their identities. The *Dey* of Algiers delivered *letters of marquee* to his privateers. The role of Algerian privateers was to counteract the European piracy and privateering on the one hand, and to collect revenue and conduct commerce on the other.

a/ Counteract European piracy and Privateering

The terms piracy and privateering have been for a long time interchangeably misused. The word privateer derives from the privately possessed ship operating under *a letter of marquee and reprisal*. The pirates, however, were outlaws who ran stateless ships, raided their shipping in addition to that of other countries in times of peace or war, and could not benefit from any legal protection. Thus, Algerian privateers were operating under the aegis of an acknowledged government which enjoyed international prestige and provided them with the permission to fight their enemies. It was a legal fight for a legitimate cause: withstand European, more specifically Spanish advances in North Africa.

To better comprehend the role of the Algerian privateers, one has to know the different enemies they had constantly to face. Spain headed the Christian world against Algiers. The Spanish royal kings started their ambitious plan to conquer North Africa just after the fall of Granada. This is how *Marsa el kebir* (Oran, Algeria) was taken in 1509, and so was Béjaia a year later. In addition, the kingdom of Naples was very active in the European coalition

Against Algiers. The religious orders represented by the Order of Saint John of Jerusalem, the Order of Malta, and the knights of Saint Etienne, were also used by Europe to contend with the Regency of Algiers.³ These European countries mainly comprised Holland, Sweden, France, England, and Russia.⁴

b/ Collect revenues to conduct commerce

In the 18th century, about eighty percent of the Mediterranean Coast was under Muslim control. In fact, the Ottoman Empire, which was a federation of an outstanding number of states, included most of nowadays Eastern European countries such as: Serbia, Greece, Bulgaria, parts of Romania and Ukraine. It also comprised countries from the Middle East known today as: Syria, Lebanon, Palestine, Iraq, Egypt, and North African States: today Libya, Tunisia, and Algeria. In this sense, these countries and more specifically those of the North African coast dealt with the Mediterranean Sea as a small Muslim Lake and their diplomacy consisted in making non-Muslim countries pay tribute known as 'djyza', in return for a secure commerce in the Mediterranean.⁵ This method was acknowledged as a reality at that time. In 1776, Great Britain and most

³ Charles V of Spain, who made the gift of Malta to the Order in exchange for an annual payment, asked for the aid of the Order to attack Algiers by sea in 1519. Refer to: "A Short History of the Order of St. John of Jerusalem" in <<http://www.orderstjohn.org/osj/sjhist1.htm>> [December, 2008]

⁴ Moulay Belhamissi, *Marine et Marins d'Alger 1518-1830*, 3 ed., Vol. 1, *Les Navires et les Hommes* (Bibliothèque Nationale, 2003), pp. 55-66.

⁵ This word is also spelled jyzia as previously written in the present thesis. For further information consult: 'The Djyza in Islam' 'الجزية في الإسلام' in <<http://www.albshra.com/showthread.php?t=6601>> [May 9, 2009].

European countries were paying the ‘*djyzia*’ to today’s North African countries. Thus, the role of Algerian privateers extended to that of collecting revenues needed for commerce. The ‘*djyzia*’ system was applied with no exception including the American ships that sailed in the Mediterranean. After its Revolution in 1776, America had to pay the ‘*djyzia*’ to Algiers, a duty that Great Britain had accomplished up to the American independence.

2/ Algerian treaties with European Countries

Thanks to her geographical situation on the western part of the Muslim world, Algiers granted herself the duty to protect the Muslims and thwart the colonial plans of European countries. This attitude allowed her to impose and raise her international status. For more than three centuries, the Algerian Navy had an undeniable role in paving the way to diplomatic relations between the Regency and the European countries. To ensure the safety of their commercial ships and commerce in the Mediterranean Sea, the latter attempted to gain the friendship of the rulers of the Regency of Algiers through different means: services, gifts, and treaties that resulted from the peace negotiations.⁶ For the sake of conciseness, the annual tributes mentioned in each treaty, as well as the presents that had to be offered to the Regency to

⁶ For further details on the different gifts and presents provided by foreign nations to the Regency with the signature of the treaties and the annual additional presents refer to chapters XX, XXI, and XXII of Moulay Belhamissi’s *Marine et Marins d’Alger 1518-1830*, 3 ed., Vol. 3, *Grandeur et Décadence* (Bibliothèque Nationale, 2003), pp. 29-126.

maintain peace will not be mentioned, as they represent by themselves a whole topic of study. However, the references used contain rich sources that cite them with a great deal of meticulousness.

Among the two hundred and fifty treaties that the Barbary States signed with European nations, the Regency of Algiers signed about one hundred and ten treaties.⁷ This means that the Regency of Algiers signed about forty-four per cent of all the treaties signed by the Barbary States. This might be considered as an additional point according to which Algiers was the leading power of the Barbary States.

Since treaties were signed only between lawful counterparts, the European treaties with the Regency of Algiers refuted the labelling of the latter as a pirate state and rather meant a diplomatic recognition of Algiers as a legal state.

Most of the treaties evolved around the same themes, namely privateering, the duties and responsibilities of the consuls, diplomatic immunity, taxes, captives, freedom of worship and navigation.⁸ The Regency of Algiers signed treaties with fifteen European nations. From the Iberian Peninsula, Spain will be chosen. Great Britain will exemplify Anglo-Saxon states. The case of the United States will be given special focus in the second part of the present work. Denmark and Sweden will represent Nordic States, and Austria,

⁷ Refer to the table of Treaties signed by the Regency of Algiers between 1619 and 1830 in Appendix 21.

⁸ Abdelkrim Boudjadja, «*Tableau Des Traités De Paix et De Commerce Signés par Les Etats Du Maghreb Avec Les Nations Occidentales Du XVI au XIX siècles*», (April 7, 2007) in <http://www.afriblog.com/blog.asp?code=bousselham&no_msg=4756> [May 23, 2009].

France and Holland will stand for other countries.⁹

a/ Holland

Even though Holland was among the countries recognized as a maritime power, it needed to ally with the Regency of Algiers as the two countries had a common enemy: Louis XIV. Thus, a treaty was signed between the United Provinces and the Regency of Algiers on April 30, 1612. It allowed the supply of arms as well as diverse construction materials needed for the navy of the Regency. In May of the following year, another document was signed comprising additions to the previous treaty.¹⁰ Since any delay in the accomplishment of the terms of agreements triggered war from the Regency, in the eighteenth century, Dutch people were compelled to intensify peace negotiations with the latter. This led to the signature of the 1757 treaty that brought significant contribution to the Regency in arming and naval materials.

b/ Denmark

The Denmark signed two treaties of peace and commerce with the Regency of Algiers between 1746 and 1772. Spain was not satisfied with this alliance and exercised a lot of pressure on Denmark to stop providing the Regency with ammunitions and arms.

⁹ Refer to the table of treaties in Appendix 21.

¹⁰ Moulay Belhamissi, *Marine et Marins d'Alger 1518-1830*. 3 ed., Vol. 3, *Les Navires et les Hommes* (Bibliothèque Nationale, 2003), p.120.

The first treaty signed between the Denmark and the Regency of Algiers was in 1746.¹¹ This treaty included articles which ensured the secure passage of Danish ships with their booty in Algerian ports. As for the treaty signed on April 10, 1749, after Algiers declared war on Denmark, it stipulated the annual presents the latter had to send to the Regency.

c/ Austria

In 1757, Francis II, emperor of Austria, signed a treaty with the *Dey* of Algiers allowing the shelter of ships of the Barbary States in the Tuscany ports in case they were caught in a tempest or chased by enemies. As for Austria, it was thanks to the Ottoman Porte that it was exempted from providing tribute and annual presents to the Regency of Algiers.¹²

d/ Sweden

To protect its commerce in the Mediterranean, Sweden had to gain the amity of the Regency. The signature of Peace treaties and the supply of naval and military materials to Algiers in 1723, 1731 and 1747 helped Sweden uphold this protection. Up

¹¹ *The Treaty between Denmark and Algiers* in <<http://web.sdu.dk/mrh/treaty.htm>> [May 15, 2009].

¹² Thomas Shaw, *Voyage dans la régence d'Alger ou Description, Géographique, Physique, Philologique, etc., De cet Etat*. Trans by J. MacCarthy (Paris, 1830), p. 211. Refer to the 1739 treaty: «*Traité définitif entre l'Autriche et la Porte*» "Final treaty between Austria and the Ottoman Porte" Max. Samson & Fred. Schoell, *Cours d'Histoire des Etats Européens Depuis le Bouleversement de l'Empire Romain d'occident jusqu'en 1789*. (Berlin: Duncker et Humblot, 1834).

to 1814, it sent to Algiers the needed naval materials and presents to the *Dey*. The 1729 treaty between Sweden and Algiers is very exceptional. According to Joseph Donaldson who came in 1795 on a two-year mission to the Regency of Algiers, the peace treaty signed between the Regency of Algiers and the United States in 1795 was a copy of the treaty signed between Sweden and Algiers:

The treaty of peace between Algiers and the United States, when it was signed a few days later, was a direct copy of a treaty made between Sweden and Algiers in 1723. This had proved a quite satisfactory document for the last seventy-two years, during which time the Algerians had used its wording as the basis for all their treaties with Christian powers.¹³

e/ Great Britain

The year 1580 characterized the designation of John Tipton as the first British Consul in Algiers, thereby marking the official friendship relations between Great Britain and the Regency of Algiers.¹⁴ During the rule of Elizabeth I of England, the

¹³ F. E. Ross, "The Mission of Joseph Donaldson, Jr., to Algiers, 1795-97", in *The Journal of Modern History*, vol. vii, No. 4, Dec. 1935 p. 427. Quoted in H. G. Barnby, *The prisoners of Algiers An Account of the forgotten American-Algerian War 1795-1797*, (London: Oxford University Press, 1966), p. 193.

¹⁴ Queen Elizabeth I of England established the English Barbary Company in 1585. The latter was also known as the Morocco company and was to take advantage of commerce with Morocco. In 1600, an Anglo-Moroccan alliance was prepared according to which Queen Elizabeth I accepted to provide munitions supplies to Morocco and negotiated with Abd el Ouhad ben Messaoud, the Moorish ambassador of the Barbary States to her Court, the possibility of a cosignatory action against Spain. These discussions were not successful as both died. It has been proposed that the figure of the Moorish ambassador might have inspired the character of Othello, Shake-

diplomatic relations as well as commerce evolved between both countries which had a common enemy: Spain. This prevented the Barbary States from attacking English ships. This situation did not last, as during his reign, James I showed sympathy toward Spain, leading to Barbary assaults against British troops.

As for the British naval interest in the Mediterranean, it was nourished by two main reasons. The first one was to paralyse the activities of “Algerine” corsairs who disfavoured their commerce. The second one lay in the desire to have a fleet there to keep an eye on Spain. Early British expeditions in the Mediterranean date back to 1620, the year of the first permanent English settlement in America.

A period of temporary truce¹⁵ was observed between Algiers and Great Britain after the signature of a peace treaty in 1623. Then, hostilities started again and captives were taken from both sides until the 1682 peace and trade treaty.¹⁶ In the 18th century, a Barbary-English alliance was reinforced following the Anglo-Napoleonic War. This

speare's Moorish hero. For more details consult: “Elizabeth I of England”, Wikipedia in <http://en.wikipedia.org/wiki/Elizabeth_I_of_England> [May 19, 2009].

¹⁵ For more details refer to Osman Bencherif, *The British in Algiers* (RSM Communication, 2001). Consult also: Robert Playfair, “Episodes de l’Histoire des Relations de la Grande Bretagne avec les Etats Barbaresques avant la Conquête Française” pp. 306-19, 401-33 in *Revue Africaine*, 22 (1878).

¹⁶ For further details on the treaties signed by Great Britain and the Barbary States, consult: Great Britain, *Treaty of peace and commerce between the King of Great Britain and the Emperor of Morocco: also treaties of peace and commerce between the King of Great Britain, the Bey and Commander of Tunis, the Dey and Governor of Algiers, and the Bey and Governor of Tripoli. Published by authority*, (London: E. Owen and T. Harrison, 1763) in <<http://openlibrary.org/b/OL16973415/Treaty-of-peace-and-commerce-between-the-...>>, [May 21, 2009] and also Great Britain, *Extracts From The Treaties Between Great Britain And Other Kingdoms And States, Of Such Articles As Relate To The Duty And Conduct Of The Commanders Of His Majesty's Ships Of War*, (London, 1792) in <<http://openlibrary.org/b/OL20012064M/Extracts-from-the-treaties-between-Great-Brit...>>. [May 21, 2009]. This book includes treaties signed with Morocco from 1721 to 1783, treaties with Algiers from 1698 to 1762, and the 1751 and 1762 treaties signed with Tripoli and Tunis.

alliance turned to hostility twenty-seven years later. Even though in the Congress of Vienna held in 1814 European Nations were unanimous in their decision to destroy the Regency, the results of the American expedition against Algiers in 1815 encouraged the British, the following year, to undertake against the Regency an attack led by the English Admiral, Lord Exmouth and the Dutch Von Capellan.¹⁷ This assault was meant to free the British merchant Navy from the menace of the “Algerine” privateers.

f/ Spain

The Spanish military expeditions against the Regency of Algiers, which started just less than two decades after the fall of Granada, were going to continue for the following two centuries. Even though the aim of Spain was to take hold of the Regency, it concealed it under the excuse of putting an end to Muslim piracy. As early as 1510, Algiers re-signed a treaty with Spain to avoid the latter’s seizure of the Regency, which was part of the Spanish plan to conquer the North African coast. The Barbarossa brothers with Turkish troops entered Algiers in 1516, captured it from the Spaniards, and transformed it into a Regency under the Ottoman Empire.¹⁸ Kheir-ed Din threw out the Spaniards and made of Algiers a powerful bastion in North Africa.¹⁹

¹⁷ Refer to Part III of the present thesis.

¹⁸ Refer to: John B. Wolf, *The Barbary Coast: Algiers under the Turks, 1500-1830* (New York, 1979).

¹⁹ For more information on Ottoman Algeria and its relations with Spain refer to: Jamil M. Abdun-Nasr, *A History of the Maghrib in the Islamic period*, pp. 151-168 in <http://books.google.fr/books?ID=jdlKbZ46YKC&pg=PA151&1pg=PA151&1/treati...>. [May 21, 2009].

Until 1785, Spain had been in almost recurrent state of war with Algiers.²⁰ Her three attempts to subdue the city proved to be successive failures for three centuries.²¹ As for General O'Reilly's assault on Algiers in 1775, it was a demeaning disaster for the Spaniards. Acrimonious to the menace of Spanish intervention in their commerce, the "Algerines" decided to conjugate their efforts to oust the Spaniards. The failure of the latter could be attributed, in addition to the boldness and defensive character of the people of Algiers and the tribesmen who came from all the parts of the Regency, to the fact that Spain relied too much on the revolt of the local population against the Turks to take control of the city.²²

A 'Truce to last One Hundred Years' was signed between Algiers and Spain in 1785. But, as reported by Ahmad Tawfiq al-Madani,²³ December 9, 1791 was the date when the peace treaty was signed, and it was not until February 24 of the following year that it took real powerful effect when the "Algerine" troops entered Oran, which was controlled by the Spaniards until 1792.

g/ France

As one of the main diplomatic partners of the Barbary States, France signed between the 16th and 18th centuries, ninety-one treaties with the latter. During this

²⁰ This was the year when Spain resolved a truce with Algiers. As the Algerian privateers had been fighting the Spanish for years, this truce allowed them to venture west of Gibraltar and go out in the Atlantic.

²¹ A whole chapter on the Algerian-Spanish conflicts is generously detailed in Moulay Belhamissi, *Marine et Marins d'Alger 1518-1830*, 3 ed., vol. 2, *Face à l'Europe* (Bibliothèque Nationale, 2003), pp. 43-67.

²² John Powell, *Spanish-Algerine War*, (Oklahoma Baptist University, 2006) is a good reference for this war.

²³ احمد توفيق المدني، *حرب الثلاثمائة سنة بين الجزائر و اسبانيا 1792-1492* (الجزائر الشركة الوطنية للنشر، 1968)

period, it became a privileged diplomatic partner for the Regency of Algiers as fifty-nine treaties were signed between the two nations.²⁴

The first Algerian-French treaty was signed in 1619, fifty-five years after the first French consul was nominated in Algiers. It was also the first treaty Algiers signed with a European country.²⁵ The year 1643 was going to be a turning point in the history of both countries as it divided Algerian-French relations into two parts. The part before Louis XIV consisted in regarding the Regency more or less as an ally, whereas the second part which included his reign lay in viewing the Regency as an enemy to be knocked down.

Several treaties were signed in the 17th century between the Regency of Algiers and France. As these treaties were constantly violated, there was an increase in expeditions which continued through the following century.²⁶

In this sense, during the period lasting from 1660 to 1680, Moulay Belhamissi²⁷ informs us there were nine French expeditions against Algiers which led to nothing but temporary peace. The attack of Jijel in 1664 was different from the other French expeditions since it was the first time France thought of a permanent conquest from an

²⁴ Abdelkrim Badjadja, «*Tableau Des Traités De Paix Et De Commerce Signes Par Les Etats Du Maghreb Avec Les Nations Occidentales Du XVI Au XIX Siècles*» (April 7, 2007) in <http://www.afriblog.com/blog.asp?code=bousselham&no_msg=4756> [May 23, 2009].

²⁵ Alex De Miltitz, *Manuel Des Consuls*, Tome II, (Londres: A. Asher, 1839), pp. 6-9 in <http://books.google.dz/books?id=S4gOAAAQAAJ&printsec=frontcover&hl=fr&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false> [May, 2009]. Two other treaties were signed in 1628: one on September 19, and the other one on September 23.

²⁶ For details on treaties and French expeditions refer to: Eugene Plantet, *Correspondance Des Deys D'Alger Avec La Cour De France, 1579-1833*, Tome I & Tome II. (Paris, 1839).

²⁷ Moulay Belhamissi, *Face à l'Europe*, p. 72.

Algerian port. The failure of this undertaking was analysed by several historians who attributed it to insignificant reasons. Belhamissi denounces, however, the silence with regard to Algerian dissent and the political and moral crisis that exploded in France:

(...) de la résistance algérienne, on ne souffle mot; des véritables causes de la débâcle, on se soucie très peu; sur la crise politique et morale qui éclata en France, on reste prudent; le prix payé par le pays après l'aventure? On préfère ne pas en parler!²⁸

The French defeat had an enormous echo in the Christian world. Louis XIV, who wanted to add his undertaking to the list of his victories, had to face the cruelty of his failure. Since the use of force proved to be inefficient, the resort to negotiations became necessary. As a result, a treaty was signed on May 17, 1666. Even though this French endeavour was a devastating failure, it must have been beneficial as the French knew how to draw the right lessons to turn it into a successful conquest in 1830.

A close look at the treaties signed between Algiers and France in the 17th century reveals that there was a shift in the diplomatic position of France with regard to the *Dey* of Algiers. France used to treat with Algiers through intermediaries. In the treaty entitled: *Le Traité entre sa majesté et au nom de Louis XIII Roi de France, et ceux d'Alger pour le commerce, fait à Alger, 19 Septembre 1628*,²⁹ one can notice that there was a deliberate lack of balance in the titles used to designate the authority of each country. That of the Regency

²⁸ Ibid., p. 77.

²⁹ Refer to Alex De Millitz, *Manuel des Consuls*, p. 7.

of Algiers was referred to as ‘those’. However, after the military victories of the Regency, there was a necessity to correct this diplomatic mistake. This correction is observed following the 1666 Treaty ³⁰ after the defeat of Louis XIV, who was compelled to admit that the *Dey* was his equal from a diplomatic standpoint. In addition, the attack of JiJel led Louis XIV to recognize for the first time the existence of the government of Algiers and acknowledge it as a formidable power. ³¹

3/ Violation of Treaties

Between the 17th and 19th centuries, Algiers signed about one hundred and ten treaties of Peace and Commerce with European countries. These treaties did not last. Who was responsible for the violation of these treaties? Why were the treaties infringed? What was the urge to such a recurrent violation through the centuries?

a/ The stakes of alliances

The violation of treaties could be understood in the light of the stakes of alliances. For instance Holland and Algiers had to be allies to counteract the effect of their common enemy: Louis XIV. This alliance was not eternal since in 1816, Holland participated in the bombardment of Algiers. In other words, countries which present a pronounced rivalry could ally in front of a mutual enemy.

³⁰ Idem.

³¹ Moulay Belhamissi, *Marine et Marins d'Alger 1518-1830*, 3 ed., Vol. 2, *Face à l'Europe*, p. 97.

European nations as France, Britain and Holland supported Barbary privateers to assault the ships of their enemies.³² It means alliance depended on the stakes in question. Adversaries could be used as allies to counteract the effects of belligerent nations.

Belhamissi criticizes the conflicting attitude of Europeans with regard to Algerian maritime activities in the Mediterranean Sea and explains that even though European nations were constantly complaining about them, they often attempted to exploit them against their enemies:

Une des contradictions de l'attitude européenne à l'égard de la course algérienne était de se plaindre, de dénoncer et de menacer d'une part, et de souhaiter voir la Régence poursuivre et même renforcer son action en Méditerranée. Anglais, Hollandais et Français avaient, à maintes reprises, cherché à entraîner les deys dans le sillage de leur politique.³³

Another instance of alliance is also provided by H. G. Barnby. He explains how the English and French offered their amity to the regencies of Tunis and Algiers after the occupation of the latter by the Turks. He attributed this alliance mainly to the desire of France and England to oppose Spain and Papal power.³⁴ After the capture of American ships by the "Algerines" in 1785, John Lamb, the US envoy and treaty

³² Max Boot, *The Savage Wars Of Peace. Small Wars and the Rise of American Power* (Basic Books, 2002), p. 9.

³³ Moulay Belhamissi, *Marine et Marins d'Alger (1518-1830)*, 3 ed., Vol. 2, *Face à l'Europe* (Bibliothèque Nationale, 2002), p. 213.

³⁴ H. G. Barnby, *The Prisoners of Algiers. An Account Of The Forgotten American-Algerian War 1785-1797*, (London: Oxford University Press, 1966), p. 68.

negotiator, discussed with Sidi Hassan, the High Admiral of Algiers, a way to achieve peace with the Regency. The latter asserted that since Algiers was at peace with Britain, a possible peace with the United States would not be possible. It would disturb the Algerian-British alliance. Thus, there was no possibility for any treaty at that time:

(...) Sidi Hassan continued, the United States Envoy was wasting his time in Algiers for there was not the slightest chance of his being able to make a peace at the moment. The *Dey*, he explained, was very much the friend of England, for the King of England had recently gratified him with a prompt and generous settlement of various outstanding claims and difficulties. The British Consul was against an American peace, therefore there would be none.³⁵

It seems clear that the Regency of Algiers could not sign more than a peace treaty at a time. In addition, a delay in the fulfilment of the terms of agreements was sufficient to trigger war. If an alliance proved to be at the origin of a conflict of interests, peace treaties were thus violated.

b/ The conflict of interests

In their quest to monopolize commerce or assure a free circulation in the Mediterranean Sea, the European nations competed for political, territorial, and economic reasons. To safeguard their interests, these maritime powers had to ally with

³⁵ Ibid 33., pp. 80-81.

the Regency of Algiers to counterbalance a potential enemy. Different means were utilized to reach this aim. Construction and army supplies were provided to the Regency. Gifts to the *Dey* and his ministers were used to provoke a violation of treaties with countries targeted for war:

On courtisait le Dey et ses ministres, on les inondait de présents et de piastres pour provoquer la rupture des relations avec tel ou tel pays, pour l'entraîner dans des conflits armés.³⁶

The violation of treaties between the Regency of Algiers and the other European nations was followed by a declaration of war. This violation was also due to a neglect of the European nations to honour their commitment in sending the naval materials needed by the Regency.³⁷

As interest often leads to agreement, it also trespasses religious boundaries. This can be applied to the case of Holland and the Regency of Algiers. This very alliance was totally disapproved by Louis XIV who could not conceive that Holland could ally with a Muslim nation. His attitude had to be changed:

Après avoir longtemps ignoré et méprisé la Régence, Louis XIV, depuis 1664, changea d'attitude. Ses guerres contre les Anglais, les Hollandais ou les Espagnols passaient par la

³⁶ Moulay Belhamissi, *Marine et Marins d'Alger 1518-1830*, 3 ed., Vol. 2, *Face à l'Europe* (Bibliothèque Nationale, 2003), p. 214.

³⁷ The different treaties signed by the Regency of Algiers and European countries, as well as the correspondence of Consuls reveal that a lot of European countries as France, Denmark, England and Holland were compelled to send, on a regular basis, the materials needed for the naval construction of the Regency.

paix avec Alger, ses victoires, par l'entrée des Algériens dans la mêlée.³⁸

Spain provides us with another example of conflict of interests. Actually Spain did not welcome the alliance between the Regency of Algiers and Denmark. It even exercised pressure on the latter to stop furnishing the Regency with ammunitions. As it was accustomed to sending precious presents to the Regency, Spain menaced European countries to stop the diplomatic relations with Algiers since her interests were in question. The interests were also decisive in the relations between the countries of the Barbary Coast. Morocco, for example, signed a treaty of friendship with Spain, even though Algiers was invaded in 1780. Mohamed III was convinced that his interests in Algiers were very much bound to Spanish support. Five years later, he sponsored a treaty between Spain and Algiers, thereby confirming his influence in Algiers.³⁹

France which was the main European adversary in Europe used all the means to direct its alliance with the Regency of Algiers against Britain. These means included the offer of services, gifts, and even the use of alarming news to provoke the hostility of Algiers toward Britain. The French-English rivalry as well as the conflict of their interests urged them to assure friendship or the neutrality of the Regency.⁴⁰

It seems clear that interest gives birth to agreement and alliance even in the case of religious incompatibility. However, the conflict of interests leads to the infringement

³⁸ Moulay Belhamissi, *Face à l'Europe*, p. 214.

³⁹ John Powell, *Spanish-Algerine War*, (Oklahoma Baptist University, 2006), in http://salempress.com/Store/samples/grant_events_from_history_18th/great_events/f.. > [May 19, 2009].

⁴⁰ For more information on the stakes of alliances and conflict of interests refer to: Moulay Belhamissi, *Alger, L'Europe et la guerre Secrète* (Dehleb, 2002).

of treaties, which triggers war. One can better understand the reality, or part of the reality of the violation of treaties between the different nations through a deeper investigation on the stakes of their alliances and the conflict of their interests.

Part Two

*War is an invention of the human mind.
The human mind can invent peace.*

Norman Cousins

Revisiting the War between the Regency of Algiers and the United States

Chapter Three

The American-Algerian War

1/ The genesis of the war

a/ Early American-Algerian naval battles

Naval battles between the United States and Algiers existed long before 1785. In fact, there were some maritime fights prior to the first British-Algiers peace and trade treaty in 1623.¹ As early as 1645, a ship from Massachusetts defeated an Algerian ship at sea. This skirmish would be referred to by James Fenimore Cooper as the first American naval battle. Algerian Privateers also captured an American ship, on board of which was a surgeon named Dr. Daniel Mason, out of Charlestown, Massachusetts, around 1679.² Another American ship from New York had faced the same fate in 1673. Even if dispersed, these skirmishes bear witness to the early American encounter with the Muslim world and more specifically with Algiers before there was a United States to use Robert J. Allison's words.³

¹ Under the rule of Elizabeth I, commerce flourished between Algeria and Great Britain. The political relations developed between the two countries as they had a common enemy: Catholic Spain. The attitude of James I toward Spain after he ascended the English throne cost him assaults from Barbary corsairs. As a result a peace treaty was signed in 1623 in Algiers. Skirmishes did not stop from both sides, however, and a peace and trade treaty was signed on April 10, 1682. For a copy of the treaty consult: <http://www.algerianembassy.org.uk/Alg_UK.htm>. [June, 2007].

² Richard Parker, *Uncle Sam in Barbary*, p. 33.

³ Robert J. Allison, "The Jihad of the American Founding Fathers", *The Globalist*, (September 27, 2001) <<http://www.theglobalist.com/DBWeb/StoryId.aspx?StoryId=2155>> [April 12, 2004].

British treaties with Algiers shielded colonial American shipping in the Mediterranean and stimulated its affluence from which Britain made substantial profits.⁴ After the Declaration of American independence, Britain stopped issuing passports to Americans and delivered new ones for its vessels. But, the American commerce was not dangerously menaced until after the Treaty of Paris of September 3, 1783. Even though Mediterranean passes⁵ were not delivered during the Revolutionary war, this did not lead to an instant capture of ships since, during this period, American shipping was restricted to European waters. As the treaty of Paris recognized the independence of the United States, American ships did not enjoy the British maritime protection anymore. This did not prevent American sailors from using counterfeited British Mediterranean passes at Philadelphia.⁶ At the time of the capture of the two American vessels no treaty existed between the United States and Algiers.⁷ This stirred up the signature of a subsequent peace treaty between the two nations.

⁴ "Morris to Messrs Willink & Co," Office de France, February 12, 1784 in Francis Wharton, *The Revolutionary Diplomatic Correspondence of the United States* (Washington D. C.: Government Printing Office, 1889), V. 6, p. 763. In <<http://memory.loc.gov/cgi-bin/ampage?callid=11dc&filename=006>> [January, 2011]. This work will be abbreviated hereafter *USRDC*.

⁵ These passes recognized American ships and crews as British.

⁶ "From John Temple to John Jay, June 7, 1785," in Francis Preston Blair, *The Diplomatic Correspondence of the United States of America, from the Definitive Treaty Of Peace, 10th September, 1783, to the Adoption of the Constitution, March 4, 1789*. V. 6. (Washington, D.C.: Blair & Rives, 1833), p. 29. In <<http://www.archive.org/details/diplomaticcorr06unit>> [January, 2011]. It will be abbreviated hereafter *USDC*.

⁷ It is important to mention that during the American Revolution, Algeria had accepted to allow American diplomats if they would be sent by the United States. This was a genuine disclosure of American Independence. In addition to this fact, Morocco's first formal recognition of the US independence in 1777, totally refutes the well-established conviction that Islam has always been the US' foe.

b/ Algiers' declaration of war on the United States

To discuss treaties with the European nations as well as their recognition, Benjamin Franklin, Silas Deane, and Arthur Lee were sent to Paris, in 1776, by the Continental Congress. They wanted to add a statement that would guarantee the French protection of American shipping in the Mediterranean, in the treaty of friendship and commerce they were negotiating. The French did not want to assume such responsibility; nevertheless, they accepted the role of a mediator with the rulers of the Barbary States in order to protect the United States from any possible Barbary attacks as stipulated in article 8 of the Treaty of Amity and Commerce between the United States and France in 1778.⁸

When the Americans wanted to put this article into practice on August 28, 1778, the French minister of the navy, Gabriel de Sartine, declared his incapacity to intervene in the protection of the United States from the Barbary States. He suggested, however, it would be possible to make the Barbary States acknowledge their independence from

⁸ This article states: "The most Christian King will employ his good Offices and interposition with the King or Emperor of Morocco or Fez, the Regencies of Algiers, Tunis and Tripoli, or with any of them, and also with every other Prince, State or Power of the Coast of Barbary in Africa, and the subjects of the said King, Emperor, States and Powers, and each of them; in order to provide as fully and efficaciously as possible for the Benefit, Convenience and Safety of the Said United States., and each of them, their Subjects, People, and Inhabitants, and their Vessels and Effects, against all Violence, Insult, Attacks, or Depredations on the Part of the said Princes and States of Barbary or their subjects", *Avalon Project*, 'Treaty of Amity and Commerce Between the United States and France: February 6, 1778' <http://avalon.law.yale.edu/18th_century/fr1778-1.asp>. [December, 2004].

Great Britain.⁹

The United States could have probably discussed treaties directly with the Barbary powers instead of waiting for the European mediation that did not prove to be efficient. As for the British, they refused to insert any commercial provision in the Treaty of Paris. They were more apprehensive about the rivalry of American shipping.

As Congress gave no direction to negotiate treaties with the Barbary States, no further steps could have been taken in that sense. But when six years later, on May 7, 1784¹⁰ it finally gave instructions to Benjamin Franklin, Thomas Jefferson, and John Adams to negotiate treaties of amity and commerce with the main states of Europe and the Mediterranean, the representatives explained they would treat with the Barbary powers only if Congress gave them funds. That is how on February 14, of the following year, Congress allotted the sum of \$80,000 for negotiations with Morocco, Algiers, Tunis, and Tripoli.¹¹

Had Congress acted promptly by paying tribute on due time, Algiers would have probably not declared war on the United States. Had one of the peace commissioners

⁹ Moulay Muhammad bin Abdullah, sultan of Morocco had acknowledged the new American republic de facto by an order of December 20, 1777, two months before France de jure recognition. This order stipulated that American vessels should be granted most-favored-nation treatment at Moroccan ports. This decree counteracts the belief that Islam has always been a foe the US had to fight. A Treaty of Peace and Friendship was signed between the United States and Morocco, on June 28, and July 15, 1786 as a result of the 1784 Moroccan corsair capture of the American *Betsy*.

¹⁰ *SJ*, 3: 489, May 7, 1784.

¹¹ Richard B. Parker, *Uncle Sam in Barbary*, (University Press of Florida, 2004), p. 36. And *SJ*, 3: 528-529, February 14, 1785. "Resolved that the ministers of the United States who are directed to form treaties with the emperor of Morocco, and the regencies of Algiers, for Tunis and Tripoli, be empowered to apply so much of the money borrowed to Holland, or any other money in Europe belonging to the United States, to that use as they may deem necessary, not exceeding eighty thousand dollars; and to draw for the same accordingly."

been to treat with the Barbary States, things would have certainly taken another turn. In the absence of a treaty, the United States was at war with Algiers.

The period lasting from 1785 to 1797 of the diplomatic relations between the United States and the Regency of Algiers was defined through the use of a different diction. Little published research refers to it in a similar way. If barely adverted, it is often wrapped in a package of a minor conflict. This period was also labelled as the American-Algerian crisis, or tension. Actually, following the Spanish-Algerian truce in July 1785, Algiers declared war on the United States.¹² A ten-year war prevailed between the United States and the Regency of Algiers in the late eighteenth century.

In his non-fiction book which won him the 2003 General Wallace M. Greene Jr. Award as the best book concerning the history of the Marine Corps, Max Boot refers to the mentioned period as a small undeclared war. He even explains that there have actually been only five declarations of war in American history.¹³ As for Richard Parker, he characterizes this period as America's first hostage crisis and challenge from the Muslim world by relating it to more recent events.¹⁴ However, the term 'war' had previously been used by Henry Barnby back in 1966. Underlying the scarcity of

¹² "Jay to the President of Congress," October 13, 1785. In John Jay, *The Correspondence and Public Papers of John Jay of First Chief-Justice of the United States, Member and President of the Continental Congress, Minister to Spain, Member of Commission to negotiate Treaty of Independence, Envoy to Great Britain, etc. 1782-1793*. Edited by Henry P. Johnston (New York/London: G. P. Putman's Sons, 1890), Vol 3, p. 171. In <<http://babel.hathitrust.org/cgi/pt?id=mdp>> [January, 2011].

¹³ Max Boot, *The Savage Wars of Peace: Small Wars and the Rise of American Power* (Basic Books, 2003).

¹⁴ Richard B. Parker, *Uncle Sam in Barbary: A Diplomatic History* (University Press of Florida, 2004).

scholarship with regard to this very crucial period, he added the word ‘forgotten’¹⁵ to the American-Algerian war thereby rehabilitating the legacy of this war in American foreign relations. The 1795 Treaty, including the word ‘peace’ reinforces and justifies the state of war which existed between the Regency of Algiers and the United States at least up to the year the treaty was signed.

2/ The capture of ships

To comprehend the 1785 seizure of the American ships, it is essential that a brief context of the event be clarified. In the eighteenth century, there was a well-established principle according to which two nations were considered to be at war unless they signed a treaty with one another. Consequently, commerce raiding, which was determined as a naval manoeuvre, became legal. In addition, impartial vessels were not allowed to keep on commerce with the enemy.

The long Spanish-Algerian wars had prevented Algerian ships from navigating west of Gibraltar before Algiers concluded a peace treaty with Spain a short time prior to July 14, 1785.¹⁶ The latter lifted the Spanish blockade¹⁷ on the Straits of Gibraltar

¹⁵ H. G. Barnby, *The Prisoners of Algiers: An Account of the Forgotten American-Algerian War 1785-1797* (London: Oxford University Press, 1966).

¹⁶ After three unsuccessful attacks on Algiers, Spain was compelled to revise its old attitude to reconquer North Africa for Christendom. This is how the Catholic King of Spain and the Dey and Divan of Algiers signed a treaty in 1785. The latter was to last one hundred years. But actually it acted as a truce since all succeeding Spanish kings had to swear the same oath: never to be at peace with the Moslem Barbary States.

¹⁷ For more information on the war that opposed Algeria to Spain refer to Jamil M. Abun Nasr, *A History of the Maghrib in the Islamic period*, (Cambridge University Press, 1987).

and allowed Algerian cruisers to sail out into the Atlantic. At this period, Algiers was at peace with Great Britain, France, Spain, Denmark, Sweden, Venice and the little Republic of Ragusa. As for the Empires of Russia and Germany, the *Dey* of Algiers did not take any measures since he had not received any information related to them from the Sublime Porte. However, he was at war with Portugal, Prussia, Naples, the Italian States and the other countries that did not pay him tribute.

In July 1785, Algiers declared war on the United States. The capture of American ships was not restricted to 1785. Actually, eleven other ships were taken eight years later by “Algerine” privateers.¹⁸ Started in 1785, the American-Algerian relations would last thirty years during which there were two offensives against the United States, and three peace treaties were signed between the two countries. Studying the captives of 1793¹⁹ would be a very interesting exploration; however, our study will focus on the American prisoners of 1785.

The taking of the two ships was not a terrorist act as stated by most writings these days in an attempt to find roots to September 11, 2001. Actually, “Algerine” privateers were commissioned by the government of Algiers to assail enemy trade. The government was legal and recognized by all European nations and the United States as well.

¹⁸ For the entire list of the crew which constituted the eleven ships refer to Appendices 1, and 2. From Richard Parker, *Uncle Sam in Barbary*, pp. 210-213.

¹⁹ A list of the American captives in 1793 records 111 prisoners.

a/ The Maria

It was in this context that on July 25, 1785, the American vessel from Boston, the Maria, which belonged to Mr William Foster, was captured three miles southeast of Cape St Vincent, off the Algarve coast of Portugal, by Rais El-Arbi, captain of the Algerian frigate. The latter informed Captain Stevens and his five crew members, that they were his prisoners and the Maria his prize since they had no Mediterranean pass. As he spoke in Spanish, the eighteen year-old James Cathcart,²⁰ one of the five captives, translated their conversation and reported Rais El-Arbi's address to comfort his prisoners after describing him:

(...) We were welcomed on board by the Rais, a venerable old Arab, who had been a captive for several years, both in Spain and Genoa, and who was really a good man. "Christians",

²⁰ He wrote a report of the first interview between Rais El-Arbi and Captain Stevens in James Leander Cathcart, *The Captives, Eleven years a Prisoner in Algiers* (La Porte, Ind: Herald Print, 1899) Compiled by Jane Bancker Cathcart Newkirk from her father's journal, in <<http://archive.org/stream/captives00cathrich>> [December, 2007]. The accounts of Cathcart can also be found in another source: James Leander Cathcart, *The Diplomatic Journal and Letter Book of James Leander Cathcart, 1788-1796* (Worcester, Mass: American Antiquarian Society, 1955). Born of a decent Scots family in Ireland on June 1, 1767, Cathcart immigrated to America in 1775, with one of his family members called Captain John Cathcart. He worked as a midshipman on the warship Confederacy in 1779. During the period lasting from 1780 to 1782, he was imprisoned on the prison ships Good Hope and Old Jersey by the British in New York . Though still a boy, he escaped from the British forces in 1782. Later, he joined the American merchant marine, which led to his capture by the "Algerines" in 1785. While in captivity, he operated between 1787 and 1792 as clerk of the marine, a clerk of the prison of galley slaves, a keeper of the prison tavern, then a clerk to the prime minister. In 1792, he was named chief Christian secretary to the Dey of Algiers. Between 1795 and 1796, he assisted in the Barbary Treaties. He was released from captivity and returned to the US at his own expense in 1796. He was sent back to the Mediterranean as Consul general of Algiers, Tunis and Tripoli. He served as the US consul in Madeira and Cadiz respectively between 1807-1815, and 1815-1817. From 1818 to 1820, he was a naval agent for the protection of live oak timber in Florida. In 1820, he was employed in the United States Treasury Department, Washington, DC where he died on October 6, 1843.

said he, “be consoled, this world is full of vicissitudes. You shall be well used, I have been a slave myself, and will treat you much better than I was treated; take some bread and honey and a dish of coffee and God will redeem you from captivity as he has done me twice, and, when you make peace with your father, the King of England, the *Dey* of Algiers will liberate you immediately.”²¹

From the Rais’ declaration, several points can be deduced. There is a revelation, a promise, a hope, the condition of their release, and also the motive of their capture. He first divulges that he had been a slave before he became a Rais. This revelation was probably meant to make the atmosphere less tense. Then, he promised to act towards them in a good way and gave them hope by anticipating God’s redemption justifying that He had done with him the same on two occasions. By stating the condition of their release, he also foreshadowed the reason of their capture.

This declaration also explains the principle according to which the enmity toward one ally was hostility toward the other allies. Britain, which had good relations with Algiers, gave permission to the latter to assault American ships since they rebelled against her. Actually, after the death of the British Consul, Mr Benton, no Consul had been appointed before the arrival of Charles Logie²² just before peace was concluded between Algiers and Spain. As a result, the *Dey* was not informed of the conflict between Britain and her colonies. James Cathcart, denouncing the attitude of the British Consul reveals:

²¹ James Leander Cathcart, *The Captives*, p. 6.

²² He came in May, a few weeks from his post in Morocco before the capture of the two American ships.

Consul Logie (...) immediately gave the Executive of Algiers a circumstantial detail of the motives of the late war and the results, declaring that the United States were no longer under the protection of his Master, and, that wherever the cruisers of Algiers should fall in with the vessels of the United States of America, they were good prizes and wished them success in their attempts to capture those who refused allegiance to his Master.²³

On August 4, the prizes, which comprised the *Maria* and four other Portuguese fishing boats captured during the three-week venture at sea, arrived at Algiers. It was the eve of 'Aid el-Fitr'.²⁴ Their arrival provoked a great joy in the crowd assembled to greet those who multiplied the victories of the Algerian navy.

b/ The Dauphin

On July 30, 1785,²⁵ the *Dauphin*, which belonged to Mr Mathew and the Irwins, merchants of Philadelphia, was seized about 180 miles west of Lisbon by an eighteen-gun cruiser that belonged to the *Dey*. The *Dauphin* had an old British pass and carried a crew of fifteen men with two captains on board: Richard O'Brien master of the ship, and captain Zachaeus Coffin. As for the former, he later became the spokesman of the detainees by writing on their behalf to George Washington, John Adams and Thomas

²³ Cathcart, *The Captives*, P. 4.

²⁴ This is the religious feast that follows Ramadan.

²⁵ Barnby dated this event to August 1, 1785. We have used the date mentioned by Cathcart in his *Captives*.

Jefferson. Although we do not have any records of what happened to the *Maria* after its return to Algiers, James Cathcart informs us that the *Dauphin* was sold in a port in Cadiz.

For the “Algerines”, the capture of the two ships was legal and justified. Even if it seems bizarre, one has to place it in an eighteenth-century context. Both American ships were taken not far from the Portuguese coast, and Algiers was at war with Portugal. The seizure of American ships was performed following the truce with Spain and war with Portugal. In addition, it was commissioned by the Algerian government. These were the practices of the time that were widely accepted by the rest of the world. They were even encouraged by some nations to counteract or take revenge on others as was the case between England and the United States.

In the eighteenth century, the world excelled in the stakes of alliances. There is no wisdom in judging more than two-hundred-year old historical events with twenty-first century values. Besides, privateering was performed by the rest of the world.²⁶ During the American Revolution, the Continental Congress and the different state governments delivered about two thousand *letters of marquee*, and American privateers were numerous and active. During the second war of independence for instance, the American privateer *Le Chasseur*, seized 42 prizes. It became known as ‘the Pride of Baltimore’.²⁷ Millions of dollars have been spent by the state of Maryland on its

²⁶ Even in time of peace, privateering was carried out by the United States. Refer to: SJ, “Articles of Confederation and Perpetual Union,” July 12, 1776.

²⁷ “Baltimore Clippers-Pirates of the Chesapeake” in <http://www.seakayak.ws/kayak/kayak.nsf/1/07A965EE63639CC5852570DC006ABB98> > [December, 2005].

maintenance and replacement by the replica, *Pride of Baltimore II*. While American privateering was for the sake of freedom, the Algerian one aimed at fighting against European, particularly Spanish, colonial plans for North Africa. Both were directed for a noble cause. To word it differently, the seizure of ships was not an Algerian speciality. “Algerine” privateers cannot be blamed for having undertaken what others admire in the enterprise of their own privateers.

2/ The Captives of Algiers

Thanks to the twenty–three chapter book of James Cathcart: *The Captives* and to the unique details which made Richard Parker’s *Uncle Sam in Barbary*,²⁸ a reference in diplomatic history, and to Barnby’s *The Prisoners of Algiers*, as well as the various online primary sources, it became possible to analyse or reinterpret some of the eighteenth-century relations between the new-born United States and the Regency of Algiers.

After their capture, the *Maria* and the *Dauphin* arrived at Algiers respectively, on the 4th and the 12th of August, 1785. It is very important to know those who were on board of both ships since their records that we explore today, are first American impressions on eighteenth-century Algiers. Moreover, their reports shaped early American views on the Barbary States in general, and Algiers, in particular.

²⁸ Parker consulted a lot of documentary sources in the United States, England and France. His book includes thirteen outstanding Appendices.

a/ The crew of the *Maria*

In the list below of the six crew members of this ship,²⁹ James Leander Cathcart, himself an American privateer, is a key figure at least for three reasons: he became the Chief-secretary to the *Dey* of Algiers, and he left us records to explore on the first American hostage crisis. He also played an outstanding role in treaty negotiations in Algiers.

- 1/ Isaac Stephens, captain, Boston.
- 2/ Alexander Forsyth, mate, Boston.
- 3/ James Leander Cathcart
- 4/ Thomas Billings, (John Gregory) Boston.
- 5/ James Harnet
- 6/ George Smith

James Harnet died in a madhouse in 1793. As for the rest of the crew, they all benefited from a general redemption in 1796 but George Smith was redeemed by friends three years earlier.

b/ The crew of the *Dauphin*

The crew of the ship numbered fifteen men. Two captains were aboard: Richard O'Brien, and Zachaeus Coffin. Even though the former left no journal, he provided reports on the negotiations in which he was implicated. He was a crucial character in the American-Algerian war as will be shown subsequently. He became Consul General to Algiers.

²⁹ Richard Parker, *Uncle Sam in Barbary*, pp. 208-209.

Apart from Richard O'Brien who left with the treaty of September, 1795, the crew will be divided in two groups: those who died and those who were redeemed.³⁰

Those who died:

Of Plague

In 1787: Robert McGinnis, Peter Loring, Peter Smith, and John Doran.

In 1788: William Harding, and Edward O'Reilly.

In 1793: Jacob Tessanaer.

Zachaeus Coffin, died of consumption.

Those who were redeemed:

By friends: Charles Colvil, in 1790; John Robertson, in 1791, and William Patterson, in 1794.

By Dutch: Philip Sloan, in 1794.³¹

General redemption: Andrew Montgomery, in 1796, and James Hall, in 1796, but taken by a ship from Naples.

Among the twenty-one prisoners, Cathcart left with despatches, in 1796 and O'Brien with the 1795 Treaty. It seems that the efforts of the American government did not pay off until 1795. After the "Algerines" had captured eleven American ships in 1793, the Treaty of Amity and Peace was the only efficient diplomatic solution that allowed a seventeen-year truce that was going to be interrupted by another declaration of war in 1812.

³⁰ Richard Parker, *Uncle Sam in Barbary*, p. 209.

³¹ He was added to the 1794 Dutch redemption as he was a sweeper in the palace of the Dey. Such a job allows to be included in each general redemption

c/ Treatment of the captives

Before considering the treatment of the captives of Algiers, it is essential to mention that captivity was not a one-way activity. Daniel Panzac, even though he was a fervent defender of the allegation according to which eighteenth-century privateering was exclusively Algerian, in describing the situation of the Barbary captives at the end of the eighteenth century and beginning of the nineteenth century,³² recognized that the “Algerine” Privateers seized only the ships of the nations with whom they were at war.

Unlike Panzac, Dr Moulay Belhamissi³³ underscores the capture of the thousands of “Algerines” by portraying and documenting the span of their enduring slavery. He explains that from the sixteenth to the eighteenth century, the North African coast was habitually assaulted by European corsairs to capture Muslims. There was an outstanding number of Muslim slaves taken by force by several European countries.³⁴

The proliferation of works with regard to the treatment of American captives in Barbary was probably due to the fact that Americans could not stand being the detainees

³² Daniel Panzac, «Les esclaves et leurs rançons chez les Barbaresques (fin XVIII^e-début XIX^e siècle)», *Les Cahiers de la Méditerranée*, Vol 65. (2002). Available online (October 15, 2004) in <<http://cdlm.revues.org/document47.html>>. [January, 2005].

³³ Moulay Belhamissi, «Course et Contre-Course ou comment les Algériens tombaient en Esclavage (XVI^e au Tiers du XIX^e Siècle)», *Les Cahiers de la Méditerranée*, Vol 65. (2002). Available online (October 15, 2004) in <<http://cdlm.revues.org/index36.html>> [January, 2005].

³⁴ For further information, refer to: Daniel Panzac, *Les Corsaires barbaresques: La fin d'une épopée, 1800-1820*, (Paris, CNRS Editions, 1999). According to Panzac, practically a quarter of the 12,000 galley oarsmen of Louis XIV came from the Ottoman Empire. North African captives were also found in Spain and Malta. In 1789, the Moroccan Sultan, Sidi Muhammed bin Abdullah, liberated 600 slaves from Malta, at \$450 a person. There were as many as 40,000 to 50,000 Muslim slaves only in Italy in the sixteenth and seventeenth centuries. Consult: Salvatore Bono, *Schiavi musulmani nell'Italia moderna*, (Naples: Edizioni Scientifiche Italiane, 1999). Bono's detailed study informs us on the presence of slave markets and the treatment of Muslim slaves seized by Italians.

of North Africans. They believed it was disgraceful while they were engaged in the slave trade themselves. But how similar were the conditions and sufferings of the enslaved North Africans in the United States to those of the prisoners of Algiers?

Compared to the North African slaves in the United States, the captives of Algiers were rather held in more suitable conditions. To start with, according to the account of Cathcart stated above, the captives of the *Maria* were given food from the very first Contact with Rais El-Arbi. Even though Cathcart complains about the scarcity of food sometimes, he acknowledges the generosity of the crew just after:

(...) we must inevitably have perished, had it not been for some Turks, who were more charitable than the rest who gave us some onions, oranges, raisins and figs from their own private stores. I likewise received relief several times for standing at the helm for the sailors, and actually learned to smoke, by the kindness of the ship's steward, who gave me a pipe and tobacco, and whom I lived to repay, at Algiers more than two years after.³⁵

It is obvious that the treatment described above does not seem to be devoted to slaves. The 'kindness' of the steward suggests the almost friendly atmosphere that prevailed. 'Repaying' one's debt, also implies there existed a manner to better one's situation, another additional privilege for the prisoners.

If a considerable scholarship describes the pain of the prisoners of Algiers, Cathcart reveals some memorable recollections with regard to the arrival of the

³⁵ Cathcart, *The Captives*, p. 8.

crew of the *Maria* at Algiers:

We arrived at Algiers on the eve of the feast that follows Ramadan and being private property were conducted to the owner of the Cruiser's house (...) we were first carried to the kieuchk or Admiralty office and were permitted to regale ourselves with as much good water as we pleased, which flowed from a near marble fountain and was as clear as crystal (...) It has made so permanent an impression on my mind that I shall remember the fountain of the kiosk of the Marine of Algiers, to the latest hour of my existence.³⁶

When the crew was taken to the owner's house, they met with other Christians who had a day off because it was El-Aid day. In addition, they had much food to offer the new prisoners:

Here we remained but a few minutes, when we were visited by Christian slaves of all denominations, they not being at work in consequence of the festival, and those who could afford it brought us the fruits of the season, wine, bread and everything that was cooked or could be eaten without cooking.³⁷

They were also offered camel's flesh which they did not accept. This refusal led to the disappointment of their owner who asserted: "(...) he never would put himself in so much trouble to accommodate Christian slaves."³⁸ On the following day, the meat

³⁶ Cathcart, *The Captives*, pp. 8-9. Notice that 'Kieuchk' has been spelled in two different ways in the same passage.

³⁷ Ibid, p. 9.

³⁸ Ibid., p. 10.

was replaced by some boiled vegetables and fruits. That is to say, their dislikes were apparently taken into consideration.

The next day, the crew was taken to the British Consul's house where they stayed for two days. Then, after nobody tried to purchase them when they had been to the Slave Market for three consecutive days, they left for the palace of the *Dey*. The crew of the *Maria* was all taken by the *Dey* but the captain. As for the Portuguese crew, he kept eight of them for the work of the palace, and sent the others to the Slave prison as they were bought by the Regency. Five other old men were sold at vendue, a woman who had been taken to the Spanish hospital on her arrival, remained there until she was ransomed.

The crew had a hot bath, were dressed in Turkish fashion, well fed and slept in a clean room. On the following day, they were assigned to their own obligations that do not seem to be chores:

(...) two were retained as upper servants, one was sent to the kitchen, and myself and another were doomed to labour at the palace garden, where we had not a great deal to do, there being fourteen of us, and, the taking care of, two lions, two tigers and two antelopes excepted, the work might have very well been done by four.³⁹

The crew of the *Dauphin*, who arrived on the 12th of August, received nearly the same treatment as those of the *Maria*. Since the vessel which seized the *Dauphin* belonged to the *Dey*, the crew was directly taken to the Palace. Cathcart explains how

³⁹ Cathcart, *The Captives*, p. 12.

the crew was pleased as he informed them of their particular situation:

(...) that there were no galleys in Algiers and that they would not be made to wear chains any longer than the ships of war of England and France were in the Bay unless they committed crimes to deserve them; that the officers would be sent to work in the sail loft, and the seamen in the Marine, this was so much better treatment than that they expected that they began to reconcile themselves to their situation.⁴⁰

Captains Stephens, O'Brien and Coffin⁴¹ were sent to the British Consul. The others were taken to work in the Palace. Those who were not kept there were conducted to the slave prison or *Bagnio*. Then, by the orders of the Chargé des Affaires at Madrid, Mr Carmichael, the Count of Expilly, leased a little house for the captains. They lived at ease with the provisions provided by Mr Carmichael and their friends in the palace. The Mates followed the captains, but the Marines were kept to work for three masons a day equivalent to 7 ¹/₂ cents.^{41'}

Even though the majority of stories depict the horrors endured by the Christians under Muslim control, James Cathcart reports the execution of only one Christian during his eleven-year captivity in Algiers.

Being a prisoner is not a state to be envied, but the situation of the captives does

⁴⁰ Ibid., p. 17.

⁴¹ They were paid two dollars a month. They actually had a special treatment because they were captains.

^{41'} Cathcart, *The Captives*, p. 18.

not seem to have been that disastrous. As for their work, it is fair to say it was light. Being a zoo-keeper in the *Dey*'s garden, especially when fourteen are appointed for the work of just four cannot be considered as a burden. Not being paid, or poorly paid for a job cannot be viewed as unbearable slavery. It is nothing compared to what African-American slaves endured in the United States.

Commenting on the treatment of American captives in Algiers, Parker concedes that:

(...) their living conditions were probably no worse, and perhaps better, than those of Muslim prisoners held by the Europeans and condemned to work as oarsmen in the galleys. Nor do the conditions under which they were transported and held sound nearly as bad as those inflicted on African slaves being brought to America.⁴²

James Cathcart admits that they had been used much better than many other Americans had been used during the War of independence:

(...) our situation was really not so bad as we had expected, and that we had not been used worse than many of our fellow citizens had been during the Revolutionary war in the different British prisons.⁴³

Besides, various opportunities were offered to the American captives. Some of them were permitted to undertake their private business. James Cathcart, for instance,

⁴² Richard Parker, *Uncle Sam in Barbary*, p. 11.

⁴³ Cathcart, *The Captives*, pp. 12-13. As Cathcart had spent two years a prisoner of the British in New York, he may have been in the right position to compare between the two situations.

set up a tavern which brought him prosperity. He also had the possibility to learn the Ottoman and Arabic languages. He even became the private secretary of the *Dey* and considerably helped to bring about the Treaty of Amity and Peace between Algeria and the United States.

d/ The Captives' petition to King George III

The passage of the sailors' petition is presented to us by Richard Parker who took it from the Public Record Office at Kew.⁴⁴ This petition included eleven American prisoners from Algiers. Even though there is room for no doubt that *The Captives* dealt with almost everything related to the American captives, it amazingly lacks this very episode. Why did Cathcart fail to explain this event? Was this deliberate? If that was the case, what were the reasons behind this omission?

The eleven signatories of the petition dated December 20, 1785, asserted their British nationality and implored the king to interfere for their benefit. Four seamen, George Smith, John Gregory, James Cathcart, and James Harnet belonged to the *Maria*, and the seven others, Charles Colvil, Peter Smith, Philip Sloan, John Robertson, Edward A. Reilly, William Patterson and Robert McGinnis were among the crew of the *Dauphin*. The age of the petitioners ranged from 19 to 25 years.

⁴⁴ Parker, *Uncle Sam in Barbary*, pp. 220-222.

The petition listed all the circumstances which led the signatories to fall in “Algerine” hands. They explained how some of them were compelled to operate under American colours. They also reminded the King how some of them served him in the late war. And to express their loyalty toward him, they even promised to defend him and the mother Country should he accept to intervene on their behalf:

Your Majesty Humble Petitioners lay at your most Gracious Majesty’s Feet their Deplorable and Miserable state of Slavery Imploring Your Majesty Mercy to Relieve them & they As in Duty bound will Even exert themselves in Defence of their King and Country. ⁴⁵

By the late war they meant the Revolutionary war which ended in 1783. Was claiming themselves as British subjects a loyal act or an act of treason? Can this treachery explain the indifference of the United States with regard to their delivery? Was this betrayal the fruit of the loss of hope that the United States could intervene in their favour? But, can one explain the fact that some of them served the king in the Revolutionary War? Does this entail some of the captives had been disloyal to the American cause? Most important, did Cathcart really serve in the British navy as was stated in the petition? And did the American government know about the petition and Cathcart’s involvement?

More questions are raised when we realize that Cathcart wondered how the United States could abandon those who fought for her freedom. Or when he could not

⁴⁵ Parker, *Uncle Sam in Barbary*, p. 222.

understand how the citizens did not raise money for their redemption:

(...) I thought it impossible that a nation just emerged from slavery herself would abandon the men who had fought for her independence to an ignominious captivity in Barbary, when they could be immediately redeemed for less than \$50,000.(...) I was so sanguine as to believe that the sum would be loaned to the government by individuals, or that our fellow citizens would have raised it by subscription.⁴⁶

How could Cathcart possibly ignore that the petitioners: Philip Sloan, John Robertson and John Gregory served the king in the Revolutionary war? How could he expect an aid from the United States after he signed the petition?⁴⁷

Answers to these questions can constitute topics for further investigation. But, historical events being a source of complexity often make reality an object of controversy. Raising questions however, can be a good step in the quest for historical veracity.

⁴⁶ Cathcart, *The Captives*, p. 27.

⁴⁷ Another petition was signed by the crew of the *Maria* and by the nine out of fifteen from the *Dauphin*, the six others had died before December, 1788. This petition, which was addressed to the Continental Congress, was included in a letter O'Brien sent to Mathew and Thomas Irwin, dated December 20, 1788. In this letter, O'Brien mentioned it was the fifth petition directed to the US Congress. He also gave a narrative of their captivity and implored his addressees to put the entire content in public papers so that their American fellows realize their slavery and would want to redeem them. In *The Papers of George Washington*, "Richard O'Brien to Mathew and Thomas Irwin" in <http://gwpapers.virginia.edu/documents/pirate/documents/irwin_enc.html> [January, 2008]. The question worth asking is how could eleven seamen sign opposite petitions? In one claiming to be British subjects, and in the second asking for the assistance of their new born country. Was the American government aware of the duplicity of some of the prisoners?

4/ The First negotiations a/ John Lamb's mission

It was not until October 13, 1785 that the information on the seizure of the *Maria* and the *Dauphin* reached America. On that very day, a letter sent by Paul Jones, a naval hero of the American Revolution who was in Paris, was delivered to Congress announcing that the “Algerines” had declared war on the United States three months earlier. Congress had formerly authorized the American Ministers in Europe to debate on a treaty with the Barbary Powers. This Peace Commission, which was constituted of Benjamin Franklin, John Adams and Thomas Jefferson, was scattered in Europe. Benjamin Franklin had come back to the States from Europe on September 14, 1785. John Adams moved to London that he reached on May 25, 1785. As for Thomas Jefferson, he stayed in Paris.

To treat with Algiers, Samuel Huntington, previous president of Congress, suggested John Lamb,⁴⁸ to John Jay, secretary of foreign affairs of Congress, in a letter he addressed him on January 10, 1785.⁴⁹ Thomas Jefferson and John Adams were thinking of assigning the Algerian mission to Thomas Barclay, the consul general in

⁴⁸ John Lamb, a sea captain of Norwich, Connecticut, lived from 1740 to 1804. He was involved in gunrunning for the benefit of the colonists. In 1774, he sailed for Gibraltar on a ship the *Irish Gimblet* and came back to Boston, three years later. He was captured by the British as he was the captain of a privateer in 1778. Up to 1795, he was still engaged in the horse and mule trade with Morocco. Refer to Ray W. Irwin, *The Diplomatic Relations of the United States with the Barbary Powers, 1776-1816* (Chapel Hill: University of North Carolina Press, 1931).

⁴⁹ Richard Parker, *Uncle Sam in Barbary*, p. 36.

Paris when the Congress appointee, John Lamb, reached Paris on September 19, 1785. He brought instructions from Congress to the American ministers who would finally sign the treaty Lamb was to discuss with Algiers.

Lamb had no instructions for ransom of the twenty-one American prisoners. These were hastily included. Actually, while the prisoners of the *Maria* navigated to Algiers, Lamb was en route there through the American ministers to debate on treaty terms.⁵⁰

Even though Jefferson was reluctant to Lamb's nomination,⁵¹ he instructed the latter to confer with William Carmichael, the US envoy to the Spanish Court, the Minister from Algiers to the Court of Madrid, and the Count D'Espilly⁵² before proceeding to Algiers.⁵³ In Madrid, John Lamb met with the US negotiator for Morocco, Thomas Barclay. With the help of Carmichael, they were able to withdraw funds from

⁵⁰ Thomas Jefferson who was minister to France at that time, justified the decision with regard to the captives, some years later: "We thought...we ought to endeavor to ransom our countrymen, without waiting for orders, but at the same time, that, acting without authority, we should keep within the lowest price, which had been given to any other Nation, we therefore gave a supplementary instruction to Mr Lamb to ransom our captives, if it could be done, for 200 dollars a man, as we know that 300 captives had been just ransomed ...at a price very little above this sum." In Liva Baker, "Cathcart Travels", *American Heritage Magazine* (June 1975) in: <http://www.americanheritage.com/articles/magazines/ah/1975/4/1975_4_52.shtml>. [December, 2008].

⁵¹ Lamb had the backing of Alexander Hamilton and John Jay in addition to well-known men from Connecticut. This support was for political and financial plots affecting the two ships left of the Continental Navy. Lamb's backers intended to offer the 32-gun ship, *Alliance*, to the Moroccan emperor. Lamb was supposed to carry on the negotiations as the United States envoy. Refer to: Parker, *Uncle Sam in Barbary*, p. 38.

⁵² The negotiator for Spain at Algiers who arrived in Algiers in April 1786. As his name suggests, he was French.

⁵³ John Adams, "Instructions to John Lamb to treat with Algiers," *Gilder Lehrman Collection* in <<http://www.gilderlehrman.org/collections/0ccd05f6-e710-47d6-8fb7>> [September 30, 2009]. This document was signed by John Adams on October 1, 1785, and co-signed by Jefferson on October 11, 1785 in Paris.

John Adams against the \$80,000 devoted to the Barbary treaty. Thus, Lamb left with twelve thousand dollars for Algiers where he arrived with Mr Randall, secretary, on March 25, 1786.⁵⁴ He conveyed letters of introduction to the Spanish ambassador, the French Consul, and to a British merchant.⁵⁵ John Lamb was the Continental Congress envoy to the *Dey* of Algiers to negotiate the liberation of 21 American prisoners with a ransom of two hundred dollars a head and to discuss the safe passage of American vessels in the Mediterranean.

John Adams and Thomas Jefferson provided him with full instructions to treat with Algiers:

(...) As the negotiation and conclusion of a treaty may be a work of time, you will endeavour in the first place to procure an immediate Suspension of Hostilities. You will proceed to negotiate with their Minister the terms of a treaty of Amity and Commerce as nearly as possible conformed to the draught we give you.⁵⁶

Lamb was also directed to sign the articles in case of an agreement, in a preliminary form before sending them for final execution. He was also instructed that

⁵⁴ Lamb left for Algiers from a port in Barcelona on March 11, 1786. He had come from Madrid on February 1, 1786. This delay to reach Algiers has been the object of several speculations which can be an interesting field of study for the far-reaching conclusions that might be drawn.

⁵⁵ He was named John Woulfe. He arrived in Algiers in 1779. He acted as a British Consul when the Consulate was vacant. The events turned Woulfe into a proper person to be hired by the United States government to negotiate a peace treaty with the Regency of Algiers or to release American prisoners. He comprehended the protocol, the background and language of the Algerian government and had unbound reception of the head of the Regency.

⁵⁶ John Adams, "*Instructions to John Lamb to treat with Algiers*". Refer to Appendix 3 for the Lamb's own copy on instructions to negotiate with Algiers. Consult Appendices 4, and 5 to understand French perfidious attitude toward Americans.

the expenses of the treaty with all the expenses that it would need should not exceed the sum of \$40,000. Expenses were meant to embrace the money used for all the persons involved in the treaty as well as the presents for the *Dey*. Being aware of the custom of offering gifts to the *Dey* before and in the process of concluding a treaty, Lamb was permitted to follow that tradition but by stressing the United States' peculiar position as a new-born country:

(...) And to this End we leave it to your discretion to represent to the *Dey* & Government of Algiers or their Ministers if it may be done with safety, the particular circumstances of the United States, just emerging from a long and distressing war, with one of the most powerful nations of Europe; which we hope may be an apology if our presents should not be so splendid as those of older and abler Nations.⁵⁷

It is worth mentioning that before negotiations with Algiers started, John Adams had met with the Tripolitanian ambassador in London, Sidi Haji Abdul Rahman Adja who invited him in February 1786. The ambassador's discussion with Adams must have helped in the examination of the policy to undertake with Barbary and Algiers more precisely:

(...) The Tripolitanian claimed that all the inhabitants of North Africa had heard with admiration and delight of the American colonies' successful revolt against the power

⁵⁷ Idem. For further information on Jefferson's Notes on European Tribute Amounts Consult: "*Tribute to Arms: America's First Foreign Policy Crisis*" in <<http://personal.ashland.edu/~jmoser1/usfp/horton.htm>> [October 2, 2009].

of Great Britain and they welcomed unreservedly American ships to trade within the Mediterranean Sea. However, as the Mediterranean belonged to the Moslems the United States would, of course, be expected to buy peace treaties.⁵⁸

When Adams requested how much that would cost, he was told that for Tripoli that meant Thirty thousand guineas in addition to a three-thousand guinea personal present for him. He understood Tunis would require nearly the same amount, but as Algiers was more powerful, it would need much more.⁵⁹ This led Adams to notify Jay that the money devoted to the Barbary treaty was going to prove inadequate. Consequently, on April 5, 1786, a committee of Congress expressed the need for an additional sum to fulfil Barbary negotiations.

b/ Mapping early negotiations with the Regency

While contriving for the first negotiations with the Regency of Algiers in 1785, John Adams and Thomas Jefferson wanted the US treaty negotiator, John Lamb, to make investigations to figure out the set of key interrogations they posed. The set of questions consisted in eight categories: Commerce, Ports, Naval force, Prisoners,

⁵⁸ Barnby, *The prisoners of Algiers*, p. 82.

⁵⁹ Idem.

Language, Government, Religion, and Captures.⁶⁰

As for commerce, they wondered about Algiers' exports and imports and the products that may find a market there and at which cost. They also wished to know whether built ships, ship timber or other articles could be suitable as presents, and what fabrications of the Regency would be opportune in America and at what outlay. As a new-born country, investigating on the commerce of the most powerful Regency of Barbary was important for the conception of future commercial relationships that would develop American shipping in the Mediterranean.

They also sought specific answers about the main ports of Algiers, their profundity, and the way they were defended. These questions must have been raised to evaluate the vulnerability of these ports and the risks of the possibility of attacking the Regency of Algiers. This is mainly because contrary to Adams who favoured negotiations and paying tribute, Jefferson was, from the very start totally against this attitude and favoured making war to the Regency of Algiers.⁶¹ What seems evident, however, is that these answers could not have been overlooked since they seem to have been very informative for American subsequent relations with Algiers in the nineteenth century.

⁶⁰ "Planning for the First Negotiations, 1785 with the Barbary Pirates by Thomas Jefferson & John Adams," in <<http://www.rain.org/~karpeles/jeffAdamsBarbary.frm.html>>. [August, 2004]. This is John Lamb's own copy.

⁶¹ In a letter he addressed to James Monroe, in 1785, Thomas Jefferson declared: "The Motives pleading for war rather than tribute are numerous and honorable, those opposing them mean and short-sighted." In "Conflicting Opinions on How to Handle the Corsairs" in <<http://personal.ashland.edu/~jmoser1/usfp/Horton.htm>>. [January 2008].

The inquiries also involved the naval force. Thomas Jefferson and Adams aspired to know the number of armed vessels Algiers possessed as well as the possible options of its improvement. They must have wanted to draw a complete picture of the strengths and weaknesses of the Algerian navy. This must have been to determine whether to decide for a treaty and pay tribute or rather opt for war.

As far as the prisoners were concerned, the two men enquired about their conditions and treatment, on the way and how much they were ransomed. They also wondered whether the treaties were honored. Questions on land forces of the Regency, the constitution and the respectability of Algiers were also posed. These answers must have been useful in estimating the power of Algiers on the one hand, and conceiving the scheme for the redemption of captives, on the other.

The language spoken in Algiers was also a matter of investigation. This must have seemed inevitable in case the two countries would agree on a peace treaty; thus, the presence of an interpreter would have proved necessary.

Another concern appeared outstanding for Jefferson and Adams: the government. They wanted to establish the link between Algiers and the Ottoman Porte in terms of dependence, subordination or any kind of influence. This must probably have been to find out the efficiency of treating directly with the Regency independently from the Ottoman Porte.

Another preoccupation affected religion. They questioned the principle in the Islamic religion by which all Christian powers were considered as the enemies of

Algiers until treaties were signed by the two parties. This must have inspired the subsequent eleventh article of the Treaty of Tripoli.⁶²

The captures of Algiers represented a specific interest. Focus was laid on the seizure of ships and citizens of the United States or any other country, and the nations Algiers was at war with. This was certainly to evaluate the American situation in relation to other countries in terms of seizure of ships and prisoners; an evaluation that would help figure out an attempt for an international coalition against Algiers. This endeavor was subsequently undertaken by Thomas Jefferson.

c/ America's failure in its first foreign policy crisis

John Lamb's mission is essential to examine because of its significance. It portrays America's failure in its first foreign policy test in the Muslim world.

What John Lamb really did in Algiers leaves room to a lot of speculations. But one has to consider the fact that the exchange of information on the development of events in Algiers took months before it reached the officials in Philadelphia or Washington. The US negotiator was left to act on his own common sense within the boundaries of his directives. Lamb's failure to fulfil his mission has been the source of

⁶² Article 11 of this Treaty clearly expresses the religious tolerance of the United States toward Muslim Countries. It asserts that it had nothing against Islam and that no conflict would arise based on religious differences. It was ratified by Congress and signed by president John Adams in 1797. It was unanimously voted for in the Senate.

conflicting accounts.⁶³ Displaying all the versions would require a whole chapter; however, the lack of success of Lamb's mission can be attributed to three factors.

First, the unexplained delay of Lamb's arrival in Algiers. About four months and two weeks separated the day when Jefferson delivered orders to Lamb to liberate the captives and the day of his arrival in Algiers.⁶⁴ This interval of time depicts either a lack of seriousness from Lamb, or rather portrays his antecedent awareness of the inevitable failure of his mission because of the insufficient amount of money to redeem the prisoners. But if it were the case, why did he accept to sail to Algiers? It might have been to perform some business en route and at his arrival in Algiers.

Second, in Algiers, all American captives had news that Lamb came to release them.⁶⁵ On April 1, Lamb was received by the *Dey*. When Lamb asked the latter his demands for the twenty-one men in his captivity, the *Dey* announced:

(...)that he did not consider them in the same point of view that he did the subjects of other nations at war with him, that he would expect

⁶³ The accounts of O'Brien, Adams, and De Kersey were conflicting with regard the sum Lamb possessed for the release of the American captives. Refer to Parker, *Uncle Sam in Barbary*, p. 64.

⁶⁴ Lamb received his instructions from Jefferson on November 4, 1785, but did not arrive to Algiers until March 25, 1786.

⁶⁵ Lamb was previously advised by Woulfe, who knew it was not possible to obtain a peace treaty with the Regency at that time, to try to ransom the captives first, then to attempt to make interest with the heads of the Regency and to persuade them to obtain the better of the *Dey's* partiality to England through presents to him and the *Grande*s of the Regency. As Lamb was unable to get these presents, Woulfe advised him to postpone notifying the *Dey* that he was sanctioned to negotiate treaty terms with the Regency until his return with the money to liberate the prisoners. Lamb did not accept the advice and through the French consul's *Drogoman*, asked the *Dey* to allow him to deliver his credentials from the US government and to receive him to conclude a peace treaty between the Regency and the United States.

a much higher price for them and would give an answer at his next audience.⁶⁶

This declaration is an official testimony on the special treatment of the American captives that has been so fancied in early and subsequent American writings. Two days later, the *Dey* asked Lamb for the amount he was to offer. Refusing the latter's suggestion of ten thousand dollars, the *Dey* was determined to fix it to fifty thousand dollars. As he was given time to revise his suggestion, Lamb came back to the *Dey* on April 5, to raise the offer to thirty thousand dollars. The *Dey*, who refused to bargain, was upset and replied:

I should conceive that I was defrauding the Hasna treasury, were I to abate one dollar in my demand, but as my own perquisite is at my own disposal I will remit that sum which is 10 per cent and if you are not satisfied I desire you will not trouble me any more on the subject.⁶⁷

On April 7, Lamb announced to the *Dey* he agreed to pay the sum he suggested for the redemption of prisoners, but he promised to bring the money after four months.⁶⁸ The *Dey* then instructed Osman Hodga, the main secretary of State, to record in the Books of the Regency that the American had consented to liberate twenty-one American prisoners for the sum of \$48,300 Spanish dollars prime cost in four months

⁶⁶ Carthcart, *The Captives*, p. 37.

⁶⁷ Ibid., p. 38.

⁶⁸ Lamb hoped that the *Dey* would listen to his proposals on the terms of a peace treaty after he would bring the money, but the *Dey* advised him to make peace with the King of England then come to make peace with him.

of his leaving Algiers.⁶⁹

The problem is that Lamb did not have the money he suggested to release the prisoners. Parker informs us that Lamb had the permission to draw up to £3300 to use it for the presents he would offer to the officials in case a treaty was signed.⁷⁰ According to O'Brien, Adams and De Kersey, the French Consul in Algiers, Lamb had respectively, \$6000, \$12,000, or \$8000. This divergence in the sum that was in the possession of Lamb points out the uncertainties that shrouded his undertaking on the one hand, and the scarcity of the money meant to redeem the captives, on the other.

Third, Lamb knew neither French nor Spanish. This linguistic handicap did not only concern his lack of competence in the latter, but encompassed the bad use of diction as well. Cathcart had a low opinion about him: "(...) he was extremely illiterate and as vulgar as can well be imagined, which did not create the most favourable opinion of the government which he said had sent him."⁷¹ But, if Lamb were on trial, he would defend himself by explaining that he had signed to discuss a peace treaty with Morocco and was not ready to negotiate one with Algiers especially if it involved an additional problem of the American captives. The *Dey* did not want to negotiate any peace treaty except the deliverance of captives. Lamb could not be efficient with the tiny sum in his possession.

There is no doubt that the wrong choice of the man to negotiate with Algiers led to the failure of Lamb's mission. However, he could have avoided further trouble by not

⁶⁹ Cathcart, *The Captives*, p. 39.

⁷⁰ Parker, *Uncle Sam in Barbary*, p. 64.

⁷¹ Cathcart, *The Captives*, p. 41.

promising to come back with the needed money to free the captives four months later. His flaw was twofold. He deceived the captives with regard to their redemption,⁷² on the one hand, and he did not fulfil his promise to come back with the money, on the other. This irritated the *Dey* of Algiers. That understandable exasperation postponed and complicated future negotiations. Lamb's promise led Sidi Assan, or Hassan *Wakil el Kharj* of the Marine of Algiers, to write a letter to Congress on February 25, 1787,⁷³ to inform them of the awaited return of Lamb to solve the problem of the captives. Unfortunately, the letter was not answered which led to further consequences on subsequent discussions. In fact, six years later, when the problem of the captives emerged, Hassen had become a *Dey*. No surprise if he had been tough in negotiations as he had been ignored years earlier.

Parker attributes Lamb's failure to his lack of knowledge of the situation in Algiers. This ignorance was shared by Adams and Jefferson. His mission took place under specific circumstances. Analysing the failure of Lamb, Adams admitted to Jefferson, in a letter he addressed him dated January 25, 1787 that no one could have done better at that time under the pecuniary limitations the States went through, not even the ablest member of Congress.⁷⁴

One can ascribe Lamb's lack of success in his mission to the slow mail and the lack of rapid communication with his superiors, but most importantly to the fact he was the wrong person chosen for the Algerian mission. One can also assume that Lamb was

⁷² In analyzing the outcome of Lamb's mission, Cathcart considered the raising false hopes in the captives as the only accomplishment of Lamb's mission to Algiers.

⁷³ Cathcart, *The Captives*, p. 56 .

⁷⁴ Parker, *Uncle Sam in Barbary*, p. 65.

misled on purpose by the Spanish ambassador and the French Consul to have an audience with the *Dey* even though they were convinced of its outcome. Had Lamb taken the advice of Woulfe into account, which was to make Lamb postpone his visit to the *Dey* until he came back with the cash for the ransom of the American prisoners, he would have probably been able to avoid the failure of his mission.

Another outstanding reason may justify this failure: it was America's first foreign policy undertaking in the Muslim World. Even though it was not successful, there is no doubt that it contributed to the maturity of American foreign policy as will be shown in her subsequent negotiations with Barbary.

Chapter Four

The American-Algerian Treaty of Amity and Peace 1795

1/ The outcome of primary negotiations

John Lamb's mission to Algiers turned out to be very unfavourable to the American prisoners since it provided them with false expectations of securing their freedom after four months, on the one hand, and averted their fellow citizens from obtaining their ransom, on the other. Lamb also misled the *Dey* with his unfulfilled promise to come back with the cash to free the captives. By doing so, he engaged the honour and pride of the United States. He conveyed a wrong image of his government and misinformed the authorities of Algiers on the credibility of the United States.

Lamb made an agreement in the name of his country to pay the *Dey* of Algiers almost fifty thousand dollars. The pact included a warning that if the money were not impending very soon, the *Dey* would augment the price. Such an arrangement was never ratified by the United States. This was mainly because Lamb had never felt the need to inform the American government on the promise he had made on their behalf. Even though Adams and Jefferson solicited him to inform Congress, he declined their instruction.⁶ His behaviour undermined confidence in his country that was going to

⁶ Instead, Lamb chose to stay in Spain. He resigned his commission under the pretext of bad health.

harm the relations between the Regency and the United States in subsequent negotiations for peace. No wonder that the Algerian government grew suspicious some years later.

2/ The context of the treaty

a/ Historical background

After Spain had concluded a ‘one hundred year truce’ with Algiers in 1785, it opened the gates of Gibraltar to the “Algerine” cruisers to venture into the Atlantic. This resulted in the capture of two American frigates and a number of Portuguese fishing ships. The following year, Portugal, which was in possession of great investments in South America, East and West Africa, India, and the Far East, wanted to protect her merchant vessels on their way home from “Algerine” cruisers. Consequently, Portuguese warships seized the control of the Straits of Gibraltar, thereby confining the Algerian sailors to the Mediterranean. Seven years later the situation was altered. On September 12, 1793,⁷ a truce between Algiers and Portugal went into effect allowing “Algerine” privateers to cross the Atlantic. The absence of an Algerian-American peace treaty exposed the United States’ shipping to Algerian seizure for a second time.

b/ The second Algerian offensive

One of the immediate consequences of the Algerian-Portuguese truce

⁷ Parker, *Uncle Sam in Barbary*, p. 75.

was the opening of the Straits of Gibraltar to “Algerine” sailors. The passage of Algerian warships into the Atlantic led to the capture of eleven American ships between October and November, 1793. This was the second Algerian attack on American shipping. Thanks to John Foss, who was captured on October 25, 1793 by Algerian privateers, we hold the lists of the prisoners and American vessels seized in 1793.⁸

Among the eleven ships, ten were seized in October, 1793, and one in November of the same year. We do not have the exact day in October for four ships. As for the seven others, they will be given in the chronological order of their capture. The ship *Thomas* of Boston was seized on October 8, 1793, the ship *Minerva* of Philadelphia, two days later and the brig *Jane* of Haverhill with *George* of Newport, three days after. The ship *President* of Philadelphia and the brig *Polly* of Newburyport knew the same fate respectively on October 23 and October 25, 1793. As for the brig *Minerva* of New York, it was captured on November 23. The Schooner *Jay* of Gloucester, the ship *Hope* of New York, the brig *Olive Branch* of Portsmouth, and the schooner *Despatch* of Richmond were seized by Algerian privateers in October, 1793.⁹

According to Parker,¹⁰ four vessels were engaged in the coastal trade. The *Thomas* was seized off the Atlantic coast of Portugal on its way from Cadiz to Amsterdam with freight of sugar. The *Jane*, and *Despatch*, which were loaded with

⁸ Refer to John Foss, *A journal of the captivity and sufferings of John Foss. Several Years Prisoner at Algiers*, 2 ed., (Newburyport, Mass: Angiers, March, 1798) quoted in Parker, *Uncle Sam in Barbary*, pp. 209-214. The lists of the crew of the eleven ships are provided in Appendix 7.

⁹ Parker, *Uncle Sam in Barbary*, pp. 214-216.

¹⁰ Parker, *Uncle Sam in Barbary*, p. 215.

sugar, indigo and sarsaparilla, were seized as heading from Cadiz to Hamburg. *Hope* was captured while en route from Rotterdam to Malaga. The six other crafts were involved in the transatlantic commerce. The ship *Minerva* left Philadelphia to Barcelona, the *President* loaded with grain and flour was heading to Cadiz from where the *Polly* was taking flour to Newburyport; as for *Olive Branch*, it was bringing grain from Virginia to Lisbon; raisins, figs, wine, and grapes were loaded in the *Jay* en route from Malaga to Boston; the brig *Minerva* was seized carrying wine from Livorno to New York; the brig *George* loaded with grain and Indian corn was sailing from Lisbon to any other European port. We do not have its precise direction.¹¹

The second 1793 Algerian attack took place after the *Dey* had attempted to negotiate¹² with the United States, but he was frustrated with the refusal of the latter. The slow-paced American response to the *Dey*'s offers led to the seizure of the eleven ships and one hundred and eight additional prisoners to be added to the list of 1785. The dilatory American reply was probably due to Jefferson's attempt to organize an international coalition against Algiers, in 1786. This plan aborted since it had no backing in Europe. Early American diplomats might have not find it necessary to undertake negotiations. By avoiding them in the first place, they participated in paying the heavy bill in their second assault. By that time the world had changed and so had the

¹¹ As reported by Parker, one modern document from Algiers mentions some of these ships : Albert Devoulx, *Le Registre des prises maritimes: Traduction d'un document authentique et inédit concernant le partage des captures amenées par les corsaires algériens* (Alger, A. Jourdan, 1872). These records concern the prizes of the corsairs between 1765 and 1830.

¹² Congress did not answer a letter dated February 25, 1787 of Sidi Hassan of the Marine of Algiers.

United States. The Constitutional Convention had been held in Philadelphia, the US Constitution ratified, George Washington had become the first president of the United States, and Thomas Jefferson secretary of state.

Making a treaty with Algiers was the only way to stop hostilities and safeguard American trade in the Mediterranean. But Barbary treaties had rules. The government of the United States might have known about them. A knowledge of these rules was not sufficient; the identification of the opponents of the signature of this very treaty and their motives will help draw a more complete image of the stakes of alliances and conflicts of interests.

c/ The rules of a Barbary Treaty

The government of Algiers made it a rule never to discuss a peace treaty simultaneously with two Christian nations. This is why Mr. John Woulfe, who arrived in Algiers in 1779 and operated as a British Consul at that Consulate, advised John Lamb to postpone negotiating a peace treaty with the Regency since it was not the adequate time. This was confirmed by the *Dey* who explained to Lamb that the United States had chosen an inappropriate time to discuss peace with Algiers since Spain had not finished her negotiations with regard to her captives in Algiers. The *Dey* also reminded him that Algiers never concluded peace with two Christian powers at a time.¹³

¹³ Cathcart, *The Captives*, p. 40.

Another Barbary rule consisted in avoiding long-term peace treaties.¹⁴ This was mainly due to the fact that interests of the Barbary States from corsair activities were substantial. In case of a peace treaty, however, the revenue which could have been raised from privateering would be replaced by presents and annual tribute.

However, a declaration of war was not excluded even if there had been a peace treaty in effect. This was mainly in case the “Algerines” observed an infringement of the peace treaty. Then, the consul would be sent away and a grace period would be accorded to his country before hostilities would commence. Moreover, in order to keep a balance between its alliances and interests, the Regency of Algiers could not afford to be at peace with different states. This led the representatives of the states at peace with the Regency to be constantly worried about a possible notification of a declaration of war in case Algiers would sign a peace treaty with another nation.

3/ The Treaty

Addressing the Council on Foreign Relations, on the prospects for the Algerian-American Relations, on March 26, 2009, in Houston, Texas, Abdallah Baali, ambassador of Algeria to the United States of America quoted President Barack Obama in his response to a congratulatory message from President Abdelaziz Bouteflika. The former assured the latter of his keenness to work with him “in a spirit of peace and

¹⁴ Actually, Britain and France were the only nations with which Algiers upheld a long-term peace.

friendship to build a safer world”.¹⁵ Mr Baali underlined the adequate choice of words of the American president by highlighting the two-hundred and fourteen year old Algerian-American Treaty of Amity and Friendship during George Washington’s presidency:”(…) Indeed, on September 5,1795, two years before John Adams’ election, our two nations signed in Algiers the first of three famous Algerian-American accords, the Treaty of Amity and Friendship.”¹⁶

a/ The detractors of the Treaty

The first American efforts at negotiations with the Regency of Algiers were not backed by the British and the French. In fact, these latter demonstrated unsupportive positions.

Actually, Jefferson called for French assistance with regard to Lamb’s mission to negotiate, preliminary write and sign a treaty with the Regency before its final execution by the American ministers. This appeal was responded to by a letter and a cryptogram from the minister of the navy, the marquis de Castries to the French consul in Algiers, De Kersey. In the letter dated October 23, 1785,¹⁷ there were recommendations with regard to the French 1778 treaty, featuring France’s commitment

¹⁵ Abdallah Baali, “Prospects on Algerian-American Relations”, Council on Foreign Relations (March 26, 2009) <<http://www.algerianus.org/content/view/172/124/>> [December 19, 2009].

¹⁶ Abdallah Baali, “Prospects on Algerian-American Relations”, Council on Foreign Relations (March 26, 2009) <<http://www.algerianus.org/content/view/172/124/>> [December 19, 2009].

¹⁷ “The De Castries’s Letter” in Parker, *Uncle Sam in Barbary*, pp. 217-218. The two versions of this letter in English and French provided by Parker will be included in Appendices 4& 5 of the present thesis.

to offer its good offices to help Americans deal with the Barbary regencies. The cryptogram sent eight days later, however, urged De Kercy not to act in favour of the success of negotiations between the Americans and the Regency of Algiers:

On the 23rd of this month I gave Mr Lamb, agent of the United States to the Dey of Algiers, a letter of recommendation for you. You will easily sense that there is no advantage to us in procuring for them [the Americans] a tranquil navigation in the Mediterranean. You will therefore limit yourself to giving them satisfaction to the extent that you can serve them to acquit yourself outwardly of the king's promise, but you will not go further, and above all you will avoid demarches and demands effectively pronounced in a negotiation in the success of which we have no real interest. I count above all on your skill in the friendly and prudent conduct which you will need to maintain toward Mr Lamb.¹⁸

Parker characterized the French attitude as being 'perfidious'. Through the decoded instructions he uncovered in the French archives, he skilfully validated the ineffective role of the French with regard to the American negotiations with the Regency of Algiers. He explained how De Kercy's support was confined to mere politeness and simple arrangement of the Lamb's audience to the *Dey*. French opposition to the United States peace treaty with the Regency was also expressed by

¹⁸ Pascal Even, *Papiers du Consulat de France à Alger: Inventaire analytique des volumes de correspondance du Consulat de France à Alger, 1585-1798*, (Paris: Imprimerie Nationale, 1988), fols. 200-201. Quoted in Parker, *Uncle Sam in Barbary*, p. 219. The originals are in Nantes.

Cathcart who explained it by the fact that the treaty would have interfered with the French interests especially in the grain trade.¹⁹

France was not the only nation against this peace treaty. Britain eagerly acted to abort American envoys' efforts of negotiations with Algiers. When Sidi Hassan, the High Admiral of Algiers received John Woulfe and John Lamb who had come to negotiate a treaty with Algiers, he declared there was no chance for peace as the *Dey* was on good terms with England. He added that: "The British Consul was against an American peace, therefore there would be none".²⁰ This attitude would not last as the *Dey* would subsequently accept the terms of American-Algerian peace to irritate the British. Hassan Bashaw asserted to Cathcart that he made peace with America to exasperate the British: "Go and tell your ambassador that I accept his terms more to pique the British who are your enemies and are on very bad terms with me."²¹

According to Cathcart, Spain had the desire to frustrate the American peace as well.²² In her efforts to oppose French military sway, Spain was concerned about the fact that the low-priced American wheat attaining her Atlantic ports would not allow higher prices in the Mediterranean.²³ For her own interests, Spain opposed American peace. As for the Danish and Venetian consuls, they were anxious that a peace with the United States would entail a declaration of war for their countries since these latter had benefited from long peace periods. Thus, assistance in favour of American peace could

¹⁹ Cathcart, *The Captives*, p. 163.

²⁰ Barnby, *The Prisoners of Algiers*, p. 81.

²¹ *Ibid.*, p. 185.

²² Cathcart, *The Captives*, p. 166.

²³ Barnby, *The Prisoners of Algiers*, p. 158.

have been expected only from Sweden and Holland that had just signed new peace treaties with the Regency.

b/ The treaty negotiators

On 26 September, 1786, Congress in Philadelphia decided that the commission and directives delivered to Mr John Lamb for negotiations with the Barbary powers be vacated and annulled, and that the secretary for Foreign Affairs take the necessary measures for directing Mr Lamb immediately to repair to New York.²⁴ But it was not until 1792, seven years after Lamb's failure that Congress²⁵ resolved to vote an appropriation of forty thousand dollars to negotiate peace with Algiers and ransom her captives.

For this new mission, the choice of Congress fell on Admiral Paul Jones who had been living in France for some time.²⁶ But, before the Barbary commission attained him, Paul Jones had died. The second candidate for the mission was Thomas Barclay.

He was known for his successful mission to Morocco in 1786 that was characterized by

²⁴ J. P. Boyd, *Papers of Thomas Jefferson*, vol. x, p. 649 quoted in Barnby, *The Prisoners of Algiers*, p. 83. Also referred to in: *USDC*, 2: 673, from John Jay to John Adams, October 4, 1786.

²⁵ *ASP/FA*, 1: 136 "Message from the President of the United States, Relative to Prisoners of Algiers, May 8, 1792." Refer to this message in the Appendix 6. On 29 March, 1792 a petition of thirteen prisoners was sent to the Congress of the United States at Philadelphia. They denounced Lamb's failure. They denounced his shameful unfulfilled decisions in the name of the United States that kept them seven years prisoners in Algiers. They made appeal to Congress Justice and Humanity to ransom them. However, it is worth mentioning that by the eighteenth century, the Christian captives were not compelled to change their religion. During this period however, captain O'Brien, a non-working captive had been assured the command of an Algerian warship if he would become Muslim, in Barnby, *The Prisoners of Algiers*, p. 95.

²⁶ *Ibid.*, p. 99.

the signature of a treaty between Morocco and the United States. On his return to Philadelphia, Barclay presented the list of peace presents required. In 1791, Thomas Jefferson appointed him for the mission to Morocco to bring the peace presents needed five years earlier. He could not go to Morocco since it was in a state of turmoil as the emperor had died and his sons were fighting to succeed him. He stayed at Gibraltar with an English merchant, James Simpson who served as a Russian Consul there. A year later, Barclay wrote to the U.S. Envoy at Madrid, William Carmichael to suggest himself as a mediator to ransom the American captives in the Regency of Algiers.²⁷ Thomas Barclay died in 1793, not knowing he had been appointed the U.S. Envoy to the Dey of Algiers.²⁸

The following appointee for the Algerian mission was colonel David Humphreys²⁹ who had been secretary to the three Peace Commissioners in Europe. Thus, he was aware of the first negotiations with Algiers. He even suggested that a 'public lottery' be organized to finance the release of the American prisoners.³⁰ By the time he was nominated for the Algerian mission, he had been the United States Ambassador to the court of Portugal.

Humphreys changed the tradition that America had to turn to France, Britain, or Spain for her affairs in Algiers. He preferred the assistance of Sweden had just concluded peace with Algiers in June 1792. This meant Sweden would enjoy quite a

²⁷ *Dispatches from United States Consuls in Gibraltar*, Thomas Barclay to Thomas Jefferson, Gibraltar, 28 May, 1792. Quoted in Barnby, *The Prisoners of Algiers*, p. 100.

²⁸ Barnby, *The Prisoners of Algiers*, p. 100.

²⁹ For instructions related to negotiations with the Dey and Regency of Algiers refer to Appendix 10.

³⁰ Barnby, *The Prisoners of Algiers*, p. 101.

long period of good relations with Algiers. It was this new stability that made Humphreys seek Swedish help. In September 1793, he hired a Swedish ship, *Jupiter* and left for Gibraltar. By that time, an Algerian-Portuguese truce had been into effect through the British mediation.³¹ This meant that Algerian warships had access to the Straits of Gibraltar from where they sailed to the Atlantic.

David Humphreys and Nathaniel Cutting, his secretary, went to Madrid for some business.³² By the time Humphreys arrived in Alicante with money and peace presents to negotiate the Algerian mission, eleven American ships crossing the Straits of Gibraltar had been seized by the “Algerine” corsairs. Consequently, Humphreys instantly wrote a letter he sent to the *Dey* of Algiers asking him for an audience to discuss a peace treaty.³³

With American prizes brought by the Algerian corsairs, peace negotiations seemed very inappropriate. The *Dey* did not accept to receive him³⁴ and sent back his rejection to discuss a peace treaty. This refusal offended Humphreys who returned to Lisbon after unpacking the peace presents that he left to Montgomery, the U.S. Consul at Alicante. He asked him to dispatch sixteen thousand dollars³⁵ to the Swedish Consul in Algiers to release the new prisoners.

³¹ Ibid., p. 132.

³² For Instructions on negotiations with the *Dey* of Algiers refer to Appendices 6, 8, and 10.

³³ Barnby, *The Prisoners of Algiers*, p. 106.

³⁴ *ASP/FR*, 1: 413, “D. Humphreys Esq, to the Secretary of State, November 19, 1793” and also “D. Humphreys Esq, to the Secretary of State, November 23, 1793.” Refer to Appendix 8.

³⁵ Barnby, *The Prisoners of Algiers*,. p. 107.

Embarrassed by Humphreys' inactivity in the Algerian mission, Edmund Randolph, Secretary of State, decided upon recommendation to appoint Heysell, U.S. Consul to Barbary and asked him to inform ambassador Humphreys at Lisbon. Randolph's directions to Heysell's collaboration with Humphreys on the Algerian affair seemed useless as this latter had decided, without authorization to leave for the States in this time of crisis.³⁶

Upon his return to Philadelphia, David Humphreys knew about Heysell's appointment that he attempted to cancel by all means. He explained to Edmund Randolph that Heysell was not the suitable appointee to carry out a diplomatic mission for the United States and suggested Philip Sloan, a former 1785 prisoner, as a special negotiator to Algiers and Consul to Tripoli and Tunis.³⁷ Later, he became aware of the inadequacy of Sloan for diplomatic office but believed in his effectiveness in the Algerian mission for his abilities as an interpreter.

After long consultations on who was diplomatically adequate to take part in the Algerian negotiations, a delegation was finally formed. It involved David Humphreys, Joseph Donaldson, nominated as U.S. Consul to Tunis and Tripoli had first to join in the Algerian negotiations, and Philip Sloan.³⁸ On board of the *Sophia*, on 8 April 1795, the three men were determined to settle the Algerian affair.

After a thirty-nine-day journey, the *Sophia* arrived in Gibraltar. The question raised at that time concerned the person who would negotiate with the *Dey* on behalf of

³⁶ Barnby, *The Prisoners of Algiers*, pp. 117-118.

³⁷ *Ibid.*, p. 119.

³⁸ *Ibid.*, p. 122.

the United States. In a letter addressed to Edmund Randolph, David Humphreys denounced Heysell's attempt to initiate negotiations with Hassen Bashaw.³⁹ Actually, when Heysell found out that Humphreys had left for America, he decided to sail to Alicante where he voiced that he was there to make peace between America and Algiers. As a matter of fact, he wrote a letter to the *Dey* requesting his agreement to go to Algiers to negotiate peace with him. The *Dey* answered with a letter of demands the same month.⁴⁰ Heysell's initiative was also disapproved by the US Consul at Alicante, Robert Montgomery.⁴¹ This is why Humphreys substituted him by James Simpson for the Moroccan mission and entitled Joseph Donaldson as the US envoy to Algiers:

To all concerned to whom these presents shall come be it known that I, David Humphreys, Minister Resident from the United States of America at the Court of Lisbon, being duly empowered and instructed on the part of the President of the United States of America, to negotiate and conclude a Treaty of Amity and Commerce between the United States of America and the Most Illustrious and Most Excellent the *Dey* & Governors of the famous City and Kingdom of Algiers, as well as a Treaty for the liberation of the Citizens of the said States in captivity at Algiers, do constitute and appoint Joseph Donaldson Junior...all the Power necessary to arrange and agree upon the Articles of the same and do certify and sign Convention thereupon, reserving the same nevertheless, when concluded, to be transmitted by me to the President of the United States for his final Ratification, by &

³⁹ Ibid., p. 124.

⁴⁰ Refer to the *Dey's* letter of demands addressed to Heysell in Appendix 11.

⁴¹ Barnby, *The Prisoners of Algiers*, p. 124.

with the advice & the consent of the Senate of the said States.⁴²

On 24 May, Humphreys sailed to France and a few days later, Donaldson and Sloan left for Alicante according to the former's instructions. From there Donaldson wrote letters to O'Brien, Pierre Skjoldebrand, and to the Consul-General of France, Vallière. He wondered whether the *Dey* was ready to discuss peace. As he intended to send them with Sloan to Algiers, he faced the refusal of the Military governor of Alicante justified by his lack of authority from Madrid to allow them to sail to Africa. On 13 August, the letters were finally delivered in Algiers through a Spanish boat.⁴³

The following day, James Cathcart informed the *Dey* that an American messenger was waiting in Alicante for his approval to come to Algiers to discuss peace with him. The *Dey* consented provided Cathcart would take full responsibility of this person. Cathcart agreed and notified the *Dey* that the powers of the American envoy⁴⁴ to negotiate peace were related to a certain sum then pursued: "(...) if your Excellency does not intend to lower your first demands, and that very considerably, you had much better not give him permission to come at all."⁴⁵ Cathcart suggested to the *Dey* Americans wanted peace on similar terms as the Dutch in the last treaty. The *Dey* explained the comparison was not adequate: "but what good did you ever do us to

⁴² *General Records of the Department of State (G.R.D.S)*, vol. iii, "Dispatches from United States Ministers to Spain, 1795-97, "Gibraltar, David Humphreys' commission to Joseph Donaldson, undated but filed between 21 and 22 May 1795. (National Archives, Washington). Quoted in Barnby, *The Prisoners of Algiers*, p. 125.

⁴³ *Ibid.*, p. 131.

⁴⁴ Cathcart was making reference to the *Dey*'s demands to Heysell by letter in January 1795. The entire sum required for peace and the release of the American captives was 2, 247, 000 Mexican dollars. *Ibid.*, p. 130.

⁴⁵ Cathcart, *The Captives*, p. 159.

expect to obtain peace on the same terms as Holland, who has been supplying us with stores for a century when we were at war with Spain?"⁴⁶ As the *Dey* insisted the Americans have to pay for peace, Cathcart skilfully defended his country by presenting good religious arguments which Muslims enjoyed in America:

We wish to pay you, Effendi, and to make you feel how much we respect and esteem you; but not on the same scale as Spain, Portugal, and Naples, who have been at war with you since the commencement of the Hegira. In our country we have no religious test, nor enmity against those of your religion; you may build Mosques, hoist your flag on the tower, chant the symbol of your faith in public, without any person interrupting you, Mussulmen may enjoy places of honour, or trust under the government, or even become president of the United States, and ought not these circumstances be taken into consideration? You do not enjoy any of those privileges in any Roman Catholic country or indeed in any other; and if you make those nations pay high for peace, it is on the principle of retaliation, because they have made you pay millions in defensive measures; but we have never been at war with you.⁴⁷

Such strong arguments could hardly have been disregarded. Once the *Dey* agreed to hear the offer of the American envoy, he had apparently been somehow ready to revise his first demands. In great secrecy and for the sake of security, two passports were sent to Donaldson and Sloan under the seal of the Regency in a letter written by

⁴⁶ Cathcart, *The Captives*, p. 159.

⁴⁷ *Ibid.*, p. 160.

Cathcart, and given to Skjoldebrand who hired a brig to go to Alicante and bring Donaldson to Algiers.⁴⁸

c/ Peace concluded

In just six hours, Donaldson's letters were answered and passports issued and sent to Alicante to have the American envoy come to Algiers. This swiftness was meant to avert those against a peace treaty between America and the Regency from contesting this undertaking.

The new British Consul, Charles Mace, had no power in interfering in Algerian affairs. As for Vallière, the Consul-General of France, he was alleged by O'Brien, Cathcart and the Skjoldebrand brothers as being hostile to American interests. For him, an American peace treaty with Algiers would be an authorization for American ships to enter the Mediterranean. On several occasions, he tried to abort the peace negotiations by announcing to the *Dey* that Donaldson had '*carte blanche*' to treat with him. This engendered a great misunderstanding which almost ended in the expulsion of the American negotiator and the burial of peace discussions. The Danish, Venetian and Spanish Consuls were also against American peace with the Regency. Two nations who

⁴⁸ Cathcart, *The Captives*, p. 161. The Regency of Algiers had never issued a passport to the ambassador of any nation to come to discuss peace. This is why the *Dey* refused at first, he explained that it would seem as if Algiers was suing for peace rather than America. Then, he was persuaded by Cathcart who would write one in English to fulfill the same purpose.

had signed new treaties with Algiers seemed in favour of an American negotiation: Sweden and Holland.⁴⁹ Cathcart claimed they were America's private friends but they did not want to exhibit their assistance publically.⁵⁰

Cathcart and O'Brien were very impatient for the negotiations to commence before these hostile nations would obstruct peace talks. The *Dey* also became anxious and wondered about the reasons of the delay of the American envoy. Cathcart explained that the governor of Alicante had previously opposed Sloan's embarking to Algiers and that it did not prevent Sloan from going to the States and come back with the Ambassador. That was mainly to point out the yearning of Spain to obstruct American peace. The *Dey* was so infuriated that he instructed that: "no person should ship even an onion for Spain, and that all intercourse should be suspended."⁵¹

Since he took the responsibility to bring the American envoy, Cathcart took advantage of the situation to nurture the *Dey's* annoyance toward the Spaniards, to find excuses for the delay of Donaldson. He justified a possible refusal of the Ambassador's envoy to come to Algiers, by the fact that this latter had been informed by the Spaniards that the terms of peace Algiers suggested to the United States were almost the same as those demanded from Portugal that the *Dey* did not want to reduce. He explained why

⁴⁹ Barnby, *The Prisoners of Algiers*, p. 158.

⁵⁰ Cathcart, *The Captives*, p. 164. The Swedes did not want the Danish, who were anxious about the consequences of an American peace treaty on Denmark, to be aware of their friendship with the Americans.

⁵¹ *Ibid.*, p. 166.

Donaldson might have thought it useless to come.⁵² That was very skilful on the part of Cathcart, who would have a key role all along the negotiations, which would not have ended with the peace treaty without his entire involvement, devotion and perseverance.

As the *Dey* doubted whether Donaldson would come, Cathcart assured him he would go himself to Alicante and find out the reasons of the American envoy's delay in case this latter did not show up. But, on Thursday, 3 September,⁵³ all anxieties vanished as a brig flying an American flag and colours of truce entered the Algiers Bay. Cathcart followed by O'Brien and Micaiah Baccri, the wealthiest and most prominent of all the Jewish negotiators in Algiers, went to receive the American emissary.

The first step toward negotiations started with a quarrel even before the first audience with the *Dey*. Cathcart and O'Brien disagreed with Donaldson, who first wrote a letter to Vallière announcing his arrival, on the one hand, and on his insistence to look for his help in any negotiations, on the other. Despite O'Brien and Cathcart's efforts to discourage him from doing so, Donaldson opted for following David Humphreys' recommendations and sent the letter to the French Consul.⁵⁴

On Friday, the 4th of September, even though no business was customarily performed on that religious day, Cathcart to avoid any manoeuvre against American negotiations from enemy countries, solicited the *Dey*, Hassan Bashaw, for an instant meeting with the American representative. The *Dey* agreed to receive the American

⁵² Idem.

⁵³ Cathcart, *The Captives*, pp. 168-169.

⁵⁴ Barnby, *The Prisoners of Algiers*, p. 164.

envoy. Accompanied by Philip Sloan, Donaldson left for the palace where Cathcart, Baccri, and the Swedish Consul's dragoman were waiting for him. According to Cathcart, Baccri was there to propose his pecuniary services, as for the Swedish dragoman, he did not want to miss his present in case peace was agreed upon that day.⁵⁵ When they were all received in the *Dey's* private audience chamber at 7 am, Cathcart announced a translation of Donaldson's credentials. Then, the *Dey* ended the discussion and postponed it to the following day: "it is 'jama', he said, "we will see about these affairs tomorrow."⁵⁶

But an hour later, the *Dey* convened Cathcart to notify him of his suspicion with regard to the American Ambassador's envoy. As Cathcart assured him of the veracity of his credentials and advised him to start negotiations, the *Dey* informed him to present the last offer they made which totalized 2,247,000 Spanish dollars in addition to two thirty-five gunships, and presents to all officers of the Regency, every two years from the United States Consul.⁵⁷ Even though Cathcart was aware that the great demands could not be fulfilled, he carried them to Donaldson, who was seriously concerned as he knew he could never comply with the *Dey's* exigencies.

Donaldson was advised by O'Brien, Skjoldebrand, and Cathcart to make a counter proposal to the *Dey*. They agreed to offer a total of 543,000 Spanish dollars for the peace treaty and the ransom of the American captives. This time Cathcart took

⁵⁵ Ibid., p. 167.

⁵⁶ Cathcart, *The Captives*, p. 172.

⁵⁷ Ibid., p. 173. The *Dey* meant the claims he made to Heysell as he tried to open negotiations at the beginning of that year.

Donaldson's suggestion to the *Dey* with Philip Sloan wishing his master would accept it since it was close to the terms the Dutch had acquired in 1794.⁵⁸

When the *Dey* heard Donaldson's suggestions, he blamed this latter of making game of him.⁵⁹ He told Cathcart: "Your Ambassador's powers are not limited; for the French Consul has sent to inform me that he has *carte blanche* and can give what he pleases for peace."⁶⁰ Actually, as France was against a peace treaty between America and Algeria as stated earlier, the French Consul had only to convince the *Dey* that Donaldson was entitled to negotiate peace at any price to ruin the negotiations from the start. Cathcart drew his master's attention to the provision that consisted of a gift of 100,000 dollars for the *Dey*, in addition to half of the amount to his wife and daughter. The *Dey* was outraged at these proposals and ended the meeting by the rejection of the American offer.⁶¹

Frustrated by the *Dey*'s refusal, Donaldson wanted to depart for Alicante. Pierre Skjoldebrand, whose view was approved by both Cathcart and O'Brien, counselled him to augment his suggestion a little and endeavour again. He was confident the *Dey* was in good faith for a peace treaty, but warned Donaldson that if he overlooked this prospect, the *Dey* might rebuff to negotiate again for an extended period of time. Donaldson totally rejected the Swedish Consul's advice.⁶²

⁵⁸ Donaldson did not accompany Cathcart since he was suffering from the gout. As for Baccari, he thought that dividing the *Dey*'s proposal by four was mere craziness and could never be accepted.

⁵⁹ Cathcart, *The Captives*, p. 174.

⁶⁰ *Ibid.*, p. 175.

⁶¹ *Ibid.*, p. 176.

⁶² Donaldson was worried about the fact he had been advised to consult the French Consul for negotiations as this latter ignored both his letter from Alicante, and that of

At 2 pm, the *Dey* summoned Cathcart and charged him with conspiring with Donaldson. Cathcart explained that David Humphreys was in possession of 800,000 Spanish dollars. However, that amount included the purchase of peace from Tunis, and Tripoli as well. He added that this amount would be lessened by expenses, and deficits on rates of exchange. Cathcart's arguments persuaded the *Dey* who asked him to formulate a different list of suggestions.

These latter represented almost the third of the original demands. They totaled an amount of 982,000 Spanish dollars.⁶³ More importantly, they did not include the gifts which consisted in two armed frigates. This huge reduction was an enormous step in favour of concluding peace. Cathcart thought that if Donaldson would not accept the new terms, they would at least lead him to make a counter proposal.

Donaldson had an unexpected reaction. He took the *Dey*'s reduction as proof that he could do more and explained that:

It seemed fantastic that a man, the ruler of a powerful state and the commander of a not insignificant fleet of warships, could within the space of a few hours reduce his demands from two and a quarter million dollars plus two warships to something under one million dollars without warships. Any man capable of this was capable of anything. (...) anyone prepared to make so steep a drop in his

the previous day. He also did not comprehend the friendship of the Swedish Consul. In addition, the two other new Americans: O'Brien and Cathcart were after all of Irish Origin. His mind was shrouded with skepticism.

⁶³ Barnby, *The Prisoners of Algiers*, p. 176.

demands could be easily persuaded to drop them even further.⁶⁴

Donaldson refused to consider the *Dey's* new proposals since he was convinced that the latter would lessen them after some period of time. Could the *Dey's* reduction be viewed as a weakness, or rather as a willingness to conclude a peace treaty? Was Donaldson's answer an absurd obstinacy, or rather political awareness?

Cathcart was obliged to come back to the palace with Donaldson's refusal to enhance his offer. The *Dey* got very angry and threatened to give Cathcart five hundred bastinadoes if he ever mentioned an American peace again and ordered him to embark the Ambassador at dawn next day.⁶⁵ Cathcart brought the *Dey's* orders to Donaldson warning him to abide by them to prevent disagreeable consequences. Skjoldebrand, O'Brien, and Baccri did not accept the negotiations were over. Skjoldebrand attempted to persuade Donaldson:

(...) not to break off the negotiation for a few thousand dollars; to consider how soon the United States would be reimbursed the sum paid for peace by the trade of the Mediterranean, and the possibility of Portugal concluding a peace or truce which would open the Straits of Gibraltar to the excursions of the Cruisers of Algiers, and be the means of capturing a number of our vessels and enslaving our citizens, who must be redeemed some time or another.⁶⁶

⁶⁴ Barnby, *The Prisoners of Algiers*, pp. 176-177.

⁶⁵ Cathcart, *The Captives*, p. 179.

⁶⁶ Cathcart, *The Captives*, p. 179.

Donaldson recognized the strength of those arguments, but did not acknowledge his real powers. Cathcart reproached him for his lack of confidence as Sloan had informed him that Humphreys reported to him that if Donaldson surpassed the amount by fifty or sixty thousand dollars it would not be of a great incidence considering the magnitude of peace.⁶⁷

Realizing the *Dey*'s determination to expulse him, Cathcart's devotion toward the achievement of peace, and Valliere's indifference and perfidy, Donaldson finally confessed he had 650,000 dollars in his possession including all costs. Consequently, the fourth suggestion which totalized 585,000 dollars was made, signed and sealed to be taken to the *Dey* early in the morning.⁶⁸

On September the 5th, at seven o'clock, Cathcart went to the *Dey* accompanied by Baccri and Sloan. Cathcart informed him the American envoy was ready to embark as he ordered, but wished to present a final suggestion to his Excellency and that he added his own fortune to the last proposal to give a final chance to negotiation. The *Dey* agreed to consider the new terms. But he soon realized the addition was insignificant. He reminded Cathcart that he had abated his first proposals by two thirds and continued: "if he cannot comply (Donaldson) with my last proposals he may embark when he pleases."⁶⁹ At this very time, the negotiations seemed to have arrived at an end, but Cathcart did not want to give up. He reminded the *Dey* of his promise to redeem the prisoners independently from a peace treaty.

⁶⁷ Ibid., p. 180.

⁶⁸ Ibid., p. 181.

⁶⁹ Ibid., p. 183.

Attempting to convince the *Dey* to reconsider his position, Cathcart declared:

I came here to speak truth. I have been well treated by the *Dey* for a number of years, and no selfish consideration shall prevent me from endeavouring to prevent him being imposed on by the French Consul, or any of our enemies who under the cloak of friendship are equally his. America will never sue for peace again, but will arm in her own defence; but his Excellency has promised to let the captives be redeemed, which I now implore from his clemency. We have been here for more than ten years Effendi, let us go for the love of God.⁷⁰

Whether disturbed at the idea of having been imposed on by the French Consul or not, surprisingly, the *Dey* asked Cathcart to read again those proposals line by line. Cathcart took the opportunity to stress that 240,000 dollars were allocated to him and his family, that 585,000 dollars was a considerable amount, and that this offer exceeded the sum paid by the Dutch in 1794, by 279,000 dollars.

After the *Dey* had carefully listened to Cathcart's pleading for the latest proposals, he responded:

You know how to gabbar (cheat, deceive, persuade); should I now reject your terms, and send your Ambassador away, your enemies would rejoice and you would become the laughing stock of all the Consuls and Franks in Algiers. Go and tell your Ambassador that I accept his terms, more to pique the British who are your inveterate enemies, and are with

⁷⁰ *Ibid.*, pp. 183-184.

very bad terms with me, than in consideration of the sum which I esteem no more than a pinch of snuff.⁷¹

He also stressed⁷² that annuity in stores, presents on the arrival of an Ambassador, Consular, and biennial presents were to be similar to those paid by Holland, Sweden, and Denmark.

Cathcart and Sloan could not believe the *Dey* had finally agreed for peace and redemption of captives. They hurried to Donaldson who was relieved and ready to go to the *Dey* to validate the arrangement. But, as Baccri had stayed in the palace, he brought a list of seafaring supplies that Sweden provided with the 1793 treaty, and that the *Dey* wanted the Americans to fulfil. This list comprised more stores than those given by Holland and Denmark. Skjoldebrand counselled Donaldson to decline this claim by justifying that Sweden did not provide money which the Americans estimated at \$100,000. Cathcart went with Baccri to explain that to the *Dey*. The latter found an agreement by deducing the value of stores from the cash offered by the States. As the nautical supplies were evaluated at \$60,000, the difference to be paid to the treasury amounted to just \$40,000.⁷³

Donaldson consented to the compromise but wanted the provision of gunpowder to be replaced by other articles. Cathcart promised to change that after the signature of the treaty. Around 11 am, Donaldson, Cathcart, Sloan and Skjoldebrand went to the

⁷¹ Cathcart, *The Captives*, p. 184.

⁷² *Ibid.*, pp. 184-185.

⁷³ *Ibid.*, p. 186.

palace where the *Dey* received them in his private audience chamber.⁷⁴ The amended financial terms were read in Turkish then in English by Cathcart.

According to the tradition in Algiers, no peace was regarded formal before the flag of the treating nation had been hoisted in the palace and saluted by gunfire. Cathcart asked the *Dey* to allow the American flag to be saluted. He consented and peace was at last officially proclaimed.⁷⁵ It must have been a special moment for all those whose life was bound to this treaty. Just two days after Donaldson had come to Algiers, on Saturday, September the 5th, 1795,⁷⁶ the first Treaty of Amity and Peace was signed between Algeria and the United States of America.

On Thursday 10th of September, the *Dey* remitted a stylish ‘attagan’ and a silk ‘sash’ embroidered with gold to be delivered to Humphreys as proof of his esteem.⁷⁷ The following day, O’Brien was introduced to the *Dey*, for the first time thanks to the intervention of Cathcart. He promised to take the treaty into effect and took leave from the *Dey*. It was also Cathcart who had interfered for O’Brien to take the treaty to Lisbon. O’Brien also retired from the Swedish Consul who gave him a nice attagan as a symbol of respect.⁷⁸ After more than ten years in captivity, O’Brien was finally free, not without satisfaction and relief, he was on his way to Humphreys with the first peace treaty between the Regency of Algiers and the United States.

⁷⁴ Ibid., pp. 186-187.

⁷⁵ Ibid., p. 187.

⁷⁶ The following day, Cathcart went with Donaldson to the palace to bring peace presents to the *Dey*. Cathcart reports that the majority of the presents offered to officers of the third and fourth ranks were obtained from the *Dey*. He exchanged them for cash. Then, the *Dey* instantly sent him a young German slave named Joseph Koenigs, as a gift, Cathcart, *The Captives*, pp. 189-190.

⁷⁷ Cathcart, *The Captives*, p. 193.

⁷⁸ Idem.

d/ The text of the Treaty

The Treaty of Amity and Peace was signed on September 5, 1795,⁷⁹ corresponding to 21 Safar A. H. 1210, by Vizir Hassan Bashaw and Joseph Donaldson, Jr. On the 28th of November of the same year, it was validated by David Humphreys, at the City of Lisbon. The original treaty was in Turkish then translated into English by Cathcart. It was submitted to the Senate on February 5, 1796. A resolution of advice and consent was delivered on March 2, 1796, and its final ratification by the United States was on March 7, 1796.⁸⁰

The treaty numbers twenty-two articles. However, Cathcart mentioned twenty-three articles:

This afternoon (7th of September) I received the treaty in Turkish, from the Secretary of State, and with the translation in English which was made and written by me, and collated with the original in twenty-three articles, and the four passports before mentioned.⁸¹

⁷⁹ Refer to the English translation of the treaty in Appendix 12. For the Turkish original see Appendix 13. The original was in Turkish not in Arabic as mentioned in Gilder Lehrman Collection Documents, "Treaty between US and the Regency of Algiers, March 7, 1796" in <http://www.pbs.org/georgewashington/collection/pres_1796mar7.html>. This confusion was due to the fact that the Americans did not make the difference between the Arabic and Turkish languages at that time.

⁸⁰ The ten-year period of negotiations between the United States and Algeria was crowned by the 1795 treaty. The latter marked the official Algerian recognition of the independence of the United States. For further information refer to: علي تابلبيت، "معاهدة السلام و الصداقة بين الجزائر و الولايات المتحدة سنة 1795" حوليات جامعة الجزائر العدد 4. (ديوان المطبوعات الجامعية الجزائر: 1989-1990).

⁸¹ Cathcart, *The Captives*, p. 191.

It seems evident that an article is missing. Why was it suppressed? What was its content? Did it include secret clauses? If that were the case, what were they related to? Answers to such inquiries might be a very interesting source of a further investigation.

***/ Translation of 1930**

The Turkish manuscript of the original treaty has been investigated by two scholars: Dr. J. H. Kramers, of Leiden, and Dr. C. Snouck Hurgronje. Dr. Kramers suggested a new translation of the Turkish treaty and provided some notes at the end. They were often related to Turkish words and their paraphrase. For him, the treaty was written in an outstanding Turkish and could not have been a translation from Arabic. Consequently, his translation was so considerably different from the English translation of the treaty, that all articles were rewritten.

Kramers also implies that the last page of the treaty must have originally been the first for the information it contained. Actually, it presents the reason for concluding a peace treaty with the United States.⁸²

The existence of differences between Cathcart's and Kramers' translations may entail that some changes might have been undertaken for some hidden motives. The treaty was written by Cathcart and the Secretary of State. Were some omissions and lack of precision made on purpose? Was it for these reasons that there was so much delay in the fulfillment of the terms of the treaty? Whatever might have been the

⁸² *The Avalon Project*, "The Barbary Treaties 1786-1816. Treaty with Algeria September 5, 1795: Translation of 1930". (February 2, 2002)
<http://avalon.law.yale.edu/18th_century/bar1795.asp > [November 9, 2004].

reasons, it seems clear that a more exhaustive comparative study between the two versions may lead to the drawing of unexpected conclusions. Even though it is fair to declare that the two versions are not similar, they both comprise just twenty-two articles. There is no hint to a possible previous article that might have been suppressed. Is it conceivable that a difference in the number of articles might have been overlooked? As Hunter Miller himself acknowledged the accuracy of Cathcart's account on the negotiations, one must query about the twenty-third article.

***/ Hunter Miller's Notes**

Four main points characterized Hunter Miller's notes.⁸³ After giving general information about the treaty, the first point presented some details on the original treaty. The second one dealt with other originals. As for the third point, it was a note regarding ratification, and the last point concerned the passports.

Miller starts by stating that the original treaty was in Turkish, and that the articles noted down in English were a translation endorsed by Donaldson, Jr, the treaty negotiator at Algiers. Then, he explained that among the three accounts of the peace negotiations, Cathcart's was the most adequate. The first version entitled: "Narrative of the proceedings of Joseph Donaldson Esq" was written by O'Brien who had been a captive in Algiers since 1785 and redeemed the 11th of September, 1795 with the signature of the peace treaty between Algeria and the United States. He later became the

⁸³ *The Avalon Project*. "The Barbary Treaties: 1786-1816. Treaty with Algeria September 5, 1795: Hunter Miller's Notes". (February 2, 2002).
<http://avalon.law.yale.edu/18th_century/bar1795.asp> [November 9, 2004].

Consul General at Algiers.⁸⁴ The second account was that of Donaldson. Hunter Miller found it blurred, hazy and comprising some discrepancies. Cathcart's report in *The Captives* was judged as being the most complete version of the negotiations.

Miller mentions that the original treaty, held in the Department of State, is uncommon. This is mainly because it comprises sixteen sheets of paper about ten inches wide and fourteen inches long fixed together by a ribbon. These sheets when folded seem like a pamphlet of thirty-two leaves or the double number in pages. Pagination is inexistent in sheets as well as in pages. The articles are ordered from left to right, the Turkish version being on the right and the English one on the left. The articles are then followed by the concluding clause of the English translation.⁸⁵

According to Donaldson, when the treaty was originally written in Turkish, it obeyed the customary right-to-left order of pagination. But, Miller thinks it is ultimately impossible to assert whether the concluding clause of the English translation was at the end, or that it was rather at the beginning like it reads in the 1930 translation. He thinks that Donaldson regarded it as a final clause because of the position of his signature.⁸⁶

Even though these differences are noticeable and should be taken into consideration, the discrepancies which exist between the original Turkish treaty and its translation of 1795 are worth questioning. For instance the articles 10, 11, and 14 are

⁸⁴ The copy of O'Brien account, according to Miller is in an archival volume in Tunis. D.S., 1 Archives, *Tunis, 1793, 1801*.

⁸⁵ Refer to *The Avalon Project*, "The Barbary Treaties 1786-1816 treaty with Algeria September 5, 1795: Hunter Miller's Notes." In <http://avalon.law.yale.edu/18_century/bar1795n.asp> [November 9, 2004].

⁸⁶ *The Avalon Project*, "Treaty with Algeria September 5, 1795 Translation of 1930." <http://avalon.law.yale.edu/18th_century/bar1795n.htm>.[November 9, 2004].

amazingly different.⁸⁷ For the sake of conciseness these articles will not be compared; however, a brief reading of the two versions will raise intellectual curiosity which can only be satisfied by further examination.

The third point in Miller's notes was connected with the existence of other originals. He informs us that there was another original treaty at the Consulate of Algiers by stating the *Dey's* demand to Tobias Lear, Consul General in Algiers in 1812, to send him the original Treaty in order to see when the terms of this latter were ratified. During this period, there was a disagreement between the Regency and the United States on the payment of the annual tribute which was supposed to be evaluated according to Mohammedan years instead of Christian ones.⁸⁸ When received, the Treaty was not returned as was the tradition in Algiers when the Consul was sent away.

The most reliable source we possess with regard to the number of originals remains Cathcart. Miller also acknowledges that among the different sources dealing with the treaty negotiations, Cathcart's account is the most adequate. According to Cathcart there were four originals:

I having requested that four copies might be made out when peace took place—one to be sent to the Secretary of State, one to Col. Humphreys, one to remain in the Consulate, and one in the Palace.⁸⁹

⁸⁷ *Idem.*

⁸⁸ *Avalon project.* "Hunter Miller's Notes."

⁸⁹ Cathcart, *The Captives*, p. 221.

Donaldson's copy was an original treaty written with the handwriting of Cathcart. It also comprised some notes on it made by Donaldson. The other three copies were reproduced from that one by Donaldson.⁹⁰

As for the Ratification of the treaty, Miller informs us that there is no facsimile of the United States instrument of ratification in the file of the Department of State. He points out on the publication of the text at that time.⁹¹ He reports that the document dated March 7, 1796, is both a ratification and a proclamation:

It mentions the treaty as written in the Arabic language, being translated into the language of the United States, and includes the translation signed by Donaldson and also the approval of Humphreys.⁹²

Actually, Humphreys received the instrument of ratification on June 17, 1796. He then sent it to Robert Montgomery, agent at Alicante, who forwarded it to Joel Barlow, Consul General at Algiers. Miller suggests that the *Dey* of Algiers might have been informed by Barlow about the ratification during the July discussions.⁹³ He also hints to the fact that the US instrument of ratification might have been sent. Back to September 7, 1795, Donaldson wrote: "The *Dey* recommends a Frigate being sent here with the ratification as it is on Secret Questions usual to return the salute which is

⁹⁰ Ibid., p. 222.

⁹¹ *Claypool's American Daily Advertiser*, Philadelphia, March 10, 1796. A copy of the newspaper is in the Department of State file. In *Avalon Project*, "Hunter Miller's Notes."

⁹² Idem.

⁹³ D. S., 3 Dispatches, Spain, No. 50, June, 1796. In "Hunter Miller's Notes" *Avalon Project*.

always fired from the Castle Fort.”⁹⁴

Miller mentions a very important point with regard to the possibility of a secret clause which may have accompanied the signature of the treaty. He also presents the criterion according to which the *Dey* of Algiers considered the treaty as being still valid or not. In fact, it depended on the receiving of the imbursements stipulated by the United States de hors the treaty.⁹⁵ Consequently, a delay in these payments pledged on the signature of the treaty would result in the increase of demands.

The 1798 directives provided to O’Brien, as he was the Consul General at Algiers, inform us that years after the signature of the 1795 Treaty, its stipulations could not be fulfilled: “The Crescent Frigate in which you have to embark, you will deliver to the *Dey* and Regency, for whom it has been constructed and equipped conformably, to the stipulation of Mr Barlow.”⁹⁶ This instruction ultimately confirms the existence of secret clauses. This is also confirmed by:

The Schooner Hamdullah, which has lately sailed with Stores for Algiers is also to be delivered to the *Dey*...This Schooner has been purchased, and the Schooner Lelah Eisha is now building here, for the *Dey*, in the expectation that they will not only soothe him under the past delays & disappointments in the fulfilment of our stipulations, but serve as acceptable substitutes for the stipulated, masts, Yards, and heavy planks.⁹⁷

⁹⁴ *The Avalon Project*, "Hunter Miller's Notes."

⁹⁵ Idem.

⁹⁶ D. S., 4 instructions, U. S. Ministers, 188-93, December 29, 1797 in *Avalon Project*, "Hunter Miller's Notes."

⁹⁷ Idem. Note that both Frigates mentioned bear Arabic names. The First one means God Thanks, the second one is a female name meaning alive. It is preceded by an honorific title.

Passports was the last point Hunter Miller dealt with. Four passports were delivered with the treaty as mentioned by Cathcart: "I likewise got four passports from the *Dey* to protect as many American vessels with our stores from capture by (all the Barbary States) including Morocco for one year."⁹⁸

One of the four passports is in the Department of State. It has the seal and the *tughara*, which means name, of the *Dey* of Algiers, Hassan Pasha. Dr Kramers translated it from Turkish:

The reason of writing this document is this: On the 23rd of the month of Safar, 1210. The bearer of the present document, belonging to the American people, that has now concluded a peace treaty with the frontier-post of the holy war, Algiers, has desired a passport for himself as well as for the ship on board which he is and for all the sailors, being Americans, for a year after the date of this document, in order that, when navigating and passing on sea, if they meet with war vessels of Algiers or of Tunis the well-preserved, or of Tripoli, these shall not lay hand on his ship or on his crew or on his load or cargo, or molest him. According to the demand of security this passport has been drawn up and written and given into his hands. Therefore, if the war vessels of Algiers, when meeting, do him any harm or molestation, those people shall be punished severely, and if he meets with molestation from the war vessels of Tunis or Tripoli, they shall be punished by the intermediary of their officers. In order to state this, this passport has been given as a proof into his hands, so that it may be produced and used in time of need. Written in

⁹⁸ Cathcart, *The Captives*, p. 191.

the last days of Safar, 1210. Frontier of Algiers
the well-preserved.⁹⁹

The wording of the passport reveals a real determination from the part of the *Dey* to fulfil the terms of the treaty and the promise to protect the American vessels, crew and cargo from other Barbary States for the aforementioned period. In fact, the *Dey* would even subsequently intervene for the signing of peace treaties between the United States and two other Barbary states: Tunis and Tripoli.

4/ The peculiarities of the Treaty

a/ Themes of the Treaty

*The payment of tribute

A Barbary peace treaty involved a nation to pay tribute to the ruler of a Barbary state. This latter would then suspend assaults on the nation's vessels. Tribute customarily consisted in payment in cash in addition to yearly payments, which might correspond to money, military provisions, or pricy gifts to the *Dey*.

The sum the Americans assented to pay to the Regency with the signature of the peace Treaty was \$585,000. Because of the delay in the payment promised to the *Dey*, this amount almost doubled to totalize about one million dollars.¹⁰⁰

Actually, among the three financial commitments involved in the treaty negotiations, only one is mentioned in the text. The first was related to peace presents which

⁹⁹ *The Avalon Project*, "Hunter Miller's Notes."

¹⁰⁰ For an estimated cost of the naval stores and 1795 treaty consult Appendices 15 and 16.

totalized \$40,000. They consisted in jewellery, watches, and money dispatched among about a hundred officers, from the *Dey* to the simplest clerk. Just the presents provided for the *Dey* and his family amounted to \$21,000:

The *Dey*, for instance was given a ring, a watch and chain, a snuffbox, a ring for his wife and one for his daughter, 16 pieces of gold brocade, 82 pieces of broad cloth, 3 pieces of damask, and 4 of linen.¹⁰¹

It was Micaiah Bakri who supplied these gifts that were sent to the *Dey*, just after the signature of the treaty. Bakri was reimbursed by Donaldson in the spring of the following year as agreed before.¹⁰² The second pecuniary requirement concerned the payment of 12,000 sequins stipulated in the twenty-second article of the treaty. The latter revealed it could be paid in cash or equal.¹⁰³ This annual payment, referred to as tribute by Americans, was the sole financial arrangement revealed in the treaty. The last pecuniary commitment dealt with was the amount of \$585,000 which included the redemption of captives and the cost for the peace treaty.

* Ransom of captives

Even though peace between the Regency of Algiers and the United States was

¹⁰¹ Parker, *Uncle Sam in Barbary*, p. 103.

¹⁰² *Idem*. These presents were separate from the consular presents to be presented bi-annually, or at the arrival of a new Consul.

¹⁰³ *Ibid.*, p. 104. Parker points out the difference existing between the translation of the original treaty and the translation of 1930, with regard to the due amount of money. The former stipulates, Algerian sequins, the latter mentions gold pieces.

proclaimed on September 5, 1795, it was not until July 13, 1796 that American prisoners departed from Algiers on board of the *Fortune*.

When the peace project was about to abort, Cathcart reminded the *Dey* of an earlier promise according to which he would ransom the captives independently from the peace treaty. After the *Dey* had been convinced by Cathcart, as previously explained in the section related to the concluding of peace, the problem of finding the funds constituted a real obstacle. The release of the American captives was inextricably linked with the arrival of the stipulated funds. A letter from Edmund Randolph to David Humphreys informs us of George Washington's directives to redeem the American prisoners for a maximum of three thousand dollars per man.¹⁰⁴ Those instructions are not stated in the treaty. According to Joel Barlow, the ransom of the American captives was finally estimated to \$ 2,000 a head.¹⁰⁵

Besides, like the customary gifts on which the *Dey* always insisted, the financial agreement of the ransom for the redemption of the American captives was not mentioned in the treaty.¹⁰⁶ For the above mentioned financial arrangements, the United States was to benefit from the paramount Mediterranean Trade the Regency of Algiers ensured.

b/ A similar copy of the Swedish-Algerian Treaty

Peace was concluded in less than forty-eight hours after Donaldson's arrival.

¹⁰⁴ Refer to the "Extract of a letter from the Secretary of State to Colonel Humphreys" in Appendix 10.

¹⁰⁵ Parker, *Uncle Sam in Barbary*, p. 104.

¹⁰⁶ For not being mentioned in the treaty, these financial agreements subsequently constituted a matter of dispute between the United States and the Regency of Algiers

After its proclamation and salutation of the American colours, no treaty had been written. Since it was signed in 1729, the treaty between Sweden and the Regency of Algiers had been used as a source for all the treaties Algiers had to sign with Christian powers. The 1795 peace Treaty signed between the Regency of Algiers and the United States was a similar copy of the peace treaty made between Sweden and Algiers in 1729.¹⁰⁷

The last article of the American-Algerian Treaty is important first because it crowned the peace negotiations and framed the American-Algerian diplomatic relations for the seventeen years to follow until the expulsion of the American consul, Tobias Lear, in 1812. Second, the article reveals that it is the sole treaty that stipulates the pledge of the United States to pay annuities to a foreign country in exchange for a secure passage in the Mediterranean.

An investigation in the 1795 treaty reveals that it was more advantageous to Americans and rather restrictive to Algerians.¹⁰⁸ Apart from the twenty-second article, the other articles seem to guarantee more freedom to Americans in their trade. While for instance, the seventh article forbids Algiers from selling any vessel of war to the foes of the United States, the tenth article allows the United States to send prizes to the ports of Algiers. Most articles stipulated privileges to Americans and cared about their welfare

¹⁰⁷ F. E. Ross, "The Mission of Joseph Donaldson, Jr., to Algiers, 1795-97", in *The Journal of Modern History*, vol. vii, No. 4, Dec. 1935, p. 427. Quoted in Barnby, *The Prisoners of Algiers*, p. 193. Refer to the treaty in the *Avalon Project*, "Hunter Miller Notes". Miller mentions that the 1795 treaty was a copy of the Swedish-Algerian Treaty of Peace and Commerce of 1792 that was a renewal with additions of the 1729 treaty.

¹⁰⁸ Refer to the margins of the articles of the 1795 treaty in the Appendix 12 . They summarize well the lack of reciprocity in the treaty as well as the American privileges

as exemplified by article 11. To word it differently, a simple reading of the treaty seems to fit the American needs and shows that the majority of articles gravitated around the fulfilment of American satisfaction. The Regency must have desired to conclude peace to be so lenient or rather permissive with regard to the consequences of such articles since no precaution was to secure the inclusion of two financial agreements in the treaty.

Another outstanding point that is recurrent in the different articles of the treaty deals with the terminology subjects and citizens. A close examination of the treaty reveals that the word subjects was used to refer to the “Algerines”. The word Citizens was used when referring to Americans. In the twenty-two article treaty the word subjects is found in the first, second, sixth, fifteenth, sixteenth, nineteenth, and twenty-second articles. One can even think of the possibility of a prepared treaty. A lot of assumptions can be made. Only a deeper investigation could bring some more satisfactory answers.

5/ The United States’ Acts

a/ An Act Making an Appropriation for Defraying the Expenses Which May Arise In Carrying into Effect the Treaty Made Between the United States and the *Dey* and Regency of Algiers.

This Act stipulates the need to yearly allocate twenty-four thousand dollars from the revenue laws of the United States, to discharge the expenses related to the

implementation of the Treaty signed between the United States and the *Dey* and Regency of Algiers.¹⁰⁹

It also mentions that this annual payment to the *Dey* was stipulated in the Treaty. In addition, it refers to the proceeding of such a payment as long as the treaty is still valid. It was approved by Congress on May 6, 1796.

b/ An Act Authorizing the President of the United States to Apply a Further Sum to the Expense of Negotiations with the *Dey* and Regency of Algiers.

This Act which includes three sections was approved by the American Congress on March 3, 1797.¹¹⁰ The first one stipulates that the President of the United States is authorized to request an amount not surpassing two hundred and eighty thousand two hundred and fifty-nine dollars and three cents, in addition to the sums already allocated for the expenses which may have been encountered in any negotiation with the *Dey* and Regency of Algiers.

The second section states the sum for defraying the first two ‘annuities’ to the *Dey* and Regency of Algiers. It amounted to ninety-six thousand two hundred and forty-six dollars and sixty-three cents. It also mentions the appropriation of the same sum stipulated by the 1796 Act.

¹⁰⁹ *SQL*, 1: 460. Refer to Appendix 14

¹¹⁰ *SQL*, 1: 505-506. Refer to Appendix 17

As for the last section of this Act, it refers to the mentioned sums to be paid and discharged from revenues of the United States to the end of the year 1797.

After reading the treaty, its versions, interpretations, the journal of Cathcart, these Acts, it is hard to still conceive that the Regency of Algiers was -- and is still considered -- as a piratical state. It was a recognized power, it had its weight in the Mediterranean. It signed official treaties with powerful nations. Treaties were signed by mutual legal counterparts. The 1795 treaty of Amity and Peace signed between the Regency of Algiers and the United States was an official recognition of the United States by the leading power of the Barbary States.

Part Three

My ardent desire is, and my aim has been, to comply strictly with all our engagements; foreign and domestic; but to keep the United States free from political connections with every other country, to see them independent of all and under the influence of none

George Washington, in a letter to Patrick Henry, October 9, 1795.

Making America: The legacy of The American-Algerian War

Chapter Five

The literary dimension of the American-Algerian War

The American-Algerian tension remarkably contributed to the literary making of the young American republic. Early American literature dealt with Barbary captivity and “Algerine” observers or captives were also used in the first American novels.

1/ Barbary captivity in Early American Literature

a/ Susanna Rowson’s *Slaves in Algiers*

After their successful Revolution, the Americans lost the protection of the British Navy, and their commerce was seriously jeopardized by the Barbary States during the late eighteenth and early nineteenth centuries. The Barbary threat, which consisted in the seizure of American ships and seamen, resulted in a tension of an international scale. The latter fostered the thriving of poems, novels, plays, histories, and newspaper articles about Barbary.

By the year 1793, the tension between the United States and Algiers had attained its climax. It was in this context that *Slaves in Algiers, or a Struggle for Freedom*,¹ was written by Susanna Haswell Rowson.² This play is a comedy that was meant to stir

¹ Susanna Haswell Rowson, *Slaves in Algiers or, A Struggle for Freedom* (Acton, MA: Copley edition, 2000).

awareness of and invoke compassion for the American prisoners.

It took Rowson only two months from the genesis of her idea to write this play to the moment it was first performed on June 30, 1794, at the Chestnut Street Theatre in Philadelphia. In addition to the fact that the play was founded on historical events of post-Revolutionary America, Rowson acknowledges in the preface of her work that the plot of her story was partially taken from the narrative of the captive, recounted by Miguel de Cervantes Saavedra³ in his masterpiece *Don Quixote*, and that the remaining part was based on fiction.

The play is a comedy that depicts the scheme of the various European Americans who plan to flee from Barbary where they were held slaves. It also pictures their escape and their freedom.

Even though *Slaves in Algiers* addressed sensitive subjects and stressed national and racial identity as well as equality between men and women, when first published, it was fervently criticized by William Cobbett⁴ in a pamphlet entitled: "*A Kick for a Bite.*" Cobbett harshly disagrees with the theme of the play, which suggests that women could be on the political stage, and warns against it by anticipating that it could

² Susanna Haswell Rowson (1762-1828) was a novelist, a playwright, and an actress. Born in England, Rowson was raised in America. She came back to England then she settled in the United States from 1793 until her death. She is better remembered for her 1791 novel *Charlotte Temple*. *Slaves in Algiers* is Rowson's first play.

³ Miguel de Cervantes Saavedra (1547-1616), who was held in captivity in Algiers for five years, authored one of the most outstanding books in the history of the novel: *Don Quixote*. Trans by John Ormsby (Digireads.com Publishing, 2009).

⁴ William Cobbett, British native pamphlet writer, used the pseudonym Peter Porcupine to severely criticize Rowson for her writing.

lead to a social revolution: “(...) Who knows but our House of Representatives, for instance may be succeeded by members of the other sex?”⁵

Slaves in Algiers, states women’s ethics, race, different kinds of slavery and liberty. It portrays the resistance of American women to preserve their values. Through the play, Rowson could be viewed as the forerunner of the subsequent women’s rights movement. Two centuries ahead of her time, her play constituted the topic of public and political discourse which engendered opposite reactions. The play stressed the political crisis between the United States and Algiers in the 1790’s. It also displayed the American society as well as white slavery in the eighteenth century. This play is of an outstanding value as it is the first and only existent play of Rowson. In addition, it was set in Barbary and written in a context of great captivity of Americans by Algerine corsairs. Thanks to its literary significance, the play should be made available for students of American literature in America and Algeria for further research.

b/ Paul Baepler’s White Slaves, African Masters

American slave narratives as well as Indian captivity accounts have gained a dazzling consideration from literary historians. But until recently, narratives of North African captivity drew little or timid attention. The writing of novels such as those by Daniel Defoe, Royall Tyler, and the aforementioned play by Susanna Rowson was

⁵ Rowson, Slaves in Algiers, p. xvii. Actually, Jeanette Rankin, a Republican from the State of Montana was elected to the United States Congress in 1917. Today, Nancy Pelosi is the speaker of the House of Representatives. She is the first woman in this position.

influenced and inspired by narratives of North American Colonists held captives in the Barbary Coast centuries beforehand.

At the beginning of the nineteenth century, Barbary captivity narratives prospered. The earliest Barbary captivity account from America dates back to 1683 with the capture of Joshua Gee, a shipwright, who sailed from Boston to Roanoke with a cargo of Tobacco, by Algerian Privateers.⁶ As early as European settlements started in America, settlers and Barbary privateers fought.⁷ Two American ships were seized and brought to the Moroccan port of Sale, in 1625, just five years after the founding of Plymouth.

Paul Baepler, in *White Slaves, African Masters. An Anthology of American Barbary Captivity Narratives*⁸ provides us with a compilation of nine American Barbary captivity narratives which depict the enslavement of White Christians by Barbary corsairs.

The nine-captivity narrative anthology includes two fictions: Maria Martin's, *History of the Captivity and Sufferings of Mrs Maria Martin* and Eliza Bradley's, *An Authentic Story*. Paul Baepler starts with the account of Cotton Mather: *The Glory of*

⁶ Consult: Joshua Gee, *Narrative of Joshua Gee of Boston, Mass., While he was captive in Algeria of the Barbary Pirates 1680-1687* (Hartford: Wadsworth Atheneum, 1943).

⁷ On their way to Europe, Merchants from Massachusetts as early as 1661 met with Barbary privateers. There are several accounts of captures in the seventeenth century. For instance, the capture of Captain William Foster and his son, Dr. Daniel Mason, Captain William Condy, William Harris who were sailing from Boston en route of Europe. They were held captives and driven to Algiers. For more details refer to: Charles Sumner, *White Slavery in the Barbary States* (Boston: John P. Jewett, 1853).

⁸ Paul Baepler, *White Slaves, African Masters. An Anthology of American Barbary Captivity Narratives* (The University of Chicago Press, 1999). Refer to his PhD thesis: *White Slavery in Africa: The Barbary Captivity Narrative in American Literature* (University of Minnesota, June 1996).

Goodness, then that of John D. Foss: A Journal of the Captivity and Sufferings of John Foss, James Leander Cathcart: The Captives, Eleven Years in Algiers. Jonathan Cowdery's American Captives in Tripoli , William Ray's Horrors of Slavery, and Robert Adams' The Narratives of Robert Adams are important parts of the narratives which end with Ion H. Perdicaris' In Raissuli's Hands. The study of such narratives endows us with samples which encompass the divergent existing Barbary captivity accounts.

Foss's A Journal of Captivity and Sufferings of John Foss,⁹ which appeared in two different editions in 1798, considerably contributed to the Barbary captivity narratives written by Americans. The writing of his diary covered the period between October 25, 1793, the day Algerine privateers captured the brig Polly, where he was on board, and August 23, 1797, the day he arrived home in Newburyport.¹⁰

In his narrative, John Foss switches from first person that he uses to display his own thoughts on Algerine captivity, to third person through which he expresses a more comprehensive account about Algeria and the endurance under slavery. His journal presents a description of the work of the slaves, their outfits, supplies, and even sentences. There are also accounts on the conduct toward the slaves in sickness as well as some remarks on the manners and traditions of the "Algerines." Like most journals,

⁹ Refer to John D. Foss, A Journal of the Captivity and Sufferings of John Foss; several years a prisoner in Algiers: Together with some account of the treatment of Christian slaves when sick:-and observations on the manners and customs of the Algerines (Newburyport: MA. A. March, 1798).

¹⁰ Samuel E. Bayley , captain of the Polly had no idea of the truce signed between Portugal and Algiers the previous month. See the section on the second Algerian offensive in the second chapter of Part two of the present thesis.

that of Foss ¹¹ might be questioned for its truthfulness. Even though he had been very eloquent with regard to the affliction of his fellow prisoners, however, he mentioned the justice made to the slaves when deceived:

If a slave has been cheated by any Turk, Colloglie, Moor, Arab, Renegado, or Jew, and he takes hold of this chain, and says he wants justice, one of the principal officers of the *Dey's* corps of guards goes to him and asks the particulars of his being wronged; and who the person is that has wronged him and justice is immediately done to him. ¹²

Through the narrative of the plight of the captives, John Foss did not fail to highlight the United States' disgrace with regard its neglect toward its own citizens. He reported that when they were accompanied to the *Dey's* palace after their capture, the *Dey* told them that his repetitive attempts pleading the United States to negotiate peace with him were in vain and were never followed by any satisfactory response. ¹³ Because of this contempt, the *Dey* promised to make no peace with the United States under his reign.

2/ The “Algerines” in early American Novels

¹¹ He mentioned that the Algerines bury their dead in the position of sitting which is totally untrue. John Foss, *A Journal of Captivity and Sufferings of John Foss* in Paul Baepler, *White Slaves, African Masters*, p. 92.

¹² *Ibid.*, p. 84.

¹³ *Ibid.*, p. 78. For more details on Baepler 's *White Slaves, African Masters* refer to his PhD Thesis, *White Slavery in Africa: The Barbary Captivity Narrative in American Literature* (University of Minnesota, June 1996).

a/ Peter Markoe's *The Algerine Spy in Pennsylvania or, Letters Written By A Native of Algiers on the Affairs of the United States in America. From the Close Of the Year 1783 to the Meeting Of the Convention*

This book was part of a genre of satires written by oriental intruders. In these literary productions, the reflections of the voyager are utilized as a means to convey cultural analysis. This genre appeared in England in 1687, with the publication of *Letters Written by a Turkish Spy* by Giovanni Marana. The six hundred letters fostered the emergence of Montesquieu's *The Persian Letters* in 1722, and Oliver Goldsmith's *The Citizen of the World* in 1762. Such works might have helped Markoe use the necessary devices to make his readers appreciate and preserve their not long acquired freedoms.

Timothy Marr, the editor of the second edition of *The Algerine Spy in Pennsylvania*,¹⁴ acknowledges it not only as one of the first books of fiction published in the United States, but also as the first spy account presenting letters of invented Muslims revealing confidential information about the early republic. Other Muslim spy accounts were also referred to in the works of Washington Irving and Samuel Lorenzo Knapp.¹⁵

¹⁴ Peter Markoe, *The Algerine Spy in Pennsylvania or, Letters Written By A Native Of Algiers on the Affairs of the United States of America, From the close of the year 1783 to the Meeting of the Convention* (Westholme Yardley, 2008).

¹⁵ Washington Irving, William Irving, and James Kirke Paulding, *Salmagundi* (New York: D. Longworth, 1807), which included letters of Mustapha-Rub-a-Dub Keli Khan. Consult the letters of Ali Bey in Samuel Lorenzo Knapp, *Extracts from a Journal of Travels in North America* (Boston: Thomas Badger, 1818).

What is recognized today as the first novel written in America, was an early 1770 satire authored by two Princeton undergraduates: Philip Freneau and Hugh Henry Brackenridge. Written in the fashionable Oriental style of the time, it was entitled: *Father Bombo's Pilgrimage to Mecca in Arabia*.¹⁶

The eighteenth letter of the book reveals what Timothy Marr refers to as Mehmet's most ingenious suggestion, the possible foundation by Muslim powers of a colonial settlement on the shores of the United States. Mehmet advocating to take advantage of Rhode Island determination in conceding the right to tax to the federal government explains:

I have revolved in my mind the means of rendering this very probable revolt beneficial to Algiers, and glorious to the Sublime Porte, by establishing an Ottoman Malta on the coast of America. An European Bonneval¹⁷ was received, honoured and promoted by the ministers of the Porte. Is not an American Shays entitled to equal rewards, if capable of rendering equal services?¹⁸

Actually, Mehmet plans to meet with the leaders of Shay's Rebellion and acquire Rhode Island as an "Algerine" port. Proceeding in his scheme, Mehmet suggests that the security of the Rhode Islanders be paid for by raiding the coasts, enslaving men and maidens, and adding virgins sent to the Sultan as tribute. Such a plan translates the

¹⁶ Philip Freneau and Hugh Henry Brackenridge, *Father Bombo's Pilgrimage to Mecca in Arabia* Ed. Michael D. Bell (Princeton: Princeton University Press, 1975).

¹⁷ A former French officer, Claude Alexandre, Comte de Bonnaval, converted to Islam and directed Turkish armed forces against Austria and Russia.

¹⁸ Peter Markoe, *The Algerine Spy in Pennsylvania*, p. 100.

fears of Americans with regard to Muslim powers and most specifically Algerine, during the first years of the American nation. John Jay's caution to New Yorkers in case they would not ratify the new constitution typifies this concern: "Algerians could be on the American coast and enslave its citizens who have not a single sloop of war."¹⁹

But the most important intelligence that Mehmet sends to Algiers lies in his seventeenth letter, where he asserts that: "the last war has convinced these states of two serious truths, they are too strong to be conquered, and too weak to think of conquering others."²⁰ It is this very strength that attracts Mehmet and transforms him into an American citizen. The crisis of Federalism seems to coincide with the Algerine spy. Just after the ratification of the constitution, Mehmet is betrayed, converts to Christianity and becomes American.²¹ He lived in Pennsylvania, where he purchased a farm.

His conversion to Christianity reveals the threat of American captives 'turning Turks'. While Mehmet perceives his Americanization as liberation, Lotfi Ben Rajeb, attributes it to cultural suicide.²² He considers the Barbary wars as a strategy the Americans used to define themselves in the early years of their nation. The Middle East became the other against which the American is defined. According to Michael B. Oren, Markoe's "satirical provocation helped tip the bitterly contested debate over the

¹⁹ Timothy Marr, *The Cultural Roots of American Islamism* (Cambridge University Press, 2006), p. 39.

²⁰ Peter Markoe, *The Algerine Spy in Pennsylvania*, p. 92.

²¹ *Ibid.*, p. 125.

²² Lotfi Ben Rajeb, "Observing the Birth of a Nation: The Oriental Spy/Observer Genre and Nation Making in Early American Literature" in <<http://www.yale.edu/ycias/cnres/publications.htm>> [January 2004].

constitution in 1789.”²³ For him, the construction of a navy five years later to protect the United States against “Algerine” corsairs and even the subsequent events, which shaped the formation of the United States were in part due to Peter Markoe. For this reason, more attention should be devoted to the cultural element that has affected the relations between the United States and Algeria.

b/ Royall Tyler’s *The Algerine Captive or, the Life and adventures of Doctor Updike Underhill: Six years A prisoner Among the Algerines*

Royall Tyler was one of the earliest American playwrights and *The Algerine Captive*²⁴ was Tyler’s first and only finished novel anonymously published in 1797. Tyler tried to improve it and renamed it *The Bay Boy*. But the latter remained unfinished at the time of his death in 1826.

The novel was among the first American literary works to be printed in England. It is about the education, conversion of career from schoolteacher to a doctor, and later

²³ Michael B. Oren, “Books: Five Best”, *The Wall Street Journal*. (June 2, 2007) in <<http://online.wsj.com/article/SB11807/3504137121925.html>> [September 9, 2010]. Oren explains that *An Algerine Spy In Pennsylvania* was one of the five books that depict America’s encounters with the Arab World. The four Others were namely: James Riley, *Sufferings in Africa: Captain James Riley’s Narrative* (The Lyons Press, 1965); George Bush, *The Valley of Vision , or, the Dry Bones of Israel Revived* (New York, 1844). A professor of Hebrew at the University of New York, in 1831, he was the forebear of the two US presidents. The fourth book was: Mark Twain, *The Innocents abroad or the New Pilgrims Progress* (New American Library, 1980) and the last one by Robert D. Kaplan, *The Arabists. The Romance of an American Elite* (The Free Press, 1995).

²⁴ Royall Tyler, *The Algerine Captive or, The Life and Adventure of Doctor Updike Underhill: Six Years A prisoner Among the Algerines* (New York: The Modern Library, 2002). This edition is set from the first American edition published by David Carlisle in 1797. There was a second English edition in 1802 by G. and J. Robinson.

enslavement in North Africa of imaginary Boston native storyteller, Updike Underhill. It is composed of two volumes of respectively thirty-two and thirty-six chapters. Each chapter, in each volume commences with an epigraph and an Argument, which describes the proceedings of the chapter in a synopsis.

The first volume, principally set in America, is a satire and a picaresque adventure novel. It recounts the narrator's infancy and early adulthood in America. It also renders the narrator's failure to serve as a schoolteacher, his change over to medicine, his voyages through the Northern and Southern states as a doctor, and his assistance as a surgeon aboard of a slave-ship journeying to Africa via London. The volume ends with his capture by "Algerines" as he was on the African coast.²⁵

Principally set in Algiers, the second volume displays Underhill's enslavement and provides a description of the country and its citizens. By proposing an analogy between slavery in America and slavery in Africa, he leads the reader to differentiate between his condition as a slave and that of African slaves in America. He lets the reader note that he receives better treatment and his situation is more flexible than that of African slaves because any Christian slave who converted to Islam would be freed as suggested by the Mullah, a former Christian and a Muslim teacher:

Turn then, my friend, from slavery to the delights of life. Throw off the shackles of education from your soul, and be welcome to the joys of the true believer. Lift your finger to the immensity of space, and confess that there is one God, and that Mahomet is his apostle.²⁶

²⁵ Royall Tyler, *The Algerine Captive*, pp. 103-107.

²⁶ Royall Tyler, *The Algerine Captive*, p. 136.

In fact, as suggested by Timothy Marr, the narrator's encounter with the Mullah represents his ambivalent encounter with Islam.²⁷ Chapter seven of the second tome relates the five-day interview between Underhill and the Mullah, which seems as a dialogue between Christianity and Islam. Through the discussion between the narrator and the Mullah, Tyler portrays the precepts of Islam as he presumes an advocate would have portrayed them. He was heavily criticised for being too soft in defending his religion in 1803, and 1810, namely by reviewers for London's *Monthly Review* and Boston's *Monthly Anthology*.²⁸

Tyler made his hero develop friendship with the Mullah. He even made him confess: "If any man could have effected a change in my religion, it was this priest. I was charmed with the man, though I abominated his faith."²⁹ Thanks to the Mullah, Underhill was able to practice medicine after he had been bought by the director of the hospital. In fact, as a slave, he admits that his pilgrimage to Mecca made him gain fame and more capital than he had ever earned while free in his home country. His situation as a slave is in no way comparable to African slaves in the United States. One can also notice that being a slave and non-Muslim did not prevent Underhill from taking advantage of the Algerian generosity, which highlights cohabitation between people from different religions.³⁰

²⁷ Timothy Marr, *The Cultural Roots of American Islamism*, p.57.

²⁸ Royall Tyler, *The Algerine Captive*, pp. xxxi-xxxii.

²⁹ *Ibid.*, p. 149.

³⁰ Consult chapters xxxi, xxxii, xxxiii, and xxxiv of *The Algerine Captive* for a full account of his pilgrimage to Mecca.

Caleb Crain, who wrote the introduction of the 2002 edition of the *Algerine Captive* explains that Tyler's choice of writing a novel on an American enslaved in Algiers is not insignificant. It translates his ambivalence regarding the Federalists. The latter supported Britain, which sided with Algeria in the American-Algerian hostage crisis. It was also the Federalists who claimed the building of a navy³¹ that allowed halt Barbary piracy. Tyler ends the second volume with the liberation of Underhill who conveys to the reader a nationalistic message:

My ardent wish is, that my fellow citizens may profit by misfortunes. If they peruse these pages with attention they will perceive the necessity of uniting our Federal strength to enforce a due respect among other nations. Let us, one and all, endeavor to sustain the general government. (...) Our first object is union among ourselves. For to no nation besides the United States can that ancient saying be more emphatically applied; BY UNITING WE STAND, BY DIVIDING WE FALL.³²

Royall Tyler engaged in a fictionalized travel narrative, wrote a picaresque novel that criticized the practice of slavery in the United States by contrasting it with the captivity of white Americans in Algiers. Newspapers repeatedly reported on American sailors taken captives by the Algerines before accurate captivity narratives were emerging in print in the new republic. The American war with Algiers fostered the prevalence of narratives of captivity, both non-fictional and fictional.

³¹ Royall Tyler, *The Algerine Captive*, p. xxxi.

³² *Ibid.*, pp. 225-226.

Chapter Six

The Political consequences of the American-Algerian War

The late eighteenth century American-Algerian War created the context of several American pioneer literary works on Algiers that contributed to the making of the American literary heritage. This war had been a direct consequence of American independence. In fact, the most important part of trade the states carried out with foreign countries was under the aegis of Britain. After the Revolutionary war, the loss of British protection led to the Confederation's loss of foreign trade, which was aggravated by the 1783 British Order in Council. The latter interdicted US trade with the West Indies.¹ Hence, the United States had to find other markets and turned to the Mediterranean region, which seemed a profitable course of trade. A trade that engendered America's first diplomatic crisis of its nationhood. The latter had outstanding political consequences that guided the inspiration for a new American Constitution, the birth of the US Navy, and the shaping of American early foreign policy.

1/ Inspiration for a new American Constitution

The final draft of the Articles of Confederation, which consisted of thirteen

¹ Edward A. Osen, *The Evolution of U.S. Maritime Power in the Pacific*, November, 1991 in <http://webcache.googleusercontent.com/search?q=cache:VOAKRXXAmPIJ:www.d> [February, 2013].

articles,² was agreed by the Continental Congress on November 15, 1777. It was employed by Congress as a de facto system of government until it became de jure by last ratification by the state of Maryland, on March 1, 1781. Considered as America's original national constitution, they bridged the gap between the first government represented by the Continental Congress of the Revolutionary era, and the federal government under the American Constitution in effect on March 4, 1789. As Americans were familiar with the tyrannical government of Britain, they did not want to reproduce anything alike. They were rather in favour, as stipulated in Article 1, of a confederation that would uphold the sovereignty of states and their freedom to manage their own affairs.

Even though they were considered as an immense realization after their ratification,³ the Articles of Confederation demonstrated grave weaknesses. The Confederation had no separation of powers due to a unicameral legislature. The passing of a law was extremely difficult since to be made into a law, a bill had to be approved by nine of the thirteen states. In addition, there was room for no amendment of the Articles since unanimous consent of the states was required as mentioned in the thirteenth article of the Confederation.

² The content of the Articles of Confederation can be found at the following link: <<http://www.americanrevolution.com/ArticlesofConfederation.htm>> [June 6, 2006], and in <<http://www.yale.edu/lawweb/avalon/artconf.htm>> [March , 2006].

³ The accomplishments of the Articles of Confederation can be associated with the Land Ordinance of 1785 and the Northwest Ordinance of 1787. The first plan, which was designed by Jefferson, intended for sharing the western land into ordered towns. Selling land in these regions aided the new government procure funds. The second aimed at splitting the land over the Ohio River into five areas, which would soon become states. This law would serve as a model for how all future states would be structured.

Since the majority of power was allotted to the states, the central government was vulnerable. Furthermore, domestic and foreign issues arose as Congress had no authority to tax people directly but to request funds, thereby unable to regulate commerce.

a/ The financial and military weaknesses of the Articles of Confederation

The Articles of Confederation were America's first national constitution. The government they founded was fragile as they had financial and military weaknesses. Congress was incapable to tax or control commerce among the states that had no common currency. Besides, there was just one vote per state regardless of size, and neither executive nor judicial branches existed.

The lack of domestic and international power could be justified by the fact that the Confederation was a type of a league or alliance of the thirteen independent states as defined by Gordon S. Wood as a "firm league of friendship." He explains that the league was as "(...) a treaty among sovereign states."⁴ Accordingly, the Confederation government was not appropriate for the demands of the 1780s. It could not keep on with the most trifling concerns in politics. Pleas of Congress could not be implemented either. Pecuniary problems soon arose due to the lack of an executive branch combined with Congress's incapacity for taxation. After its Revolution, the United States faced

⁴ Gordon S. Wood, "The Origins of the Constitution" in *Constitution: A Bicameral Chronicle* (Project 87 of the American Political Science Association and American Historical Association, 1985) in <<http://www.apsanet.org/imgtest/OriginsofConst.pdf>> [December, 2008].

financial trouble and infringed the stipulations of the Treaty of Paris by failing to reimburse its pre-war debts. Congress found itself confronted to an increasing national debt that it was unable to pay on its own or compel states to partake in lessening the trouble.

In 1786, the refutation of state governments to aid the farmers conducted to their rebellion, known as the Shay's Rebellion.⁵ Even though Congress could supply currency, it could not prevent the states from issuing it. Consequently, some States decided to coin money and cause inflation that led to Interstate Tariff wars that demolished the national trade before the powerlessness of the government.

With regard to the lack of international power, the young United States⁶ failed to tackle its Crisis with the Regency of Algiers. The latter was part of the Barbary wars that the United States faced during its post-Revolutionary era. Thomas Bailey underlines the United States' failure to effectively reply regarding the Barbary conflicts under the Articles of Confederation: "The feebleness of America under the Articles of Confederation was nowhere more glaringly revealed than in dealings with the Barbary pirates."⁷ The money owed by the government, which increased to \$ 42 million⁸ after the Revolution, remained unpaid until the beginning of the 1800s.

⁵ Consult the following sources on the topic: David P. Szatmary, *Shay's Rebellion: The Making of an Agrarian Insurrection* (The University of Massachusetts Press, 1980). Leonard L. Richards, *Shay's Rebellion: American Revolution's Final Battle* (The University of Pennsylvania Press, 2003).

⁶ The first chapter of the second part of the present thesis details the American-Algerian Crisis.

⁷ Thomas A. Bailey, *A Diplomatic History of the American People*. 10th ed. (Englewood Cliffs: Prentice Hall, 1980. Quoted in Jason Freewalt, "The Barbary Corsairs: Conquerors of the United States Commerce and the Articles of Confederation". (April 9, 1998) in

This financial obligation jeopardized the economic reliability of the United States. It also prevented Congress from paying tribute and ransoms to the Barbary States in general, and more specifically to the Regency of Algiers. The American prisoners lingered in captivity for almost eleven years due to the non-payment of their ransoms and the tribute agreed upon following the signing of the 1795 American-Algerian Peace Treaty. In fact, America's failure in its first foreign policy crisis was due to Congress's inability to provide for the needed money under the Articles of Confederation. John Lamb undertook negotiations and agreed with the *Dey* on a sum he did not have and knew he could not bring to fulfil his promise. Congress did not respond to the letter addressed by Hassan, *Waquil el Kharj*, to inquire on the delay of Lamb and funds to free the captives. The silence of Congress must have been its inability to honour Lamb's promises. The inability to free American captives testified to the government's inability to provide for the happiness of the American citizens and diplomatic weakness of the Confederation. Adams himself confessed to Jefferson that no one could have done better than Lamb under the financial restrictions the states went through, not even the ablest man in Congress.⁹ Even the subsequent declaration of war of Algiers on the

<<http://www.freewalt.com/socialstudies/history/american/corsairs.htm>> [December 9, 2005].

⁸ This sum is the equivalent of more than \$ 40 billion today. For further information on the Articles of Confederation refer to: <<http://www.constitutionfacts.com>>.

⁹ Parker, *Uncle Sam in Barbary*, p. 65. Refer to America's failure in its first foreign policy crisis in chapter one of part two.

United States was due to the delay in refunding its financial debts.

The Confederation was challenged by another difficulty that consisted in its failure to uphold Treaties with foreign countries mainly because Congress had no power to regulate trade. The prerogative of making trade agreements with foreign countries belonged to the States. Each state discussed its own trade engagements with each foreign country according to its needs. A state of turmoil often prevailed because of the various trade agreements.¹⁰ When Adams went to London in 1785, as the first diplomat to the United States, he could not secure a treaty for unrestricted commerce. There was no guarantee that the different states would agree to a treaty. Adams suggested that navigational laws be conferred to Congress. However, the Articles prevented the various states from effecting foreign affairs, making treaties, or declaring war.

The Confederation was disgraced by the failure in diplomacy and ineffectiveness of the government. In addition to the fact that Congress was unable to finance treaties, Lamb's inexperience conducted him to bargain, in 1785, with the new republic's reputation displaying weak diplomacy by offering inaccessible funds to ransom the American captives that he never fulfilled.¹¹

The weakness of Congress to advocate treaties with foreign countries can be displayed by Thomas Barclay's inability to offer a treaty but only friendship of the

¹⁰ Consult for further information Robert H. Bork, and Daniel E. Troy, "Locating the Boundaries: The scope of Congress's power to regulate Commerce" in <<http://www.constitution.org/1rev/bork-troy.htm>>. [October, 2009].

¹¹ Refer to the first negotiations in chapter one of Part two of the present thesis.

United States in 1786, to the emperor of Morocco.¹² Madison expressed his fear regarding the rupture of the United States with other powers perceiving it as a grand national mishap. As for Edmund Randolph, he justified in the “Virginia Plan” the interruption of United States upholding treaties with foreign countries by the fact that during the writing of the Articles, they had always been upheld.¹³ The inability to carry on treaties with foreign powers weakened the national character of the new republic and her possibility to effectively respond to its crisis with Algiers. It took the United States ten years to sign a treaty with the Regency.

Congress could not stand an army or a navy under the Articles of Confederation for mainly two reasons: financial and military. The Confederation Congress was indebted due to the foreign loans it used to finance the Revolution. It was not empowered to tax to pay off its debts either. Congress could not raise an army to defend its borders from Spain and Britain. After the Revolutionary War, the army decreased to a mere 700 men. Besides, the Continental Navy was split in 1784, to reduce expenses due to the precarious financial state of the Confederation and the outstanding debt it accumulated. As the government could not afford to maintain a sole warship, the frigate *Alliance* was the last ship of the Continental Navy to be sold in 1785. Furthermore, many Americans feared that a strong US navy would lead to subsequent confrontations with the British Navy.

¹² *The Avalon Project* “The Treaty with Morocco June 28 and July 15, 1786.”

¹³ Jason Freewalt, “The Barbary Corsairs : Conquerors of United States Commerce and the Articles of Confederation” (April, 1998)in <<http://www.freewalt.com/socialstudies/history/american/corsairs.htm> > [December; 2005].

b/ The creation of a more powerful central government

The American-Algerian crisis urged the need for a Constitution that would bring solutions to the flaws of the Articles of Confederation that hampered an efficient American reply to its war with Algiers. Thomas A. Bailey, tracking the origins of the American Constitution proposes: “in an indirect sense, the brutal *Dey* of Algiers was the Founding Father of the Constitution.”¹⁴

To tackle the challenges of the late eighteenth century, the early republic required a more influential central government that would have an effective reaction to international affairs and concede new powers to Congress. Among the eighteen provisions devoted to the powers conferred to Congress, focus will be laid on the following abilities: to raise revenue to pay off its debts, regulate foreign trade, provide and maintain a navy. These powers were chosen because of their relevance to the American crisis with the Regency of Algiers.

Under the Articles of Confederation Congress could not levy taxes. Hence financial difficulties worsened and increased the debts of the new nation that could neither secure its credibility, nor make treaties and pay tribute to release American prisoners. The eighth section of the first Article of the American Constitution addressed this problem by empowering Congress: “to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the

¹⁴ Thomas A. Bailey, *A Diplomatic History of the American People* (New Delhi: Prentice Hall of India, 1980), p. 65. Quoted in Lotfi Ben Rejeb, “Observing the Birth of a Nation: The Oriental Spy/ Observer Genre and Nation Making in Early American Literature”. (May, 2002) in <<http://www.yale.edu/yacias/cmcs/publications.htm>>. [January, 2004]].

United States.”¹⁵ Among the modifications that the new American Constitution brought to the deficiencies of the Confederation was the regulation of foreign trade. The third clause of the eighth section of the first Article of the Constitution empowers Congress: “To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.”¹⁶ This power conferred to Congress entails that the latter can impede foreign trade in retaliation to severe trade policies imposed on the United States. The regulation of foreign trade empowered Congress to take decisions that gave the new nation more credibility and enhanced its national unity.

The military weaknesses of the new nation highlighted the need for a new Constitution that would increase the authority of the national government through the empowerment of Congress. In December 1787, John Paul Jones, the American renowned naval fighter of the American Revolution, explicated the inextricable link between the young nation’s respect among nations with its naval force: “America will soon be a very respectable nation; and the creation of a Marine Force will necessarily be among the first objects of her policy.”¹⁷ The Constitution of 1787 granted Congress, in the thirteenth stipulation of the eighth section of Article one of the Constitution, the power: “To provide and maintain a navy.”¹⁸ This clause meant a durable naval establishment as compared to the twelfth provision of the same section that entailed that

¹⁵ Refer to the *Constitution of the United States* in <http://www.yale.edu/lawweb/avalon/usconst.htm> > [March 3, 2002].

¹⁶ Idem.

¹⁷ “John Paul Jones to François-Louis Tessedire de Fleury”, ca. Dec. 1787, Smithsonian Institution, Washington D. C. Quoted in “*The Reestablishment of the Navy, 1787-1801 Historical Overview and Select Bibliography*” in <http://www.history.navy.mil/biblio/biblio4/biblio4a.htm> > [December, 2008].

¹⁸ Constitution of the United States in <http://www.yale.edu/lawweb/avalon/usconst.htm> > [March 3, 2002].

armies would exist as provisional measures: “To raise and support armies but no appropriation of money to that use shall be for a longer term than two years.”¹⁹ By conceding to Congress the authority to provide and maintain a navy, the Framers were also securing American commercial interests.

Abundant literature is available with regard to the Origins and Making of the American Constitution.²⁰ Modest concern has been bestowed to the various sources of inspiration of the Framers for the writing of a new Constitution. Our view is based on a transitive relation that could be better comprehended when put in its historical context. The American-Algerian Crisis underscored the flaws of the Articles of Confederation that obstructed Congress from effectively responding to the tension between the newly born republic and the Regency of Algiers. Congress’s impotence to levy taxes and raise money provoked financial troubles that incurred debts to the new nation. Before these pecuniary complications, Congress could neither provide for the required money to pay tribute and ransoms to Algiers to liberate American prisoners, nor sign a treaty with Algiers. During this period of the Articles of Confederation, the United States was at war with the Regency of Algiers. The lack of financial funds prevented the United States from standing a navy to preserve its mercantile and military interests.

The failure of the United States to solve its conflict with Algiers created the need for a new Constitution. When ratified in 1788, the new Constitution granted the federal government more powers. The latter reduced the financial problems and debts were paid

¹⁹ Idem.

²⁰ Refer to M. Jensen, *The Making of the American Constitution* (Princeton, NJ: D. Van Nostrand Company, 1964), and to C. Warren, *The Making of the Constitution* (Cambridge, MA: Harvard University Press, 1947).

off. The navy was meant to secure commercial and military purposes. Congress had more prerogatives to respond to the American crisis with Algiers. In 1794, it devoted \$1 million,²¹ which represented one-fifth of the global federal expenses, to discharge any expenditures in relation to the intercourse between the United States and foreign nations. The money was used to ransom American prisoners in Algiers. Consequently, the international status of the United States was enhanced by the role the young republic played - - thanks to the provisions of the new Constitution - -to cope with the challenges it faced to stand firm in foreign affairs.

2/ The birth of the US Navy

a/ Algiers as the first serious threat to American shipping

Two years after its independence, the infant republic was challenged by great monetary problems that conducted to the selling of *Alliance*, the last vessel of the Continental Navy. In addition, the Articles of Confederation disallowed State Navies. Since American shipping was no longer under the shield of England's peace treaties with the Barbary States, following the end of the Revolutionary War, American vessels fell prey to Barbary privateers. In March 1783, ships in Marseilles were assaulted by

²¹ Refer to: Gerhard Casper, *Separating Power: Essays on the Founding Period* (Harvard University Press, 1997). The author investigates how the Founding Fathers structured the government. Concerning the Algiers hostage crisis, Casper reveals the interaction of Congress and George Washington in its resolution. He explains that the president accounted for the use of the money four years later, after the resolution of the crisis. Both the legislative and the executive consented on the discretion about the matter.

Algerine corsairs.²² A year later, the *Betsy*, was seized by Morocco as Congress did not send an American ambassador there as requested by the emperor. But the crew was swiftly released at the advent of the American diplomat.²³ In 1785, the peace treaty between Spain and the Regency of Algiers led to the seizure of the two American frigates the *Maria* and the *Dauphin* by Algerian privateers.²⁴ Before George Washington became president, the United States tackled its first hostage crisis. The first crucial threat confronting the new republic in an effort to swell its maritime trade, were the privateers from the Regency of Algiers. Consequently, the primary dilemma the emerging United States had to solve was whether to rebuild its Navy, or pay tribute to Algiers.

b/ Shipping as the first issue to divide the American republic

In 1785, Thomas Jefferson, then Minister to France, referring to the seizure of the two American frigates, revealed to John Jay, who was second secretary of foreign affairs, that the United States should react to prevent further insults: “I think it to our interest to punish the first insult; because an insult unpunished is the parent of many

²² James A. Field, *America and the Mediterranean World 1776-1882* (Princeton: Princeton University Press, 1969), p. 32. Quoted in Jason Freewalt, *Barbary Corsairs: Conquerors of United States Commerce and the Articles of Confederation*, p. 12.

²³ Refer to Jerome B. Weiner, “Foundations of U.S. Relations with Morocco and Barbary States,” *Hiséris-Tamuda* 20-21 (1982-83): 163-74 quoted in *Proceedings, American Philosophical Society*, vol. 143, no. 2, 1999, p. 251.

²⁴ Refer to chapter one, The American-Algerian Crisis of part two of the present thesis.

others.”²⁵ Stating his view against the payment of tribute and advocating naval force instead, he affirms, a year later, to Ezra Stiles, the president of Yale College: “(...) it will be more easy to raise ships and men to fight these [Algerian] pirates into reason than money to bribe them.”²⁶ Jefferson’s suggestions to advocate the prerequisite for an American naval force were ignored. In 1786, Congress examined several schemes for a naval force, and so did the Senate five years later. But serious debate was not undertaken until the seizure of eleven American ships by “Algerine” corsairs, in 1793.

Contrary to the common belief that Slavery was the first issue to divide the new republic, shipping constituted the initial concern to provoke disagreement among the politicians of the young nation. When the American-Algerian Crisis attained its apex in 1793, President George Washington proposed, the following year, a bill²⁷ to allow the formation of a naval force to defend American merchant vessels from “Algerines.” The debate over a resolution fostering the building of six ships, opposed those who were in favour of the creation of a navy to those who resisted it. The bill became a law on March 27, 1794.

c/ The Navy Act

*/ The formation of a Navy to use against Algiers

²⁵ “Thomas Jefferson on politics & Government” Thomas Jefferson to John Jay, 1785. ME 5: 95, Papers 8:427 in <<http://etext.lib.virginia.edu/jefferson/quotations/jeff1475.htm>> [December 3, 2005].

²⁶ “Thomas Jefferson on politics & Government” Thomas Jefferson to Ezra Stiles , 1786 in <<http://etext.lib.virginia.edu/jefferson/quotations/jeff1475.htm>> [December 3, 2005].

²⁷ Steve Argyle, “Yusef and the Yanks Or We Should Thank The Barbary Corsairs for the U.S. Navy” (February 28, 2002). in <http://crystalook.com/SteveA/Fiction/yusef_yanks.htm> [March, 2005]

American impotence to face the crisis with Algeria in the late eighteenth century created the need to form a navy to use against the Regency.²⁸ The gist of the discussion of those who approved of the making of a naval force revealed that the latter would be used to counteract the “Algerine” menace to American Mediterranean trade, and to prevent “Algerine” venture to the North American shores. The Navy Act allowed the formation of a fleet of six ships: The *USS Constitution*, *USS Constellation*, *USS United States*, *USS Essex*, *USS Philadelphia*, and *USS President*.²⁹ The first purpose-built warships in the U.S. Navy were designed and constructed by Joshua Humphreys, who had been assigned for the task by Secretary of War, Henry Knox. This Act permitted the creation of a Navy to use against Algiers: “the depredations committed by the Algerine corsairs on the commerce of the United States, render it necessary that a naval force should be provided for its protection.”³⁰

The Navy Act denoted the founding of the U.S. Navy. Yet, it did not provide for a Navy Department. The latter would not be created until 1798, under the direction of Benjamin Stoddert. Instead, the nine-section Act put the ships under the command of the secretary of war. In addition, the Act did not engender a long-term durable navy. It

²⁸ Refer to “Foreign Policy and Naval Power”, *Life of Thomas Jefferson* in <<http://etext.virginia.edu/jefferson/biog/lj30.htm>> [March, 2005].

²⁹ George Washington appointed the mission of supervising the achievement of the building of the six frigates to Secretary of War Henry Knox, who in turn, assigned the task of designing the first two classes of naval vessels to a Philadelphia shipwright, Joshua Humphreys. To aid the latter, Knox appointed a young shipwright, Josiah Fox. The joint efforts of the two men would launch the first ships of the infant republic.

³⁰ *The Navy Act* (January 3, 2002) in <<http://www.Mariner.org/usnavy/04/04b.htm>>. [December, 2004]. Refer to the Act in Appendix 9.

only empowered Congress for the creation of a navy that would be employed against the Regency of Algiers.³¹

***/ The building of ships would cease in case of peace with Algiers**

The partition in the House of Representatives regarding the Navy Act was almost equal. The bill was passed with the concession of a deferral of construction work if peace were reached with the Regency of Algiers.³² Section nine of the Navy Act stipulates:

*Provided always, and be it further enacted,
That if a peace shall take place between the
United States and the Regency of Algiers, that
no further proceedings be had under this act.*³³

Upon the ratification of a Peace Treaty with Algiers, in September 1795, the United States, by the provisos of the Navy Act, had to halt all naval activities. The USS Constitution, the USS United States, and the USS Constellation were under way, and were completed after George Washington had to force through a bill to continue work on the already launched first three ships.³⁴ Congress appropriated the money for the

³¹ For further information refer to: Gardner W. Allen, *Our Navy and the Barbary Corsairs* (Boston and New York, Houghton Mifflin Company, 1905).

³² Glen Tucker, *Dawn Like Thunder. The Barbary Wars and the Birth of the U.S. Navy*, (Indianapolis: Bobbs-Merrill, 1963), p. 75. From pp. 75-90, Tucker provides information on the dispute over the passing of the bill and the construction of ships.

³³ Section nine of the Navy Act (January 3, 2002) in <<http://www.Mariner.org/usnavy/04/04b.htm>> [December, 2004].

³⁴ When the French Directory claimed tribute of 50,000 pound sterling in addition to a governmental loan from the United States on October 6, 1797, the American envoy,

completion of the three ships to found the U.S. Navy. The act was approved on March 27, 1798. The same year, the three vessels were instantly set out to protect convoys of American merchants in the Caribbean Sea.³⁵

The remaining material that had been gathered for the building of the other ships was sold but what was needed for the thirty-six gun vessel to be offered to the daughter of the *Dey* of Algiers as agreed upon in the 1795 American-Algerian Peace Treaty. The ship was to be built at Portsmouth, New Hampshire. It was not until March 1798 that the vessel was delivered to Algiers with a three-year deferral.

In the light of the circumstances of the Navy Act, it seems that the Algerines inspired the drive for the birth of the U.S. Navy. A Navy which will prove effective in America's subsequent Wars.

3/ Shaping early American Foreign Policy

The failure of the United States to adequately reply during its crisis with the Regency of Algiers was also due to its lack of experience in foreign affairs since the

Charles Cotesworth Pinckney, according to Tucker, is supposed to have answered: "Millions for defense, but not one cent for tribute". The American government realized the need for warships. A need that was reinforced after a French privateer went into the harbor Charleston, South Carolina, sank a British merchantman, then grabbed two American ships. Refer to Glen Tucker, *Dawn Like Thunder. The Barbary Wars and the Birth of U.S. Navy*, pp. 87-88.

³⁵ Andrew M. Swan, "Now We Find it Necessary To Take Care of Ourselves: Citizen Involvement and Influence in the Creation of the United States Navy: 1796-1798" (February 28, 2002) in <<http://etext.lib.virginia.edu/journals/EH/E42/Swan42.html>> [December, 2004].

ten-year American-Algerian conflict was America's first post-Revolutionary undeclared war. The latter contributed in shaping early American foreign policy in two Barbary Wars: the Tripolitan War and the Algerine War.

a/ The Tripolitan War

The Military Order of Foreign Wars accredited a medal celebrating the Barbary Wars from May 1801 to 1815, to acknowledge the contribution of the American Navy in acquiring the freedom of American commerce in the Mediterranean. The foreground of the obverse of the bronze medal³⁶ bears a lion's head, which symbolizes the bravery of the American naval officers, facing to the viewer's left. In the background, the Rock of Gibraltar is portrayed beneath an anchor crossed by a Mameluke in honour of the actions in Tripoli and the new powers of the United States Navy. The inscription 1801-1805-Barbary Wars-1815 follows the contour of the medal.³⁷

Although the Tripolitan War commemorated in the Corps Hymn invocation, "To the Shores of Tripoli" is considered as a heroic episode of the American Navy, we suggest another insight into the American Navy's effort against Tripoli. The importance of this war lies in its origin and embodiment of essential unprecedented events.

Thomas Jefferson had explicitly expressed his opposition to the payment of trib-

³⁶ Privately commissioned by the Military Order of Foreign Wars, the medal was designed by Nadine Russell.

³⁷ "Order Of Foreign Wars" (February 25, 2002) in <<http://foxfall.com/mofw-cm-barb.htm>> [January, 2005]

ute to the Barbary States as early as 1785.³⁸ In 1786, he tried to coordinate a coalition against Algiers but had no backing from Europe.³⁹ He claimed for a strong naval and military reply by envisaging an international force somewhat like what NATO is supposed to be today. This unfulfilled scheme of an international coalition coupled with the willingness not to follow the European tradition of paying tribute would fuel Jefferson's desire to refute Tripoli's demands.

In 1790, Thomas Jefferson, then minister of Foreign Affairs, presented his annual report to George Washington, on the problems American shipping was facing in the Mediterranean. The report revealed the inability of the U.S. fleet to fight against the impressive fleets of the Barbary States.⁴⁰ A scheme had to be found to reinforce the navy of the United States. The plan would consist in making war. The latter would require money that could be obtained by exercising pressure on Congress. The collected funds would finance the goal of acquiring a stronger fleet. In fact, in its war against Tripoli, the United States was defeated, yet, the U.S. Navy gained a more imposing fleet.

After the formation of an American fleet, surprisingly, the United States did not wage war against Algiers to free her prisoners. It rather chose to pay tribute to gain Algiers' Amity. The stipulations of the American-Algerian treaty reveal that the United

³⁸ Gerard W. Gawalt, "America and the Barbary Pirates: An international Battle Against an Unconventional Foe"

http://memory.loc.gov/ammem/collections/jefferson_papers/mtjprece.html
[December, 2004].

³⁹ Joshua E. London, "Victory in Tripoli: Lessons for War on Terrorism", *Heritage Lectures* N 940. (The Heritage Foundation, May 2006), p. 3.

⁴⁰ "قصة المغارة الأمريكية على سواحل ليبيا في مطلع القرن الثالث عشر الهجري"، *تاريخنا منذ القرن الهجري العاشر حتى مطلع القرن الحالي* الكتاب الخامس، ص، 81

States insisted on pleasing the *Dey* of Algiers.⁴¹ The United States craved to enter the Mediterranean as a naval force. Without the neutralization of the leading power of the Barbary States, this would not be possible. In addition, the United States needed allies south of the Mediterranean in case she wanted to start military actions on the North African coast.⁴²

Accordingly, the *Dey* of Algiers defended and backed the United States to conclude treaties with Tunis and Tripoli as Glen Tucker acknowledges:

Now that the *Dey* of Algiers had become the good receiving friend of the United States he made a show of pressure on Tunis. He even ordered out troops against his neighbor_ ostensibly to help the United States...*Dey* Hassan Pasha did show his good will by advancing the initial sums of cash which the United States required for peace with Tunis and Tripoli.⁴³

With the *Dey* 's friendship, the Mediterranean, which was closed to American shipping, became accessible. The American fleet could venture there under the protection of Morocco and Algiers. Even though the incident of the *George Washington*⁴⁴ is often referred to as the incident which triggered the invasion of Tripoli,⁴⁵ it seems

⁴¹ Refer to chapter two of the second part of the present thesis. In addition to the gifts and presents he received, the *Dey* was offered the ship *Crescent* for the delay of paying tribute.

⁴² " قصة المغارة الأمريكية على سواحل ليبيا في مطلع القرن الثالث عشر الهجري"، تاريخنا من القرن الهجري العاشر حتى مطلع القرن الحالي الكتاب الخامس، ص، 87

⁴³ Glen Tucker, *Dawn Like Thunder. The Barbary Wars and the Birth of the U.S. Navy* (New York, 1963), p. 105.

⁴⁴ In 1800, the US sent tribute to the *Dey* of Algiers on the *George Washington*. The latter was commandeered to take an Algerine Counsel and deliver Human and animal

odd that the “Algerines” took American prisoners and offended the US, but the latter chose to shell Tripoli - - probably because it was less powerful than the other states - -, which made it an easier prey for a US stammering show of force in the Mediterranean. Yusuf Qaramanli, pasha of Tripoli, was disappointed by the non-delivery of the *Sophia*, which had been pledged by Consul Richard O’Brien in presence of Gerardo Joseph de Suza, the Spanish consul, and Leon Farfara, the Jewish banker for the Pasha, upon the signature of a peace treaty in 1796.⁴⁶ In February 1801, Yusuf demanded a sum of \$250,000 for a new peace treaty and \$20,000 for yearly tribute. With no negotiations on the horizon, the Pasha declared war on the United States on May 14, 1801.

The Tripolitan War 1801-1805, is often identified as Jefferson’s War because the latter occurred during his presidency. Even though Jefferson, when secretary of state and vice-president, totally opposed the formation of a navy for other purposes but coastal defence, he did not hesitate to send, on June 2, 1801, a squadron of warships to the Mediterranean composed of the frigates: *President* (44 guns), *Philadelphia* (36 guns), *Essex* (32 guns), and the sloop *Enterprise* (12 guns) under the command of Richard Dale, a veteran of the Revolutionary War, to mount a blockade on Tripoli.

treasure gifts to Constantinople. William Bainbridge, the captain of the ship, was compelled to run up the Turkish flag. For a full analysis on the incident refer to:

علي تابليت، *العلاقات الجزائرية- الأمريكية 1830-1776* دكتوراه دولة في التاريخ الحديث و المعاصر (جوان 2007)، ص 351-358.

⁴⁵ This word has been used by Anne G. Myles as she made a parallelism between Bush's speech two months before the invasion of Iraq, and Rowson's dialogue ten years before the invasion of Tripoli: Ann G. Myles, “ *Slaves in Algiers, Captives in Iraq*” (March 2, 2002) <<http://www.common-place.org/vol-05/no-01/myles/indexshtml>> [January, 2005].

⁴⁶ Richard B. Parker, *Uncle Sam in Barbary*, p. 133.

This first squadron was among the four uninterrupted squadrons of the U.S. Navy warships set out for Tripoli. This event corresponded to the first time an American war fleet was at the entry of the Mediterranean.⁴⁷ Jefferson did not ask for congressional approval and took this decision while Congress was in recess. This initiative triggered the first main discussion on the war-making powers of a U.S. president. When Congress was approved, it refused to issue a declaration of war. However, it approved of all required forces to safeguard American shipping abroad. Congress's *carte blanche* allowed Jefferson to send six more ships to the Mediterranean: the *Constellation*, *Chesapeake*, *New York*, *Adams*, *John Adams*, and the *Enterprise*.⁴⁸

On October 31, the *Philadelphia* was captured by Tripolitans and surrendered by her captain William Bainbridge.⁴⁹ The latter and 306 men and officers were held prisoners in Tripoli. The Pasha possessed a superb warship, but American reputation critically deteriorated. Stephen Decatur, who was attributed the mission to destroy the *Philadelphia*,⁵⁰ sailed into the Tripoli harbor on board of the *Intrepid*. The destruction of the frigate took place on February 16, 1804. Even though this event⁵¹ is often referred to as “the most bold and daring act of the age” to use Admiral Horatio Nelson’s words, it neither reinstated the ship to Americans nor did it jeopardize Yusuf’s

⁴⁷ Max Boot, *The Savage Wars of Peace. Small Wars and the Rise of American Power*, p. 13.

⁴⁸ *Ibid.*, pp. 14-15.

⁴⁹ Glen Tucker, *Dawn Like Thunder: The Barbary Wars and the Birth of the U.S. Navy*, pp. 209-220. A whole chapter depicts the capture of the *Philadelphia*.

⁵⁰ For further information refer to: Charles DeSelding, *Documents, official and unofficial relating to the capture and destruction of the frigate Philadelphia at Tripoli on the 16th February, 1804* (Washington: John B. Towers, 1856).

⁵¹ For a full account on the burning of the *Philadelphia*, refer to Glen Tucker, *Dawn Like Thunde. The Barbary Wars and the Birth of the U.S. Navy*, pp. 265-284.

hegemony of the city.

Commodore John Barron commanded the fourth squadron. With the US consul at Tunis, William Eaton, he plotted for the denouement of the crisis. They conceived of a scheme that would depose Yusef and install his elder brother Ahmad who had been overthrown some years earlier by Yusef. In 1804, Eaton was named “Navy Agent to the Barbary States”. He signed a fourteen-article convention at Alexandria, Egypt with Pasha Ahmad on February 23, 1805. The articles explicitly state America’s intentions to restore the destitute Pasha. However, the convention included an additional secret article,⁵² according to which Ahmad promised to deliver his brother Yusuf Pasha to America. This was America’s first attempt at regime change. It would not be the last.

The naval support provided by Samuel Barron aided Eaton and his American-Arab Bedouin army to take Derna, on April 27, 1805. The temporary taking of Tripoli’s second city marked the first time the American flag was hoisted overseas: “The Straits and Stripes was hoisted for the first time in North Africa, or indeed in any part of the Old World.”⁵³ Being aware of their status as an infant nation, Americans wanted to commemorate their first military force to ever land on adverse foreign shores. They needed to mark their first overseas presence through the planting of the American flag

⁵² *The Avalon Project*, The Barbary Treaties 1786-1816 “Tripoli 1805: Convention of February 23, 1805” (February 2002) n <http://avalon.law.yale.edu/19th_century/bar1805c.asp> [February, 2005] .

⁵³ Max Boot, *The Savage Wars of Peace. Small Wars and the Rise of the American Power*, p. 25. For further information consult: *Naval Documents Related to the United States Wars with the Barbary Powers*. (7 Vols). (Washington D.C., 1939). Howard P. Nash, *The Forgotten Wars* (London: A.S. Barnes, 1968). Louis B. Wright, and Julia Macleod, *The First Americans in North Africa: William Eaton’s Struggle for a Vigorous Policy against the Barbary Pirates, 1799-1805* (Princeton: Princeton University Press, 1945).

in Derna. This act was meant to glorify their ten-year-old Marine Corps. In short, Americans experienced their first overseas glory on the soil of a Barbary State.

The arrival of the *Constitution*, under the command of Hugh G. Campbell, brought the news that the Tripolitan War was over and peace had been negotiated with Pasha Yusuf by Tobias Lear, Jefferson's special envoy and Consul general at Algiers, on June 4, 1805.⁵⁴ The ransom of the *Philadelphia* crew agreed upon was \$60,000. Two hundred and ninety-six out of three hundred and seven prisoners were released. Six had died during their captivity, and the five others had converted to Islam.⁵⁵ Campbell had instructions to carry Eaton, the marines and Ahmad away from Derna. The other followers were not informed because there were fears that the news would provoke a slaughter. It would not be the last time America had abandoned her allies.⁵⁶ Boot warns: "The only thing more dangerous than being America's enemy, it is sometimes said, it is being its friend."⁵⁷ America not only abandoned Ahmad, it co-operated with his brother as well.

More dangerous, there was a secret supplement to the treaty of Tripoli, which stipulated that Yusuf was allowed to keep Ahmad's family for a number of years as hostages to his continuing good behavior.⁵⁸

⁵⁴ Refer to the American Treaty with Tripoli June 4, 1805 in Appendix 18.

⁵⁵ Max Boot, *The Savage Wars of Peace. Small Wars and the Rise of the American Power*, p. 26.

⁵⁶ It was the case of Hungarians in 1956 and Kurds in 1992. One may suspect that it would be the case for her present allies.

⁵⁷ Max Boot, *The Savage Wars of Peace. Small Wars and the Rise of the American Power*, p. 26.

⁵⁸ Idem.

The naval campaign was not enough to bring peace. Diplomacy settled the problem. Yusuf remained in power for the twenty-seven years to come. Apart from lessening the amount of the ransom previously demanded, the war of Tripoli was: “a sad example of what happens to dissidents who rely on a foreign power to support them and then are abandoned when the going gets tough or a better offer turns up.”⁵⁹ The war ended with the American recognition of Tripoli as a sovereign and powerful maritime state. Converging to our view that the Tripolitan War was a victory for Tripoli, and unveiling America’s intention behind this war, Professor Ali Tablit summarizes the outcome of the war:

The Tripolitan War 1801-1805 ended in favor of Tripoli. America acknowledged the supremacy and maritime power of Tripoli as a Barbary State as Pasha Yusuf remained in power despite American backing to his brother Ahmad. In addition, a spirit of solidarity among the Barbary States appeared before the foreign challenge as Tripoli was backed by Tunisia, Algeria and Morocco. And it became clear that the policy of John Adams in reinforcing the American Navy was not for the defense of the US, but rather for imposing her power on new places. This shows that the United States was ahead of France, as a colonizing power in the Maghrib by two decades and a half.⁶⁰

We assume that the American-Algerian war modelled early American foreign policy. It is thanks to this crisis that the United States felt the need to affirm its power in

⁵⁹ Richard B. Parker, *Uncle Sam in Barbary*, p. 147

⁶⁰ علي تابلت، " الحرب الليبية-الأمريكية 1801-1805 " *جوليات جامعة الجزائر* العدد السادس الجزء الأول (ديوان المطبوعات الجامعية: 1991-1992) ص: 127-138. Own Translation.

the Mediterranean and set a different example from that provided by European countries through its war with Tripoli. The latter furnished them with the necessary strength to declare war on Britain. Furthermore, it is after the end of its war with Britain that the United States declared War on Algiers in 1815.

b/ The Algerine War

Three of the four bronze stars that the battle streamer of the American Navy bears for the Barbary Wars are related to the War with Tripoli: Actions in the Tripoli Harbor, the blockade of the Tripoli Coast and the destruction of the *Philadelphia*. The fourth star symbolizes the Algerine War. It is another War the United States fought in 1812. The heroism and bravery acknowledged to its captains by the United States in the Tripolitan War raised the spirits of Americans in their combat against the British Navy. During the War of 1812 between the United States and Great Britain, the *Dey* of Algiers declared war on the United States because of the inadequate tribute and the six-month delay of the latter according to the Muslim calendar.

The United States had agreed by the 1796 treaty to pay Algiers \$21,600 per year in naval stores, on a biennial basis, in addition to supplementary presents. When the American tribute was two years in arrears in 1807, the “Algerine” corsairs captured the *Mary Ann*, the *Violet*, and the *Eagle*.⁶¹ Then, Algiers ceased confiscating American ships since the tribute allowed to maintain peace until July 17, 1812, when the

⁶¹ Frederick C. Leiner, *The End of Barbary Terror. America's 1815 War Against the Pirates of North Africa* (Oxford University Press, 2006), p. 21.

American ship *Alleghany* brought naval stores to Algiers as stated by the 1796 treaty. The cargo of the latter was refused as it was judged insufficient -- powder -- and cables were not among the naval stores. Tobias Lear, the American Consul, was compelled to pay the due money that he borrowed from Jacob Baccri with a 25 percent fee added.⁶² As tensions over tribute increased, the *Dey* Hadj Ali declared war on the United States and Tobias Lear was expelled with his family and all Americans from Algiers.⁶³

During the three-year war period, the “Algerines” seized one American vessel, the *Edwin* out of Salem, with ten crewmembers, under the command of Captain George Campbell Smith.⁶⁴ Two of the crew were subsequently ransomed, but the others were released in 1815.

Mordecai Manuel Noah was appointed in 1813 American consul to Tunis. Before taking this post, president Madison and Secretary Monroe chose him as a private agent of the United States to negotiate the liberation of prisoners of the *Edwin* at Algiers. Although Noah had strict instructions to be discrete in his mission without making reference to the American government, he divulged the nature of his mission to several persons. He even chose an intermediary agent to treat with Algiers, the merchant

⁶² In April 1812, George IV, regent of England wrote to the *Dey* of Algiers a letter countersigned by Lord Liverpool, in which he stated the British guarantee to protect Algiers from their common enemies. This letter along with the British renovation of the Algerine fleet in 1812, is seen as Anglo-Algiers alliance against the United States. Quoted in Frederick C. Leiner, *The End of Barbary Terror: America's 1815 War Against the Pirates of North Africa* (Oxford University Press, 2006), p. 22. This is an instance of the stakes of alliances mentioned in chapter two of part one of the present thesis.

⁶³ For a Western view on the Algerine war refer to: Frederick C. Leiner, *The End of Barbary Terror: America's 1815 War Against the Pirates of North Africa* (Oxford University Press, 2006).

⁶⁴ The captain was privileged since he was allowed to circulate freely and the Swedish consul at Algiers, Joham Norderling, made arrangements to make the captain lodge with him.

Richard R. Keene. The latter had been suggested to Noah by Richard Hackley, who had been in contact with the Swedish consul at Algiers after the departure of Lear to America. Keene contacted the Swedish consul on his arrival in Algiers in February 1814, to discuss the ransom of Americans with the *Dey*. But by the time of his arrival, although Keene presented himself as a Spanish merchant, the *Dey* seemed to have known about his task as an American agent who had come to ransom the captives.⁶⁵ Suspecting the participation of the American government, the *Dey* totally rejected to negotiate the ransom of American prisoners.

Things took another turn thanks to British diplomatic assistance. Hugh MacDonald, the British consul at Algiers, exchanged two American captives William Turner and John Clark for Charles Walker, an American from Baltimore, who after he had been impressed by the Royal Navy from an American ship, deserted a British frigate as he was in the Algerine port of Bona. After he converted to Islam, he fled to Algiers and the *Dey* accepted to keep him and release the two aforementioned captives of the *Edwin*.⁶⁶

As for the other prisoners, the *Dey* did not accept to ransom them because he wanted to use them to compel the United States to negotiate a new treaty with a more important tribute.

February 15, 1815 is a date that encompassed two major events: an end and a beginning. President James Madison received the Treaty of Ghent, which was signed on December 24, 1814, to put an end to the war of 1812 between the United States and

⁶⁵ Frederick C. Leiner, *The End of the Barbary Terror. America's 1815 War Against the Pirates of North Africa*, p. 34.

⁶⁶ *Ibid.*, pp.34-35.

Great Britain. Coincidentally, on this very day, Thomas Newton, a Representative of Virginia, presented a statement requiring the president to express his opinion on the relations between the United States and the Barbary Powers.

The following week, president Madison answered Congress. He mentioned the vulnerability of American shipping in the Mediterranean since it was exposed to Algerine assaults, the *Edwin* being the last taken three years earlier and its crew still in captivity. He also explained that time had come to force Algiers to sign a treaty and release the American hostages. President Madison officially asked Congress to declare war against the *Dey* and the Regency of Algiers. Congress answered with an Act authorizing the President to use American armed vessels against Algerian naval attacks but did not declare War:

Whereas the Dey of Algiers, on the coast of Barbary, has commenced a predatory warfare against the United States

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be lawfully to equip, officer, man and employ such of the armed vessels of the United States as may be judged requisite by the President of the United States for protecting effectually the commerce and seamen thereof on the Atlantic Ocean, the Mediterranean and adjoining seas.

SEC. 2. *And be it further enacted,* That it shall be lawful for the President of the United States to instruct the commanders of the respective public vessels aforesaid, to subdue, seize, and make prize of all vessels, goods and effects of or belonging to the Dey of Algiers, or to his subjects, and to bring or send the same into port, to be proceeded against and distributed according to law; and, also, to cause to be done all such other acts of precaution or hostil-

ity, as the state of war will justify, and may in his opinion require.⁶⁷

This is a nuance between a declaration of war and a declaration of a state of war. Richard Parker labels March 2, 1815 as a date when Congress declared war on Algiers: “(...)The United States Congress, following ratification of the Treaty of Ghent ending the war with Britain, finally reciprocated by declaring war on Algiers and authorizing the fitting out of the ships thought necessary for the task.”⁶⁸ Max Boot shares the same opinion: Congress voted a declaration of war against Algiers.”⁶⁹ Glen Tucker however, takes more precautions and uses ‘a state of war’: “Congress a week later (March 2, 1815) agreed that a state of war existed and empowered the President to take the measures he deemed necessary.”⁷⁰ This Congressional authorization supported military action against Algiers, but was not a formal declaration of war as often stated.⁷¹

The *Dey*’s declaration of war was according to the laws of nations which reigned at that time. Treaties were valid according to the payment of tribute and the passports that guaranteed a safe passage through the Mediterranean. By violating the terms of the previous treaty, the United States simply nullified it. Only a new treaty signed to end a

⁶⁷ Jennifer K. Elsea, and Richard F. Grimmett, “Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal implications” *CRS Report for Congress* (Congressional Research Service, the Library of Congress, 2006), pp. 93-94 in <<http://www.fas.org/sgp/crs/natsec/RL31133.pdf>> [February, 2005].

⁶⁸ Richard B. Parker, *Uncle Sam in Barbary*, p. 128.

⁶⁹ Max Boot, *The Savage Wars of Peace. Small Wars and the Rise of American Power*, p. 27.

⁷⁰ Glen Tucker, *Dawn Like Thunder. The Barbary Wars and the Birth of the U.S. Navy*, p. 452.

⁷¹ The 2006 *CRS Report for Congress* does not feature the Algerine War among the Key Dates And Actions Related to U.S. Formal Declarations of War. It rather classifies it under the Major Statutory Authorizations For the Use Of Military Force., p. 8.

war would bring peace back. It is also fair to say that the British Consul at Algiers pushed the *Dey* to declare war by guaranteeing British support to Algiers. Madison was ready to undertake a military response against Algiers now that he had Congress's support. Benjamin W. Crowninshield, who became secretary of the Navy on January 16, 1815, chose Stephen Decatur for the command of the first squadron against Algiers. He was supposed to return home ⁷² after the arrival of the second squadron under the command of William Bainbridge. Both squadrons had strict commands to sign a peace treaty unreservedly.

Stephen Decatur organized a ten-vessel squadron: The flagship *Guerrière*, 44, the frigates *Constellation*, 36, and the *Macedonian*, 38, the sloops-of-war the *Epervier*, 18, and the *Ontario*, 16, the three 14-gun brigs the *Firefly*, the *Spark*, and the *Flambeau*, as well as the 12-gun schooners the *Torch*, and the *Spitfire*. ⁷³ A few days after he sailed from New York on May 20, 1815, Decatur lost the schooner *Spitfire*, thereby, entered the Mediterranean with a nine-vessel squadron. The battle that was going to oppose Stephen Decatur's squadron with the most famous corsair of the Algerian Navy would be known as the Algerine War.

When Stephen Decatur reached the Mediterranean on June 15, 1815, Rais Hamidou, the Grand Admiral of the Algerian Navy, conducting a three-vessel fleet, had been in the proximate area since May, in search of another ship to present to the

⁷² Frederick C. Leiner, *The End of Barbary Terror. America's 1815 War Against the Pirates of North Africa*, p. 58.

⁷³ Glen Tucker, *Dawn Like Thunder. The Barbary Wars and the Birth of the U.S. Navy*, pp. 452-453.

Dey.⁷⁴

American writings dealing with the Algerine War relate the battle from an American point of view neglecting to investigate on the other concerned view. The history of the Algerine War cannot be complete if written just by American writers. An Algerian perspective becomes necessary. For this reason, the naval confrontation that opposed Decatur to Hamidou was dealt with from an Algerian point of view. Focus was laid on Belkacem Babaci's⁷⁵ story based on his grandfather's narrative.

On his way to the Mediterranean, Decatur had been in search of the Rais to Subdue him before dictating the terms of an unconditional treaty with the *Dey*. The American fleet outnumbered Rais Hamidou's. When in front of the American squadron, Rais Hamidou gave instructions to place his warship: the *Portuguesa*⁷⁶ in front of the American Squadron. This engendered his warship as he received gunfire that he could not avoid. He tried to reply and almost hit one of Decatur's schooners. After Hamidou had been identified, Decatur, being aware of the denouement of the combat, suggested that the Rais surrender and promised to treat him as well as his crew with consideration. Hamidou refused and preferred combat to surrender.

Knowing he would not survive, Hamidou asked *Rais* El Harrar to throw his body into the sea. El Harrar reluctantly executed Hamidou's wish. He surrendered to save the remaining crew and prevent the *Portuguesa* from further damage. The latter was taken

⁷⁴ Linda Belabdelouahab, "Rais Hamidou: The Legacy of the Most Famous Corsair of the Algerian Navy" *Revue D'Histoire Maghrébine* N 140 (Tunis: June/July 2010), p. 38.

⁷⁵ Belkacem Babaci, *La Fabuleuse Histoire de Rais Hamidou* (Editions Astronet : Alger, 2006). See also :: (2006، الأبيار، تالة، 1815-1770 الجزائر البحرية أميرال حميدو أميرال البحرية الجزائرية 1815-1770) علي تابلت، الرايس حميدو أميرال البحرية الجزائرية 1815-1770

⁷⁶ It was the *Swan of Seas*. The 44-gun Portuguese warship Hamidou had captured in 1802. The Algerines referred to it as the *Frigate of Rais Hamidou*.

to Carthage then returned to Algiers with another frigate when the peace treaty was signed. The *Portuguesa* or as often referred to as the *Mashuda*, “was the last frigate the US took over in battle in the sailing era.”⁷⁷ The Battle allowed Decatur to hold 406 prisoners who were injured for the most part. Four Americans died and ten were injured.⁷⁸ This battle that ended with the American triumph was going to embody an end and a beginning.

After the death of Rais Hamidou, Decatur informed the *Dey* of Algiers of the letter of President Madison notifying him that the United States had declared war against his Regency, and that he had to choose between war or the signature of a peace treaty.⁷⁹

The death of the great Admiral of the Algerian Navy in his battle against the American squadron, made the *Dey* vulnerable and allowed Stephen Decatur to dictate a peace Treaty in a three-hour period to Algiers on board of the *Guerrière*, thereby ending the payment of tribute to Algiers. By this treaty, Algiers was also bound to release American prisoners, a payment of \$ 10,000 for the *Edwin* and recent seizures incurred by the Algerine corsairs. These terms were all executed. In return, the United States had to return the two ships taken after the battle ended.⁸⁰

According to Hunter Miller, the original treaty is believed to have been written in English. He also assumes that there must have been three originals: A despatch of

⁷⁷ Frederick C. Leiner, *The End of Barbary Terror*, p. 101.

⁷⁸ Gregory Fremont Barnes, *Essential Histories. The Wars of the Barbary Pirates. To the Shores of Tripoli: The Rise of the US Navy and Marines* (Osprey Publishing, 2006), p. 107.

⁷⁹ Glen Tucker, *Dawn Like Thunder*, p. 456.

⁸⁰ *Ibid.*, p. 459.

William Shaler, Consul General at Algiers, of July 5, 1815; one was with the Regency, and a third one sent to the United States for ratification.⁸¹

Subsequent hostilities were going to hit the Regency of Algiers. Ottoman Algeria was almost over. Decatur's triumph did not let European countries insensitive. Britain must have felt thwarted before her former colony. The latter accomplished what the most powerful navies had not undertaken so far. The American squadron against Algiers inspired Britain for a more audacious enterprise. On August 27, 1816, Britain assisted with the Dutch, sent Lord Exmouth to bombard the Regency of Algiers. The *Dey* had no other choice but to sign a treaty with Britain that put an end to Christian slavery.

The 1816 treaty,⁸² like the previous one, which guaranteed a safe American commerce in the Mediterranean, was dictated to Algiers. The Algerine naval forces had been nearly completely damaged by a British fleet, and when Commodore Chauncey and William Shaler, Consul General, reached Algiers on December 7, 1816, the *Dey* of Algiers could not reject signing any treaty presented to him. The United States substituted the first American treaty with Algiers with the 1815 and 1816 treaties that were very advantageous to her. This 1816 expedition lessened the Algerian leverage in the international scene, and Algiers was soon to fall prey to French colonial interests with the approbation of the naval powers that used to be its allies.

⁸¹ *Avalon Project*, "Barbary treaties 1786-1816 Algiers 1815: Hunter Miller's Notes" in <http://avalon.law.yale.edu/19_century/bar1815n.asp> [February, 2002]. For the text of the treaty refer to Appendix 19.

⁸² Refer to Appendix 20 for the text of the Treaty.

Conclusion

During his visit to Washington D.C. in April 2006, former Algerian Minister of Foreign Affairs, Mr Mohamed Bedjaoui, met with his U.S. counterpart, Secretary of State Condoleezza Rice, to reinforce American-Algerian partnership. The Secretary of State welcomed the head of the Algerian Diplomacy by offering him a facsimile of one of the first treaties the United States had signed that testified to the early friendship that existed between both countries: The 1795 Treaty of Amity and Peace.¹ This genuine token of amity displayed by the American Secretary of State coincided with France's failure to sign a treaty of Amity with Algeria two days before because of its law of February 23, 2005.² It must have been an implicit way the United States wanted to remind France that what the latter failed to conclude in 2006, the early American republic had succeeded to negotiate two-hundred and eleven years earlier.

In fact, this Treaty crowned a ten-year negotiation period and concluded peace between the two countries after Algerian privateers had directed two offensives against American shipping namely in 1785 and 1793. Our target period of American-Algerian diplomatic relations encompassed the episode from 1785, when Algiers declared war on the United States to 1797, when the prisoners of Algiers arrived in the United States.

¹ APS, "Quand Condoleezza nargue la France" in *El Watan* (12 Avril, 2006).

² The French Law on colonialism was an act passed which highlighted the positive role of French Colonization. It also denied the French crimes toward the Algerians. The Algerian War of independence was not recognized as a war until 1999 by the French National Assembly.

The war between Algiers and America during this epoch was part of the Barbary wars the young republic had to face after its independence. Contrasting the common belief according to which the conflict was due to religious reasons, this research has illustrated the fact that America's first post-Revolutionary tension was due to economic motives.

This conflict was also America's first hostage crisis and challenge from the Muslim World that had already had an impact on early American history. In an attempt to place the American-Algerian conflict in its historical context, our exploration of the late eighteenth century political background of both countries helped us highlight the links of the Regency of Algiers in its Barbary-Muslim context with the United States from before its Revolution to its independence and signature of treaties with the Barbary States.

The pre-Revolution American-Barbary links revealed Algerian skirmishes that testified to early connections between the not yet United States and Algiers. Taken into their North African-Muslim context, these links became more patent and disclosed Muslim and North African participation in the American Revolution coupled with the Founding Fathers' tolerance for Muslims. Contrary to what most westerners assert, Barbary that embodied the Regency of Algiers did not correspond to the hostile Muslim States America had to face since its early days. An investigation on post-Revolutionary America unveiled America's first recognition as an independent country was from Barbary. Moreover, the desire of the Architects of the American Constitution to include the Muslim ingredient in the making of their nation stood out against the common belief according to which Barbary had always been the foe America had to fight. After their

independence, the United States needed to explore new markets. They turned to Barbary. In the absence of the British shield, the United States had to sign treaties with the different Barbary States.

Placing Algiers in its Barbary-Muslim context was meant to underline its role in early America. Contrasting the biased customary view expressed in the recent scholarship restricting Barbary to being the cradle of piracy, this thesis has unveiled the fact that other contributing aspects of Barbary and Algiers in its Barbary-Muslim context had existed in the making of early America.

While the United States corresponded to an infant independent country, Algiers had been the leading power of the Barbary States long years earlier. A deep examination of the words piracy and privateering led to the conclusion that Algiers was not a pirate State. Algerian privateering was a way to conduct commerce and a means to counteract European piracy. Unlike piracy, Algerian privateering was lawful and a well-internationally recognized practice since Algiers, as a sovereign state signed treaties with different European countries. This research concludes that Algerian privateering was founded on three basic rules: tribute, ransom, and control of high seas. The existence of treaties with other nations provided legality to Algerian privateering and allowed to disprove its western labelling as piracy, or a form of early terrorism as depicted in contemporary studies, Europe and America had to face and fight by all means.

It was in this context that the United States tackled its first war with the Regency of Algiers for a decade. One of the most important conclusions of this study was to explain that war -- not piratical activities -- existed between Algiers and the United

States from 1785 to 1797. This war, which started with the capture of two American ships, was declared by the diplomatically recognized privateering state of Algiers. Adopting a Barbary Diplomacy, Algiers was at war with any nation with which it had not signed a treaty. This study identified five parameters that upheld that war existed between the Regency of Algiers and the United States.

First, only sovereign states can declare war. Refuting western allegations that maintain that Algiers was a piratical state, this thesis asserts that the status of the diplomatic recognition of Algiers that allowed her to sign treaties with different European countries also permitted a declaration of war on the United States in the absence of the shield of British treaties.

Second, war can also be explained by the existence of captives. The current research has provided complete lists of the crew of both ships. An investigation on the treatment of the latter revealed that it was not slavery as depicted in most American writings and captivity narratives. Actually, American captives in Algiers were better treated than Muslim captives in the United States. Moreover, being a Christian slave in Algiers was neither permanent nor heritable. Contrary to Muslim slaves in the United States, Christian captives had the alternative to be redeemed or to convert to Islam.

Displaying the treatment of the crew helped draw a comparison with the conditions of the Black Africans enslaved in America. The prisoners of Algiers could reach high position as being the secretary to the *Dey* of Algiers as James Cathcart. Those who lingered in slavery in America could not aspire for such positions. The point behind such a comparison was to stress American ambivalence with regard to the issue of slavery. White slavery was denounced while the enslavement of Blacks was conceived

as lawful property. One can even go deeper by making an analogy between the American ambivalent standpoint on slavery with that of today's defence of Human Rights. The duality of American attitude to address specific issues had existed from the early days of its history.

Third, negotiations between the Regency of Algiers and the United States also translated the existence of war between both countries. The mapping of early negotiations disclosed America's failure in its first foreign policy crisis. The latter would prove an essential step in the making of American foreign policy to face subsequent wars.

Fourth, the second Algerian offensive on the United States in 1793 reinforces that war prevailed between Algiers and the United States in the absence of a peace treaty.

Fifth, the 1795 American-Algerian Treaty of Amity and Peace in its wording confirms that war reigned between the Regency of Algiers and the United States at least up to the signature of this treaty. The word peace validates that war had existed between both countries. The five parameters stated above corroborate the latter and leave no room for ambiguity with regard to the fact that war prevailed between the United States and Algiers in the span period between 1785 and 1797.

The war Algiers waged against America revealed the failure of the latter in its first foreign policy crisis and that several attempts of treaty negotiators aborted before a final Treaty of Amity and Peace was finally signed in 1795. This treaty obeyed Barbary rules which constituted the Barbary Diplomacy. It also uncovered unparalleled characteristics. It was the sole treaty the United States signed with Algiers in its two-

century history that was not written in the English language but in Ottoman. Moreover, it was the only treaty where the United States declares its engagement to pay an annual tax to a foreign country in exchange for the release of prisoners and a safe passage in the Mediterranean. This treaty embodied other peculiarities in addition to having been a similar copy of the previous Swedish-Algerian Treaty, it served as a model to subsequent treaties America had to sign with the remaining Barbary States, as well. Moreover, the two Acts that followed the Treaty testified to the United States' defraying of the expenses related to the execution of the Treaty and applied for additional money needed for the negotiations with the *Dey* of Algiers. They indicated that the United States could not fulfil its 1795 engagements and foreshadowed a second Algerian declaration of war against the United States.

The drive of this thesis was also to seek to underline the legacy of the American-Algerian war in the making of America. This research work identified a literary proliferation related to this war expressed in early American Barbary captivity narratives. Even though the latter constituted a very important theme in early American novels, they were not -- and are not -- mentioned in Anthologies of American Literature. After their independence, the Americans defined themselves according to the "Algerines" they considered as their external other. In search of new different American themes, early American writers sought to differentiate themselves from European writers by choosing themes that dealt with their concerns as Americans and portrayed their encounter with the Arab world away from the customary themes of Europe. The scarcity of scholarship with regard to these works urged

our need to point out the impact of the American-Algerian War on the production of early American literature.

Additionally, this thesis identified a political legacy to the American-Algerian War. While investigating the latter, three major political consequences that the war had engendered were distinguished and three major conclusions were reached. Firstly, this research attributed the failure of the United States to solve its conflict with Algiers as a source of inspiration for the United States for a new constitution that would allow her to be more efficient in foreign affairs. Secondly, this research attempted to explain how this War contributed to the birth of the American Navy. The Navy Act passed by Congress stipulated the creation of a Navy to use against Algiers, and that the building of ships would cease in case peace was concluded with Algiers. The Navy Act provides the proof that the American-Algerian War stimulated the drive for the birth of the U.S. Navy that would prove efficient in America's subsequent wars. Thirdly, this thesis attempted to assert that the American-Algerian War played a part in shaping early American foreign policy. It also tried to explain that the failure of the United States in its War with Algiers helped Americans be more aware of the weaknesses of their system that they ameliorated. As an infant country, the United States had to experience its lack of practice in foreign policy to be able to better respond subsequently as in the Tripolitan and Algerine Wars.

The recognition of their nation with the signature of a peace treaty with Algiers, gave Americans more confidence as a new independent nation. It also provided them with a broader aim to be present in the Mediterranean. The Tripolitan War was an attempt to fulfil that aim as it allowed them to enlarge their fleet and their leverage in

the Mediterranean. By the time of their second War with Algiers, the Americans had already gained their independence from Great Britain and drawn the necessary conclusions from their failure in their first war against Algiers. These lessons allowed them to acquire more experience in foreign affairs and win their second War against Algiers by dictating the terms of the 1815 Treaty.

Taking into consideration the Algerian relations with Pre and Post-Revolution America, the American-Algerian War as America's first hostage crisis with the Muslim World, and its far-reaching consequences in making America, it is hard to imagine overlooking the Algerian episode in American early Diplomatic History. Contrary to the distorted role the Regency of Algiers had endorsed in early American history especially after the 9/11 events, this research work attempted to highlight the outstanding role Algiers played, as the leading power of the Barbary States, in shaping America in at least the literary and political aspects. By redefining Algerian privateering, which has often been wrapped under the name of piracy, there was an attempt to put the American-Algerian War in its privateering context and emphasize its role in the making of America, thereby rehabilitate it as an undisputable episode in American early Diplomatic History.

Such an interpretation arises from the belief that the American-Algerian War was a springboard for Americans to reach a political maturity that helped them enhance their international status, then emerge as a world power. This research considers that America's first War with Algiers contributed to the rise of its power. Algeria was the first foreign, non-European and non-Christian State America had to operate with in economic, diplomatic, and military fields. The nature and impact of the relations

between the two countries should merit more consideration from both sides to better understand the present and even presage the future.

Timeline

- 1785: The Confederation Congress sold the last ship of the Continental Navy: *The Alliance*.
May, Charles Logie, the British Consul arrives at Algiers
Before July 14, Algiers and Spain concluded a truce. Immediately after, Algiers declared war on the United States.
The *Maria* of Boston (6 prisoners) is seized by Algerine privateers on July 25 and the *Dauphin* of Philadelphia (15 prisoners) is captured on August 1.
- 1786: March 25, John Lamb arrives at Algiers with Paul R. Randall to negotiate the ransom of American prisoners. April 20. Lamb leaves Algiers for Alicante.
- 1787: *The Algerine Spy in Pennsylvania* by Peter Markoe is published.
The Articles of Confederation are replaced by a new American Constitution.
- 1788: The ratification of the U.S. Constitution on June 21.
- 1789: George Washington becomes the United States' first President on April 30.
- 1790: Thomas Jefferson is first secretary of state on March 22.
- 1791: David Humphreys is minister resident in Portugal on May 13.
Hassen Pasha becomes *Dey* of Algiers on July 12.
- 1792: Spain out of Oran, Algiers.
- 1793: Truce between Algiers and Portugal on September 12.
"Algerine" privateers seize 11 American ships between October and November (111 American captives).
- 1794: Edmund Randolph is secretary of state on January 2.
The American captive of the *Maria*, James. L. Cathcart is Chief Christian Secretary for *Dey* Hassen.
Susanna Rowson performs her play *Slaves in Algiers* for the first time at the Chestnut Hill Theatre of Philadelphia. It was meant to raise awareness about American prisoners in Algiers.
- 1795: Joseph Donaldson arrives in Algiers on September 2. He signed a peace treaty on September 5 with the *Dey*.
Timothy Pickering is secretary of state on December 10.

- 1796: Joel Barlow arrives at Algiers on March 4. The following month, Donaldson goes to Livorno to inquire about funds.
American prisoners are freed and leave Algiers on the *Fortune* on July 13.
Under the aegis of the *Dey* of Algiers who advances his own money as a warranty, Richard O'Brien negotiates a peace treaty with Tripoli on November 4.
- 1797: Sixty-five of American prisoners from Algiers arrive at Philadelphia on *Jupiter* on February 9.
March 4, John Adams is president, and Thomas Jefferson becomes vice president.
An American-Tunisian Treaty is signed on August 1, thanks to the backing of the *Dey* of Algiers with his own money as a warranty.
Publication of Royall Tyler's *The Algerine Captive*.
- 1798: The former American captive at Algiers, Richard O'Brien comes to Algiers as American Consul General in January.
Death of the *Dey* Hassan Pasha. He is replaced by Mustapha Ben Brahim.
John Foss's *A Journal of Captivity and Narrative of John Foss, several years a prisoner in Algiers* is published.
- 1799: William Eaton meets the *Dey* Mustapha in February, a month after his post of American consul in Tunis.
- 1800: John Marshal is secretary of state on May 13.
First U.S. warship, the *George Washington*, under the command of captain William Bainbridge, arrives at Algiers and is compelled by the *Dey* to take tribute to the Sultan in Constantinople. The hoisting of the Turkish flag on the warship is regarded as a national disgrace for Americans.
- 1801: Thomas Jefferson is president on March 4. The following day, James Madison is secretary of state.
A squadron of observation is ordered into the Mediterranean.
Tripoli declares war on the United States on May 14.
July 24, American blockade on Tripoli.
- 1801-
1805: Tripolitan War.
- 1803: Tobias Lear is American Consul General at Algiers.
1805: *Dey* Mustapha is executed and Ahmad Khodja becomes *Dey* of Algiers.
- 1807: Algerian privateers seize in October, two American ships and keep 9 prisoners for 40 days. Peace is reestablished with American payment of the due money.
The American squadron leaves the Mediterranean.

- 1808: Ali Khodja is *Dey* of Algiers after the murder of his predecessor.
- 1809: Hadj Ali is *Dey* of Algiers.
James Madison is president and Robert Smith secretary of state.
- 1811: James Monroe is secretary of state on April 2.
- 1812: The United States declares war on Great Britain on June 12.
Dey Hadj Ali declares war on the United States the following month and Tobias Lear is ordered to leave Algiers. Ten Americans are made prisoners after the seizure of an American vessel in August by “Algerine” corsairs.
- 1815: Treaty of Ghent ends the second war with Britain
Two squadrons are dispatched to the Mediterranean under the commands of William Bainbridge and Stephen Decatur.
Omar Agha succeeds to Hadj Muhammad.
Algerine War. Decatur defeats Rais Hamidou who is killed. William Shaler and Stephen Decatur dictate the terms of the peace treaty. American prisoners are freed and abolition of enslavement and payment of tribute.
- 1816: British-Dutch bombardment of the city and port of Algiers.
Second treaty between the United States and Algiers. confirmation of the previous treaty and alteration concerning article 18.

Appendices

Appendix 1

COPY of the Letter from M. de SOULANGES, to the Judges and Consuls at Nantz.

TOULON, 14th July, 1785.

GENTLEMEN,

COMMODORE de Ligondes, who arrived from Algiers in the frigate Minerva, which he commands, has informed me, on anchoring in this road, that that Regency has armed eight vessels, both chebecs and barbes, from 18 to 34 cannon, designed to cruise from Cape St. Vincent to the Azores, to capture the Americans, against whom they have declared war.--I give you immediate advice of this, gentlemen, as well on account of the concern you may have as to these vessels, as also that you may give information thereof to the American captains.

The Algerines have another division of 4 vessels, but too small to give uneasiness in our seas.

(Signed)

SOULANGES.

Faithfully translated from the original by **JOHN PINTARD.**

MOTION OF MR. PINCKNEY.

THAT the board of treasury be directed to procure with all possible expedition, a suitable vessel of about.....tons burthen, and have the same completely equipped for the purpose of going as a flag to the emperor of Morocco, and the regencies of Tunis, Tripoli and Algiers; and that the secretary for foreign affairs be directed, to report the draught of such instructions as it may be necessary to furnish the person with, carrying such flag, to inform the said powers, of Congress's desire to enter into treaties with them, and of the steps they had previously taken to ensure their friendship, and requesting that there might be a suspension of hostilities on their part, until the arrival of the person charged with the negotiation of the said treaties.

From: "*The U.S. Constitution: Continuity and Change in the Government of the United States*" in <<http://www.loc.gov/teachers/classroommaterials/lessons/continuity-change/piracy2html>> [December, 2010].

Appendix 2

JAY TO THE PRESIDENT OF CONGRESS. OFFICE FOR
FOREIGN
AFFAIRS,

SIR : 13th October, 1785.

Your Excellency will find herewith enclosed a letter from Chevalier Jones of 6th August, and a copy of a letter (which is the same that is published in the Philadelphia paper of nth instant) from Mons. Sontanges, dated 14th July last, to the judges and consuls of Nantes, informing that the Algerines had declared war against the United States. As their late peace with Spain has rendered their armaments unnecessary against that power, they probably choose to turn them against us to prevent their being useless, and in hopes of acquiring considerable booty. This peace, if the public accounts of it are true, gives those pirates just matter of triumph ; and in this moment of their exultation I am inclined to think that an advantageous treaty with them is not to be expected. This war does not strike me as a great evil. The more we are ill-treated abroad the more we shall unite and consolidate at home. Besides, as it may become a nursery for seamen, and lay the foundation for a respectable navy, it may eventually prove more beneficial than otherwise. Portugal will doubtless unite with us in it, and that circumstance may dispose that kingdom to extend commercial favours to us further than they might consent to do if uninfluenced by such inducements. For my own part, I think it may be demonstrated, that while we bend our attention to the sea, every naval war, however long, which does not do us essential injury, will do us essential good. I have the honour to be, with great respect and esteem, your Excellency's most obedient
and
very
humble servant,

JOHN JAY.

From: CCPPJJ, 3: 170-171.

Appendix 3

The 1785 Negotiations, : John Lamb's own copy

Planning for the First Negotiations, 1785
With The Barbary Pirates
by Thomas Jefferson & John Adams

It had been customary for European nations to make payments to the Barbary states pirates to ensure peaceful passage of merchant vessels in the Mediterranean Sea. The United States, of course, wanted to engage in commerce there but lack of knowledge of the Barbary states made necessary an enjoinder to the diplomats to gather basic information.

The paper shown here sets forth the questions John Adams and Thomas Jefferson wished answered by the U. S. council in Spain and treaty negotiator, John Lamb, from his observations and inquiries. This is Lamb's own copy.

It is inconceivable today, but the United States did negotiate treaties with the Barbary States; Algeria, Tripoli, Tunis, and Morocco, and paid the blackmail and ransoms demanded by the first three. In 1795, for example, the U.S. paid \$1,000,000 to the Algerians. Then, in 1801, Tripoli demanded an increase in its payments. Thomas Jefferson, who by that time had become President of the U.S., refused to take the insult any more. He sent the Marines to the "Shores of Tripoli" (as the song relates). Unfortunately, the problem was not completely solved until Stephen Decater decimated the Barbary States in 1815. Algerian piracy against other countries continued until France attacked and conquered Algeria, forcing it to become a protectorate of France for the next 100 years.

1. *Commerce. What are the articles of their export and import? What articles of American produce might find a market in Algiers & at what prices? whether rice, flour, tobacco, firs, ready built ships, fish, oil, tar, turpentine, ship timber &c. and whether any of these articles would hereafter be acceptable as presents? what duties are levied by them on exports and imports ... do they trade themselves to other countries or are they merely passive? what manufactures or productions of this Country would be convenient in America and at what prices?*
2. *Ports. What are their principal ports, what depth of water into them, what works of defence protect these ports?*
3. *Naval force. How many armed vessels have they ... what resources of increasing their navy? what number of seaman....*
4. *Prisoners. What is their conditions and treatment; at what price are they ordinarily redeemed & how? do they pay respect to the treaties they make? Land forces, their numbers, constitution & respectability....*
5. *Language. What language is spoken.....*
6. *Government. What is their connection with the Ottoman Porte? is there any dependance or subordination to it acknowledged, and what degree of power or influence has it?*
7. *Religion. By what principal of their religion is it that they consider all Christian Powers as their enemies, until they become friends by treaties?*
8. *Captures. What captures have been made of ships or citizens of the United States, and any other nation? what nation are they now at war with*

From: *Karpeles Manuscript Library-Darwin*, in

<<http://www.rain.org/~karpeles/ieffAdamsBarbaryfrm.html>> [February, 2011].

Appendix 4

The English version of De Castries's Letter October 23, 1785

Translation

Messrs. Adams and Jefferson, sir, ministers of the United States to His Majesty, have by virtue of their powers delegated Mr. John Lamb to go as agent of that power to negotiate, edit, and sign preliminarily with the Dey of Algiers a treaty of which the Congress wants the definitive execution to be by Messrs. Adams and Jefferson.

You know, sir, that by the agreement of 6 February 1778 the King has promised the Americans his good offices with the Barbary regencies.

His Majesty therefore charges you to render to Mr. Lamb all the services which you can and which comport with the nature of their propositions and claims to the regency. I do not doubt your eagerness not to forget anything to facilitate, to the extent you can, the success of Mr. Lamb's negotiations.

I am very perfectly, sir, your very humble and obedient servant.
the Marquis de Castries

From Parker, Uncle Sam in Barbary, p. 218.

Appendix 5

The French version of De Castries's Letter

Text of de Castries's Letter

[The photocopy of the document carries no dateline, but the index published by the French Ministry of Foreign Affairs states that it was dated October 23, 1785, at Fontainebleau.]

M^{rs} Adams et Jefferson, Monsieur, ministres des Etats unis près Sa M^{te} ont en vertu de leurs pouvoirs, délégué Mr. Jean Lamb pour aller avec la qualité d'agent de cette puissance, négotier, rédiger, et signer préliminairement avec le Dey d'Alger un traité don't le Congrès veut que l'exécution deffinitive le soit par M^{rs} Adams et Jefferson.

Vous savés, Monsieur, que par la convention du 6 fevrier 1778 le Roy a promis aux américains leurs offices auprès des régences de Barbarie.

Sa M^{te} vous charge en conséquence de rendre à Mr. Lamb tous les services qui dépendront de vous et que comporteront la nature de leur propositions et leurs prétentions de la régence. Je ne doute pas de votre empressement á ne rien oublier pour faciliter, autant que vous le pourrés, le succès de la négociation de Mr. Lamb.

Je suis très parfaitement, Monsieur, votre très humble et très obeissant serviteur.

le M^{ar} de Castries

From Parker, Uncle Sam in Barbary, p. 217.

**Appendix 6
Message from the president of the
United States Relative to Prisoners
of Algiers May 8, 1792**

2d CONGRESS.]

No. 61.

[1st Session.

PRISONERS AT ALGIERS.

Message from the President of the United States, relative to Prisoners at Algiers.

Gentlemen of the Senate:

UNITED STATES, May 8, 1792.

If the President of the United States should conclude a convention or treaty with the government of Algiers, for the ransom of the thirteen Americans in captivity there, for a sum not exceeding forty thousand dollars, all expenses included, will the Senate approve the same? Or is there any, and what, greater or lesser sum which they would fix on as the limit, beyond which they would not approve the ransom?

If the President of the United States should conclude a treaty with the government of Algiers, for the establishment of peace with them, at an expense not exceeding twenty-five thousand dollars, paid at the signature, and a like sum to be paid annually afterwards, during the continuance of the treaty, would the Senate approve the same? Or, are there any greater or lesser sums which they would fix on as the limits beyond which they would not approve of such treaty?

GEO. WASHINGTON.

This message having been referred, the committee reported the following resolution; which was adopted by the Senate:

Resolved, That, if the President of the United States shall conclude a treaty with the government of Algiers, for the establishment of peace with them, at an expense not exceeding forty thousand dollars, paid at the signature, and a sum not exceeding twenty-five thousand dollars, to be paid annually afterwards, during the continuance of the treaty, the Senate will approve the same. And in case such treaty be concluded, and the President of the United States shall also conclude a convention or treaty with the government of Algiers, for the ransom of the thirteen Americans in captivity there, for a sum not exceeding forty thousand dollars, all expenses included, that the Senate will also approve such convention or treaty.

From: ASP/FR 1: 136.

Appendix 7

The lists of American prisoners and their ships

Ship *President* of Philadelphia, captured October 23, 1793

William Penrose, captain	general redemption, 1796
*Peter Barry (Barney), mate, Philadelphia	general redemption, 1796
*James Allen, 2d mate, Philadelphia	general redemption, 1796
*John Dix (Dicks), Baltimore	general redemption, 1796
*Henry Pilson (Pitson), Philadelphia	general redemption, 1796
*Anthony Russell, Philadelphia	general redemption, 1796
Isaac Brooks	general redemption, 1796
John Higdar	general redemption, 1796
John Jones	general redemption, 1796
Nicholas Box	died of plague July 22, 1794
John Thomas	died of plague June 18, 1794
Nicolo Francisco, supercargo	general redemption, 1796, Spaniard

Brig *George* of Newport, captured October 11, 1793

*James Taylor, captain, Newport	general redemption, 1796
William Prior, mate	died of plague, July 3, 1794
*Gideon Brown, Newport	general redemption, 1796
*Benjamin Church, Newport	general redemption, 1796
*Stanton Hazard, Newport	general redemption, 1796
Abraham Flagg	general redemption, 1796
George Tilley	general redemption, 1796
Richard Witton	died of consumption, April 24, 1794

Schooner *Jay* of Gloucester, captured October [?], 1793

*Samuel Calder, captain, Gloucester	general redemption, 1796
*John Walker, mate, Gloucester	general redemption, 1796
*Thomas Manning, Gloucester	general redemption, 1796
John Edwards	general redemption, 1796
Walter Gibbins	general redemption, 1796
Benjamin Ober	general redemption, 1796
Abraham Simmonds	died of plague, June 8, 1796

Ship *Minerva* of Philadelphia, captured October 10, 1793

John McShane, captain	died of plague, June 16, 1794
Samuel Millborne, mate	died of smallpox, March 1, 1794
*John McFarland, 2d mate, Philadelphia	general redemption, 1796
*Thomas Barton (Budding), Philadelphia	general redemption, 1796
*Thomas Burgess, Norfolk	general redemption, 1796
*Joseph Deitz, Philadelphia	general redemption, 1796
*Jean Fogereaux (Fitzgerald), Philadelphia	general redemption, 1796
*William Grafton, Providence	general redemption, 1796
*Charles Smith, Norfolk	general redemption, 1796
*John Sutton, Philadelphia	general redemption, 1796
*Jacquin (no first name, not on Foss list), Philadelphia	general redemption, 1796
Abel Willis	general redemption, 1796
Giovanni Romero	general redemption, 1796
Barralami Gazona	general redemption, 1796
Vincent Romes, Spaniard ^d	general redemption, 1796
Juan Segrane	general redemption, 1796
Joseph Rogers	died of plague, July 12, 1796
John Mott	died of smallpox, Sept. 13, 1794

Brig *Jane* of Haverhill, captured October 11, 1793

*Moses Morse (Morsse), captain, Haverhill	general redemption, 1796
*Edward Harwood, mate, Salem	general redemption, 1796
*Thomas Fry, Salem	general redemption, 1796
*Samuel Hendrick (Henry), Salem	general redemption, 1796
*James Pease, Salem	general redemption, 1796
*Thomas Ximenes (Simmons), Haverhill	general redemption, 1796
Abraham Burril	general redemption, 1796
John Ramsay	died of plague, May 17, 1796

Ship *Thomas* of Boston, captured October 8, 1793

*Timothy Newman, captain, Newburyport	general redemption, 1796
*George Wells, mate, Norfolk	general redemption, 1796
*John Woodman (Woodmansee), 2d mate, Boston	general redemption, 1796
*William Dunbar, Philadelphia	general redemption, 1796

*Peter Larne (Pedro Laman), Boston	general redemption, 1796
*Barney McLaughen (McGlothering), Boston	general redemption, 1796
*Rufus (Rosmus) Morton, Baltimore	general redemption, 1796
Benjamin Bishop	general redemption, 1796
Richard Harris	general redemption, 1796
Antonio Salamer, Spaniard	general redemption, 1796
Brig <i>Polly</i> of Newburyport, captured October 25, 1793	
Samuel E. Bayley, captain	died of plague, July 17, 1796
Michael Smith, mate	general redemption, 1796
*Benjamin Edwards, 2d mate, Newburyport	general redemption, 1796
John Foss, Newburyport	general redemption, 1796
Moses Brown, Newburyport	general redemption, 1796
Nicholas Hartford	died of plague June 2, 1796
Walbert H. Poel	died of plague July 16, 1794
Enoch Rust	died of plague July 7, 1796
Thomas Stafford	died of plague July 13, 1794
Ship <i>Hope</i> of New York, captured October 1793	
John Burnham, captain	ransomed for \$4,400 by James Duff, British consul in Cádiz
*William Dixon, mate, New York	general redemption, 1796
*Peter Ingram, 2d mate, New York	general redemption, 1796
*James Byrne, New York	general redemption, 1796
*Martin Duart (Deswart), New York	general redemption, 1796
*James Fox, New York	general redemption, 1796
*John P. Kickuer (John Frederick Ackhert), New York	general redemption, 1796
*Harmon Oldstick (Alike), New York	general redemption, 1796
*Peter C. Brier (Brior), New York	general redemption, 1796
*John F. Ricard (Rickway), New York	general redemption, 1796
*Benjamin Lunt, Newburyport	general redemption, 1796
*Jacob Skoomaker (Shoemaker), New York	general redemption, 1796
*Cornelius Tondroton (Fanviform) New York	general redemption, 1796
*Peter Vantorn (Vandertown), New York	general redemption, 1796
*Cornelius Westerdunk, New York	general redemption, 1796

Peter Sandie	general redemption, 1796
Christian Hannes	general redemption, 1796
John P. Peterson	general redemption, 1796

Brig *Olive Branch* of Portsmouth, N.H., captured October [?], 1793

*William Furnace (Furnass), captain, Portsmouth	general redemption, 1796
Richard Wood, mate	died of smallpox, Feb. 6, 1796
*George Bachanan (Buchanan), Portsmouth	general redemption, 1796
*John Earl, Portsmouth	general redemption, 1796
*Nathaniel Keen (Kein), Portsmouth	general redemption, 1796
Thomas Furnace	died of plague, Feb. 12, 1794

Schooner *Dispatch* or *Despatch*, of Richmond or Petersburg, Va., captured October [?], 1793

William Wallace, captain	died in fall, Feb. 1796
Joseph Keith, mate	general redemption, 1796
*James Hughes (Huse), Philadelphia	general redemption, 1796
*John Lemmon (not in Foss), Lancaster, Pa.	general redemption, 1796
*George Osborne, Philadelphia	general redemption, 1796
*Peter Page, Portsmouth	general redemption, 1796
Daniel Gullings	died of plague, Aug. 1, 1794

Brig *Minerva* of New York, captured November 23, 1793

Joseph Ingraham, captain	general redemption of 1796
*Edward Smith, mate, New York	general redemption, 1796
*Philip New, New York	general redemption, 1796
*John Parplin (Pamplin), New York	general redemption, 1796
John Cooper	general redemption, 1796
Charles Polley	general redemption, 1796
Scipio Jackson	died of "cholic," Jan. 30, 1796

From Parker, Uncle Sam in Barbary, pp.210-213.

Appendix 8
D. Humphreys, Esq to the Secretary
of State
November 19, and 23, 1793.

D. Humphreys, Esq. to the Secretary of State.

ALICANT, November 19, 1793.

SIR: I had the honor to write to you on the 16th; and in a postscript to my letter of that date, to Mr. Church, requested him to inform you that the largest of the Algerine frigates was then coming into this harbor. It proved not to be the largest, but one of the others, which had returned some days since from a cruise in the Atlantic. The Captain reported to Mr. Montgomery (who at my request went along side of the frigate) that he had taken seven American vessels, and carried three of them with him into Algiers. The only names of the Captains which he recollected were, Captain Newman, from Cadiz to Amsterdam, with sugar, Captain Moss, from Cadiz to Hamburg, with hides, &c. and Captain Jackson, from Malaga to America, with wine and raisins. In the midst of these distressing events I think it a duty incumbent on me to be as particular as I am able, in my correspondence.

On the 16th instant, the brig Marion, Captain Rosseter, from New York, arrived at Carthegena. He saw no cruisers until he was entering the bay, when he had a very extraordinary escape; as there was a xebec in the harbor at the time.

I have as yet heard nothing in answer to the memorial and letter mentioned in my former despatches.

With sentiments of perfect esteem, &c.

D. HUMPHREYS.

P. S. The Algerine frigate sailed yesterday on another cruise.

P. S. I open this letter to let you know the Dey has refused giving a passport. I will write the particulars by the next post, as I shall lose the opportunity if I do not close this instantly.

There are 12 masters, 16 mates, and 87 mariners, prisoners at Algiers.

D. Humphreys, Esq. to the Secretary of State.

ALICANT, November 23, 1793.

SIR: In a second postscript to my letter of the 19th I informed you of the refusal of the Dey to grant a passport. I have now the honor to enclose to you copies of letters from the Swedish consul at Algiers, from his brother Pierre Eris Skjoldebrand, Esq. and from Captain O'Brien. By the tenor of these you will clearly comprehend the actual disposition of the Dey, and the real state of affairs in that regency.

From these communications it will also be but too evident, that no choice is left for the United States but to prepare a naval force, with all possible expedition, for the protection of their trade; and that there is but too much reason to fear, the corsairs, under a perfect sense of security from danger, elated with impunity and success, will infest the channel of England, and even the coasts of America, in another season, unless the most vigorous and decisive measures be instantly adopted on our part.

From ASP/FR, 1: 413.

Appendix 9

STATUTE I.
March 27, 1794.

CHAP. XII.—*An Act to provide a Naval Armament.*(a)

[Obsolete.]

President of
the U. States to
provide four
ships of 44 guns,
and two ships
of 36 guns each.
How officered.

WHEREAS the depredations committed by the Algerine corsairs on the commerce of the United States render it necessary that a naval force should be provided for its protection :

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be authorized to provide, by purchase or otherwise, equip and employ four ships to carry forty-four guns each, and two ships to carry thirty-six guns each.

SEC. 2. *And be it further enacted,* That there shall be employed on board each of the said ships of forty-four guns, one captain, four lieutenants, one lieutenant of marines, one chaplain, one surgeon, and two surgeon's mates ; and in each of the ships of thirty-six guns, one captain, three lieutenants, one lieutenant of marines, one surgeon, and one surgeon's mate, who shall be appointed and commissioned in like manner as other officers of the United States are.

SEC. 3. *And be it further enacted,* That there shall be employed, in each of the said ships, the following warrant officers, who shall be appointed by the President of the United States, to wit : One sailing-master, one purser, one boatswain, one gunner, one sail-maker, one carpenter, and eight midshipmen ; and the following petty officers, who shall be appointed by the captains of the ships, respectively, in which they are to be employed, viz : two master's mates, one captain's clerk, two boatswain's mates, one cockswain, one sail-maker's mate, two gunner's mates, one yeoman of the gun room, nine quarter-gunners, (and for the four larger ships two additional quarter-gunners,) two carpenter's mates, one armourer, one steward, one cooper, one master-at-arms, and one cook.

How manned.

SEC. 4. *And be it further enacted,* That the crews of each of the said ships of forty-four guns, shall consist of one hundred and fifty seamen, one hundred and three midshipmen and ordinary seamen, one sergeant, one corporal, one drum, one fife, and fifty marines ; and that the crews of each of the said ships of thirty-six guns shall consist of one hundred and thirty able seamen and midshipmen, ninety ordinary seamen, one sergeant, two corporals, one drum, one fife, and forty marines, over and above the officers herein before mentioned.

President of
United States

SEC. 5. *And be it further enacted,* That the President of the United States be, and he is hereby empowered, to provide, by purchase or other-

(a) The acts for the establishment and regulation of the navy of the United States, are : An act to provide a naval armament, March 27, 1794, chap. 12 ; an act supplementary to an act entitled, "An act to provide a naval armament, April 20, 1796, chap. 14 ; an act providing a naval armament, July 1, 1797, chap. 7 ; an act to provide an additional armament for the further protection of the trade of the United States, and for other purposes, April 27, 1798, chap. 31 ; an act authorizing the President of the United States to cause to be purchased or built a number of small vessels to be equipped as galleys or otherwise, May 4, 1798, chap. 39 ; an act to amend the act entitled, "An act providing a naval armament," and "an act to authorize the President of the United States to cause to be purchased or built a number of small vessels to be equipped as galleys or otherwise," June 22, 1798, chap. 55 ; an act supplementary to an act entitled, "An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes," June 30, 1798, chap. 64 ; an act for the augmentation of the navy, February 25, 1799, chap. 13 ; an act for the government of the navy of the United States, March 2, 1799, chap. 24 ; an act to increase the navy of the United States, January 2, 1813, chap. 6 ; an act supplementary to the act for increasing the navy of the United States, March 3, 1813, chap. 54 ; an act to authorize the President of the United States to cause to be built or purchased the vessels therein directed, November 15, 1814, chap. 3 ; an act for the gradual increase of the navy of the United States, April 29, 1816, chap. 138 ; an act supplementary to an act entitled, "An act concerning the naval establishment," March 1, 1817, chap. 24 ; an act to amend the act entitled, "An act for the gradual increase of the navy of the United States," March 3, 1821, chap. 46 ; an act authorizing an additional naval force for the suppression of piracy, December 20, 1822, chap. 1 ; an act supplementary to an act for the gradual increase of the navy of the United States, May 17, 1826, chap. 64 ; an act for the gradual improvement of the navy of the United States, March 3, 1827, chap. 93 ; an act in addition to the act for the gradual improvement of the navy of the United States, March 2, 1833, chap. 67 ; an act to provide for the enlistment of boys for the naval service, and to extend the term for the enlistment of seamen, March 2, 1837, chap. 21 ; an act to change the titles of certain officers in the navy, March 3, 1837, chap. 30.

THIRD CONGRESS. SESS. I. CH. 13. 1794.

wise, in lieu of the said six ships, a naval force not exceeding, in the whole, that by this act directed, so that no ship thus provided shall carry less than thirty-two guns; or he may so provide any proportion thereof, which, in his discretion, he may think proper.

SEC. 6. *And be it further enacted*, That the pay and subsistence of the respective commissioned and warrant officers be as follows:—A captain, seventy-five dollars per month, and six rations per day;—a lieutenant, forty dollars per month, and three rations per day;—a lieutenant of marines, twenty-six dollars per month, and two rations per day;—a chaplain, forty dollars per month, and two rations per day;—a sailing-master, forty dollars per month, and two rations per day;—a surgeon, fifty dollars per month, and two rations per day; a surgeon's mate, thirty dollars per month, and two rations per day;—a purser, forty dollars per month, and two rations per day;—a boatswain, fourteen dollars per month, and two rations per day;—a gunner, fourteen dollars per month, and two rations per day;—a sailmaker, fourteen dollars per month, and two rations per day;—a carpenter, fourteen dollars per month, and two rations per day.

SEC. 7. *And be it further enacted*, That the pay to be allowed to the petty officers, midshipmen, seamen, ordinary seamen and marines, shall be fixed by the President of the United States: *Provided*, That the whole sum to be given for the whole pay aforesaid, shall not exceed twenty-seven thousand dollars per month, and that each of the said persons shall be entitled to one ration per day.

SEC. 8. *And be it further enacted*, That the ration shall consist of, as follows: Sunday, one pound of bread, one pound and a half of beef, and half a pint of rice:—Monday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese:—Tuesday, one pound of bread, one pound and a half of beef, and one pound of potatoes or turnips, and pudding: Wednesday, one pound of bread, two ounces of butter, or in lieu thereof, six ounces of molasses, four ounces of cheese, and half a pint of rice:—Thursday, one pound of bread, one pound of pork, and half a pint of peas or beans:—Friday, one pound of bread, one pound of salt fish, two ounces of butter or one gill of oil, and one pound of potatoes:—Saturday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese:—And there shall also be allowed one half pint of distilled spirits per day, or, in lieu thereof, one quart of beer per day, to each ration.

SEC. 9. *Provided always, and be it further enacted*, That if a peace shall take place between the United States and the Regency of Algiers, that no farther proceeding be had under this act.

APPROVED, March 27, 1794.

From SaL, 1: 350-351.

may purchase a force not exceeding that directed by this act.

Pay and subsistence.

Pay to petty officers to be fixed by the President.

Not to exceed certain sum.

Component parts of ration.

When proceedings under this act shall cease

Appendix 10
Instructions to Humphreys for
negotiations with the Dey of
Algiers

Extract of a letter from the Secretary of State to Colonel Humphreys, dated

AUGUST 25, 1794.

“ I beg leave to refer to my letter of the 19th July, a duplicate of which is now enclosed, as indicative of the President's wish that you should continue in the destination for Algiers. It is too interesting to the feelings of us all, not to retain you in a mission for which your experience in the subject, and other qualities, combine to fit you, rather than any other person who could be sent.

“ These are the instructions of the President.

“ 1. Ransom and peace are to go hand and hand, if practicable; but, if peace cannot be obtained, a ransom is to be effected without delay.

“ 2. After endeavoring to obtain a ransom, at the lowest possible rate, or at the rate allowed by Portugal, or other nations the least favored, you may, if necessary, go as far as three thousand dollars per man.

“ 3. You will refer to the former instructions for the real wishes of the Government as to the sum to be paid for peace; keeping in mind the preference of a larger annuity and a smaller douceur in hand, to the reverse. But we would not break for fifty thousand dollars per annum, and two hundred thousand dollars by way of douceur, to secure a peace for a convenient term of years. But, though this form of the thing is most eligible, yet it is not judged to be a *sine qua non*: for, after all, what is usual and effectual must decide, and the payment in gross may be accommodated to the necessity of accomplishing the object.

“ 4. If, however, by any other modification of the sum of eight hundred thousand dollars, a peace and ransom can be obtained, you may modify accordingly; restricting yourself, on the head of a ransom, within the above mentioned limit of three thousand dollars per man.”

Extracts from the instructions given March 28, 1795, to Colonel David Humphreys, so far as they respect the proposed negotiations with the Dey and Regency of Algiers.

“ The instructions heretofore communicated to you in several letters from the office of the Department of State, respecting the negotiation with the Dey of Algiers, &c. for concluding a treaty of peace, and liberating our citizens from captivity, contain the sentiments of the President on those subjects, and will serve accordingly for your general government. If we should not be able to make a treaty, comprehending all the articles contained in our treaty with Morocco, we must acquiesce in the liberation of our citizens, and a treaty of peace only.”

“ Joseph Donaldson, Junior, is named by the President as consul to the two States of Tunis and Tripoli.” “ In the first place, however, it is expected that Mr. Donaldson will (if deemed necessary) be employed in an agency with Pierre Eric Skjoldbrand (now named as consul of the United States for Algiers) in ascertaining and agreeing upon the provisional or preliminary terms of a treaty with Algiers; and in causing (under your directions and instructions) the money appropriated by law for that purpose to be paid at Algiers, in the manner which shall be agreed on.”

From ASP/FR, 1: 529.

Appendix 11

Letter of demands of the Dey of Algiers to Heysell, January 1795

The Dey demands on the part of this Regency 2 Frigates sheathed in copper to mount 56 guns, 12 pounders, on the gun deck and to be in every way completely equipped.

The Dey demands the United States of America to pay the Publick Treasury of this Regency in six different payments the sum of six hundred thousand Algerian sequins, value in Mexican dollars 1,080,000.

The Dey expects for his own private emolument three hundred thousand Algerian sequins or 540,000 dollars.

The following amounts to be paid to the Dey to be distributed by him at his discretion:—

To his wife and daughter	....	....	....	60,000	dollars	
To the Dey's chamberlain	....	....	....	5,000	„	
To the Head Cooks, 5,000 each	....	....	....	10,000	„	
To the Vikalhodges, 3,000 each	....	....	....	6,000	„	
For Hadji Omer 1st Moorish Clerk	....	....	....	4,000	„	
For Ciddi Yousof 2nd	„	„	....	3,000	„	
For the two Money Counters, 3000, each	....	....	....	6,000	„	158,000
For the Hodge of the Palace Door	....	....	....	3,000	„	
For the Head Moorish Chamberlain	....	....	....	1,000	„	
For the Moorish Chauxes	....	....	....	3,000	„	
For the 13 Officers of Justice	....	....	....	5,000	„	
For 62 Officers of the Ancient Divan	....	....	....	13,000	„	
For 125 other Officers	....	....	....	30,000	„	

The sum exacted for the ransom of one hundred American captives is as viz:—

For 11 Masters and one super-cargo, 6,000 each	....	....	....	....	72,000	dollars	
For 14 Mates, 4,000 each	....	....	....	....	56,000	„	
For the Dey's Christian Clerk	....	....	....	....	4,000	„	354,000
For three American Pages, 4,000 each	....	....	....	....	12,000	„	
For the redemption of 70 Mariners, 3,000 each	....	....	....	....	210,000	„	

The following sums to be sent privately to the following grandees:—

To the Hasnagi or Prime Minister	....	15,000	dollars
To the Aga or Generalissimo of the Turks	....	15,000	„
To the Hodge of Cavallos or Farmer General	....	15,000	„
To the Beitalmas or receiver de Per droits d'Aubain	.... ....	15,000	„
To the Vikelhodg or Intendant of Marine	....	15,000	„
To the four Hodges or Turkish Secretaries, 10,000 each	.... ....	40,000	„

The whole sum expected for the peace and the redemption of 100 American captives is 2,247,000 Mexican dollars.¹

From Barnby, The Prisoners of Algiers, pp. 129-130.

Appendix 12

Text of the American-Algerian Treaty of Amity and Peace September 5, 1795.

A TREATY OF PEACE AND AMITY

*Between the Dey of Algiers and the United States of
America. (a)*

A TREATY OF PEACE AND AMITY

*Concluded this present day I—ima artasi, the twenty-first of the
Luna safer, year of the Hegira 1210, corresponding with Satur-
day the fifth of September, one thousand seven hundred and
ninety-five, between Hassan Bashaw, Dey of Algiers, his Divan
and Subjects, and George Washington, President of the United
States of North-America, and the Citizens of the said United
States.*

Sept. 5, 1795.

ARTICLE I.

FROM the date of the present treaty, there shall subsist a firm and sincere peace and amity between the President and citizens of the United States of North-America, and Hassan Bashaw, Dey of Algiers, his Divan and subjects; the vessels and subjects of both nations reciprocally treating each other with civility, honor and respect.

Peace esta-
blished.

ARTICLE II.

All vessels belonging to the citizens of the United States of North-America, shall be permitted to enter the different ports of the Regency, to trade with our subjects, or any other persons residing within our jurisdiction, on paying the usual duties at our custom-house that is paid by all nations at peace with this Regency; observing that all goods disembarked and not sold here shall be permitted to be re-embarked without paying any duty whatever, either for disembarking or embarking. All naval and military stores, such as gunpowder, lead, iron, plank, sulphur, timber for building, tar, pitch, rosin, turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this Regency, without paying any duties whatever at the custom-house of this Regency.

Commercial
intercourse re-
gulated.

ARTICLE III.

The vessels of both nations shall pass each other without any impediment or molestation; and all goods, monies or passengers, of whatsoever nation, that may be on board of the vessels belonging to either party, shall be considered as inviolable, and shall be allowed to pass unmolested.

Vessels of
each nation to
pass unmolest-
ed.

ARTICLE IV.

All ships of war belonging to this Regency, on meeting with merchant-vessels belonging to citizens of the United States, shall be allowed to visit them with two persons only beside the rowers; these two only

(a) The treaties between the United States and Algiers have been:
The Treaty of September 5, 1795.
The Treaty of June 30, 1815, post, 224.
Renewed Treaty with Algiers of 22d December, 1816, post, 244.

TREATY WITH ALGIERS. 1795.

How pass-ports of vessels and ships of war shall be examined, and to whom to be granted.

permitted to go on board said vessel, without obtaining express leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage unmolested. All ships of war belonging to the United States of North America, on meeting with an Algerine cruiser, and shall have seen her passport and certificate from the Consul of the United States of North America, resident in this Regency, shall be permitted to proceed on her cruise unmolested: no passport to be issued to any ships but such as are absolutely the property of citizens of the United States: and eighteen months shall be the term allowed for furnishing the ships of the United States with passports.

ARTICLE V.

No Algerine cruiser may take any person out of a vessel of the U. S.

No commander of any cruiser belonging to this regency, shall be allowed to take any person, of whatever nation or denomination, out of any vessel belonging to the United States of North-America, in order to examine them, or under pretence of making them confess any thing desired; neither shall they inflict any corporal punishment, or any way else molest them.

ARTICLE VI.

Vessels of U. S stranded to be relieved.

If any vessel belonging to the United States of North-America, shall be stranded on the coast of this Regency, they shall receive every possible assistance from the subjects of this Regency: all goods saved from the wreck shall be permitted to be reimbarbed on board of any other vessel, without paying any duties at the custom house.

ARTICLE VII.

Algerines not to sell vessels of war to the enemies of U. States.

The Algerines are not, on any pretence whatever, to give or sell any vessel of war to any nation at war with the United States of North-America, or any vessel capable of cruising to the detriment of the commerce of the United States.

ARTICLE VIII.

When pass- port is not necessary.

Any citizen of the United States of North-America, having bought any prize condemned by the Algerines, shall not be again captured by the cruisers of the regency then at sea, although they have not a passport; a certificate from the consul resident being deemed sufficient, until such time they can procure such passport.

ARTICLE IX.

Other Barbary states not to be allowed to sell prizes in Algiers.

If any of the Barbary states at war with the United States of North-America, shall capture any American vessel and bring her into any of the ports of this Regency, they shall not be permitted to sell her, but shall depart the port on procuring the requisite supplies of provision.

ARTICLE X.

U. S. may send prizes into the ports of the Regency.

Any vessel belonging to the United States of North-America, when at war with any other nation, shall be permitted to send their prizes into the ports of the Regency, have leave to dispose of them, without paying any duties on sale thereof. All vessels wanting provisions or refreshments, shall be permitted to buy them at market price.

ARTICLE XI.

How ships of war of U. S. shall be treated in the ports of the Regency.

All ships of war belonging to the United States of North-America, on anchoring in the ports of the Regency, shall receive the usual presents of provisions and refreshments, gratis. Should any of the slaves of this regency make their escape on board said vessels, they shall be imme-

TREATY WITH ALGIERS. 1795.

diately returned: No excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.

ARTICLE XII.

No citizen of the United States of North-America, shall be obliged to redeem any slave against his will, even should he be his brother: neither shall the owner of a slave be forced to sell him against his will: but all such agreements must be made by consent of parties. Should any American citizen be taken on board an enemy-ship, by the cruisers of this Regency, having a regular passport, specifying they are citizens of the United States, they shall be immediately set at liberty. On the contrary, they having no passport, they and their property shall be considered lawful prize; as this Regency know their friends by their passports.

How slaves shall be redeemed, and when captured persons shall be lawful prize.

ARTICLE XIII.

Should any of the citizens of the United States of North-America, die within the limits of this Regency, the Dey and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the consul: unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; when they shall render an account of the property. Neither shall the Dey or Divan give hindrance in the execution of any will that may appear.

How the estate of citizens of U. S. dying in the Regency shall be settled.

ARTICLE XIV.

No citizen of the United States of North-America, shall be obliged to purchase any goods against his will; but, on the contrary, shall be allowed to purchase whatever it pleaseth him. The consul of the United States of North-America, or any other citizen, shall not be amenable for debts contracted by any one of their own nation; unless previously they have given a written obligation so to do. Should the Dey want to freight any American vessel that may be in the Regency, or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations, he expects to have the preference given him, on his paying the same freight offered by any other nation.

No citizen of U. S. to be compelled to purchase goods or pay debts of another.

ARTICLE XV.

Any disputes or suits at law, that may take place between the subjects of the Regency and the citizens of the United States of North-America, shall be decided by the Dey in person, and no other. Any disputes that may arise between the citizens of the United States, shall be decided by the consul; as they are in such cases not subject to the laws of this Regency.

How disputes shall be settled.

ARTICLE XVI.

Should any citizen of the United States of North-America, kill, wound, or strike a subject of this Regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the United States of North-America, in the above predicament, escape prison, the consul shall not become answerable for him.

How crimes shall be punished.

ARTICLE XVII.

The consul of the United States of North-America, shall have every personal security given him and his household: he shall have liberty to exercise his religion in his own house: all slaves of the same religion, shall not be impeded in going to said consul's house, at hours of prayer. The consul shall have liberty and personal security given him to travel

Privileges of the consul of the U. S.

TREATY WITH ALGIERS. 1795.

whenever he pleases, within the Regency: he shall have free license to go on board any vessel lying in our roads, whenever he shall think fit The consul shall have leave to appoint his own drogaman and broker.

ARTICLE XVIII.

In case of war, citizens of U. S. may embark unmolested.

Should a war break out between the two nations, the consul of the United States of North-America, and all citizens of said states, shall have leave to embark themselves and property unmolested, on board of what vessel or vessels they shall think proper.

ARTICLE XIX.

Citizens of either nation captured by the other to be set at liberty.

Should the cruisers of Algiers capture any vessel, having citizens of the United States of North-America on board, they having papers to prove they are really so, they and their property shall be immediately discharged. And should the vessels of the United States capture any vessels of nations at war with them, having subjects of this Regency on board, they shall be treated in like manner.

ARTICLE XX.

Vessels of war to be saluted.

On a vessel of war belonging to the United States of North-America anchoring in our ports, the Consul is to inform the Dey of her arrival; and she shall be saluted with twenty-one guns; which she is to return in the same quantity or number. And the Dey will send fresh provisions on board, as is customary, gratis.

ARTICLE XXI.

Consul not to pay duty.

The Consul of the United States of North-America shall not be required to pay duty for any thing he brings from a foreign country for the use of his house and family.

ARTICLE XXII.

War not to be declared in case of breach of treaty.

Should any disturbance take place between the citizens of the United States and the subjects of this Regency, or break any article of this treaty, war shall not be declared immediately; but every thing shall be searched into regularly: the party injured shall be made reparation.

Sum to be paid to the Dey.

On the 21st of the Luna of Safer, 1210, corresponding with the 5th September, 1795, Joseph Donaldson, jun. on the part of the United States of North-America, agreed with Hassan Bashaw, Dey of Algiers, to keep the articles contained in this treaty sacred and inviolable; which we the Dey and Divan promise to observe, on consideration of the United States paying annually the value of twelve thousand Algerine sequins in maritime stores. Should the United States forward a larger quantity, the overplus shall be paid for in money, by the Dey and Regency. Any vessel that may be captured from the date of this treaty of peace and amity, shall immediately be delivered up on her arrival in Algiers.

Signed,

VIZIR HASSAN BASHAW,

JOSEPH DONALDSON, jun.

Seal of Algiers stamped at the foot of the original treaty in Arabic.

To all to whom these Presents shall come, or be made known:

WHEREAS the under-written David Humphreys, hath been duly appointed Commissioner Plenipotentiary, by letters patent under the

TREATY WITH ALGIERS. 1795.

signature of the President, and seal of the United States of America, dated the 30th of March 1795, for negotiating and concluding a treaty of peace with the Dey and Governors of Algiers; whereas by instructions given to him on the part of the Executive, dated the 28th of March and 4th of April, 1795, he hath been further authorized to employ Joseph Donaldson, junior, on an agency in the said business; whereas, by a writing under his hand and seal, dated 21st May, 1795, he did constitute and appoint Joseph Donaldson, junior, agent in the business aforesaid; and the said Joseph Donaldson, jun. did, on the 5th of September, 1795, agree with Hassan Bashaw, Dey of Algiers, to keep the articles of the preceding treaty sacred and inviolable:

Now know ye, That I, David Humphreys, Commissioner Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same nevertheless for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In Testimony whereof, I have signed the same with my Hand and Seal, at the City of Lisbon, this 28th of November, 1795.

DAVID HUMPHREYS. (L. S.)

From SaL, 8: 133-137.

Appendix 13

The Turkish text of the American-Algerian
Treaty of Amity and Peace
September 5, 1795

فضل

اتيدك في فضلك قول وقراري اولدلكه كشيوبيك ابيوزاون كينون
ما اوسر كان خير مني يا لثريه متصرف دوتمو جور جووا شنو بيزي
نام مريكاها كى ايله ارجا همز حور خاير عريم صاحب الدولك اولان
سعاد تاه حسن باشا يستر الله له ما يزيد وما ايشا حفر لريك زاي
منصوره اغاسي وقول ككند اسي وسايزاد با بيدوان ومله عساكر
منصوره وجاينيك دعا يا اري انفا قله يو صلا صلا خدمت
وفاستد بركه رسوز قانماستد واسلام
تاريخ ١٢١٢ هـ

فضل

اینکه بگویم و کرم که جوایز و کلماتی که در آن است
 کیاری جزو عادت قدیم او زده و زقلین او تو در عهد
 وار و کلمه غلبه و سوزید با زکا ناری و کلمه زیاده طلب
 سائر انگیز و غلبه و زقلین بندگیه قوی و مزبور اسکله
 افغان که در آن ما تلبیان زقلین شی طلب ایلیه و مزبور اسکله
 و بر زقی بود که یکنه انارون - لرو اسکله
 مراد ایند که زده یکنه انارون - لرو اسکله
 یکنه اناری انجدویالی قومیه لرو اسکله

[Handwritten signature]

فصل
۳

او چنانچه قول و قراری اولد که و یا با از کان و یا با از کان و یا با از کان
بازدگان و کلاه خرابی و قرصان و یا با از کان و یا با از کان و یا با از کان
است کلوب بلبلد کلنم اراقتک و بر بر لری و بر بر لری و بر بر لری
و صفت ایله بر بر لری و بر بر لری و بر بر لری و بر بر لری و بر بر لری
و بری دخی بود که ایچارنم هر ققی و جنس او و سه او کسون و یوجو او ققم
و قاری و مالاری و اسپایر بله و کتند و سه لری و هاج برو و هاله بر بر لری
بر شیارینی المیه و بریم و السلام
نهر و ذیان اتمیه لری و السلام

فضل

شاید فصلی قول و قیامی اولاد که هیچ بر خضایت کیسی قبول ندارند
و آنچه انارین ضابطه جایگزین اولاد است که هرگز در میان نمی آید
چیز اجباری نه و جایزیه و یا خود سایر بر لوه هیچ بر شیدن او تو
مردود و خواه وجود جفا ایلیم که هرگز در میان نمی آید
اولسون بر یکان یکسند بولند که اینها اجماعیه لفظ السلام
کتاب { ۱۱ } ص ۱۱



فضل

٦

النتیجہ فضل قول و قراری اولدکده
مکن اولون دعا یا سنک کباردن بری ضارتمکم ایلدوکی مکنکدن و یاخو مکنک
باشنق قه اولوب یاره لسنه اصلاو قطعاً کند این ماللرن اولون
هیچ برکنه برایش شیرین الوید نغمه و غنیمت آتیاه و برونی قودد که
بویله برایش واقوع اولور ایسه کور که روزقلری التیوب و ادب لرنه بظهور
آتیاه لرو ضارتن یعت مکن اولون قیه علی قد الطاقه جالشو معافنت ایدوب
ایدد ایسه مکن اولون قیه علی قد الطاقه جالشو معافنت ایدوب
دوستارخی ایدوب لرو روزقلری قورومغه امداد ایدوب لرو السلام
کورد

فضل

۷

فصلی قول و قراری اولدیرکه هیج برکات کباردن کرک بوک
و کورس خورس خورس خورس خورس خورس خورس خورس خورس خورس
اولان فعل کتارین دونانوی مریکا الو اوردنیه قورصا نلق ائمه لرد اسلام
۲۱

فصل ۸

سختی و محنت و قوت و قرار و کوه - بر سر کاف با در کانی صفت خرابی
بر اقلاده ما تون آیه و ما خود دیاد قور ما نایق این خرابی و آشیان
بری برکی غنمت و دیون منگه و کینک قورانی و ما خود رایشی - بر سر کاف
با در کانه اقطار و ما تون الاغنه کینک خرابی و کورک در یاد و اشک
اولسون برین بوشوال اوزر ما تون الاغنه کینک خرابی و کورک در یاد و اشک
مخوسه خرابی بوشوال ایسته و کینک و الاغنه کینک خرابی و کورک در یاد و اشک
لان با در کانه دو قیود سلاوقده - کورک ۲۱۲ ص ۱۲

فضل
۹

مقدمه فصل اول و قرار دادی او که در آن
کوک تو فوس و طس ابوس و سلا و با خود
بوی و بوی تو جوی نه آدماری
ما تعلقه رضا و جواز و رفا
فصل اول و قرار دادی او که در آن
کوک تو فوس و طس ابوس و سلا و با خود
بوی و بوی تو جوی نه آدماری
ما تعلقه رضا و جواز و رفا
فصل اول و قرار دادی او که در آن
کوک تو فوس و طس ابوس و سلا و با خود
بوی و بوی تو جوی نه آدماری
ما تعلقه رضا و جواز و رفا



فضل

و فضل قول و قراری اولدکه اگر میکان کینای قور صان کینای
ضاریم و یا خود ضارین حکمده اولان اسکلله لره افطاریمه و یا خود غنیمت
ایلدن کله دوزخی کتورودد کرا ایشیه هیچ برکنده مانع لیب و برده بودد که
نه دیار ایشیه کینای اصلد بر وجهه عشق و عواید و بر مید لورده
میگان بخیر ایچون لر زیاده طلب ایشیه لور و کورک اسل و بولدن بو طرفه مهقات
بودد که دخی او ایا اینه ویره کورک لایتن لردن بولداش نقلی ایچون کورک
بیمی بونلک و لا تنه و غیری کیر الملق مراد اولور ایشیه سائر جنساری
ه طرفه و قفق ازیردن کیر الملق باندور دیود یا خود نرم بلسار نیرده
نقلی ایچون کورک ایچون باندور دیود یا خود نرم بلسار نیرده
مصرع بیجا کیر الله لر کورک باندور دیود یا خود نرم بلسار نیرده
تفقولها ایله کیر الله لر کورک باندور دیود یا خود نرم بلسار نیرده
قالدینور دیود قالدینور دیود یا خود نرم بلسار نیرده

و

فصل
۱۱

ضمیمه فصل اول و قاری اولد که هر یک از حاکمی و ستمزنی قوصان
اون برقی خراسه خراسه کلوی بقدر بر اقدار خراسه خراسه کلوی
مکان و کرم غیره جنسک اکثر استراحت و ارون قوصان کلوی
مکان و کرم غیره جنسک اکثر استراحت و ارون قوصان کلوی
خرازم و کرم غیره جنسک اکثر استراحت و ارون قوصان کلوی
اولد که خراسه خراسه کلوی بقدر بر اقدار خراسه خراسه کلوی
این اسیری خراسه خراسه کلوی بقدر بر اقدار خراسه خراسه کلوی
کافرتا سینه و غیره قطع کلوم شرط اول کینک قوصان و السلام
کتوبمک قولی اودن قطع کلوم شرط اول کینک قوصان و السلام

فضل
۱۶

این فصلی است که در قرآنی اولی که شدن صکره مریکان حاکمید
 لاون خاثر حکم ایله وکی بر کرده نه اولی و زنده ما اولی و زنده اسیر اولی
 زعیایاسی بود که مریکان حاکمی ایله یا ریشق اولی و غندن مراد اولی
 بر دخی بود که اسیر لرینی قور تر ندلیه خصم و اقربا لری مروت و غیر تارندن اولی
 او کینه اولی که اسیر لرین خصم و اقربا لری مروت و غیر تارندن اولی
 زمانه اولی بود که قدر تر منفه بر و عدد زمان اولی به ازندن اولی و توری افندی به ایله
 و بر دخی بود که اول دخی هر کینه ایله اولی اسیر لرینی فلان به ایله و بر
 که رو و اول دخی هر کینه ایله اولی اسیر لرینی فلان به ایله و بر
 سویشله و افندی هر کینه ایله اولی اسیر لرینی فلان به ایله و بر
 و حیه و ندلیه هر کینه ایله اولی اسیر لرینی فلان به ایله و بر
 و کون مریکان حاکمی ایله یا ریشق اولی و غندن مراد اولی
 نیجه اولی بود که مریکان حاکمی ایله یا ریشق اولی و غندن مراد اولی
 و بر دخی تکرار اولی بود که مریکان حاکمی ایله یا ریشق اولی و غندن مراد اولی
 بر لیسنگ مریکان حاکمی ایله یا ریشق اولی و غندن مراد اولی
 بوئنان بر ضرر اولی بود که مریکان حاکمی ایله یا ریشق اولی و غندن مراد اولی
 و زوقه بر ضرر اولی بود که مریکان حاکمی ایله یا ریشق اولی و غندن مراد اولی
 و مالک الفود و السلام
 خیر السلام
 ص ۱۱

فصل
۱۵

اشتیاق وصال قول وقراری اولدکه مریکان حاکمیه دعا باشند
یکنه بر مسلمان ایله ویاخو هزارین حکمه اولان کتبه لر ایله
دعوا الی اولسه مذکور لرین دعوا الی دو تا و رای و دیوان محترم
صفه نین فصل اولده بر غیر کتبه دن اولغیه و اگر اول طائفه
کندی یا قیارین دعوا الی اولورسه اول زمان مریکان بالیوزی
اولان کتبه دعوا الی فصل ایلیه و السلام حرماً ۱۷ ص

فصل
۱۶

لَوْنِ التَّبَعِي وَفَصَالِحِ قَوْلِ وَتَقَرَّارِي اَوْلَدِ كَرِهَ جَانِبًا اِحْتِمَالِ الدُّكَّةِ مَرِيكَانِ
 عَاكِسِكَ قَوْلِ الرَّبِّ نَدَنَ بِرِيكَانَهَ بِرِمْسَلَانِ اَيْلَهَ غَوَا اَنْدُو بِرِي بِرِي يَارَهَ لِيُوْبِ
 وَيَا قَتْلِ اَيْدِ لَرَا اَيْشَهَ بِرِي بِرِي جَمَلِكْتِ شَرِيَقِي هَرَنَهَ حَكْمِ اَيْدِ اَيْشَهَ بَعْنِي
 سَا اْتِرِي لَرَهَ كُودَهَ ضِرَا اَوِي رِي لَهَ وَاَمَّا بِرِمْسَلَانِ مَرِيكَانِ بِرِمْسَلَانِي اَوْلَدِ سَهْ
 وَاَوْلَدِ دَكْتِنِ فَكَلَمِ قَاچِي قُوْدَتَا لَو دَا اَيْشَهَ ضِرَا اْتِرَدَهَ اَوْلَانِ مَرِيكَانِ
 بِاِيُوْرِيْنَهَ وَنَهَ اَنْلَرْدَنِ اَوْلَانِ بِرِمْسَلَانِ بِرِمْسَلَانِ اَيْدِ اَيْشَهَ اِحْتِمَالِ
 هَرَنَهَ ۱۶۱ صَدَقِ



فضل
۱۷

اون يد في فصلك قول و قراری او آند که خریکان بالیوزی اولی کتبه
شمالی مالک و کتبه زمانه هر یک اولی اسیه اولسون دایم خود سوز
کوز کتبه کتبه هر یک کتبه کتبه و نه در کتبه دو قوت اختیار
و بردی بود که هر زمانه کتبه کتبه کتبه کتبه کتبه کتبه
و بردی بکار که هر زمانه کتبه کتبه کتبه کتبه کتبه کتبه
طش و ده جانی و اجتناب کتبه کتبه کتبه کتبه کتبه کتبه
و در حق انترین طریق کتبه کتبه کتبه کتبه کتبه کتبه
و در حق تعلیم فن اینچون کتبه کتبه کتبه کتبه کتبه کتبه
ضرایره بولمان مریدان از اسیر لری کتبه کتبه کتبه کتبه کتبه
اولی از قوت و اولی از مینه و ارمغه و طریق کتبه کتبه کتبه کتبه
اینگه کتبه و اردیان باشی کتبه کتبه کتبه کتبه کتبه کتبه



فضل
۱۸

آنکه در هیچ فصلی قون و قرار می آید که مالت یا در شغل فروز و در
حکیم اولون و اگر شدت کرد و صلح و صلواتی که با اولون و غیره حاصل
شده بود شمه که مالیک و عا یا بسند کرد خراب کرده و کرد تحت حکم
اولان ما و یکان با شستن و کون بود شفق و ما لرون و اسباب
او کسور کرد تمام استر لرون و در قارن و ما لرون و اسباب
ویندوی زمانه کنو و کله اصل و بر کینه یو لرون الی قومغه کسب
ویندوی کار لرون کنو و کله اصل و بر کینه یو لرون الی قومغه کسب
اولیه و اگر خرابی ملکند و وفدی الله بلاء والسلام علیکم

فصل
۱۹

فصل اول در بیان اولاد که
از آن طوری پیدا می شود که در آن وقت
بسیار است و هر یک از آنها
چون اولاد رسیده اند که در آن وقت
خدمت کارینه جزایر کیاری کرده
انجمنیه لو کذالك احد ضارثی
لین کیاریت بولور ایشه ذکر او فانی
و ذرتکار ری اصل و قطعا انجمنیه مذکور
تفلیس و اعماد و سباق یوزی کور و اولاد و السلام

فضل
۲۱

کینچی فضلك قول وقراری اولدی که هر زمانه مرکان قرالی دولتتمیز
 بیوداناسی خایر او کونه کلوب کورده و کورده و کورده و کورده و کورده
 کینه واروی هاکمه خیر ویردکن صکر منکر و قیودان لمان او کورده قیود
 بر ادرقن خایر خایر اولان کینه و کورده لوفاه مرکان هاکمه هر حاله اعایه
 خطیرین بر خیردن کیمی بر یای طوب انله کینه و کورده و کورده و کورده
 مرکان هاکمیک قیوداناسی اولان کینه و کورده و کورده و کورده و کورده
 ایوب او مقناری طوب انه و مزبور کینه و کورده و کورده و کورده و کورده
 او فده مونه لکجه بر یای و کورده و کورده و کورده و کورده و کورده



فصل
٢١

يذكر في برنجي فضلك قول وقراري اولدكده مريكان باليوزي اولان كشته
اولينه خراج اوليق ناكلات ومشروبات وسائر مهات وهذا يا ابي بو
معقول اشيا لردن كرس وكتس طلب اولغينه والسليم محمد باقر حقه

علي تابلت، العلاقات الجزائرية-الأمريكية 1776-1830
اطروحة دكتوراه دولة في التاريخ الحديث و المعاصر (جوان
ص 496-474 (2007)

The refernce has been put a page before the
end of the treaty since there is no room on
the last page.

Appendix 14
An Act Making an Appropriation
for Defraying the Expenses which
May Arise in Carrying into Effect
the Treaty Made between the
United States and the Dey And
Regency of Algiers

STATUTE I.

May 6, 1796.

[Obsolete.]

\$24,000 per annum appropriated for the payment of the annuity to the Dey and Regency of Algiers.

CHAP. XIX.—*An Act making an appropriation for defraying the expenses which may arise in carrying into effect the Treaty made between the United States and the Dey and Regency of Algiers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses of carrying into effect the treaty made between the United States and the Dey and Regency of Algiers, the monies arising under the revenue laws of the United States, which have been heretofore passed, not already appropriated to any other purpose, or so much thereof as may be necessary, to the amount of twenty-four thousand dollars per annum, be, and the same are hereby pledged and appropriated for the payment of the annuity stipulated in the said treaty, to be paid to the said Dey and Regency of Algiers, and to continue so pledged and appropriated, so long as the said treaty shall be in force.

APPROVED, May 6, 1796.

From, SaL, 1: 460

Appendix 15

Estimated cost of Naval stores of the 1795 Treaty

An Estimate of the probable cost of Articles for the Algerine Treaty. December 29, 1796.

500 barrels of powder, at 15 <i>l.</i>	-	-	£7,500	0	0
66 tons of lead, at 40 <i>l.</i>	-	-	2,640	0	0
20,000 cannon ball, at 276 <i>l.</i>	-	-	2,760		
5,000 double headed shot	-	-	690		
200 pieces of canvas	-	-	1,100		
2,000 gun barrels	-	-	2,000		
50 masts, at 100 <i>l.</i>	-	-	5,000		
100 spars, at 40 <i>l.</i>	-	-	4,000		
10 cables and cordage, 45 tons, at 135 <i>l.</i>			10,575		
3,000 pine and oak plank, 6 inches thick, 50 feet long	-	-	9,000		
200 ps. scantlin	-	-	540		
200 barrels tar	-	-	200		
100 barrels pitch	-	-	150		
10 cannon, &c.	-	-	500		
			<hr/>		
			£46,655		
			<hr/>		
			Equal to \$124,413		
			TENCH FRANCIS, Purveyor.		

From: SPPD, 10: 456, Report of the Secretary of the Treasury, January 4, 1797

Appendix 16

The Estimated Cost of the 1795 Treaty

The whole of the grants for the Algerine treaty may therefore be considered as equal to an effective fund in London of - \$736,704 22

The expenses of carrying the treaty into effect are estimated as follows :

Payments stipulated at the time of closing the treaty to the dey, his officers, and the treasury, for the redemption of the captives - \$525,500

To which are to be added agreeably to Mr. Donaldson's calculation,

For per centage on the captives	-	27,000
Peace presents, consular presents, &c.		60,000
Commissions to the Jew broker, and presents to principals, &c.	-	30,000

Amount of money to be paid in Algiers \$642,500

The expenses of remitting the sum last mentioned from London to Algiers, according to the best estimate which can be formed, will be as follows :

\$140,000 procured at Leghorn by bills on London, cost
4s. 10 $\frac{5}{10}$ sterling pr. dollar, or sterling £34,110 00 0

\$260,000 expected to be obtained at 5s. will be 65,000 00 0

£99,110 00 0 or \$440,488 88

\$40,000 remitted to Hamburgh cost, sterling		
£9,002 18 8 or dollars		40,013 04
\$225,000 procured at Lisbon, for which draughts have been past for stlg.		
£50,007 16 0 or dollars		222,256 89
<hr/>		
\$665,000 placed in Leghorn, Hamburgh, and Lisbon, and supposed to be sufficient to discharge the pecuniary obligations of the treaty, will probably cost		\$702,758 81
Payments made to col. Humphreys,	£3,471 0 0	
Payment to captain O'Brien,	- 31 0 0	
		<hr/>
	Sterling £3,502 0 0 or	\$15,564 44
The naval stores stipulated by Mr. Donaldson were estimated at \$57,000, but which, agreeably to his enumeration of the articles, will cost agreeably to the estimate of the purveyor marked A		124,418
The freight of the said stores is computed at		50,000
The expense of the frigate lately promised, agreeably to the estimate of the Secretary at War herewith transmitted marked B, will be		99,727
<hr/>		
The whole expense of fulfilling the treaty, according to this estimate, therefore is		\$992,463 25
From which sum the effective value of the provisions already made being deducted as before estimated		736,704 22
<hr/>		
There will remain to be provided		\$255,759 03

From: SPPD, 10: 454-455, Report of the President of the United States to Congress Relative to Algiers, January 9, 1797, Report of the Secretary of the Treasury, January 4, 1797.

Appendix 17

An Act Authorizing the President of the United States to Apply a further sum to the Expense of Negotiations with the Dey and Regency of Algiers

STATUTE II.

CHAP. XII.—*An Act authorizing the President of the United States to apply a further sum to the expense of Negotiations with the Dey and Regency of Algiers.*

March 3, 1797.

[Obsolete.]

Appropriation for negotiations with Algiers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby authorized to apply a sum, not exceeding two hundred and eighty thousand two hundred and fifty-nine dollars and three cents, to the expenses which may have been incurred in any negotiations with the Dey and Regency of Algiers, beyond the sums heretofore appropriated; and that the said sum of two hundred and eighty thousand two hundred and fifty-nine dollars and three cents, be, and the same is hereby appropriated for that purpose.

SEC. 2. *And be it further enacted,* That a further sum, not exceeding ninety-six thousand two hundred and forty-six dollars and sixty-three cents, be, and the same is hereby appropriated for discharging the two first years' annuity to the Dey and Regency of Algiers, pursuant to

To pay annuity.

treaty, in addition to the sum appropriated for that purpose, by the act of the sixth of May, one thousand seven hundred and ninety-six.

SEC. 3. *And be it further enacted,* That the said several sums shall be paid and discharged out of any monies arising from the revenues of the United States, beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-seven.

APPROVED, March 3, 1797.

From SaL, 1: 505-506.

Appendix 18
Text of the American Treaty
with Tripoli June 4, 1805

TREATY OF PEACE AND AMITY,

Between the United States of America, and the Bashaw, Bey, and subjects of Tripoli, in Barbary. (a)

June 4, 1805.
 Peace and
 friendship re-
 established.

Privileges in
 commerce, &c.
 &c.

Prisoners to be
 mutually given
 up.

American
 forces in the
 province of
 Derne to be
 withdrawn.

Free ships to
 make free
 goods.

Citizens, &c.
 to be given up
 if taken in
 prize vessels.

ARTICLE I. There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace, and a sincere friendship between the President and citizens of the United States of America, on the one part, and the bashaw, bey, and subjects of the regency of Tripoli in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nation. And if either party shall hereafter grant to any other nation, any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party, freely where it is freely granted to such other nation; but where the grant is conditional, it shall be at the option of the contracting parties, to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

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

ART. III. All the forces of the United States, which have been, or may be in hostility against the Bashaw of Tripoli, in the province of Derne, or elsewhere within the dominions of the said Bashaw, shall be withdrawn therefrom, and no supplies shall be withdrawn therefrom, and no supplies shall be given by or in behalf of the said United States, during the continuance of this peace, to any of the subjects of the said Bashaw, who may be in hostility against him, in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said Bashaw, who has co-operated with them at Derne, &c., to withdraw from the territory of the said Bashaw of Tripoli; but will not use any force or improper means to effect that object, and in case he should withdraw himself as aforesaid, the Bashaw engages to deliver up to him his wife and children now in his power.

ART. 4th. If any goods belonging to any nation, with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

ART. 5th. If any citizens or subjects with their effects, belonging to either party, shall be found on board a prize vessel, taken from an enemy by the other party, such citizens or subjects shall be liberated

(a) Treaty of peace and friendship between the United States and the Bey and Subjects of Tripoli, November 4, 1796, ante, page 154.

TREATY WITH TRIPOLI. 1805.

immediately, and their effects, so captured, shall be restored to their lawful owners, or their agents.

ART. 6th. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition, that the vessels of war belonging to the Regency of Tripoli, on meeting with merchant vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these two only shall be permitted to go on board, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner. All vessels of war belonging to the United States of America, on meeting with a cruizer belonging to the Regency of Tripoli, on having seen her passport and certificate from the consul of the United States of America residing in the Regency, shall permit her to proceed on her cruize unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretence whatever.

Passports to be given to vessels of both contracting parties.

ART. 7th. A citizen or subject of either of the contracting parties, having bought a prize vessel, condemned by the other party, or by any other nation, the certificate of condemnation and bill of sale, shall be a sufficient passport for such vessel for two years, which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

What shall be sufficient passport.

ART. 8th. Vessels of either party, putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price, and if any such vessel should so put in, from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reembark her cargo, without paying any duties; but in no case shall she be compelled to land her cargo.

Vessels of both nations permitted to touch at the ports of each, for provisions, &c.

ART. 9th. Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her crew. No pillage shall be allowed, the property shall remain at the disposition of the owners, and the crew protected and succoured, till they can be sent to their country.

Proper assistance to be given to the vessels of both nations, &c.

ART. 10th. If a vessel of either party shall be attacked by an enemy within gun-shot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port, within twenty-four hours after her departure.

Rules as to the time when, and the distance which, an enemy's vessel may be attacked.

ART. 11th. The commerce between the United States of America, and the Regency of Tripoli; the protections to be given to merchants, masters of vessels and seamen; the reciprocal right of establishing consuls in each country, and the privileges, immunities and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing, with those of the most favored nations, respectively.

Commerce, &c. to be on the footing of that of the most favoured nations.

ART. 12th. The consul of the United States of America shall not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

Consul of U.S. not to be answerable for debts of citizens of his own country.

TREATY WITH TRIPOLI. 1805.

Vessels of the U. S. to be saluted by the government of that regency.

ART. 13th. On a vessel of war, belonging to the United States of America, anchoring before the city of Tripoli, the consul is to inform the Bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

Entire freedom to be allowed in religious matters.

ART. 14th. As the government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquility of Musselmen, and as the said states never have entered into any voluntary war or act of hostility against any Mahometan nation, except in the defence of their just rights to freely navigate the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations. And the consuls and agents of both nations respectively, shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said consul's house at hours of prayer. The consuls shall have liberty and personal security given them, to travel within the territories of each other both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have likewise the liberty to appoint their own drogerman and brokers.

Time allowed before an appeal to arms.

ART. 15th. In case of any dispute arising, from the violation of any of the articles of this treaty, no appeal shall be made to arms; nor shall war be declared on any pretext whatever; but if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievances in writing, and transmit it to the government of the other; and the period of twelve calender months shall be allowed for answers to be returned; during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the consuls and citizens or subjects of both parties reciprocally, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper.

Mutual exchange of prisoners in the event of a war.

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

Vessels of U.S. captured by one of the Barbary states, not to be sold, but to be sent away.

ART. 17th. If any of the Barbary states, or other powers, at war with the United States of America, shall capture any American vessel, and send her into any of the ports of the Regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the port, on procuring the requisite supplies of provisions; and no duties shall be exacted on the sale of prizes, captured by the vessels sailing under the flag of the United States of America, when brought into any port in the regency of Tripoli.

Disputes to be settled by the consul of U. S.

ART. 18th. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties, and whenever the consul shall require any aid or assistance from the government of Tripoli to enforce his decisions, it shall immediately be granted to him, and if any disputes shall arise between any citizen of the United States, and the

TREATY WITH TRIPOLI. 1805.

citizens or subjects of any other nation having a consul or agent in Tripoli; such disputes shall be settled by the consuls or agents of the respective nations.

ART. 19th. If a citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

The *lex loci* to prevail with regard to homicides committed by a citizen of U. S. or a Tripoline.

ART. 20th. Should any of the citizens of the United States of America die within the limits of the Regency of Tripoli, the Bashaw and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the consul, unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the Bashaw or his subjects give hindrance in the execution of any will that may appear.

Citizens of U. S. dying in the Regency of Tripoli, their property to be saved for their representatives.

WHEREAS the undersigned, Tobias Lear, Consul-General of the United States of America, for the Regency of Algiers, being duly appointed Commissioner, by letters patent under the signature of the President, and seal of the United States of America, bearing date at the City of Washington, the 18th day of November, one thousand eight hundred and three, for negotiating and concluding a treaty of peace, between the United States of America, and the Bashaw, Bey, and subjects of the Regency of Tripoli, in Barbary.

Now know ye, That I, Tobias Lear, Commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at Tripoli, in Barbary, the fourth day of June, in the year one thousand eight hundred and five; corresponding with the sixth day of the first month of Rabbia, 1220.

TOBIAS LEAR.

Having appeared in our presence, Colonel Tobias Lear, Consul-General of the United States of America, in the Regency of Algiers, and Commissioner for negotiating and concluding a treaty of peace and friendship, between us and the United States of America, bringing with him the present treaty of peace, with the within articles, they were by us minutely examined, and we do hereby accept, confirm and ratify them, ordering all our subjects to fulfil entirely their contents without any violation, and under no pretext.

IN WITNESS WHEREOF, We, with the heads of our Regency, subscribe it.

Given at Tripoli, in Barbary, the sixth day of the first month of Rabbia, 1220, corresponding with the fourth day of June, 1805.

JUSUF CARAMANLY, *Bashaw.* (L. S.)
MAHAMET CARAMANLY, *Bey.* (L. S.)
MOHAMET, *Kahia.* (L. S.)

From SaL, 8: 214-217.

Appendix 19

Treaty of Peace and Amity between the United States and Algeria June 30, and July 6, 1815

TREATY OF PEACE AND AMITY,

June 30, and
July 6, 1815.

*Concluded between the United States of America and his
Highness Omar Bashaw, Dey of Algiers.*

Peace and
friendship.

ART. 1. There shall be, from the conclusion of this Treaty, a firm, inviolable, and universal, peace and friendship between the President and Citizens of the United States of America, on the one part, and the Dey and Subjects of the Regency of Algiers, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nations: And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, when it is freely granted to such other nations; but when the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject, such conditions, in such manner as shall be most conducive to their respective interests.

Favors in Na-
vigation and
commerce to be
common to
each, &c.

Abolition of
tribute in any
form.

ART. 2. It is distinctly understood between the contracting parties, that no tribute, either as biennial presents, or under any other form or name whatever, shall ever be required by the Dey and Regency of Algiers from the United States of America, on any pretext whatever.

American citi-
zens to be de-
livered up.

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.

Indemnifica-
tion to Ameri-
can citizens for
detention and
loss of property,
&c.
Ante, page
133.

ART. 4. A just and full compensation shall be made by the Dey of Algiers to such citizens of the United States as have been captured and detained by Algerine cruisers, or who have been forced to abandon their property in Algiers, in violation of the twenty-second article of the Treaty of Peace and Amity, concluded between the United States and the Dey of Algiers, on the fifth of September, one thousand seven hundred and ninety-five.

Bales of cotton
and \$10,000 in
lieu.

And it is agreed between the contracting parties, that, in lieu of the above, the Dey of Algiers shall cause to be delivered forthwith into the hands of the American Consul residing at Algiers, the whole of a quantity of bales of cotton left by the late Consul General of the United States in the public magazines in Algiers; and that he shall pay into the hands of the said Consul the sum of ten thousand Spanish dollars.

Enemies' pro-
perty to pass
free in vessels
of each party.

ART. 5. If any goods belonging to any nation with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

Citizens or
subjects taken
on board an
enemy's vessel
to be liberated.

ART. 6. If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and in no case, or on any other pretence whatever, shall any American citizen be kept in captivity or confinement, or the property

TREATY WITH ALGIERS. 1815.

of any American citizen found on board of any vessel belonging to any other nation with which Algiers may be at war, be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and of American property, by the Consul of the United States residing at Algiers.

ART. 7. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Algiers, on meeting with merchant vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States residing in Algiers, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Algerine ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner.

Passports to vessels of each party, and right of visit restricted.

Offenders to be punished for abusing the right of visit.

All vessels of war belonging to the United States of America, on meeting a cruiser belonging to the Regency of Algiers, on having seen her passports and certificates from the Consul of the United States residing in Algiers, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretence whatever.

Vessels of war of U. S. to suffer Algerine cruisers to pass, &c.

ART. 8. A citizen or subject of either of the contracting parties having bought a prize vessel condemned by the other party, or by any other nation, the certificates of condemnation and bill of sale shall be a sufficient passport for such vessel for six months; which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

What shall be sufficient passport.

ART. 9. Vessels of either of the contracting parties putting into ports of the other, and having need of provisions or other supplies, shall be furnished at the market price; and if any such vessel should so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo, without paying any customs or duties whatever; but in no case shall she be compelled to land her cargo.

Provisions to be furnished to vessels at market price.

ART. 10. Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her crew; no pillage shall be allowed; the property shall remain at the disposal of the owners; and, if reshipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succored until they can be sent to their own country.

Assistance to be given to the crew, and protection to the property of vessels cast ashore.

ART. 11. If a vessel of either of the contracting parties shall be attacked by an enemy within cannon-shot of the forts of the other, she shall be protected as much as is possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be permitted to pursue her from the same port within twenty-four hours after her departure.

How vessels may be protected.

ART. 12. The commerce between the United States of America and the Regency of Algiers, the protections to be given to merchants,

TREATY WITH ALGIERS. 1815.

Commerce, &c. on the footing of the most favored nations.

Consul of U.S. not responsible for debts of citizens, &c.

Salutes to vessels of war of U. S.

Pretexts arising from religious opinions, not to interrupt harmony, &c.

Consuls may travel within the territories of each party, &c.

How disputes may be settled, &c.

Prisoners of war not to be made slaves; but to be exchanged, &c. within 12 months.

Powers at war with U. S. not to be suffered to sell American captured vessels at Algiers.

masters of vessels, and seamen, the reciprocal rights of establishing Consuls in each country, and the privileges, immunities, and jurisdictions, to be enjoyed by such Consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

ART. 13. The consul of the United States of America shall not be responsible for the debts contracted by citizens of his own nation, unless he previously gives written obligations so to do.

ART. 14. On a vessel or vessels of war belonging to the United States anchoring before the city of Algiers, the Consul is to inform the Dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships of war of the most favored nations on similar occasions, and which shall be returned gun for gun; and if after such arrival, so announced, any Christians whatsoever, captives in Algiers, make their escape and take refuge on board any of the ships of war, they shall not be required back again, nor shall the Consul of the United States or commanders of said ships be required to pay any thing for the said Christians.

ART. 15. As the government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity, of any nation, and as the said states have never entered into any voluntary war, or act of hostility, except in defence of their just rights on the high seas, it is declared, by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations; and the Consuls and Agents of both nations shall have liberty to celebrate the rites of their respective religions in their own houses.

The Consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessels they may think proper to visit; they shall likewise have liberty to appoint their own drogoman and broker.

ART. 16. In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, the government of that country shall state their grievance in writing and transmit the same to the government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the Consuls, and citizens, and subjects, of both parties, respectively, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

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.

ART. 18. If any of the Barbary States, or other powers at war with the United States, shall capture any American vessel and send her into any port of the Regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite

TREATY WITH ALGIERS. 1815.

supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshments of any kind, and to sell such prizes in the said ports, without any other customs or duties than such as are customary on ordinary commercial importations.

ART. 19. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the government of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other nation having a Consul or Agent in Algiers, such disputes shall be settled by the Consuls or Agents of the respective nations; and any disputes or suits at law that may take place between any citizens of the United States and the subjects of the Regency of Algiers, shall be decided by the Dey in person, and no other.

Consul of U.S. to decide disputes between American citizens, &c.

ART. 20. If a citizen of the United States should kill, wound, or strike, a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound, or strike, a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any delinquent should make his escape, the Consul shall not be responsible for him in any manner whatever.

In case of killing, wounding, or striking, the law of the country to prevail, &c.

ART. 21. The Consul of the United States of America shall not be required to pay any customs or duties whatever on any thing he imports from a foreign country for the use of his house and family.

Consul of U.S. not to pay duties on what he imports for his house and family.

ART. 22. Should any of the citizens of the United States of America die, within the limits of the Regency of Algiers, the Dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the Dey or his subjects give hindrance in the execution of any will that may appear.

Citizens of U. S. dying within the Regency of Algiers, their property to be under the direction of the consul, unless, &c.

I certify the foregoing to be a true copy of a Treaty of Peace negotiated by Commodore Decatur and myself with the Regency of Algiers, and signed by the Dey of that Regency on the 30 June, 1815. *On board the U. S. S. Guerriere, 6 July, 1815.*

From SaL, 8: 224-217.

WM. SHALER.

RENEWED TREATY WITH ALGIERS.

*Treaty of Peace and Amity, concluded between the United
States of America and the Dey and Regency of Al-
giers. (a)*

Dec. 22 and 23,
1816.
Ratified Feb.
11, 1822.

Ante, p. 224.

Peace and
friendship.

Favors in na-
vigation and
commerce to be
common to
each, &c.

Abolition of
tribute in any
form.

See Articles 3
and 4, of the
Treaty of 30th
June, 1815,
ante, page 224.

Enemies' pro-
perty to pass
free in vessels
of each party.

Citizens or
subjects taken
on board an
enemy's vessel
to be liberated.

THE President of the United States and the Dey of Algiers, being desirous to restore and maintain, upon a stable and permanent footing, the relations of peace and good understanding between the two powers, and for this purpose to renew the Treaty of Peace and Amity which was concluded between the two States by William Shaler and Commodore Stephen Decatur, as Commissioners Plenipotentiary on the part of the United States, and his Highness Omar Bashaw, Dey of Algiers, on the 30th of June, 1815

The President of the United States having subsequently nominated and appointed, by Commission, the above-named William Shaler, and Isaac Chauncey, Commodore and Commander in Chief of all the Naval Forces of the United States in the Mediterranean, Commissioners Plenipotentiary to treat with his Highness the Dey of Algiers, for the renewal of the Treaty aforesaid; and they have concluded, settled, and signed, the following Articles:

ART. 1. There shall be, from the conclusion of this Treaty, a firm, perpetual, inviolable, and universal, peace and friendship between the President and Citizens of the United States of America, on the one part, and the Dey and subjects of the Regency of Algiers, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nations: And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, when freely it is granted to such other nations; but when the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject, such conditions, in such manner as shall be most conducive to their respective interests.

ART. 2. It is distinctly understood between the contracting parties, that no tribute, either as biennial presents, or under any other form or name whatever, shall be required by the Dey and Regency of Algiers from the United States of America, on any pretext whatever.

ART. 3. [Relates to the mutual restitution of prisoners and subjects, and has been duly executed.]

ART. 4. [Relates to the delivery, into the hands of the Consul General, of a quantity of Bales of Cotton, &c. and has been duly executed.]

ART. 5. If any goods belonging to any nation with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempt shall be made to take or detain them.

ART. 6. If any citizens or subjects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and in no case, or on any pretence whatever, shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any nation with which Algiers

(a) See notes of the treaties with Algiers, ante, page 133.

TREATY WITH ALGIERS. 1816.

may be at war, be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and American property, by the Consul of the United States residing at Algiers.

ART. 7. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Algiers, on meeting with merchant vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these only shall be permitted to go on board without first obtaining leave from the commander of said vessel, who shall compare the passports, and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made to the Consul of the United States residing in Algiers, and on his producing sufficient proofs to substantiate the fact, the commander or rais of said Algerine ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner.

Passports to vessels of each party, and right of visit restricted.

Offenders to be punished for abusing the right of visit.

All vessels of war belonging to the United States of America, on meeting a cruiser belonging to the Regency of Algiers, on having seen her passports and certificates from the Consul of the United States residing in Algiers, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretence whatever.

Vessels of war of U. S. to suffer Algerine cruisers to pass, &c.

ART. 8. A citizen or subject of either of the contracting parties having bought a prize vessel condemned by the other party, or by any other nation, the certificates of condemnation and bill of sale shall be a sufficient passport for such vessel for six months; which, considering the distance between the two countries, is no more than a reasonable time for her to procure passports.

What shall be sufficient passport.

ART. 9. Vessels of either of the contracting parties putting into the ports of the other, and having need of provisions or other supplies, shall be furnished at the market price; and if any such vessel should so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo, without paying any customs or duties whatever; but in no case shall be compelled to land her cargo.

Provisions to be furnished to vessels at market price.

ART. 10. Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her and her crew; no pillage shall be allowed; the property shall remain at the disposal of the owners; and, if reshipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succored until they can be sent to their own country.

Assistance to be given to the crew, and protection to the property of vessels cast ashore.

ART. 11. If a vessel of either of the contracting parties shall be attacked by an enemy within cannon-shot of the forts of the other, she shall be protected as much as is possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be permitted to pursue her from the same port within twenty-four hours after her departure.

How vessels may be protected.

ART. 12. The commerce between the United States of America and the Regency of Algiers, the protections to be given to merchants, masters of vessels, and seamen, the reciprocal rights of establishing Consuls in each country, the privileges, immunities, and jurisdictions,

Commerce, &c. on the footing of the most favored nations

TREATY WITH ALGIERS. 1816.

to be enjoyed by such Consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

Consul of U.S. not responsible for debts of citizens, &c.

ART. 13. The Consul of the United States of America shall not be responsible for the debts contracted by the citizens of his own country, unless he gives previously written obligations so to do.

Salutes to vessels of war of U. S.

ART. 14. On a vessel or vessels of war belonging to the United States anchoring before the city of Algiers, the Consul is to inform the Dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships of war of the most favored nations on similar occasions, and which shall be returned gun for gun; and if, after such arrival, so announced, any Christians whatever, captives in Algiers, make their escape and take refuge on board any of the said ships of war, they shall not be required back again, nor shall the Consul of the United States or commander of the said ship be required to pay any thing for the said Christians.

Pretexts arising from religious opinions, not to interrupt harmony, &c.

ART. 15. As the government of the United States has, in itself, no character of enmity against the laws, religion, or tranquillity, of any nation, and as the said States have never entered into any voluntary war, or act of hostility, except in defence of their just rights on the high seas, it is declared, by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony between the two nations; and the Consuls and Agents of both nations shall have liberty to celebrate the rites of their respective religions in their own houses.

Consuls may travel within the territories of each party, &c.

The Consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other by land and sea, and shall not be prevented from going on board any vessel they may think proper to visit; they shall likewise have the liberty to appoint their own drogoman and broker.

How disputes may be settled, &c.

ART. 16. In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievance in writing, and transmit the same to the government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the Consuls, and citizens, and subjects, of both parties, respectively, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

Prisoners of war not to be made slaves; but to be exchanged, &c. within 12 months.

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.

Powers at war with U. S. not to be suffered to sell American captured vessels at Algiers.

ART. 18. If any of the Barbary Powers, or other States at war with the United States, shall capture any American vessel and send her into any port of the Regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshment of any kind, and to sell

TREATY WITH ALGIERS. 1816.

such prizes in the said ports, without paying any other customs or duties than such as are customary on ordinary commercial importations.

ART. 19. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the government of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other nations having a Consul or Agent in Algiers, such disputes shall be settled by the Consuls or Agents of the respective nations; and any disputes or suits of law that may take place between any citizens of the United States and the subjects of the Regency of Algiers, shall be decided by the Dey in person, and no other.

Consul of U.S. to decide disputes between American citizens, &c.

ART. 20. If a citizen of the United States should kill, wound, or strike, a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound, or strike, a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any delinquent should make his escape, the Consul shall not be responsible for him in any manner whatever.

In case of killing, wounding, or striking, the law of the country to prevail, &c.

ART. 21. The Consul of the United States of America shall not be required to pay any customs or duties whatever on any thing he imports from a foreign country for the use of his house and family.

Consul of U.S. not to pay duties on what he imports for his house and family.

ART. 22. Should any of the citizens of the United States of America die, within the Regency of Algiers, the Dey and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the Dey or his subjects give hindrance in the execution of any will that may appear.

Citizens of U. S. dying within the Regency of Algiers, their property to be under the direction of the consul, unless, &c.

ARTICLE ADDITIONAL AND EXPLANATORY.

The United States of America, in order to give to the Dey of Algiers a proof of their desire to maintain the relations of peace and amity between the two powers upon a footing the most liberal, and in order to withdraw any obstacle which might embarrass him in his relations with other states, agree to annul so much of the eighteenth Article of the foregoing Treaty, as gives to the United States any advantage in the ports of Algiers over the most favored nations having Treaties with the Regency.

Part of the 13th Article of the foregoing Treaty annulled.

Done at the Palace of the Government, in Algiers, on the 22d day of December, 1816, which corresponds to the third of the Moon Safar, year of the Hegira 1232.

Whereas the undersigned William Shaler, a citizen of the State of New-York, and Isaac Chauncey, Commander in Chief of the Naval Forces of the United States, stationed in the Mediterranean, being duly appointed Commissioners, by Letters Patent under the signature of the President and Seal of the United States of America, bearing date at the City of Washington, the twenty-fourth day of August, A. D. 1816, for negotiating and concluding the renewal of a Treaty of Peace between the United States of America and the Dey and Subjects of the Regency

of Algiers, we, therefore, William Shaler and Isaac Chauncey, Commissioners as aforesaid, do conclude the foregoing Treaty, and every Article and Clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the Advice and Consent of the Senate of the United States.

Done in the Chancery of the Consulate General of the United States, in the City of Algiers, on the 23d day of December, in the year 1816, and of the Independence of the United States the forty-first.

WM. SHALER. (L. S.)
I. CHAUNCEY. (L. S.)

The signature of the Dey is stamped at }
the beginning and end of the Treaty. }

From SaL, 8: 244-248.

Appendix 21

**Table of the Treaties signed by the Regency
of Algiers between 1619 and 1830**

Italy	The Two Sicil	Sardine	Venice	Tuscany	Naples
	01	01	03	03	01
Other Countries	France	The Netherlands	Austria	Ionian Islands	
	59	10	02	01	
Anglo-Saxon States	England	The United States			
	19	03			
Nordic States	Denmark	Sweden			
	02	03			
The Iberian Peninsula	Portugal	Spain			
	02	02			

Table compiled from sources cited in chapter two of Part one.

Appendix 22

Table of the Algerian and American Governments between 1785 and 1815

	The Rulers of the Regency of Algiers	The United States' presidents	Department and secretaries of states	American peace negotiators and consuls
1786	Mohammed Ben Uthman	Confederation Congress	Department of Foreign Affairs: John Jay	John Lamb
1789		George Washington	Department of State: John Jay	
1790			Thomas Jefferson	
1791	Hassan Pasha			
1794			Edmund Randolph	
1795			Timothy Pickering	Joseph Donaldson
1796				Joel Barlow
1797		John Adams		
1798	Mustapha Ben Brahim			Richard O'Brien
1799				William Eaton
1800			John Marshall	
1801		Thomas Jefferson	James Madison	
1803				Tobias Lear
1805	Ahmad Khodja			

1808	Ali Khodja			
1809	Hadj Ali Khodja	James Madison	Robert Smith	
1811			James Monroe	
1815	Hadj Muhammed			

Table compiled from sources cited in Part two and three of the present thesis.

Bibliography

I/ Primary Sources

American State Papers, Class I: Documents, Legislative and Executive, of the Congress of the United States: Foreign Relations, 1789-1828. Edited by Walter Lowerie and Mathiew C. Clarke. 5 Vol. Washington, D.C.:Gales and Seaton, 1833-1858. In <http://memory.loc.gov/ammem/amlaw/lwsplink.html>

American State Papers, Class I: Documents, Legislative and Executive, of the Congress of the United States: Foreign Relations, 1789-1828. Edited by William S. Hein & Co., Inc. Vol 6. New York, 1998. In <http://memory.loc.gov/cgi-bin/ampage?colID=11sp&fileName=006/11sp006idb&recNu...>

American State Papers, Class VI: Documents, Lesislative and Executive, of the Congress of the United States: Naval Affairs, 1794-1825. Edited by Lowerie and Clarke. 2 Vol. Washington, D.C.: Gales and Seaton, 1832-1861. In <http://memory.loc.gov/cgi-bin/ampage?callId=11sp&filename=023> .

Cathcart, James Leander. *The Captives, Eleven years a Prisoner in Algiers.* La Porte, Ind: Herald Print, 1899.

Jay, John. *The Correspondence and Public Papers of First Chief-Justice of the United States, Member and President of the Continental Congress, Minister to Spain, Member of Commission to Negotiate Treaty of Independence, Envoy to Great Britain, etc.* 4 Vol. Edited by Henry P. Johnston. New York/ London: G. P. Putman's Sons, 1890. In <http://babel.hathitrust.org/cgi/pt?id=mdp>

Secret Journals of the Acts and Proceedings of Congress, from the First Meeting thereof to the Dissolution of the Confederation, by the Adoption of the Constitution of the United States. Edited by Thomas Wait. 2 Vol. Boston, MA: Thomas B. Wait, 1820. In <http://www.archive.org/stream/secretjournalsof2unit>. For the three remaining volumes we write 1, 3, or 4 unit according to the volume needed.

State Papers and Publick Documents of the United States, From the Accession of George Washington to the Presidency, Exhibiting a Complete View of our Foreign Relations since that Time. Edited by Thomas B. Wait. 3rd edition. 12 Vol. Boston, MA:

T. B. Wait, 1819. Available at <http://www.archive.org/stream/statepaperspubli10usupruoft>

The Diplomatic Correspondence of the United States of America, from the Signing of the Definitive Treaty of Peace, 10th September, 1783, to the adoption of the Constitution, March 4, 1789. Being the Letters of the Presidents of Congress, the Secretary for Foreign Affairs-American Ministers at Foreign Courts, Foreign Ministers near Congress-Reports of Committees of Congress, and Reports of the Secretary for Foreign Affairs on Various Letters and Communications; together with Letters from Individuals from Public Affairs. Edited by Francis Preston Blair. 7 Vol. Washington, D.C.: Blair & Rives, 1833-37. In <http://www.archive.org/details/diplomaticcorr06unit>

The Public Statutes at Large of the United States of America, from the Organization of Government in 1789 to March 3, 1845. Edited by Richards Peters. Boston, MA: Charles C. Little and James Brown, 1845-1867. In <http://memory.loc.gov/cgi-bin/ampage>.

The Revolutionary Diplomatic Correspondence of the United States. Edited By Francis Wharton. 6 Vol. Washington D. C.: Government Printing Office, 1889. In http://memory.loc.gov/cgi_bin

II/ Secondary Sources

1/ Books & Encyclopedia

Abdun-Nasr, Jamil M. *A History of the Maghrib in the Islamic Period* <http://books.google.fr/books?ID=jdIKbZ46YKC&pg=PA151&1pg=PA151&1/treati..> [May 21, 2009].

Allen, Gardner W. *Our Navy and the Barbary Corsairs.* Boston and New York, Houghton Mifflin Company, 1905.

Babaci, Belkacem. *La Fabuleuse Histoire de Rais Hamidou.* Editions Astronet: Alger, 2006.

Baepler, Paul. *White Slaves, African Masters. An Anthology of American Barbary Captivity Narratives.* The University of Chicago Press, 1999.

Barnby, H. G. *The Prisoners of Algiers. An Account Of The Forgotten American-Algerian War 1785-1797.* London: Oxford University Press, 1966.

Barnes, Gregory Fremont. *Essential Histories. The Wars of the Barbary Pirates. To the Shores of Tripoli: The Rise of the US Navy and Marines.* Osprey Publishing, 2006.

Belhamissi, Moulay. Marine et Marins d'Alger 1518-1830, 3 ed., Vol. 1. Les Navires et les Hommes. Bibliothèque Nationale, 2003.

..... Marine et Marins d'Alger 1518-1830, 3 ed. vol. 2. Face à l'Europe. Bibliothèque Nationale, 2003.

..... Marine et Marins D'Alger (1518-1830), 3 ed., Vol. 3. Grandeur et Décadence. Bibliothèque Nationale, 2003.

Boot, Max The Savage Wars Of Peace. Small Wars and the Rise of American Power. Basic Books, 2002.

Casper, Gerhard. Separating Power: Essays on the Founding Period University of Chicago Law School, 1997.

Cathcart, James Leander The Diplomatic Journal and Letter Book of James Leander Cathcart, 1788-1796. Worcester, Mass: American Antiquarian Society, 1955.

Cervantes Saavedra, Miguel de. Don Quixote. Trans by John Ormsby Digireads.com Publishing, 2009.

Constitution of the United States . <http://www.yale.edu/lawweb/avalon/usconst.htm>. [March 3, 2002].

Daniel Panzac, Les Corsaires barbaresques: La fin d'une épopée, 1800-1820. Paris, CNRS Editions, 1999.

De Miltitz, Alex. Manuel Des Consuls, Tome II. Londres: A. Asher, 1839. <http://www.archive.org/stream/manueldesconsul01miltgoog>. [Novembre, 2009].

DeSelding, Charles. Documents, official and unofficial relating to the capture and destruction of the frigate Philadelphia at Tripoli on the 16th February, 1804. Washington: John B. Towers, 1856.

Devoulx, Albert. Le Registre des prises maritimes: Traduction d'un document authentique et inédit concernant le partage des captures amenées par les corsaires algériens. Alger, A. Jourdan, 1872.

Dirks, Jerald F. Muslims in American History: A Foreign Legacy. Armana Publications, 2006.

http://avalon.law.yale.edu/19th_century/bar1805c.asp. [February, 2002]

Irving, Washington, William Irving, and James Kirke Paulding, Salmagundi New York: D. Longworth, 1807.

Jackson, G. A. Algiers: being a complete picture of the Barbary States; their government, laws, religion, and natural productions; and containing a sketch of their various

revolutions, a description of the domestic manners and customs of the Moors, Arabs, and Turks; an account of the four great capitals of Algiers, Tripoli, Tunis, and Morocco, and a narrative of the various attacks upon Algiers, by the European states; including a faithful detail of the late glorious victory of Lord Exmouth. London: R. Edwards, 1817. <http://www.archive.org/stream/algiersbeingcomp00jack>. [January, 2008].

Jensen, M. *The Making of the American Constitution.* Princeton, NJ: D. Van Nostrand Company, 1964.

Knapp, Samuel Lorenzo. *Extracts from a Journal of Travels in North America.* Boston: Thomas Badger, 1818.

Lambert, Frank. *The Barbary Wars: American Independence in the Atlantic World.* New York: Hill and Wang, 2005.

Leiner, Frederick C. *The End of Barbary Terror. America's 1815 War Against the Pirates of North Africa.* Oxford University Press, 2006.

London, Joshua E. *Victory in Tripoli: How America's War with the Barbary Pirates Established the U.S. Navy and Built a Nation.* Hoboken, NJ: John Wiley & Sons, Inc, 2005.

Markoe, Peter. *The Algerine Spy in Pennsylvania: or Letters Written by a Native of Algiers on the Affairs of the United States of America, from the Close of the year 1783 to the Meeting of the Convention.* Westholme Yardley, 2008.

Marr, Timothy. *The Cultural Roots of American Islamism.* Cambridge University Press, 2006.

Naval Documents Related to the United States Wars with the Barbary Powers. 7 Vols. Washington D.C., 1939.

“Order Of Foreign Wars.” <http://foxfall.com/mofw-cm-barb.htm>. [January, 2005].

Oren, Michael B. *Power, Faith, and Fantasy: America in the Middle East: 1776 to the Present.* New York: W. W. Norton, 2007.

Osen, Edward A. *The Evolution of U.S. Maritime Power in the Pacific,* November, 1991 in <http://webcache.googleusercontent.com/search?q=cache:VOAKRXXAmPIJ:www.d> [February, 2013].

Parker, Richard. B. *Uncle Sam in Barbary.* FL: University Press of Florida, 2004.

Richards, Leonard L. *Shay's Rebellion: American Revolution's Final Battle.* The University of Pennsylvania Press, 2003.

Rowson, Susanna. *Slaves in Algiers or, A Struggle for Freedom* Acton, MA: A Copley Edition, 2000.

Sumner, Charles. *White Slavery in the Barbary States*. Boston: John P. Jewett, 1853.

Tucker, Glen. *Dawn Like Thunder: The Barbary Wars and the Birth of the U.S. Navy*. New York: The Bobbs-Merrill Company, Inc., 1963.

Tyler, Royall. *The Algerine Captive or, The Life and Adventure of Doctor Updike Underhil: Six Yeras a Prisoner Among the Algerines*. New York: The Modern Library, 2002.

Warren, C. *The making of the Constitution*. Little Brown & Company, 1937.

المدني، توفيق احمد. حرب الثلاثمائة سنة بين الجزائر و اسبانيا 1792-1492 الجزائر الشركة الوطنية للنشر
1968

2/ Treaties

“Barbary treaties 1786-1816 Algiers 1815: Hunter Miller’s Notes.” *The Avalon Project*. http://avalon.law.yale.edu/19_century/bar1815n.asp. [February, 2005].

“The Barbary Treaties 1786-1816 Treaty with Algeria September 5, 1795: Translation of 1930”. *The Avalon Project*. http://avalon.law.yale.edu/18th_century/bar1795.asp. [November 9, 2004].

“The Barbary Treaties: 1786-1816 Treaty with Algeria September 5, 1795: Hunter Miller’s Notes.” *The Avalon Project*. http://avalon.law.yale.edu/18th_century/bar1795.asp. [November 9, 2004].

“The Barbary Treaties 1786-1816 Tripoli 1805: Convention of February 23, 1805.” *The Avalon Project*. http://avalon.law.yale.edu/19th_century/bar1805c.asp. [November 9, 2004].

“The Treaty Between Denmark and Algiers.” <http://web.sdu.dk/mrh/treaty.htm>. [May 15, 2009].

«*Traité définitif entre l’Autriche et la Porte*». (Final treaty between Austria and the Ottoman Porte) *Cours d’Histoire des Etats Européens Depuis le Bouleversement de l’Empire Romain d’occident jusqu’en 1789*. Berlin: Duncker et Humblot, 1834.

“*Treaty of Alliance Between The United States and France; February 6, 1778*” The Avalon Project. <http://www.yale.edu/lawweb/avalon/diplomacy/france/fr1778-2.htm>. [December 26, 2007].

“*Treaty of Amity and Commerce Between the United States and France: February 6, 1778*” The Avalon Project http://avalon.law.yale.edu/18th_century/fr1778-1.asp. [December, 2004].

“*Treaty of peace and trade between Great Britain and the Regency of Algiers.*” http://www.algerianembassy.org.uk/Alg_UK.htm [June, 2007].

“*Treaty with Morocco, June 28 and July 15, 1786.*” The Avalon Project. <http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1786T.htm>. [December 27, 2007].

“*Treaty with Morocco September 16, 1836.*” The Avalon Project. <http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1836T.HTM>[December 27, 2007].

“*Treaty with Tripoli November 4, 1796 and at Algiers January 3, 1797*” The Avalon Project. <http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1796t.htm>. [December 27, 2007].

“*Treaty with Tunis August 28, 1797*” The Avalon Project. <http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1797t.htm>. [December 27, 2007].

“*Tunis-Convention of February 24, 1824 Amending the Treaty of August 1797, and March 26, 1799*” The Avalon Project. <http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1824t.htm>. [December 27, 2007].

3/ Articles

Adams, John “*Instructions to John Lamb to treat with Algiers,*” London; Paris, October 1785. http://www.gilderlehrman.org/search/display_results.php?id=GLCOO345. [September 30, 2009].

“*Address of His Excellency Abdelaziz Bouteflika*” http://www.algeria-us.org/news_reports/Presidential%20Address.htm. [December 27, 2007].

Allison, Robert J. “*The Jihad of the American Founding Fathers*”, The Globalist. <http://www.theglobalist.com/DBWeb/StoryId.aspx?StoryId=2155>. [April 12, 2004].

APS, “*Quand Condoleezza nargue la France.*” *El Watan*. 12, Avril, 2006.

Argyle, Steve . “*Yusef and the Yanks Or We Should Thank The Barbary Corsairs for the U.S. Navy.*” http://crystaloak.com/SteveA/Fiction/yusef_yanks.htm. [February 28, 2005].

“*A Short History of the Order of St. John of Jerusalem*” in <<http://www.orderstjohn.org/osj/sjhist1.htm>> [December, 2008]

Baali, Abdallah “*Prospects on Algerian-American Relations.*” *Council on Foreign Relations*. <http://www.algerianus.org/content/view/172/124/> [December 19, 2009].

Baker, Liva. “*Cathcart Travels*”, *American Heritage Magazine*. http://www.americanheritage.com/articles/magazines/ah/1975/4/1975_4_52.shtml. [December, 2008].

Barnes, Lee. “*Islam’s place in British History*” <http://www.bnp.org.uk/columnists/brimstone.2.php?led=69>. [October 30, 2006].

Belabdelouahab, Linda. “*Rais Hamidou: The Legacy of the Most Famous Corsair of the Algerian Navy.*” *Revue D’Histoire Maghrébine*. N 140. Tunis: June/July, 2010.

Belhamissi, Moulay «*Course et Contre-Course ou comment les Algériens tombaient en Esclavage (XVI^e au Tiers du XIX^e Siècle)*», *Les Cahiers de la Méditerranée*, Vol 65. <http://revel.unice.fr/emedi/document.html?id=36>. [January, 2005].

Benaïm, Daniel “*A visit to market Morocco. Envoy tous trade, long ties to US*”. http://www.boston.com/news/local/articles/2006/06/18/a_visit_to_market_morocco [September, 2006].

Ben Rajeb, Lotfi. “*Observing the Birth of a Nation: The Oriental Spy/Observer Genre and Nation Making in Early American Literature*” <http://www.yale.edu/ycias/cnres/publications.htm>. [January, 2004].

Bork, Robert H, and Daniel E. Troy. “*Locating the Boundaries: The scope of Congress’s power to regulate Commerce*” <http://www.constitution.org/1rev/bork-troy.htm>. [October, 2009].

Boudjadja, Abdelkrim. «*Tableau Des Traités De Paix et De Commerce Signés par Les Etats Du Maghreb Avec Les Nations Occidentales Du XVI au XIX siècles*». http://www.afriblog.com/blog.asp?code=bousselham&no_msg=4756. [May 23, 2009].

“*Conflicting Opinions on How to Handle the Corsairs*” *Letter of Thomas Jefferson to James Monroe*. <http://personal.ashland.edu/~jmoser1/usfp/Horton.htm>. [January 2008].

Congressional Record. *Iraq War Resolution*.
http://congrecoord.liberatedtext.org/iraqwar/2007/02/h_cr14fe07_01.html. [December 21, 2007].

“Elizabeth I of England”. Wikipedia.
http://en.wikipedia.org/wiki/Elizabeth_I_of_England. [May 19, 2009].

Elsea, Jennifer K, and Richard F. Grimmett. “*Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal implications.*” *CRS Report for Congress*. Congressional Research Service, the Library of Congress, 2006.
<http://www.fas.org/sgp/crs/natsec/RL31133.pdf> [February, 2005]

“Foreign Policy and Naval Power.” *Life of Thomas Jefferson*
<http://etext.virginia.edu/jefferson/biog/1j30.htm>. [March 2, 2005].

Gawalt, Gerard W. “*America and the Barbary Pirates: An international Battle Against an Unconventional Foe.*”
http://memory.loc.gov/ammem/collections/jefferson_papers/mtjprece.html. [December, 2004]

“George Washington (1732-1799). Some of his quotations”
<http://www.egreetingsect.com/1F/B/AG/index.shtml>. [December 25, 2007].

“Historical background on United States- Morocco Relations”
<http://www.usembassy.ma/usmorrelations/historicalbgrnd2.htm>.
[December 27, 2007].

Huston, James H. “*The Founding Fathers and Islam*”
<http://www.loc.gov/loc/lcib/0205/tolerance.html>. [February 17, 2007].

Idriss, Jazairy. “*Barbary Privateers*”. *The New York Times*, March 23, 2003.
<http://www.nytimes.com/2003/03/23/opinion/L23ALGE.html> [Septembre, 2005].

Jefferson, Thomas. “*Autobiography on the Bill Establishing Religious Freedom.*” (1921).
<http://teachingamericanhistory.org/library/index.asp?documentprint=601>.
[December 16, 2007]

..... “*Tribute to Arms: America’s First Foreign Policy Crisis*”
<http://personal.ashland.edu/~jmoser1/usfp/horton.htm>. [October 2, 2009].

Jewett, Thomas. “*Terrorism in Early America: The U.S. Wages War against the Barbary States to End International Blackmail and Terrorism.*” *Early American Review* 4, no 1, 2002.

John Powell, “*Spanish-Algerine War*”, *Great Events from History: The 18th Century*.
Oklahoma Baptist University, 2006.

http://salempress.com/store/samples/great_events_from_history_18th/great_events_from_history_18th_spain.. [October, 2008].

“John Smith.” http://www.1911encyclopedia.org/John_Smith. [October 30, 2006].

Lamb, John. “Planning for the First Negotiations, 1785 with the Barbary Pirates by Thomas Jefferson & John Adams.” <http://www.rain.org/~karpeles/jeffAdamsBarbary.frm.html>. [August, 2004].

“Lee’s Resolution”. The Avalon Project. <http://www.yale.edu/lawweb/avalon/lee.htm>. [December 14, 2007].

London, Joshua E. “*Victory in Tripoli: Lessons for War on Terrorism.*” Heritage Lectures N 940. The Heritage Foundation, May 2006.

Maameri, Fatima. “*Algerian-American Relations Reconsidered, 1783-1816*” Revue Sciences Humaines N 29 Université Mentouri Constantine, Juin 2008, pp-39-50.

Myles, Anne.G. “*Slaves in Algiers, Captives in Iraq: The Strange career of the Barbary Captivity Narrative.*” <http://www.common-place.org/vol-05/no-01/myles/index.shtml>. [October, 2004].

Oren, Michael B. “*Books: Five Best*”, The Wall Street Journal. <http://online.wsj.com/article/SB1180/350413/121915.html>. [September 9, 2010].

..... “*The Middle East and the Making of the United States, 1776 to 1815.*” <http://columbia.edu/news/05/11/michaelOren.html>. [Novembre, 2007].

Panzac, Daniel. «*Les Esclaves et leurs rançons chez les barbaresques (fin du XVIIIe siècle-début du XIXe siècle).*» Cahiers de la Méditerranée, vol. 65, 2002.

Pipes, Daniel. “*In 1796, U.S. Vowed Friendliness With Islam*” in New York Sun <http://www.sullivan-county.com/news/ffnc/>. [February 17, 2007].

“Privateering History: The Barbarossa Brothers” <http://www.privateer.omena.org/barbarosa.htm>. [July, 2004].

“Richard O’Byrne to Mathew and Thomas Irwin” The Papers of George Washington. http://gwpapers.virginia.edu/documents/pirate/documents/irwin_enc.html. [January, 2008].

“*Salem Poor*” <http://www.multied.com/Bio/RevoltBIOS/PoorSalem.html>. [December 21, 2007].

Samplly, Ted. “*What Jefferson learned from the Muslim book of jihad*” *The U.S. Veteran Dispatch*. http://usvetdsp.com/jan07/jeff_quran.htm. [November 15, 2007].

Swan, Andrew M. “*Now We Find it Necessary To Take Care of Ourselves: Citizen Involvement and Influence in the Creation of the United States Navy: 1796-1798*” <http://etext.lib.virginia.edu/journals/EH/E42/Swan42.html>. [December, 2004]

“*The Articles of Confederation*” <http://www.americanrevolution.com/ArticlesofConfederation.htm>. [June 6, 2006], and <http://www.yale.edu/lawweb/avalon/artconf.htm>. [March , 2002].

“*The History of U.S. Foreign Policy in the Middle East*” <http://www.washingtoninstitute.org/templateC05.php?CID2578> [February 8, 2008].

The Navy Act. <http://www.Mariner.org/usnavy/04/04b.htm>. [December, 2004].

“*The Reestablishment of the Navy, 1787-1801 Historical Overview and Select Bibliography.*” <http://www.history.navy.mil/biblio/biblio4/biblio4a.htm>. [December, 2008].

“*The Turks of Sumter County, South Carolina*” <http://sciway3.net/clark/freemoors/turknewspaper.htm>. [December 22, 2007].

“Thomas Jefferson to Ezra Stiles .” *Thomas Jefferson on politics & Government 1786* <http://etext.lib.virginia.edu/jefferson/quotations/jeff1475.htm>. [December 3, 2005].

“Thomas Jefferson to John Jay.” *Thomas Jefferson on Politics & Government 1785*. ME 5: 95, Papers 8:427 <http://etext.lib.virginia.edu/jefferson/quotations/jeff1475.htm>. [December 3, 2005].

Voorhees, David William. “*Turkish Slavery*” <http://www.southeastseaport.org/magazine/articles/1977b-01.shtm>. [October 30, 2006].

Warikoo, Niraj. “*Ellison, Quran influenced America’s founding fathers*”. <http://www.freep.com/apps/pbcs.dll/article?AID=/2007/0105/NEWS01/70105032/100>. [February 17, 2007].

West, Kimberly. “*What Thomas Jefferson Might Have to Say About Congressman Keith Ellison Swearing in on His Quran*”. http://www.associatedcontent.com/article/120692/what_thomas_jefferson_might_hav... [December 16, 2007].

Wood, Gordon S. “*The Origins of the Constitution.*” *iConstitution: A Bicameral Chronicle*. Project 87 of the American Political Science Association and American Historical Association, 1985.

"الجزية في الإسلام"

in <http://www.albshara.com/showthread.php?t=6601>. [December, 2004].

تابليت. علي ، " الحرب الليبية-الأمريكية 1801-1805 " حوليات جامعة الجزائر العدد السادس الجزء الأول ديوان المطبوعات الجامعية: 1991-1992 ص: 127-138

.....، "معاهدة السلام و الصداقة بين الجزائر و الولايات المتحدة سنة 1795" حوليات جامعة الجزائر العدد 4. ديوان المطبوعات الجامعية الجزائر: 1989-1990

.....، " الرايس حميدو أميرال البحرية الجزائرية 1770-1815 " (تألة، الأبيار، 2006)

تمام، احمد "أمريكا تدفع الجزية "

<http://www.islamonline.net>, [February, 2004].

عبد العزيز. شريف، " عندما كان البابا يدفع الجزية "

<http://islaammemo.co/zakera/mwakef/2008/05/27/64588.html> [September, 2009].

"قصة المغارة الأمريكية على سواحل ليبيا في مطلع القرن الثالث عشر الهجري " تاريخنا منذ القرن الهجري العاشر حتى طلع القرن الحالي الكتاب الخامس، ص 81

4/ Theses, Papers, and Encyclopaedia

Baepler, Paul Michel. White Slavery in Africa: The Barbary Captivity Narrative in American Literature. Doctorate Thesis. University of Minnesota, USA, June 1996.

Freewatt, Jason. "The Barbary Corsairs: Conquerors of United States Commerce and the Articles of Confederation." Seminar Paper. Indiana.Wesleyan University, Indiana, USA, 1998.

Maameri,Fatima. Ottoman Algeria in Western Diplomatic History With Particular Emphasis on Relations with the United States of America, 1776-1816 Dissertation. University Mentouri of Constantine. December 2008.

The Columbia Encyclopedia, Sixth Edition. 2008. <http://www.encyclopedia.com>. [December, 2010].

تابليت. علي ، العلاقات الجزائرية- الأمريكية 1776-1830 دكتوراه دولة في التاريخ الحديث و المعاصر جوان 2007



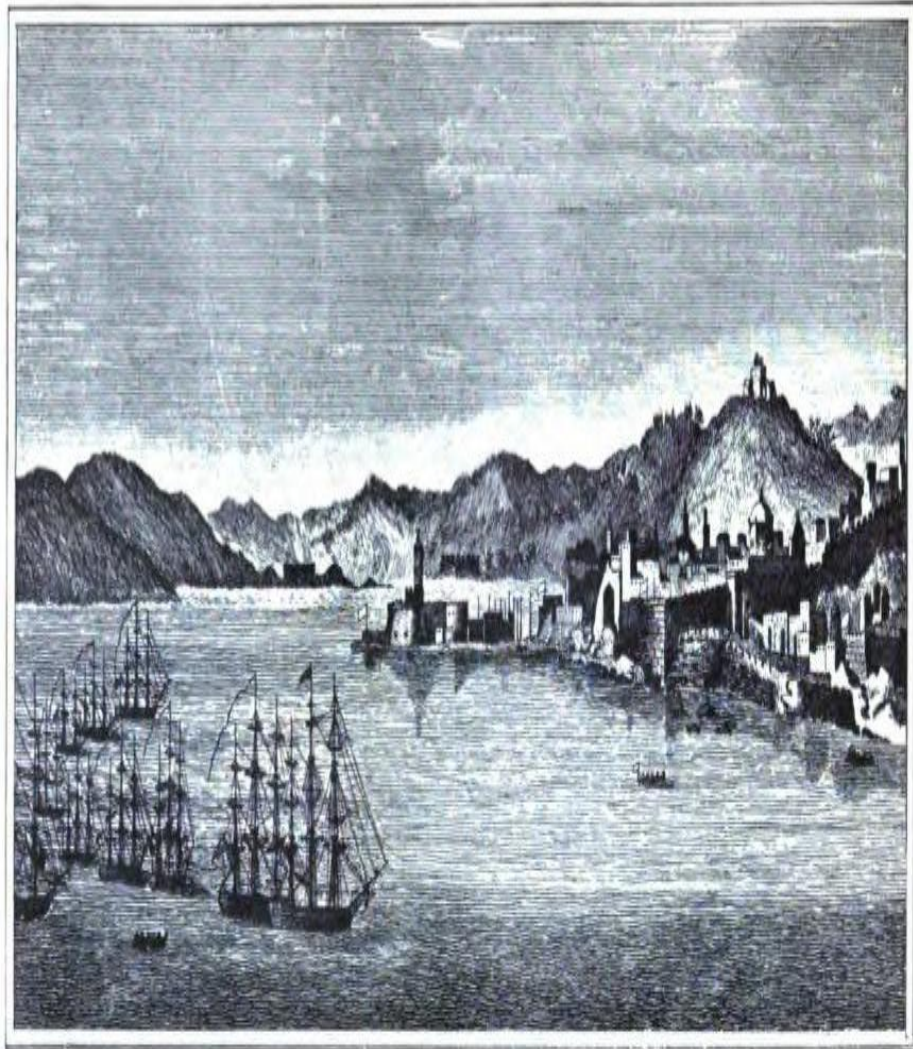
A Portrait of a *Dey* of Algiers from: G. A. Jackson, *Algiers being a Complete picture of the Barbary States*, p. 9.



The city of Algiers in the 18th Century
G. A. Jackson, *Algiers being a Complete picture o
the Barbary States*, p.16.



Map of Barbary
G. A. Jackson, *Algiers being a complete picture of the Barbary States*, (face to title), p. 11



DECATUR'S SQUADRON OFF ALGIERS

From: Gardner W. Allen, Our Navy and the Barbary Corsairs, p. 334.
From the Naval Temple. Engraved by N. Joselin.

السلام الموقعة بين الولايات المتحدة و الجزائر في 1795 ذات خصوصيات سبّاقة. تعد هذه المعاهدة اعتراف رسمي باستقلال الولايات المتحدة من طرف الجزائر. إلى جانب ذلك تعتبر المعاهدة الوحيدة التي وقعت عليها أمريكا بلغة أجنبية غير اللغة الانجليزية. بالإضافة إلى ذلك إنها المعاهدة الفريدة التي تعهدت فيها الولايات المتحدة بدفع رسوم سنوية لدولة أجنبية مقابل الإفراج عن أسراها.

كما أن يبرز هذا البحث نتيجتين أساسيتين نجمتا عن هذه الحرب. بينما تجسدت النتيجة الأولى في التراث الأدبي المتمثل في تكاثر سرد أولى قصص الأسر الأمريكية' تمثلت الثانية في التراث السياسي الذي ألهم الأمريكيين لضرورة صياغة دستور أمريكي جديد، إلى نشوء البحرية الأمريكية' و إلى المساهمة في تشكيل السياسة الخارجية المبكرة لأمريكا.

ملخص

تعود العلاقات الدبلوماسية بين الولايات المتحدة الأمريكية و الجزائر لأواخر القرن الثامن عشر. بينما كانت الولايات المتحدة الأمريكية في طريق نشأتها كدولة حديثة الاستقلال، كانت إيالة الجزائر تنعم بمكانة مرموقة منذ زمن بعيد كأقوى دولة في شمال إفريقيا. و كان للمكون الإسلامي لهذه الأخيرة علاقة بتاريخ الولايات المتحدة قبل، أثناء و بعد الثورة الأمريكية.

يدرس هذا البحث العلاقات الدبلوماسية بين الدولتين في الفترة الممتدة بين سنة 1785، منذ استيلاء الجزائريين على سفينتين أمريكيتين، إلى عودة الأسرى الأمريكيين إلى فيلادلفيا سنة 1797. سعيا منا لتوازن إجحاف الإنتاج الأدبي عقب أحداث 11 سبتمبر الذي ترتب عنه تصنيف الجزائر كدولة قرصنة، يحاول هذا البحث كشف الغطاء على هذه المرحلة التي كثيرا ما أهمل سياقها و لن تعنى نتائجها بالاهتمام الوافي. و عليه توصلت هذه الدراسة إلى مجموعة من الاستنتاجات. أولا، أن الجزائر كانت في حرب مع أمريكا حتى إبرام معاهدة السلام بين البلدين عام 1795. كما أن حدوث هذه الحرب تمّ وفق القوانين السائدة و المعمول بها بين الدول آنذاك. ثانيا، أن الجزائر لم تكن بلاد قطاع البحار، بل كانت دولة ذات سيادة معترف بها دوليا من خلال الاتفاقيات و المعاهدات المبرمة مع دول مختلفة. ثالثا، أن معاهدة

جامعة الجزائر II بوزريعة
كلية الآداب و اللغات
قسم اللغة الإنجليزية

العلاقات الدبلوماسية بين الولايات المتحدة الأمريكية
و الجزائر بين 1785-1797

أطروحة دكتوراه باللغة الانجليزية
في اختصاص الحضارة الأمريكية

إشراف:

أ. د. يمينة درامشية

إعداد:

السيدة. ليندة بلعبد الوهاب-
فرنيني

2013-2012

