

## Chapter III

### Description of the Vellum Documents

#### Document I

##### General Description

Title: Deeds for a house in Ibn Ḥayyūn alley (*Rusūm dār darb Ibn Ḥayyūn*)

Size: 92×61cm

Number of deeds: 10

Date: 957–986/1550–1578

A document drawn up on the occasion of the purchase of a house in Ibn Ḥayyūn alley<sup>1</sup> by the merchant Aḥmad al-Zawwāq (I-c1) from ‘Abd al-Raḥmān (I-a4), son of the merchant Muḥammad al-Mursī (I-a1), in 968/1561. Along with the purchase deed itself (I-5), eight related deeds (I-1, I-2, I-3, I-4, I-6, I-7, I-8, I-9) were drawn up or copied/transcribed to support the validity of the purchase. Though some of these related deeds (I-2, I-8, I-9) were dated a few weeks later than the purchase deed (I-5) itself, they were written down on Document I above the purchase deed. We assume that after the necessary testimonies of various dates were gathered, all of them were drawn up as legal deeds in accordance with the proper formularies and written down on Document I all at the same time. A deed concerning a dispute about the house (I-10), which ended in favor of the purchaser Aḥmad al-Zawwāq (I-c1), was added eighteen years after the purchase.

##### Deed 1 (I-1)

Date: end of Rajab 961/June–July 1554

No. of lines: 14

Notaries: signature I-S1

signature I-S2

A deed which establishes the maturity (*rushd*) of ‘Abd al-Raḥmān al-Mursī (I-a4), son of the merchant Muḥammad al-Mursī (I-a1). It consists of copies of six deeds, and at the end includes a testimony on the collation of copies with the originals and the authorization of the copies’ authenticity (*istiqlāl*) by the chief qadī (*qāḍī*)

<sup>1</sup> A blind alley around 100 meters long which extends east from the Qarawīyīn mosque in the center of Fès. It was named after a certain Ibn Ḥayyūn who endowed the mosque with many waqf properties. Ibn al-Aḥmar, *Buyūtāt Fās al-kubrā*, ed. ‘Abd al-Wahhāb Ibn Maṣṣūr, Rabat, 1972, p. 49. A *darb* also means a kind of quarter consisting of houses facing a particular alley. Georges S. Colin, *Le Dictionnaire Colin d’Arabe dialectal marocain*, 8 vols., Rabat, 1993, s.v. *darb*.

*al-jamā'a*) of Fès, Aḥmad b. 'Abd al-Raḥmān b. Muḥammad al-Ṭarūn.<sup>2</sup> It was copied on Document I-i on the occasion of the maturity of 'Abd al-Raḥmān (I-a4).

It was afterwards transcribed on Document I, probably on the occasion of the sale of the house in Ibn Ḥayyūn alley to prove 'Abd al-Raḥmān's (I-a4) qualification as the seller of his own share, as a document related to the purchase deed (I-5).

### Naṣṣ 1 (I-1-1)

Date: middle of Jumādā II 957/June–July 1550

Notaries: Muḥammad b. Aḥmad al-'Absī<sup>3</sup>

Abū al-Faḍl b. Muḥammad al-Ru'aynī

A deed of testament by the merchant Muḥammad al-Mursī (I-a1) in which he appointed his mother Ḥūrīya (I-a2) as the testamentary guardian (*waṣī*) of his children (I-a3, a4, a5) and two merchants, Aḥmad Mushrif (I-b1) and Aḥmad al-Zawwāq (I-c1), as her overseers (*mushrif*).

It was transcribed afterwards in Document I-ii, probably on the occasion of the maturity of 'Abd al-Raḥmān (I-a4) in order to prove the qualification of the testamentary guardian mentioned in Naṣṣ 5.

### Naṣṣ 2 (I-1-2)

Date: middle of Rajab 960/June–July 1553

Notaries: Muḥammad b. Aḥmad al-'Absī

Abū al-Faḍl b. Muḥammad al-Ru'aynī

A deed in which two notaries testified that one of the overseers named in Naṣṣ 1, Aḥmad al-Zawwāq (I-c1), denied his acceptance of the duty.

It was transcribed afterwards in Document I-ii below Naṣṣ 1, probably on the occasion of the maturity of 'Abd al-Raḥmān (I-a4), as it might affect the validity of the actions of the testamentary guardian.

### Naṣṣ 3 (I-1-3)

Date: middle of Jumādā I 961/April 1554

Notaries: Muḥammad b. 'Abd al-'Azīz b. Ṣadr al-Khazrajī

Abū al-Faḍl b. Abī al-Qāsim b. Ṣadr al-Khazrajī

<sup>2</sup> The chief qadi of Fès. He was executed by the Sa'did sultan Muḥammad al-Shaykh in Dhū al-Qa'da 961/October–November 1554, following the Sa'did recapture of Fès just four months after the date of the deed, accused of belonging to surviving members of the Wattasid dynasty led by Abū Ḥassūn who had temporarily recovered the city that year. See Ibn al-Qāḍī, *Jadhwat al-iqtibās fī dhīkr man ḥalla min al-a'lām madīnat Fās*, ed. 'Abd al-Wahhāb Ibn Maṣṣūr, Rabat, 1973–4, pp. 133–134; Ibn al-Qāḍī, *Durrat al-ḥijāl fī asmā' al-rijāl*, 3 vols., ed. Muḥammad al-Aḥmadī Abū al-Nūr, Cairo, 1971, vol. 1, pp. 167–168; Muḥammad b. Ja'far al-Kattānī, *Salwat al-anfās wa-muḥādathat al-akyās bi-man uqbira min al-'ulamā' wal-ṣulahā' bi-Fās*, 3 vols, Casablanca, 2004, vol. 3, p. 312; Fernando Rodríguez Mediano, *Familias de Fez (ss. XV–XVII)*, Madrid, 1995, p. 245.

<sup>3</sup> A jurist, who died in 965/1557. Ibn al-Qāḍī, *Durrat al-ḥijāl*, vol. 2, p. 208.

A deed in which two notaries testified the absence of the other overseer in Naşş 1, Aḥmad Muşrif (I-b1). It was drawn up on Document I-ii below Naşş 2, as it also might affect the validity of the actions of the testamentary guardian.

**Naşş 4 (I-1-4)**

Date: 14 Rabī‘ II 961/19 March 1554

Notaries: Muḥammad b. Muḥammad Bīq

Muḥammad b. ‘Abd al-‘Azīz b. Abī al-Qāsim b. Şadr al-Khazrajī

A deed in which two notaries testified the maturity of ‘Abd al-Raḥmān (I-a4). It was drawn up on Document I-ii on the reverse of Naşş 1.

**Naşş 5 (I-1-5)**

Date: beginning of Jumādā I 961/April 1554

Notaries: Muḥammad b. Muḥammad b. Aḥmad al-‘Ūfī

Muḥammad b. Abī al-Faḍl Kharrūf al-Tūnisī<sup>4</sup>

A deed in which the testamentary guardian Ḥūrīya (I-a2) affirmed the maturity of ‘Abd al-Raḥmān (I-a4). It was drawn up on Document I-ii in the margin of Naşş 4.

**Naşş 6 (I-1-6)**

Date: beginning of Rajab 961/June 1554

Notaries: Muḥammad b. Muḥammad b. Aḥmad al-‘Ūfī

Muḥammad b. Abī al-Faḍl Kharrūf al-Tūnisī

A deed of the agreement by the qadi of Fès, Aḥmad b. ‘Abd al-Raḥmān b. Muḥammad al-Ṭarūn, to the actions of the testamentary guardian Ḥūrīya (I-a2) on the maturity of ‘Abd al-Raḥmān (I-a4). The qadi’s involvement is due to the absence of the guardian’s overseer. It was drawn up on Document I-ii below Naşş 4.

**Deed 2 (I-2)**

Date: middle of Sha‘bān 968/April–May 1561

No. of lines: 7

Notaries: signature I-S3

signature I-S4

A deed which establishes the guardianship of ‘Abd al-Raḥmān al-Mursī (I-a4) for his sister Fāṭima (I-a5), his nephew Aḥmad (I-a6), and his niece Ṭāma (I-a7). It consists of copies of two deeds, and includes at the end a testimony on the collation of copies with the originals and acceptance (*qubūl*) of Naşş 1 and authorization of

<sup>4</sup> A jurist from Tunis, died in Fès in 966/1558–9. After studying in Tunis and Egypt, he was captured by Christians but the last Wattasid sultan Aḥmad (r. 932–956/1526–1549) redeemed him. In Fès, he worked as a notary in his own office (*dukkān*) until his death. Ibn al-Qāḍī, *Jadhwat al-iqṭibās*, vol. 1, pp. 322–323; Ibn al-Qāḍī, *Durrat al-ḥijāl*, vol. 1, pp. 208–209; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 3, pp. 354–355; ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās fī buyūtāt Fās*, 2 vols., Casablanca, 2002, vol. 1, pp. 255–256, 396.

the copy's authenticity (*istiqlāl*) for Naṣṣ 2 by the chief qadi of Fès (I-Q1).<sup>5</sup>

It was copied on Document I, on the occasion of the sale of the house in Ibn Ḥayyūn alley, in order to prove 'Abd al-Raḥmān's (I-a4) qualification as a seller of his wards' shares (I-a5 and I-a7; I-a6 had already died at the time of the sale).

**Naṣṣ 1 (I-2-1)**

Date: end of Muḥarram 964/November–December 1556

Notaries: Muḥammad b. 'Abd al-'Azīz b. Ṣadr al-Khazrajī

A deceased notary without name

The handwriting of the deceased notary was verified by two notaries, 'Abd al-'Azīz al-Ṭulayṭulī and Abū al-Faḍl b. Ṣadr.

A deed of testament by the testamentary guardian of Deed I-1-1, Ḥūrīya (I-a2), in which she entrusted her duty to her grandson 'Abd al-Raḥmān (I-a4).

**Naṣṣ 2 (I-2-2)**

Date: middle of Jumādā II 965/March–April 1558

Notaries: Muḥammad b. 'Abd al-'Azīz b. Ṣadr al-Khazrajī

Muḥammad b. Abī al-Faḍl b. Ṣadr al-Khazrajī

The handwriting of these deceased notaries was verified by two notaries, 'Alī al-Ṭulayṭulī and Muḥammad al-U'ayriḍ.

A deed of testament by 'Abd al-Qādir al-Mursī (I-a3), in which he appointed his brother 'Abd al-Raḥmān (I-a4) as a testamentary guardian (*waṣī*) for his children (I-a6 and I-a7). It was written down on a piece of paper (*qit'at kāghīd*).

**Deed 3 (I-3)**

Date: middle of Sha'bān 968/April–May 1561

No. of lines: 6

Notaries: signature I-S3

signature I-S4

A deed which establishes that 'Abd al-Raḥmān al-Mursī (I-a4) purchased from Ibrāhīm (I-a9) and 'Ā'isha (I-a10), the inheritors of his father's wife Ṣafīya (I-a8), their shares in the house in Ibn Ḥayyūn alley. It consists of a copy of one deed, and includes at the end a testimony on the collation of the copy with the original and the authorization of the copy's authenticity (*istiqlāl*) by the chief qadi of Fès (I-Q1).

It was copied on Document I, on the occasion of the sale of the house, in order to prove 'Abd al-Raḥmān's (I-a4) qualification as a seller of the part of the

<sup>5</sup> It is difficult to identify the name of the qadi through the signature on this deed, but according to Deed 4, which is a copy of a deed dated the same year 968, the qadi that year was Muḥammad b. 'Abd al-Raḥmān al-'Ūfi. He was the chief qadi of Fès under the Sa'did sultan al-Ghālib (r. 964–981/1557–1574). See al-Yifrānī, *Nuzhat al-ḥādī bi-akhbār mulūk al-qarn al-ḥādī*, ed. 'Abd al-Laṭīf al-Shādhilī, Casablanca, 1998, p. 114; al-Nāṣirī, *al-Istiḳṣā li-akhbār duwal al-Maghrib al-Aqṣā*, 8 vols., Rabat, 2001, vol. 5, p. 62.

house which had been shared by Ibrāhīm (I-a9) and ‘Ā’isha (I-a10).

**Naṣṣ 1 (I-3-1)**

Date: 9 Dhū al-Ḥijja 965/22 September 1558

Notaries: Aḥmad al-Bahāwī<sup>6</sup>

‘Alī b. ‘Abd al-‘Azīz b. ‘Alī al-Ṭulayṭulī

The handwriting of these notaries, of whom the first was deceased and the second was absent, was verified by two notaries, Ibn Ṣadr and Muḥammad al-U‘ayriḍ.

A deed of purchase of the shares of Ibrāhīm (I-a9) and ‘Ā’isha (I-a10) by ‘Abd al-Raḥmān al-Mursī (I-a4). The deed first describes the location of the purchased house and successive cases of inheritance after the deaths of the merchant Muḥammad al-Mursī (I-a1), the first owner of the house, and some of his inheritors. According to it, those who shared the house at that time were ‘Abd al-Raḥmān (I-a4), Fāṭima (I-a5), Aḥmad (I-a6), Ṭāma (I-a7), Ibrāhīm (I-a9), ‘Ā’isha (I-a10), and ‘Ā’isha (I-a11). The deed then says that ‘Abd al-Raḥmān (I-a4) purchased from Ibrāhīm (I-a9) and ‘Ā’isha (I-a10) their shares of the house for 90 *ūqīya darāhim ta’rikh-hi*.

**Deed 4 (I-4)**

Date: middle of Sha‘bān 968/April–May 1561

No. of lines: 8

Notaries: signature I-S5

no signature for the other notary

A deed which establishes the defects of the house in Ibn Ḥayyūn alley, with confirmation (*thubūt*) by the chief qadi of Fès. It consists of copies of two deeds, and includes at the end a testimony on the collation of copies with the originals. It was copied on Document I by the notaries of Naṣṣ 2 on the occasion of the sale of the house.

**Naṣṣ 1 (I-4-1)**

Date: end of Rabī‘ II 968/January 1561

Witnesses: ‘Alī b. Faraj

Muḥammad b. Aḥmad b. Dāwūd

A deed of testimony about the defects of the house by two witnesses with expertise. The deed first describes the location of the house and then enumerates its defects. The witnesses were not notaries but experts on houses, called master (*mu‘allim*) and builder (*bannā*).

<sup>6</sup> According to ‘Abd al-Hādī al-Tāzī, the same person lived and worked as a notary in 966 in Fès. ‘Abd al-Hādī al-Tāzī, *Jāmi‘ al-Qarawīyīn fī ta’rikh al-Maghrib*, 3 vols., Beirut, 1972–73, vol. 3, p. 668.

**Naṣṣ 2 (I-4-2)**

Date: the same date as Naṣṣ 1 (end of Rabīʿ II 968/January 1561)

Notaries: no name of notary

(His signature was put at the end of Deed 4 instead, as he also testified on the copying.)

A deed of confirmation (*thubūt*) of Naṣṣ 1 by the chief qadi of Fès, Muḥammad b. ʿAbd al-Raḥmān al-ʿŪfī.<sup>7</sup> It was drawn up below Naṣṣ 1.

**Deed 5 (I-5)**

Date: end of Rajab 968/April 1561

No. of lines: 8

Notaries: signature I-S4

signature I-S6

A deed of purchase for the house in Ibn Ḥayyūn alley from ʿAbd al-Raḥmān al-Mursī (I-a4) by Aḥmad al-Zawwāq (I-c1). It is the main deed of Document I at the time of its first preparation.

The deed first describes successive cases of inheritance after the deaths of the merchant Muḥammad al-Mursī (I-a1) and some of his inheritors. According to it, the final sharers of the house at that time were ʿAbd al-Raḥmān (I-a4), Fāṭima (I-a5), Ṭāma (I-a7), and ʿĀʿisha (I-a11). It also says, referring to a deed in the upper margin (I-3), that the shares of Ibrāhīm (I-a9) and ʿĀʿisha (I-a10) had already been purchased by ʿAbd al-Raḥmān (I-a4). Instead of describing the location of the house, it simply refers to the deed above (I-8).

It then says that Aḥmad al-Zawwāq (I-c1) purchased the whole house from ʿAbd al-Raḥmān (I-a4) for 900 *ūqīya darāhim taʿrīkh-hi*. Besides his own share, the seller ʿAbd al-Raḥmān sold the shares of his sister Fāṭima (I-a5) and his niece Ṭāma (I-a7) as their agent by virtue of his being their testamentary guardian (*waṣī*), referring to the deed above (I-2). The share of the other sharer ʿĀʿisha (I-a11) was sold by way of a *ṣafaqa* sale. It also says, referring to the deed in the right margin (I-4), that the purchaser recognized the defects of the house.

At the end, it states the agreement of the chief qadi of Fès (I-Q1) to the sale of his sister's (I-a5) share by ʿAbd al-Raḥmān (I-a4) as her testamentary guardian. The qadi's involvement was due to the absence of the guardian's overseer.

**Deed 6 (I-6)**

Date: beginning of Shaʿbān 968/April 1561

No. of lines: 3

Notaries: signature I-S4

signature I-S6

<sup>7</sup> See Note 5.

A deed of ratification of the *ṣafaqa* sale by the sharer ‘Ā’isha (I-a11). After her ratification, she and the seller ‘Abd al-Raḥmān (I-a4) received payment for their shares from the purchaser Aḥmad al-Zawwāq (I-c1).

### Deed 7 (I-7)

Date: 5 Sha‘bān 968/21 April 1561

No. of lines: 5

Notaries: signature I-S4  
signature I-S6

A deed which establishes that the sale of the house was announced publicly (*al-nidā’ wal-barīḥ*)<sup>8</sup> at the gate of the Qarawīyīn mosque for three days and that no one offered a higher price.

### Deed 8 (I-8)

Date: 9 Sha‘bān 968/25 April 1561

No. of lines: 9

Notaries: signature I-S3  
signature I-S4

A deed in which fourteen non-notary witnesses testified about the inheritance situation after the death of the merchant Muḥammad al-Mursī (I-a1), the first owner of the house in Ibn Ḥayyūn alley, with confirmation (*thubūt*) by the qadi.

After a description of the location of the house, it speaks about successive cases of inheritance after the deaths of Muḥammad al-Mursī and some of his inheritors. According to it, the final sharers of the house at that time were ‘Abd al-Raḥmān (I-a4), Fāṭima (I-a5), Ṭāma (I-a7), and ‘Ā’isha (I-a11). It also says, referring to the deed in the upper margin (I-3), that the shares of Ibrāhīm (I-a9) and ‘Ā’isha (I-a10) had been already purchased by ‘Abd al-Raḥmān (I-a4). It also says that one of the sharers, Fāṭima (I-a5), did not have enough money to repurchase the whole house if it was to be sold by *ṣafaqa* sale (*taḍummu bi-hi ṣafaqat al-bay’*).

After the date of the testimony and the name of the fourteen witnesses, the deed establishes that the chief qadi of Fès (I-Q1) confirmed (*thubūt*) their testimony on the same date.

The account of the inheritance given in this deed is almost same as that appearing in the purchase deed (I-5). However, this deed must have served to consolidate the validity of the purchase contract since many witnesses testified to it and the qadi confirmed it. Further, it included the financial situation of Fāṭima (I-a5).

<sup>8</sup> When a property of a child under guardianship or a pledged property was to be sold, a kind of auction was held by announcing the sale publicly. The qadi’s permission was required to sell the property of a child. Abū al-Shitā’ al-Ṣanhājī, *al-Tadrīb ‘alā al-wathā’iq al-‘adliya: Wathā’iq wa-sharḥ; Kayfiyat taḥrīr-hā wa-bayān fiqh-hā*, Rabat, 1964–68, pp. 573–574.

**Deed 9 (I-9)**

Date: middle of Sha‘bān 968/April–May 1561

No. of lines: 3

Notaries: signature I-S7  
signature I-S8

A deed of assessment of the price of the house in Ibn Ḥayyūn alley with confirmation (*thubūt*) by the qadi.

Two witnesses with expertise assessed the price of the house at 900 *ūqīya darāhim ta‘rīkh-hi*. The witnesses, named Muḥammad b. Aḥmad b. Dāwūd and Muḥammad b. — b. Ḥamm?, were not notaries but experts on houses, called master (*mu‘allim*) and builder (*bannā*). After the date of the testimony and the name of two witnesses, the deed establishes that the chief qadi of Fès (I-Q1) confirmed (*thubūt*) their testimony on the same date.

**Deed 10 (I-10)**

Date: 13 Muḥarram 986/22 March 1578

No. of lines: 4

Notaries: signature I-S9  
signature I-S10

A deed of judgment by the qadi in favor of the purchaser of the house in Ibn Ḥayyūn alley, Aḥmad al-Zawwāq (I-c1), on a dispute that occurred eighteen years after the purchase.

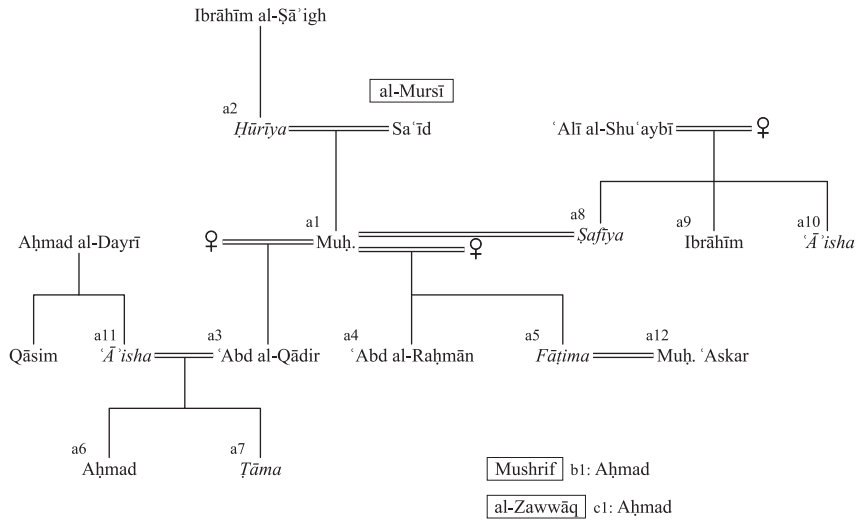
It says that Muḥammad ‘Askar (I-a12), husband of Fāṭima (I-a5) and her agent (*nā‘ib*), objected to the sale of his wife’s share to Aḥmad al-Zawwāq (I-c1) and claimed the right of preemption (*shuf‘a*) over the whole house on the grounds that she still had a right in the house. The case was taken before the chief qadi of Fès (I-Q2) and he recognized the validity of the sale in the past.

The deed was written down on Document I in order to support the right of the owner of the house, Aḥmad al-Zawwāq (I-c1).

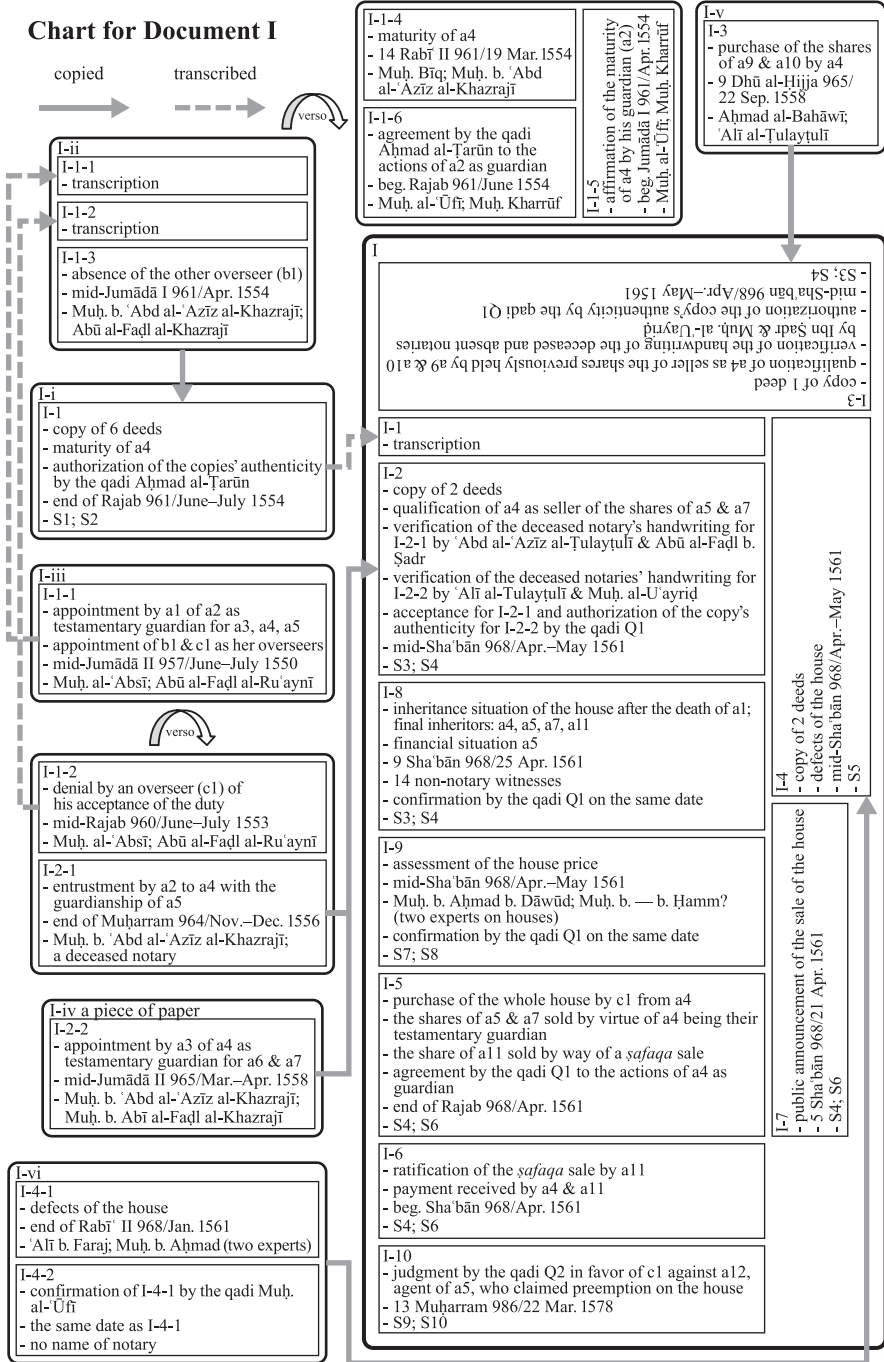
(SATO Kentaro)



## Families in Document I



**Chart for Document I**



## Signatures of Document I

I-1

(I-S1)



(I-S2)



I-2

(I-Q1)



(I-S3)

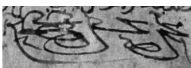


(I-S4)

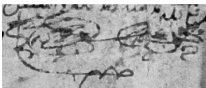


I-3

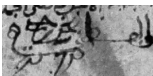
(I-Q1)



(I-S3)



(I-S4)



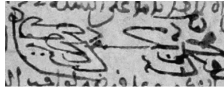
I-4

(I-S5)



I-5

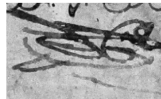
(I-Q1)



(I-S4)



(I-S6)



I-6

(I-S4)



(I-S6)



I-7

(I-S4)



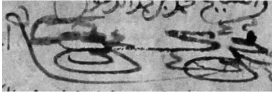
(I-S6)



\* Each picture is approximately two thirds of the original in length and width. In many cases, parts of the main texts are contained in the pictures, for the signatures often overlap the main texts.

I-8

(I-Q1)



(I-S3)

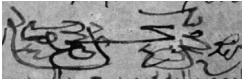


(I-S4)

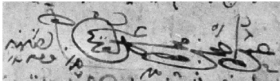


I-9

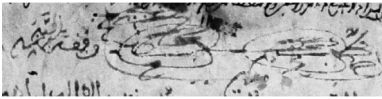
(I-Q1)



(I-S7)



(I-S8)

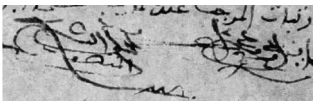


I-10

(I-Q2)



(I-S9)



(I-S10)



## Document II

### General Description

Title: An orchard in Sayṭūt (*Jinān Sayṭūt*)<sup>9</sup>

Size: 80×30cm

Number of deeds: 23 (13 deeds; 10 deeds on the reverse)

Date: 945–1087/1539–1676

A document drawn up on the occasion of the purchase of one third of an orchard in Sayṭūt<sup>10</sup> by ‘Alī al-‘Adawī (II-h1) from Muḥammad Qalmūn (II-e1) and Laḥsan al-Shāwī (II-f1),<sup>11</sup> in 975/1567. Along with the purchase deed itself (II-11), ten related deeds (II-1, II-2, II-3, II-4, II-5, II-6, II-7, II-8, II-9, II-10) were copied or transcribed to support the validity of the purchase. Though written above the purchase deed (II-11) on Document II, six of these related deeds (II-1 to II-6) are dated the day after the purchase, 30 Jumādā I 975/2 December 1567, with the signature of the same two notaries (II-S2, II-S3) as the purchase deed itself. We assume that all of them were drawn up as legal deeds according to the proper formularies and written down on Document II at the same time by these two notaries on that particular day. Hereupon, a supplementary deed concerning this purchase (II-12) was added. Eight years after the purchase the orchard was again sold and a new purchase was made. From then on, a total of eleven deeds were written down (or transcribed) in each case, reporting the changes of ownership of the orchard continuously, for more than a century.

The first six deeds (II-1 to II-6) treated a different property: a piece of the land (*al-qit‘a min al-arḍ*) in Khandaq al-Sab‘. It turns out, by a comparison of two of the deeds (II-2 and II-10), that this piece of land shared a border with the

<sup>9</sup> Although the exact position of Sayṭūt is unclear, we find from Deed 9 that it was located in Lamṭa, a plateau area lying at the northern foot of Mt. Zalāgh situated a few kilometers north of Fès. According to Leo Africanus, Lamṭa in the sixteenth century was a fertile land with many villages and orchards for olives, grapes, etc., and all the notables of Fès possessed orchards there. Jean-Léon l’Africain, *Description de l’Afrique*, 2 vols., tr. A. Épaulard, Paris, 1956, vol. 1, p. 243. cf. Muḥammad Mazzīn, *Fās wa-bādiyat-hā: Musāhama fī ta’rīkh al-Maghrib al-Sa’dī 1549–1637*, 2 vols., Rabat, 1986, vol. 1, pp. 48–49.

<sup>10</sup> In Document II, the location of this orchard is referred to variously as the orchard in Sayṭūt (title); the orchard below Khandaq al-Sab‘ (II-7); the orchard in Faddān al-Jazzār (II-9, II-10, II-16), etc. Except when we refer specifically to a particular text, we will use “the orchard in Sayṭūt” as a unified expression, following the usage in the title.

<sup>11</sup> The name of al-Shāwī derives either from the nomadic tribe of al-Shāwīya or the region of the Atlantic coast that they inhabited. There are many branches with this name in Fès and we could not identify the person in the document. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, pp. 538–539. cf. SHINODA Tomoaki, “Dynastic power and nomadic tribes in Northern Morocco in the 15th century: Formation of a tribal group called *Shāwīya*,” *Shirin* 92:4, 2009, pp. 65–92 (in Japanese).

orchard in Sayṭūt. Before the date that this document was prepared, both properties came to be owned by the same person (II-d2), and for this reason, the piece of the land was treated together with the orchard or, probably, was incorporated in it.

### Deed 1 (II-1)

Date: middle of Jumādā I 962/March–April 1555

No. of lines: 11

Notaries: signature II-S1

‘Abd al-‘Azīz al-Arqī

The handwriting of the deceased notary was verified by two notaries (II-S2 and II-S3) when the deed was transcribed.

A deed which established the guardianship of Muḥammad al-Qawrī (II-a3)<sup>12</sup> and the scholar Muḥammad al-Qawrī (II-a4) for his sister/cousin Umm al-‘Izz (II-a2). It consists of a copy of one deed, and includes at the end a testimony on the collation of the copy with the original and the authorization of the copy’s authenticity (*istiqlāl*) by the deputy chief qadī (*nā’ib qādī al-jamā’a*) of Fès, Abū ‘Abd Allāh b. ‘Abd al-Raḥmān b. Jallāl.<sup>13</sup>

It was copied on Document II-i on the occasion of the sale of the piece of the land to prove Muḥammad’s (II-a3) qualification as the seller of his ward’s (II-a2) share.<sup>14</sup>

It was afterwards transcribed on Document II on 30 Jumādā I 975/2 December 1567, on the occasion of the sale of one third of the orchard in Sayṭūt.

### Naṣṣ 1 (II-1-1)

Date: 22 Shawwāl 945/13 March 1539

Notaries: Muḥammad b. Abī al-Qāsim b. al-‘Āfiya<sup>15</sup>

<sup>12</sup> The Qawrī family was an old family of Fès, among whose members the most famous was the mufti Muḥammad b. Qāsim (d. 872/1468). We have information about his grandson Muḥammad, who was alive in 930/1523–4, but there is no certainty whether or not he had something to do with the member of the Qawrī family mentioned in this document. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, pp. 118–119; Rodríguez Mediano, *Familias de Fez*, pp. 224–226.

<sup>13</sup> He came from Tlemcen to Fès in 958/1551, and was known to work as a mufti and preacher (*khaṭīb*) in the Qarawīyīn and Andalus mosques. He died in 980/1572–3 or 981/1573–4. Ibn al-Qāḍī, *Jadhwat al-iqtibās*, vol. 1, pp. 324–325; Ibn al-Qāḍī, *Durrat al-ḥijāl*, vol. 2, p. 214; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 2, pp. 31–32.

<sup>14</sup> In terms of its content and timing, this deed (II-1) was very likely copied on the same document (II-iii) with Deeds 2, 3, 4, 5, and 6. However, there is nothing in writing referring to the relationship between them. We must therefore consider Document II-i and Document II-iii separately.

<sup>15</sup> This person might be Muḥammad b. Abī al-Qāsim b. ‘Alī b. ‘Abd al-Raḥmān b. Abī al-‘Āfiya al-Miknāsī. He was known as a jurist and a grammarian, and died at Fès in 962/1554–

Muḥammad b. Muḥammad b. al-‘Āfiya

The handwriting of these deceased notaries was verified by two jurists, Ya‘qūb al-Yadrī<sup>16</sup> and ‘Umar al-Ṣabbāgh.

A deed of testament by Muḥammad al-Qawrī (II-a1), in which he appointed his son Muḥammad al-Qawrī (II-a3) and his nephew the scholar Muḥammad al-Qawrī (II-a4) as the testamentary guardians (*waṣī*) of his daughter Umm al-‘Izz (II-a2).

### Deed 2 (II-2)

Date: 30 Jumādā I 975/2 December 1567

No. of lines: 12

Notaries: signature II-S2

signature II-S3

A deed which establishes that Qāsim al-‘Aṭṭār (II-d1) purchased the whole piece of the land (*al-qit‘a min al-arḍ*) in Khandaq al-Sab‘<sup>17</sup> belonging to the Lamṭa<sup>18</sup> from those who shared it (II-a2, II-a3, II-b1, II-b2, II-c1). It consists of a copy of one deed, and includes at the end a testimony on the collation of the copy with the original and the authorization of the copy’s authenticity (*istiqlāl*) by the deputy chief qadi of Fès (II-Q1).<sup>19</sup>

It was copied on Document II, on the occasion of the sale of one third of the orchard in Sayṭūt.

### Naṣṣ 1 (II-2-1)

Date: 8 Jumādā II 960/22 May 1553

Notaries: ‘Abd al-‘Azīz al-Arqī

5. However his contemporary, the author Ibn al-Qāḍī, records the name of his father as al-Qāsim without Abī. Ibn al-Qāḍī, *Jadhwat al-iqṭibās*, vol. 1, pp. 246–247; Ibn al-Qāḍī, *Durrat al-ḥijāl*, vol. 2, pp. 203–204; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 3, p. 354. The Abū al-‘Āfiya family was one of the well-known families of Fès, whose ancestor Abū al-‘Izz b. Abī al-‘Āfiya was the qadi of Meknès and from which many jurists appeared. See Ibn al-Aḥmar, *Buyūtāt Fās al-kubrā*, p. 69.

<sup>16</sup> A jurist of Fès, who was born in 908/1502–3 and died in 999/1591. He was proficient in inheritance law and calculation. Ibn al-Qāḍī, *Durrat al-ḥijāl*, vol. 3, pp. 360–362; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 3, pp. 407–408.

<sup>17</sup> We could not find the exact position of Khandaq al-Sab‘, as was the case also of Sayṭūt. However, there still remain in Lamṭa some place names with the word *khandaq* (ditch or valley), including Khandaq al-Rab‘, according to what we heard from some inhabitants of this area during our visit there in 2014.

<sup>18</sup> See Note 9.

<sup>19</sup> We could not identify the name of this deputy chief qadi, though the chief qadi at that time was ‘Abd al-Wāḥid b. Aḥmad al-Ḥumaydī. For him, see Note 41.

Aḥmad al-Bahāwī<sup>20</sup>

The handwriting of these deceased notaries was verified by two jurists, al-Jazūlī<sup>21</sup> and al-Zanqī.

A deed of purchase of the piece of the land in Khandaq al-Sab‘ from Muḥammad al-Qawrī (II-a3) by Qāsim al-‘Aṭṭār (II-d1).

The deed first describes the joint ownership of this land among Muḥammad al-Qawrī (II-a3), his sister Umm al-‘Izz (II-a2), the jurist Yaḥyā al-Sarrāj (II-b1),<sup>22</sup> his sister Fāṭima (II-b2), and the jurist/notary Muḥammad al-Mashshāṭ (II-c1).<sup>23</sup> After a description of the location of the land, it says that Qāsim al-‘Aṭṭār (II-d1) purchased the whole piece of land from Muḥammad al-Qawrī (II-a3) for 155 *dīnār min al-dhahaba al-darāwī*. Besides his own share, the seller Muḥammad al-Qawrī (II-a3) sold the share of his sister Umm al-‘Izz (II-a2) by virtue of his being her testamentary guardian (*waṣī*), as Deed 1 mentions. The shares of the others were sold by way of a *ṣafaqa* sale. It also says that the purchaser recognized the defects of the land.

It was afterwards transcribed on Document II-iii, on the occasion of the completion of that sale.

### Deed 3 (II-3)

Date: 29 Rabī‘ I 962/21 February 1555

No. of lines: 9

<sup>20</sup> He is mentioned in Deed 3 of Document I (I-3), which was copied in 968/1561 when he had already died. On the other hand, he was still alive in 966/1558–9 (See Note 6). Thus he died between 966/1558–9 and 968/1561. The transcription of this deed (II-2-1) was done before he died.

<sup>21</sup> Although a lack of information prevents us from identifying this person, al-Jazūlī was one of the well-known families of Fès, from which many scholars appeared. Around that time, for example, there were ‘Abd Allāh b. Muḥammad b. Muḥammad al-Jazūlī (d. 988/1580–1), al-Ḥasan b. ‘Isā (or ‘Abd Allāh) al-Jazūlī (d. 992/1584–5), etc. It is also said that ‘Alī al-Jazūlī worked as a notary in 966. See Ibn. al-Aḥmar, *Buyūtāt Fās al-kubrā*, pp. 42–43; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 2, pp. 316–317; vol. 3, p. 358; ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, pp. 274–277; ‘Abd al-Hādī al-Tāzī, *Jāmi‘ al-Qarawīyīn*, vol. 2, p. 512; vol. 3, p. 667.

<sup>22</sup> A jurist of Fès, who was born in 921/1515–6. He was a preacher (*khaṭīb*) in the Bāb al-Jīsa, Andalus, and Qarawīyīn mosques and a mufti (after the death of Ibn Jallāl in 981/1573–4). He died on 18 Jumādā I 1007/17 December 1598. Ibn al-Qāḍī, *Jadhwat al-iqtibās*, vol. 2, pp. 540–541; Ibn al-Qāḍī, *Durrat al-ḥijāl*, vol. 3, p. 241; al-Qāḍirī, *Nashr al-mathānī, li-ahl al-qarn al-ḥādī ‘ashara wal-thānī*, 4 vols., ed. Muḥammad Ḥajjī and Aḥmad Tawfiq, Rabat, 1977–86, vol. 1, p. 70; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 2, pp. 65–66; ‘Abd al-Hādī al-Tāzī, *Jāmi‘ al-Qarawīyīn*, vol. 2, p. 514.

<sup>23</sup> A jurist of Fès, who was still alive in 993/1585. Ibn al-Qāḍī, *Durrat al-ḥijāl*, vol. 2, pp. 34–35.



Notaries: signature II-S1

‘Abd al-‘Azīz al-Arqī

The handwriting of the deceased notary was verified by two notaries (II-S2 and II-S3) when the deed was transcribed.

A deed which establishes that the jurist Yaḥyā al-Sarrāj (II-b1), one of the sharers of that land, ratified the *ṣafaqa* sale for himself and his sister Fāṭima (II-b2) for 160 *dīnār*. In addition, he imposed the condition that the purchaser Qāsim al-‘Aṭṭār (II-d1) needed to make within the land a pathway through his orchard bordering on this land. It was drawn up on Document II-iii on the reverse of Deed 2.

It was afterwards transcribed on Document II on 30 Jumādā I 975/2 December 1567, on the occasion of the sale of one third of the orchard in Sayṭūt.

#### **Deed 4 (II-4)**

Date: 8 Rabī‘ II 962/2 March 1555

No. of lines: 8

Notaries: signature II-S1

‘Abd al-‘Azīz al-Arqī

The handwriting of the deceased notary was verified by two notaries (II-S2 and II-S3) when the deed was transcribed.

A deed which establishes that the scholar Muḥammad al-Qawrī (II-a4) ratified the *ṣafaqa* sale as the testamentary guardian of his niece Umm al-‘Izz (II-a2), as the deed refers to the deed above (II-1). After his ratification, the seller Muḥammad al-Qawrī (II-a3) received payment for the shares of himself and his sister (II-a2) from the purchaser Qāsim al-‘Aṭṭār (II-d1). It was drawn up on Document II-iii on the reverse of Deed 2.

It was afterwards transcribed on Document II on 30 Jumādā I 975/2 December 1567, on the occasion of the sale of one third of the orchard in Sayṭūt.

#### **Deed 5 (II-5)**

Date: middle of Rabī‘ II 962/March 1555

No. of lines: 6

Notaries: signature II-S1

‘Abd al-‘Azīz al-Arqī

The handwriting of the deceased notary was verified by two notaries (II-S2 and II-S3) when the deed was transcribed.

A deed which establishes that the jurist Yaḥyā al-Sarrāj (II-b1) received payment for the shares of himself and his sister (II-b2) from the purchaser Qāsim al-‘Aṭṭār (II-d1). His ratification of the *ṣafaqa* sale was described in Deed 3. It was probably drawn up on Document II-iii on the same side as Deed 3.<sup>24</sup>

<sup>24</sup> Although there is nothing specific in writing referring to its position in Document II-iii,

It was afterwards transcribed on Document II on 30 Jumādā I 975/2 December 1567, on the occasion of the sale of one third of the orchard in Saytūt.

### Deed 6 (II-6)

Date: 30 Jumādā I 975/2 December 1567

No. of lines: 4

Notaries: signature II-S2  
signature II-S3

A deed which establishes the joint ownership of the piece of the land in Khandaq al-Sab': one quarter for the jurist Muḥammad al-Mashshāt (II-c1) and three quarters for Qāsim al-'Aṭṭār (II-d1). It consists of a copy of one deed, and includes at the end a testimony on the collation of the copy with the original and the authorization of the copy's authenticity (*istiqlāl*) by the deputy chief qadi of Fès (II-Q1).

It was copied on Document II, on the occasion of the sale of one third of the orchard in Saytūt.

### Naṣṣ1 (II-6-1)

Date: 15 Dhū al-Ḥijja 962/31 October 1555

Notaries: 'Abd al-'Azīz al-Arqī

Muḥammad Abū al-Rabī'

The handwriting of these deceased notaries was verified by two jurists, al-Jazūlī and al-Zanqī.<sup>25</sup>

A deed of repurchase of one quarter of the piece of the land sold by the *ṣafaqa* sale in Khandaq al-Sab' from Qāsim al-'Aṭṭār (II-d1) by the jurist Muḥammad al-Mashshāt (II-c1).

The deed first says that Muḥammad (II-c1) repurchased (*ḍamma min al-bay'*) one quarter of the piece of land sold by the *ṣafaqa* sale and ratified the *ṣafaqa* sale of Qāsim (II-d1) except for this one quarter. After the purchaser Qāsim's agreement to this condition, he received payment from Muḥammad (II-c1) for the amount of the difference between his own share and one quarter of the land. As a result, joint ownership was established between them. It was drawn up on Document II-iii below Deed 2.

### Deed 7 (II-7)

Date: middle of Jumādā I 975/November 1567

No of. lines: 8

Notaries: signature II-S4

the names of II-b1 and II-b2 appearing in Deed 3 are described as being "mentioned above" (*al-madhkūr a 'lā-hu*) in Deed 5 and its content continues from Deed 3. We assume from these facts that this deed was drawn up on the reverse of Deed 2 together with Deed 3.

<sup>25</sup> They were the same jurists as verified the deaths of the two original notaries of Deed 2.

signature II-Q1<sup>26</sup>

A deed which establishes the purchase situation of the orchard below Khandaq al-Sab' by Ibrāhīm al-‘Aṭṭār (II-d2). It consists of copies of two deeds, and includes at the end a testimony on the collation of the copies with the originals. It was copied on Document II-iii<sup>27</sup> by the notaries of Naṣṣ 2 on the occasion of the sale of the whole orchard in Deed 10 to prove the deceased Ibrāhīm's (II-d2) qualification as its sole owner.

It was afterwards transcribed on Document II, on the occasion of the sale of one third of the orchard in Sayṭūṭ.

### **Naṣṣ 1 (II-7-1)**

Date: end of Rajab 965/May 1558

Witnesses: twelve non-notary witnesses

A deed in which twelve non-notary witnesses testified after Qāsim al-‘Aṭṭār's (II-d1) death that he had purchased this orchard from the jurist Muḥammad al-Mashshāṭ (II-c1) and the jurist Yaḥyā al-Sarrāj (II-b1) on behalf of his father Ibrāhīm al-‘Aṭṭār (II-d2).<sup>28</sup>

### **Naṣṣ 2 (II-7-2)**

Date: the same date as Naṣṣ 1 (end of Rajab 965/May 1558)

Notaries: no name of notary

(Two notary signatures were put at the end of Deed 7 instead, as they also testified on the copying.)

A deed of confirmation (*thubūt*) by the chief qadi of Fès, Muḥammad b. ‘Abd al-Raḥmān al-‘Ūfi,<sup>29</sup> of Naṣṣ 1. It was drawn up below Naṣṣ 1.

### **Deed 8 (II-8)**

Date: 3 Sha‘bān 965/21 May 1558

No. of lines: 3

Notaries: signature II-S5

no signature for the other notary

A deed which establishes that Qāsim al-‘Aṭṭār (II-d1) purchased this orchard on behalf of his father Ibrāhīm (II-d2). It was drawn up on Document II-v on the

<sup>26</sup> This is the same signature as that of the deputy chief qadi of Fès written down on Deed 2 and Deed 6.

<sup>27</sup> Although there is nothing directly in writing referring to its relative position with Deed 2, we assume from the description in Deed 10 that this deed (II-7) was drawn up on the same side as Deed 2.

<sup>28</sup> The deed does not mention the exact date of purchase. However from the description in Deed 10, we can identify this orchard as “the planted land (*ghars*) of Qāsim” (II-d1) which was mentioned in Deed 2 as bordering the piece of land. It indicates that this purchase had been made before 960 at the latest.

<sup>29</sup> He is mentioned in Document I (Deed 2 and Deed 4).

reverse of Deed 7.

It was afterwards transcribed on Document II, on the occasion of the sale of one third of the orchard in Saytūt.

### Deed 9 (II-9)

Date: 26 Rajab 969/1 April 1562

No. of lines: 9

Notaries: signature II-S6  
signature II-S7

A deed of purchase of the orchard in Faddān al-Jazzār<sup>30</sup> from the jurist ‘Abd al-Wāhid (II-c2) by Ibrāhīm (II-d2).

The deed first describes their joint ownership of this orchard: one quarter for the jurist ‘Abd al-Wāhid al-Mashshāt (II-c2) and three quarters for Ibrāhīm al-‘Aṭṭār (II-d2). After a description of the location of the orchard, it says that Ibrāhīm (II-d2) purchased from the jurist ‘Abd al-Wāhid (II-c2) his share (one quarter of the orchard) for 128 *ūqīya sikkat ta’rīkh-hi*.

It was afterwards transcribed on Document II, on the occasion of the sale of one third of the orchard in Saytūt.

### Deed 10 (II-10)

Date: beginning of Jumādā I 975/November 1567

No. of lines: 10

Notaries: signature II-S8  
signature II-S9

A deed of purchase of the orchard in Faddān al-Jazzār from ‘Alī al-‘Aṭṭār (II-d7) by Muḥammad Qalmūn (II-e1) and Laḥsan al-Shāwī (II-f1).

The deed first describes the location of the purchased orchard, referring to two deeds above (II-2 and II-7) and the inheritance situation after the death of Ibrāhīm al-‘Aṭṭār (II-d2), the former owner of the orchard. According to it, his son ‘Alī (II-d7) obtained sole ownership of the orchard by *mukhārāja* partition among the other inheritors (II-d3, II-d4, II-d5, II-d6, II-d8, II-d9). This partition was established in another deed by the testimony of the two notaries of this deed (*fī ghayr hādihā bi-shahādat shahīday-hi*), which is not included in Document II.

It then says that Muḥammad Qalmūn (II-e1) and Laḥsan al-Shāwī (II-f1) purchased the whole orchard from ‘Alī (II-d7) for 511 and a half *ūqīya sikkat ta’rīkh-hi*, each owning one half. It also says that Laḥsan al-Shartī (II-g1), an owner of the neighboring orchard, agreed to this purchase. It was drawn up on Document II-iii below Deed 7 and on the same side of Deed 2. Though one related deed (II-7) was

<sup>30</sup> According to the description in the deed, Faddān al-Jazzār was located near Saytūt within the Lamṭa district. However, its exact position is unknown.

dated nearly half a month after the purchase, it was written down on Document II-iii above this purchase deed (II-10). We assume that both were written down on Document II-iii at the same time after the necessary testimonies had been collected.<sup>31</sup>

It was afterwards transcribed on Document II, on the occasion of the sale of one third of the orchard in Saytūt.

### **Deed 11 (II-11)**

Date: 29 Jumādā I 975/1 December 1567

No. of lines: 6

Notaries: signature II-S2  
signature II-S3

A deed of purchase of one third of the above-mentioned orchard from Muḥammad Qalmūn (II-e1) and Laḥsan al-Shāwī (II-f1) by ‘Alī al-‘Adawī (II-h1). It was the main deed of Document II at the time of its first preparation.

Instead of describing the location of the orchard, it simply refers to the deed above (II-10). The deed then says that ‘Alī (II-h1) purchased one third of the orchard from Muḥammad (II-e1) and Laḥsan (II-f1) for 171 *ūqīya* [ ]. As a result, the orchard came to be shared equally among three persons: Muḥammad (II-e1), Laḥsan (II-f1), and ‘Alī (II-h1).

It was written down on Document II, probably on the day after its notarization, together with the related deeds (II-1, II-2, II-3, II-4, II-5, II-6, II-7, II-8, II-9, II-10).

### **Deed 12 (II-12)**

Date: 3 Jumādā II 975/5 December 1567

No. of lines: 7

Notaries: signature II-S2  
signature II-S10

A deed which establishes that ‘Alī al-‘Adawī (II-h1) purchased this one third of the above-mentioned orchard on behalf of himself and Muḥammad al-Sab‘ (II-i1), each owning one half. This means they each had a one-sixth share in the orchard.

### **Deed 13 (II-13)**

Date: beginning of Ramaḍān 983/December 1575

No. of lines: 10

<sup>31</sup> For the reason mentioned above (see Note 20), Document II-iii had already been drawn up by the year 968. We should therefore assume that Document II-iii was in the hands of the ‘Aṭṭār family at that time and these two deeds (II-7 and II-10) were written down on it additionally.

Notaries: signature II-S11  
signature II-S12

A deed of purchase of one sixth of the orchard from Muḥammad al-Sab‘'s (II-i1) inheritors by ‘Alī al-‘Adawī (II-h1).

The deed first describes the inheritance situation after the death of Muḥammad (II-i1), the former owner of one sixth of the above-mentioned orchard. According to it, those who shared the one sixth of the orchard at that time were ‘Arabīya (II-i2), Qāsim (II-i3), ‘Abd al-Raḥmān (II-i4), and Muḥammad (II-i5). The deed then says that ‘Alī (II-h1) purchased this one-sixth share of the orchard from them for 252 *ūqīya sikkat ta’rīkh-hi*. Instead of describing the location of the orchard, it simply refers to the deeds above.

#### **Deed 14 (II-14)**

Date: 26 Shawwāl 1003/4 July 1595

No. of lines: 7

Notaries: signature II-S13  
signature II-S14

A deed of testament by Muḥammad al-Yarzūtī (II-j1), in which he appointed Aḥmad Qazīf (II-k1) as the testamentary guardian (*waṣī*) of his children (II-j2, II-j3, II-j4, II-j5).

It was afterwards transcribed on Document II, on the occasion of the sale of the orchard in Deed 19 to prove Aḥmad’s (II-k1) qualification as the seller of his ward’s (II-j3) share.

#### **Deed 15 (II-15)**

Date: 3 Jumādā I 1013/27 September 1604

No. of lines: 9

Notaries: signature II-S15  
‘Abd Allāh al-Kādisī?

The handwriting of the deceased notary was verified by two notaries (II-S16 and II-S17) when the deed was transcribed.

A deed of testament by Muḥammad al-Shāwī (II-f2), in which he appointed ‘Alī Qalmūn (II-e2) as the testamentary guardian (*waṣī*) of his children (II-f3 and II-f4).

It was afterwards transcribed on Document II in the middle of Rabī‘ I 1015/ July 1606, probably on the occasion of the sale of the orchard in Deed 16 to prove ‘Alī’s (II-e2) qualification as the seller of his wards’ (II-f3 and II-f4) shares. In Deed 16, however, the name of their (II-f3 and II-f4) testamentary guardian for that sale was described as Muḥammad Qalmūn (II-e3), another member of the family.

**Deed 16 (II-16)**

Date: 18 Rabī' I 1014/3 August 1605

No. of lines: 6

Notaries: signature II-S16

signature II-S18

A deed of purchase of the orchard in Faddān al-Jazzār from the sharers (II-d8, II-e3, II-e4, II-e5, II-f3, II-f4, II-f5, II-f6, II-h1) by the sharif Aḥmad al-Habṭī (II-11).<sup>32</sup>

The deed first describes the joint ownership of this orchard among Muḥammad Qalmūn (II-e1), 'Alī al-'Adawī (II-h1), and Muḥammad al-Shāwī (II-f2). After a description of the location of the orchard, it relates the inheritance situation after the deaths of Muḥammad Qalmūn (II-e1) and Muḥammad al-Shāwī (II-f2). According to it, those who shared the orchard at that time were Muḥammad (II-e3), Aḥmad (II-e4), 'Azūz (II-e5), Āmina (II-d8), Aḥmad (II-f3), Fāṭima (II-f4), Fāṭima (II-f5), Āmina (II-f6), and 'Alī (II-h1).

The deed then says that Aḥmad al-Habṭī (II-11) purchased the whole orchard from them for 910 *ūqīya sikkīya*. Besides his own share, Muḥammad Qalmūn (II-e3) sold the shares of his sister (II-e5) and his wards (II-f3 and II-f4) as their agent.

Though one related deed (II-15) was dated nearly a year after the purchase, it was written down on Document II above this purchase deed (II-16). We assume that all of them were written down on Document II at the same time, after the necessary testimonies has been collected.

**Deed 17 (II-17)**

Date: middle of Sha'bān 1019/October–November 1610

No. of lines: 5

Notaries: signature II-S19

signature II-S20

A deed which establishes the inheritance situation after the death of the sharif Aḥmad al-Habṭī (II-11), the sole owner of the orchard. According to it, those who shared the orchard at that time were his wife Fāṭima bint Muḥammad al-Yarzūtī (II-j3), his sister Umm al-'Izz (II-l2), and, on behalf of his agnates (*'aṣaba*), his cousin Muḥammad al-Habṭī (II-l3).

It was afterwards transcribed on Document II, probably on the occasion of the completion of the sale of the orchard in Deed 19, for the purpose of explaining

<sup>32</sup> The name al-Habṭī derives from the region of al-Habṭ in the plain of northern Morocco. The Habṭī family is a notable family of Fès and there are several persons with this name in sixteenth and seventeenth century Fès, but we are not sure if any of them were relevant to the family in the document. al-Qādirī, *Nashr al-mathānī*, vol. 1, p. 35; 'Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, pp. 244–245.

the trouble that happened during the sale.

### **Deed 18 (II-18)**

Date: The date is unclear.

No. of lines: 7

Notaries: signature II-S21

A deed of a dispute that occurred between the sharif Muḥammad al-Habṭī (II-13) and ‘Alī b. Abī Faḍl (II-m1), the controller of escheats (*nāzīr al-mawārīth*) of Fès, about the inheritance of the sharif Aḥmad al-Habṭī (II-11). The details of this deed (date, the result of the dispute, etc.) are unclear, because some lines are missing.

It was drawn up on Document II-ix on the reverse of Deed 17, and was probably transcribed on Document II.

### **Deed 19 (II-19)**

Date: end of Sha‘bān 1019/November 1610

No. of lines: 17

Notaries: signature II-S22

signature II-S23

signature II-S24

A deed of purchase of the above-mentioned orchard from the controller of escheats (*nāzīr al-mawārīth*) of Fès by the merchant Muḥammad al-Qaṣrī (II-n1).

The deed first describes the inheritance situation after the death of the sharif Aḥmad al-Habṭī (II-11), the sole owner of the orchard. According to it, those who shared the orchard at that time were his wife Fāṭīma (II-j3) and his sister Umm al-‘Izz (II-l2). As for the share of his agnates, it came to the Muslim community (*jamā‘at al-muslimīn*). This description is different from what appears above in Deed 17.

Instead of describing the location of the orchard, it simply refers to the deeds above. The deed then says that the merchant Muḥammad (II-n1) purchased the whole orchard from the controller of escheats (*nāzīr al-mawārīth*) of Fès (II-Q2=II-m1)<sup>33</sup> for 1,000 *ūqīya darāhim ta‘rīkh-hi*. The seller (II-m1) sold the share of the Muslim community as its agent and received payment for that share from the purchaser (II-n1). The shares of the others (II-j3 and II-l2) were sold by way of a *ṣafaqa* sale. Aḥmad Qazīf (II-k1), as the testamentary guardian for Fāṭīma (II-j3), ratified this *ṣafaqa* sale and received payment for the share of his ward (II-j3).

After the signatures of the two notaries (II-22 and II-23), it says in addition

<sup>33</sup> In Deed 18, the controller of escheats of Fès engaged in the inheritance of the sharif Aḥmad al-Habṭī (II-11) was mentioned as ‘Alī b. Abī Faḍl (II-m1). Accordingly, we can identify this signatory (II-Q2) as him (II-m1).



that all the olives harvested from the orchard that year were included in the share of the Muslim community that had been sold. The third notary (II-S24) testified to it, together with the two aforementioned notaries.

### **Deed 20 (II-20)**

Date: the same date as Deed 19 (end of Sha‘bān 1019/November 1610)

No. of lines: 8

Notaries: signature II-S25

signature II-S26

A deed of ratification of the *ṣafaqa* sale by Aḥmad al-Rammāḥ (II-o1) on behalf of Umm al-‘Izz (II-l2). The chief qadi of Fès (II-Q3) ordered him (II-o1) to take this role as her (II-l2) agent, because she was under the guardianship of the Islamic Law (*naẓar al-shar‘*). After his ratification, Aḥmad (II-o1) received payment for the share of his ward (II-l2) from the purchaser (II-n1).

The deed then speaks about the debts (*dayn*) of Aḥmad (II-o1), the details of which are unclear. At the end, it also says that Umm al-‘Izz (II-l2) did not have enough money to repurchase the whole orchard sold by the *ṣafaqa* sale (*taḍummu bi-hi ṣafaqat al-bay‘*).

### **Deed 21 (II-21)**

Date: 17 Jumādā II 1054/21 August 1644

No. of lines: 8

Notaries: signature II-S27

signature II-S28

A deed of recognition (*taqārara*) of the ownership of the orchard held by Muḥammad al-Qaṣrī (II-n2) among the merchant Muḥammad’s (II-n1) children. The deed first describes the inheritance situation after the death of the merchant Muḥammad (II-n1), the former owner of the above-mentioned orchard. According to it, his son Muḥammad (II-n2) received sole ownership of the orchard, by *mukhāraja* partition, from the other inheritors, such as his brothers and sisters (II-n3, II-n4, II-n5, II-n6, II-n7).

The deed then says that at that time Muḥammad (II-n2) asked them to recognize this fact with each other and they agreed to his request.

### **Deed 22 (II-22)**

Date: 1 Muḥarram 1087/16 March 1676

No. of lines: 13

Notaries: signature II-S29

signature II-S30

A deed of purchase of the orchard from Muḥammad al-Qaṣrī (II-n2) by his son ‘Abd al-Wāhid (II-n8). After a description of the location of the olive trees within

the orchard, it says that Muḥammad (II-n2) sold the whole orchard with its trees to his son ‘Abd al-Wāhid (II-n8) for 600 *ūqīya darāhim bil-ḥisāb al-qaḍīm*. The deed then says that Muḥammad (II-n2) offset a loan against a debt by 300 *ūqīya* of the total amount for the sale and received payment of 140 *ūqīya* from his son (II-n8).

**Deed 23 (II-23)**

Date: 11 Rajab 1087/11 July 1676

No. of lines: 4

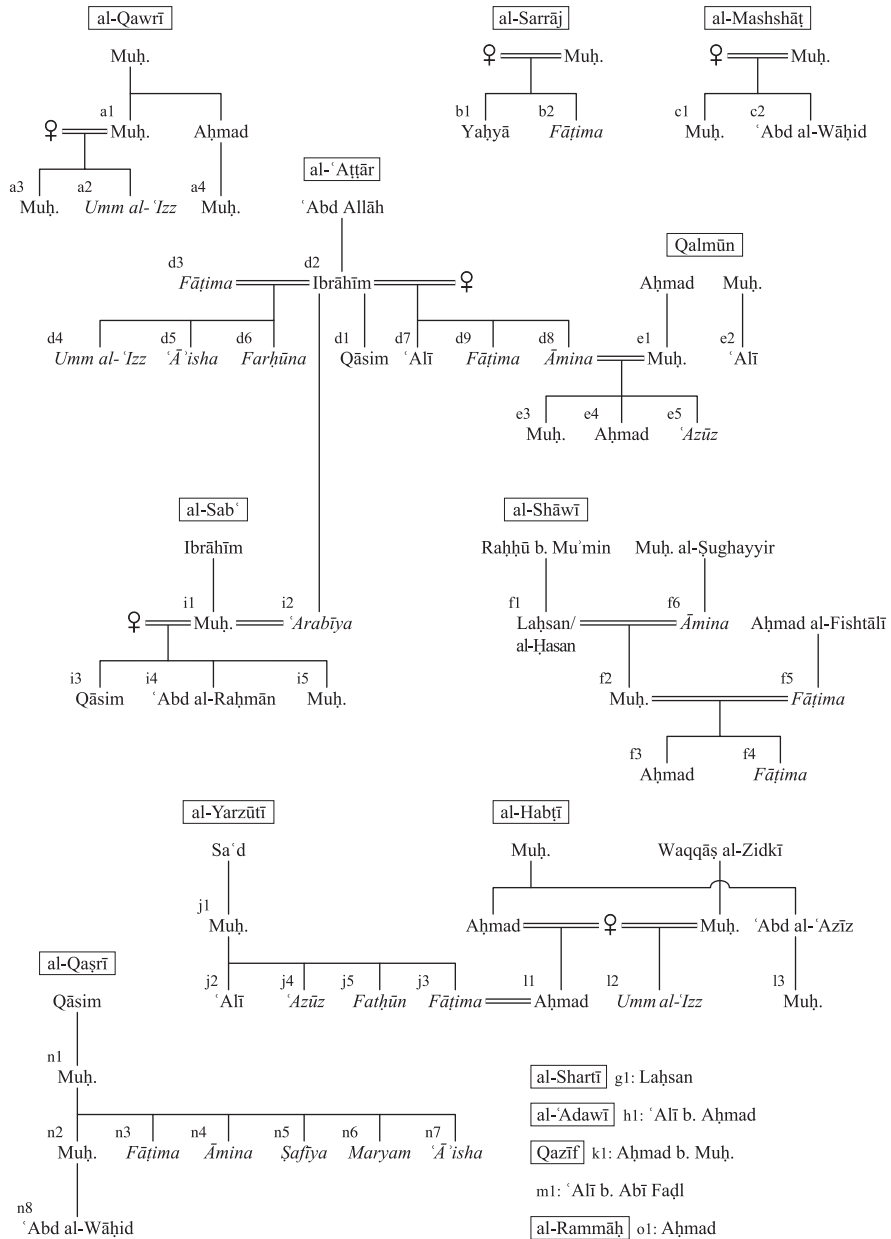
Notaries: signature II-S31

no signature for the other notary

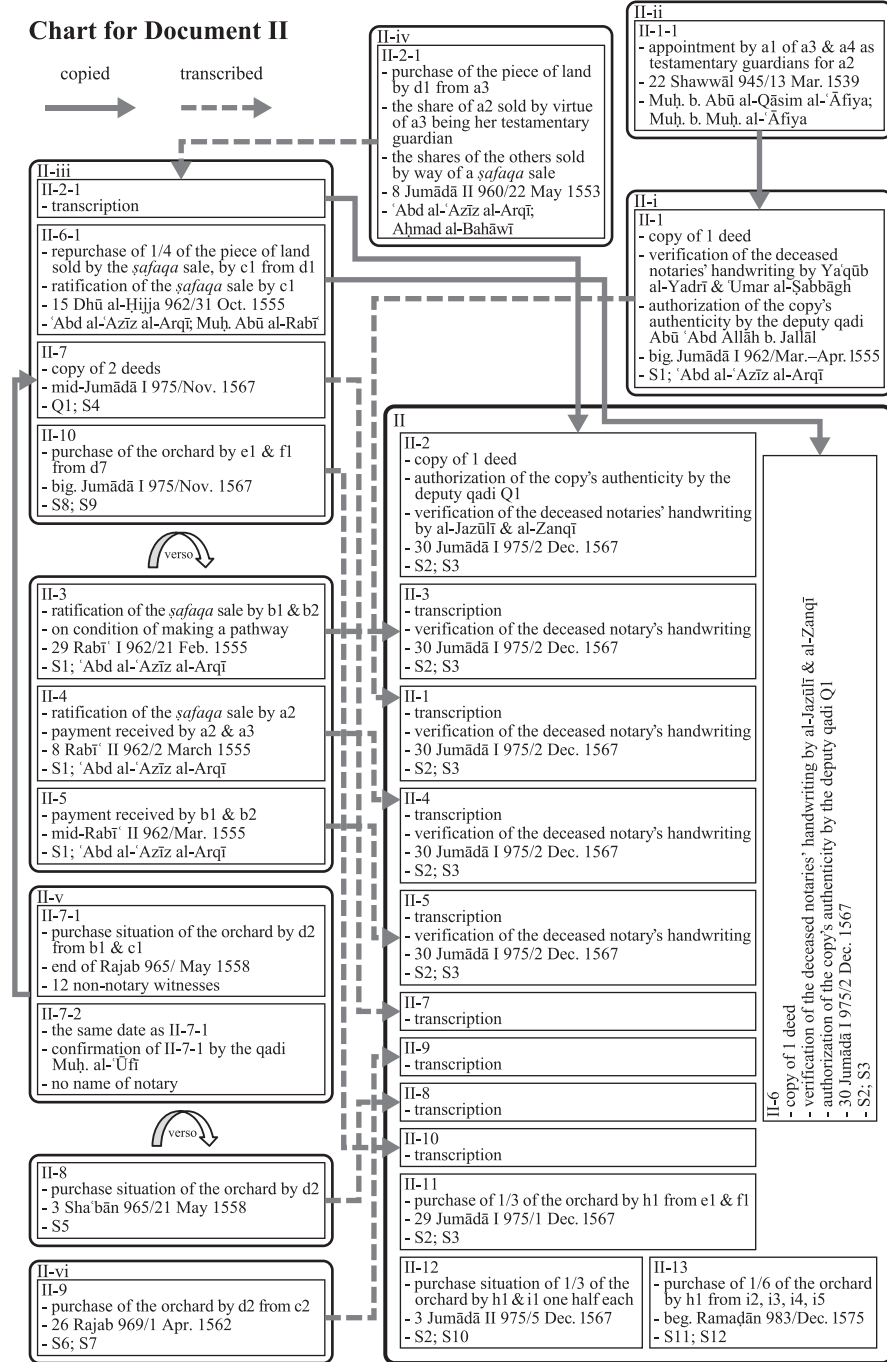
A deed which establishes that Muḥammad al-Qaṣrī (II-n2) received the remaining amount of payment (160 *ūqīya*) for the sale of the orchard described in Deed 22.

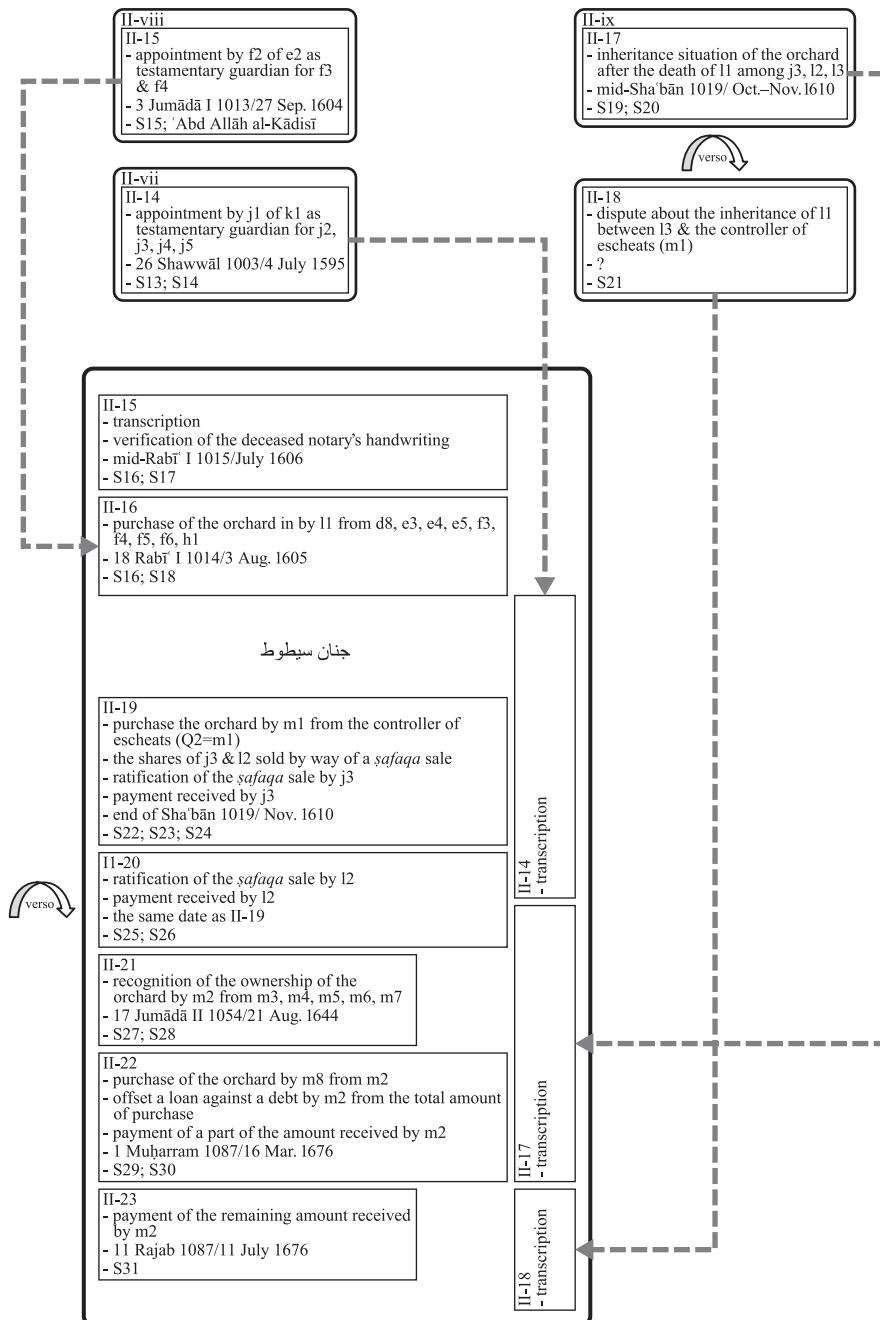
(HARAYAMA Takahiro)

## Families in Document II



## Chart for Document II





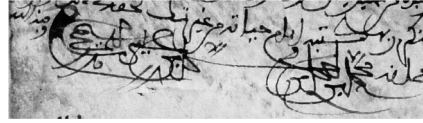
Signatures of Document II

II-1

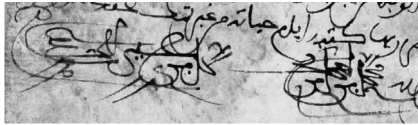
(II-S1)



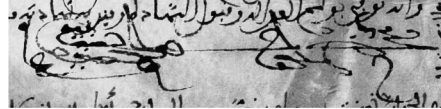
(II-S2)



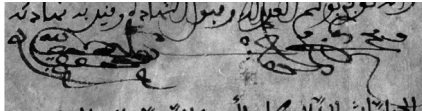
(II-S2)



(II-S3)

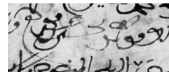


(II-S3)

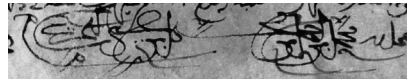


II-4

(II-S1)



(II-S2)

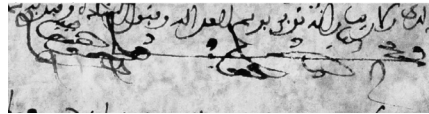


II-2

(II-Q1)



(II-S3)

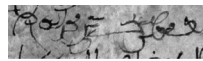


(II-S2)

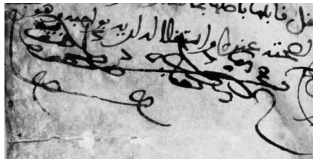


II-5

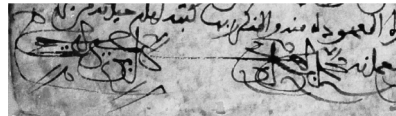
(II-S1)



(II-S3)

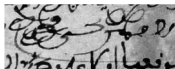


(II-S2)

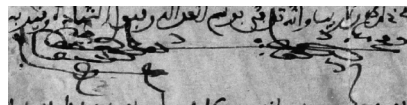


II-3

(II-S1)



(II-S3)



II-6

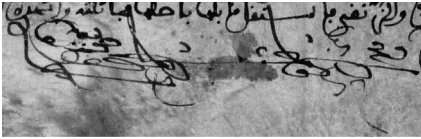
(II-Q1)



(II-S2)



(II-S3)



II-7

(II-S4)



(II-Q1)



II-8

(II-S5)

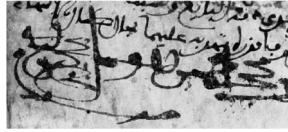


II-9

(II-S6)



(II-S7)



II-10

(II-S8)

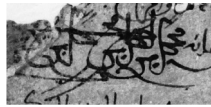


(II-S9)

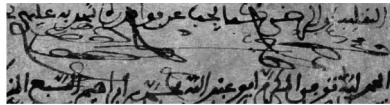


II-11

(II-S2)



(II-S3)

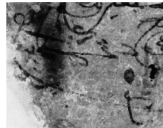


II-12

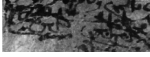
(II-S2)



(II-S10)



II-13  
(II-S11)



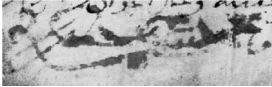
(II-S12)



II-14  
(II-S13)



(II-S14)



II-15  
(II-S15)



(II-S16)



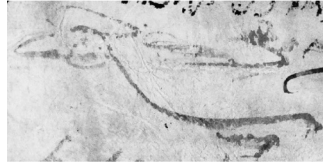
(II-S17)



II-16  
(II-S16)



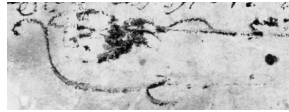
(II-S18)



II-17  
(II-S19)



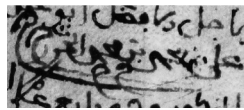
(II-S20)



II-18  
(II-S21?)



II-19  
(II-Q2)

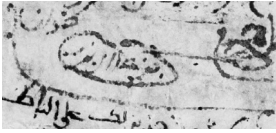


(II-S22)



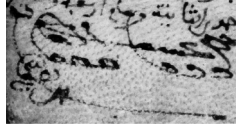


(II-S23)



II-21

(II-S27)



(II-24)



(II-S28)



(II-S22)

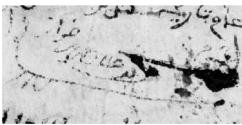


II-22

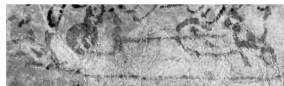
(II-S29)



(II-S23)



(II-S30)



II-20

(II-Q3)

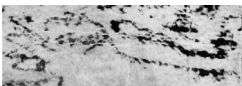


II-23

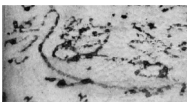
(II-S31)



(II-S25)



(II-S26)



## Document III

### General Description

Title: Contract on a house in al-Sab‘lūyāt (‘*Aqd al-dār al-Sab‘ Lūyāt*)<sup>34</sup>

Size: 72×30cm

Number of deeds: 5

Date: 990–1047/1583–1637

A document drawn up on the occasion of the purchase of a house in al-Nayyārīn<sup>35</sup> beside al-Sab‘lūyāt<sup>36</sup> alley by Mas‘ūd al-Sufyānī (III-e1)<sup>37</sup> from Muḥammad al-Ḥṭḥī (III-c1) at the beginning of Rajab 1047/end of November 1637. Along with the purchase deed itself (III-5), four related deeds (III-1, III-2, III-3, III-4) were copied or transcribed on Document III. We assume that these related deeds were written down on the document to support the validity of the purchase of the whole house.

### Deed 1 (III-1)

Date: beginning of Rajab 1047/November 1637

No. of lines: 56

Notaries: signature III-S1

signature III-S2

A deed which establishes that a notary Qāsim al-Manjūr (III-a5)<sup>38</sup> purchased the whole house at al-Nayyārīn beside al-Sab‘lūyāt alley from the heirs of his uncle, the merchant ‘Abd al-‘Azīz al-Manjūr (III-a1).

It consists of copies of seven deeds, and at the end includes a testimony on

<sup>34</sup> On the reverse side of this document, two different titles are written down in different places. They were written probably on different occasions, judging from the different types of handwriting. The second title is not clear to read because the ink has worn away.

<sup>35</sup> The place is unknown. It is probably a quarter or an alley near al-Sab‘lūyāt alley.

<sup>36</sup> One of the alleys in central Fès. It is located on the east side of the Qarawīyīn mosque. This alley was probably so named because it had seven (*sab‘*) corners (*lūyāt*). Colin, *Le Dictionnaire Colin d’Arabe dialectal marocain*, s.v. *lūya*. In the document, there are variations the way it is written, with the definite article omitted or separated into two words, as *al-Sab‘ Lūyāt*. In the Description, we have standardized the word as al-Sab‘lūyāt, and, where variations occur, have put the original spelling in parentheses.

<sup>37</sup> There was a famous family of this name in Fès, though its founder, al-Ḥasan b. Ibrāhīm, died in 1098/1687 after the date of this document. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 493.

<sup>38</sup> The Manjūr family was a famous family of Fès. The most prominent of them was the jurist, Aḥmad b. ‘Alī al-Manjūr (d. 995/1587), who had a house in al-Sab‘lūyāt. Another member of this family, the merchant Muḥammad b. ‘Abd al-Wāḥid, also owned a house in this alley along with other properties. We could not however establish a genealogical relationship between them and the persons appearing in this document. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 224.

the collation of copies with the originals and the authorization of the copies' authenticity (*istiqlāl*) by the chief qadī (*qāḍī al-jamā'a*) of Fès (III-Q1) at the beginning of Rajab 1047/November 1637. At the end of Deed 1, a notary 'Alī b. Muḥammad al-Marrī verified the signatures of the deceased notaries on the seven deeds. From the shape of the signature, we may suppose him to be the second notary (III-S2).

Along with the main purchase deed (III-1-3), three related deeds (III-1-1, III-1-2, III-1-5) were drawn up, copied, or transcribed on the original document (Document III-i), on the first occasion of the agreement of Qāsim al-Manjūr to the joint ownership of the house in al-Nayyārīn with his nephew 'Abd al-Qādir (III-a4) on 29 Muḥarram 991/2 February 1583. The other deeds (III-1-4, III-1-6, III-1-7) were drawn up, copied, or transcribed on Document III-i a month after the first drawing up, on the occasion of Qāsim al-Manjūr's purchase of the whole house by preemption (*shuf'a*) in Deed III-1-7 at the beginning of Rabī' I 991/March 1583.

#### Naṣṣ 1 (III-1-1)

Date: 13 Dhū al-Ḥijja 990/18 January 1583

Notaries: Yūsuf al-Mawwāq<sup>39</sup>

Aḥmad b. 'Uthmān

A deed which establishes that Qāsim al-Manjūr (III-a5) purchased the house in al-Nayyārīn beside al-Sab' lūyāt (*al-Sab' Lūyāt*) alley from Fathūn al-Ḥarār (III-a2) and her son 'Alī al-Manjūr (III-a3).

The deed first describes the inheritance of the house after death of the merchant 'Abd al-'Azīz al-Manjūr (III-a1), who was an uncle of Qāsim al-Manjūr. According to it, his property was inherited by 'Abd al-'Azīz's wife Fathūn al-Ḥarār, her son 'Alī, and 'Abd al-Qādir (III-a4), from another wife. Then Qāsim al-Manjūr purchased the house from Fathūn and 'Alī for 1,700 *ūqīya darāhim sikkīya ta'rikh-hi*. He initially paid 642 and a half *ūqīya min al-darhāhim*. The share of 'Abd al-Qādir was sold by way of a *ṣafaqa* sale. It was transcribed on Document III-i, probably on the occasion of the agreement to the joint ownership of the house on 29 Muḥarram 991/2 February 1583.

#### Naṣṣ 2 (III-1-2)

Date: 29 Muḥarram 991/2 February 1583

Notaries: Qāsim b. 'Abd al-Wāḥid al-Mashshāt<sup>40</sup>

no signature for the other notary

A deed which establishes that 'Abd al-Qādir al-Manjūr (III-a4) was under the guardianship (*naẓar*) of Islamic Law (*shar'*), after death of his uncle Muḥammad

<sup>39</sup> Perhaps the father of Aḥmad b. Yūsuf al-Mawwāq (d. 1024/1615–6), who was a descendant of Muḥammad al-Mawwāq (d. 897/1492), the last qadī of Granada and immigrant to Fès. al-Qādirī, *Nashr al-mathānī*, vol. 1, p. 208; Rodríguez Mediano, *Familias de Fez*, pp. 198–200.

<sup>40</sup> Perhaps a son of 'Abd al-Wāḥid al-Mashshāt (II-c2), who appears as a seller in Deed 9 of Document II (II-9), dated 969/1562.

al-Manjūr (III-a6). It was drawn up on Document III-i below Naṣṣ 1, on the occasion of the joint ownership of the house in al-Nayyārīn beside al-Sab' lūyāt alley on 29 Muḥarram 991/2 February 1583.

**Naṣṣ 3 (III-1-3)**

Date: 29 Muḥarram 991/2 February 1583

Notaries: Aḥmad b. 'Uthmān

Muḥammad b. Dāwūd al-Manṣūrī

A deed which establishes that Qāsim al-Manjūr (III-a5) agreed to the joint ownership of the house with his nephew 'Abd al-Qādir al-Manjūr (III-a4).

The deed first says that Qāsim requested the chief qadi (*qāḍī al-jamā'a*) of Fès, 'Abd al-Wāḥid b. Aḥmad al-Ḥumaydī,<sup>41</sup> as the guardian of 'Abd al-Qādir to accomplish his *ṣafaqa* sale for the house mentioned in Naṣṣ 1 (III-1-1) or to repurchase the whole house. Because 'Abd al-Qādir did not have enough money to repurchase it and was in danger of losing his living space in the house by a *ṣafaqa* sale, the chief qadi of Fès offered Qāsim joint ownership of the house with 'Abd al-Qādir, and Qāsim acted accordingly.

It was drawn up on Document III-i below Naṣṣ 2 (III-1-2).

**Naṣṣ 4 (III-1-4)**

Date: 1 Rabī' I 991/25 March 1583

Notaries: Muḥammad b. Dāwūd al-Manṣūrī

'Abd al-Qādir al-Ghāzī

A deed which establishes that 'Alī al-Manjūr (III-a3) on behalf of himself and his mother Faṭḥūn (III-a2), received the rest of payment, as related in Naṣṣ 1 (III-1-1), from the purchaser Qāsim al-Manjūr (III-a5).

It was drawn up on the margin of the original document (Document III-i).

**Naṣṣ 5 (III-1-5)**

Date: no date, probably the same date as Naṣṣ 5-1 (5 Ṣafar 991/28 February 1583)

Notaries: 'Abd al-Qādir al-Ghāzī

Muḥammad b. Dāwūd al-Manṣūrī

A deed which establishes the guardianship and financial situation of 'Abd al-Qādir al-Manjūr (III-a4) with confirmation (*thubūt*) by the deputy chief qadi of Fès. It consists of copies of two deeds. It was copied in the margin of Document

<sup>41</sup> A jurist of Fès, who was born in 930/1523–4 and died in 1003/1594. After being engaged in commerce, he was appointed chief qadi of Fès in 970/1562–3 by the Sa'did sultan 'Abd Allāh al-Ghālib and remained in that position until his death. According to al-Yifrānī, he disdained 'Alī al-Manjūr, a prominent scholar of the Manjūr family, because of the family's humble origin. That might have affected his judgement on the deed. Ibn al-Qāḍī, *Durrat al-ḥijāl*, vol. 3, p. 142; al-Yifrānī, *Nuzhat al-ḥādī*, p. 114, 258–260; al-Qādirī, *Nashr al-mathānī*, vol. 1, pp. 44–45; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 2, pp. 68–70; Rodríguez Mediano, *Familias de Fez*, pp. 172–173.

III-i, probably following the establishment of joint ownership of the house on 29 Muḥarram 991/2 February 1583, to complement Naṣṣ 3.

**Naṣṣ 5-1 (III-1-5-1)**

Date: 5 Ṣafar 991/28 February 1583

Witnesses: six non-notary witnesses

Six non-notary witnesses testified that ‘Abd al-Qādir al-Manjūr (III-a4) was under the guardianship (*naẓar*) of Islamic Law (*shar‘*) after the death of his uncle Muḥammad al-Manjūr (III-a6), his former guardian, and that he did not have enough money to repurchase (*yaḍumm*) the whole house if it was to be sold by the *ṣafaqa* sale, as related in Naṣṣ 1 (III-1-1).

**Naṣṣ 5-2 (III-1-5-2)**

Date: the same date as Naṣṣ 5-1 (5 Ṣafar 991/28 February 1583)

Notaries: ‘Abd al-Qādir al-Ghāzī

Muḥammad b. Dāwūd al-Manṣūrī

A deed of confirmation (*thubūt*) of Naṣṣ 5-1 by the deputy chief qadi (*nā‘ib qādī al-jamā‘a*) of Fès, ‘Abd al-‘Azīz b. ‘Alī al-Fīlālī.<sup>42</sup>

**Naṣṣ 6 (III-1-6)**

Date: 4 Rabī‘ I 991/28 March 1583

Notaries: Qāsim b. ‘Abd al-Wāhid al-Mashshāt

‘Alī b. Zidqī

A deed which establishes the maturity of ‘Abd al-Qādir al-Manjūr (III-a4) with confirmation (*thubūt*) by the chief qadi of Fès. It consists of copies of two deeds and includes at the end a testimony on the collation of copies with the originals. It was copied on the reverse of Document III-i in 4 Rabī‘ I 991/28 March 1583, as related in Naṣṣ 5 (III-1-5).

**Naṣṣ 6-1 (III-1-6-1)**

Date: middle of Ṣafar 991/March 1583

Witnesses: eleven non-notary witnesses

Eleven non-notary witnesses testified that ‘Abd al-Qādir al-Manjūr (III-a4) was mature.

**Naṣṣ 6-2 (III-1-6-2)**

Date: the same date as Naṣṣ 6-1 (middle of Ṣafar 991/March 1583)

Notaries: no name of notary

(Two notary signatures were put at the end of Naṣṣ 6 instead, as they also testified on the copying.)

A deed which establishes the maturity (*rushd*) of ‘Abd al-Qādir al-Manjūr (III-a4) with the confirmation of the chief qadi (*qādī al-jamā‘a*) of Fès, ‘Abd

<sup>42</sup> Perhaps ‘Abd al-‘Azīz al-Markanī al-Fīlālī (d. 1014/1605–6), who became the chief qadi of Fès when his predecessor ‘Abd al-Wāhid al-Ḥumaydī died in 1003/1594. al-Qādirī, *Nashr al-mathānī*, vol. 1, p. 135.

al-Wāhid b. Aḥmad al-Ḥumaydī.

It was drawn up on the original document (Document III-iv) below Naṣṣ 6-1.

**Naṣṣ 7 (III-1-7)**

Date: beginning of Rabī' I 991/March 1583

Notaries: Aḥmad b. al-Ḥumaydī

Muḥammad b. Dāwūd al-Manṣūrī

A deed of purchase of the house by Qāsim al-Manjūr (III-a5). The deed says first that Aḥmad al-Fīlālī (III-b1) purchased three eighths and one sixteenth of the house from 'Abd al-Qādir al-Manjūr (III-a4) for 1,050 *ūqīya darāhim ta'rīkh-hi*. However, Qāsim al-Manjūr complained about this purchase by Aḥmad al-Fīlālī, because Qāsim had the right of preemption (*shuf'a*) to this part and hoped to repurchase it. Aḥmad al-Fīlālī then accepted the claim and received payment for the purchase at the same price. As a result, Qāsim had ownership of the whole house.

It was probably drawn up on Document III-i below Naṣṣ 6.

**Deed 2 (III-2)**

Date: 27 Sha'bān 1037/2 May 1628

No. of lines: 25

Notaries: signature III-S3

signature III-S4

A deed of *mukhāraja* partition of inheritance of the properties of the merchant Qāsim al-Manjūr (III-a5) which included the house in al-Nayyārīn beside the gate of al-Sab'lūyāt (*Sab'lūyāt*) alley, one eighth of a flour mill (*arḥā*) in Jazā b. 'Āmir, and land containing an orchard ('*arīṣa*) in Jarwāwa.<sup>43</sup> Among them, the price of the house was 1,200 *ūqīya sikkīya*. These properties were inherited and shared among his wife Farḥūna (III-a7), five children from 'Ā'isha (III-a14), that is, the merchant 'Abd al-Wāhid (III-a8), the merchant Muḥammad (III-a9), the merchant Aḥmad (III-a10), the merchant al-Ṣaghīr (III-a11), and the merchant 'Abd al-Salām (III-a12), and another son 'Abd al-Qādir (III-a13).

The house was inherited and shared half-and-half between 'Abd al-Wāhid on behalf of himself and his two sons, and al-Ṣaghīr by *mukhāraja* partition of inheritance by each paying 600 *ūqīya sikkīya* for each half of the house.

It was afterwards transcribed on Document III, on the occasion of the purchase of the house in al-Nayyārīn at the beginning of Rajab 1047/November 1637.

<sup>43</sup> Both Jazā b. 'Āmir and Jarwāwa are quarters on the Andalus bank of Fès. Though located inside the city wall, they were almost all open space. Roger Le Tourneau, *Fès avant le Protectorat: Étude économique et sociale d'une ville de l'Occident musulman*, Casablanca, 1949, p. 139.

**Deed 3 (III-3)**

Date: 24 Dhū al-Ḥijja 1045/30 May 1636

No. of lines: 9

Notaries: signature III-S3  
signature III-S4

A deed of exchange (*tanāqul*) of properties between the merchant al-Ṣaghīr al-Manjūr (III-a11) and Muḥammad al-Ḥīḥī (III-c1).

The deed first says that al-Ṣaghīr was an agent of himself and his brother ‘Abd al-Wāhid b. Qāsim al-Manjūr (III-a8), who was acting on behalf of himself and his two sons Muḥammad (III-a15) and ‘Abd al-Raḥmān (III-a16). Muḥammad al-Ḥīḥī then transferred a house on the right side out of al-Sab‘lūyāt alley to al-Ṣaghīr for 1,000 *ūqīya sikkīya al-ta’rikh*. On the other hand, al-Ṣaghīr transferred the house in al-Sab‘lūyāt alley which is mentioned in the deeds above (Deed 1 and Deed 2) to Muḥammad al-Ḥīḥī for 715 *ūqīya*. A part of the balance due, that is thirteen *ūqīya sikkīya*, was cleared by offsetting the debt (*dhimma*) owed by al-Ṣaghīr to Muḥammad al-Ḥīḥī, and the rest was cleared by a payment from Muḥammad al-Ḥīḥī to Muḥammad al-Kawhin (III-d1)<sup>44</sup> to offset the debt owed by al-Ṣaghīr to Muḥammad al-Kawhin.

It was afterwards transcribed on Document III, on the occasion of the purchase of the house at the beginning of Rajab 1047/November 1637.

**Deed 4 (III-4)**

Date: end of Dhū al-Ḥijja 1045/ May–June 1636

No. of lines: 5

Notaries: signature III-S4  
signature III-S5

A deed of purchase of half of the house in al-Nayyārīn beside al-Sab‘lūyāt alley by the scholar Mas‘ūd al-Sufyānī (III-e1) from the scholar Muḥammad al-Ḥīḥī (III-c1) for 300 *ūqīya dirham sikkīya*.

It was afterwards transcribed on Document III, on the occasion of the purchase of the house at the beginning of Rajab 1047/November 1637.

**Deed 5 (III-5)**

Date: beginning of Rajab 1047/November 1637

No. of lines: 8

Notaries: signature III-S1  
signature III-S2

A deed of purchase of the other half of the house by the scholar Mas‘ūd al-Sufyānī

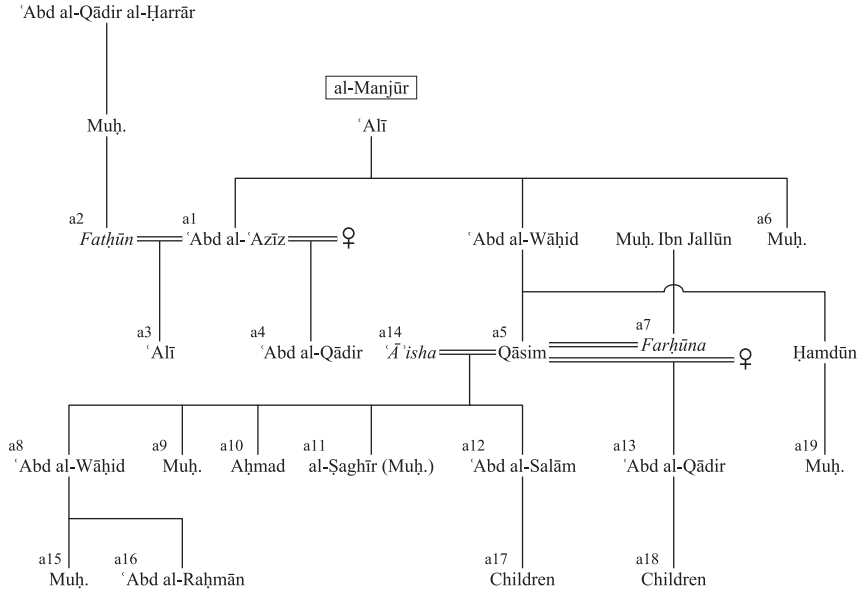
<sup>44</sup> The Kawhin family was an old family of Fès. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, pp. 125–126.

(III-e1) from the scholar Muḥammad al-Ḥīḥī (III-c1) for 450 *ūqīya darāhim ta`rīkhi*. Mas'ūd then obtained ownership of the whole house. We assume this to be the main deed of Document III.

(YOSHIMURA Takenori)



## Families in Document III



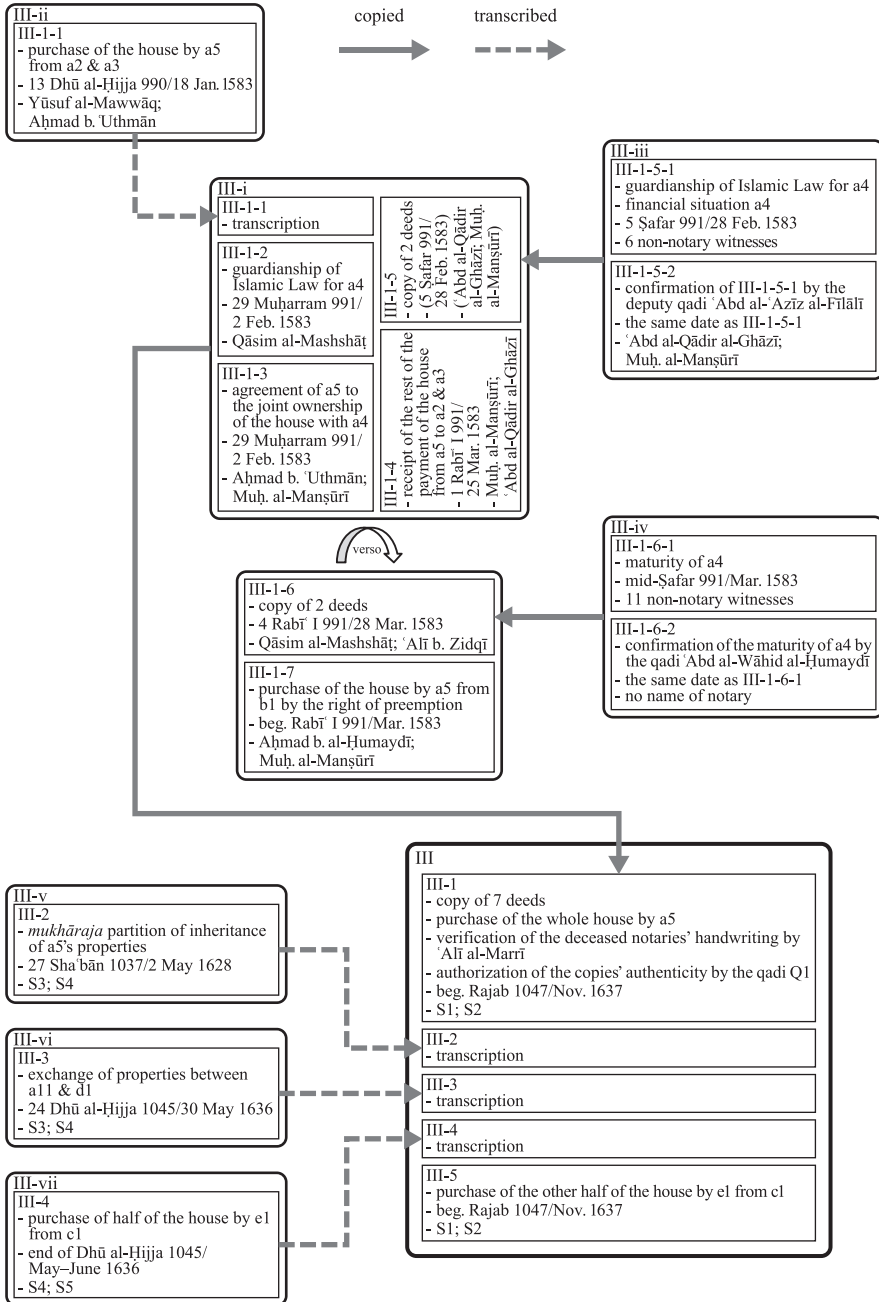
**al-Fīlālī** b1: Aḥmad b. Muḥ.

**al-Ḥīḥī** c1: Muḥ. b. Ibrāhīm

**al-Kawhin** d1: Muḥ. b. Aḥmad

**al-Sufyānī** e1: Mas'ūd. b. Aḥmad

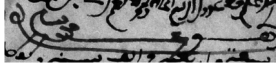
## Chart for Document III



**Signatures of Document III**

III-1

(III-Q1)



(III-S1)



(III-S2)



III-2

(III-S3)

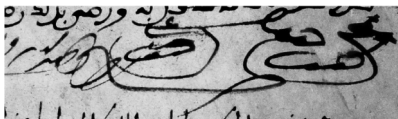


(III-S4)

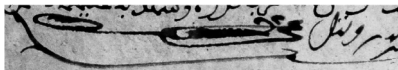


III-3

(III-S3)



(III-S4)



III-4

(III-S4)

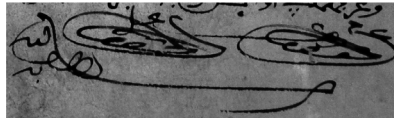


(III-S5)



III-5

(III-S1)



(III-S2)



## Document IV

### General Description

Title: Deed concerning an orchard in al-Ḥabālāt (*Rasm jinān al-Ḥabālāt*), the orchard in Ḥabālāt of Ibn ‘Azuz<sup>45</sup> (*jinān al-Ḥabālāt Ibn ‘Azuz*)

Size: 51×27cm

Number of deeds: 11

Date: 1032–1254/1623–1838

A document drawn up on the occasion of the establishment of the ownership of an orchard in al-Ḥabālāt<sup>46</sup> by ‘Īsā al-Zarārī (IV-c8)<sup>47</sup> in 1063/1652. Along with the establishment deed itself (IV-6), five related deeds (IV-1, IV-2, IV-3, IV-4, IV-5) were transcribed, copied, or drawn up on this document.

The assumed main deed (IV-6) has not, however, been deciphered in full, because some of its lines have faded away. The situation surrounding the document’s being drawn up is not clear to us.<sup>48</sup>

Five deeds (IV-7, IV-8, IV-9, IV-10, IV-11) concerning the ownership of the orchard after the twelfth/eighteenth century were added below. Among them, two deeds (IV-9 and IV-11) were almost the same as the deeds in Document VIII (VIII-14 and VIII-15) and, judging from the description of the location of the orchard in Documents IV and VIII, the orchard in Document IV was located next to the orchard in Document VIII.<sup>49</sup> This indicates that the orchard in Document IV was

<sup>45</sup> On the reverse side of this document, two different titles are written in different places. They were probably written on different occasions, judging from the different types of handwriting. “The orchard in al-Ḥabālāt of Ibn ‘Azuz” means that the orchard had belonged to the family of ‘Abd al-Qādir ‘Azūz (IV-7) or his descendants before this title was written, although the name in the title was written as Ibn ‘Azuz not Ibn ‘Azūz.

<sup>46</sup> al-Ḥabālāt is located outside the city of Fès to the east, near the confluence of the Fès river and the Sebou river. It was famous for its irrigated orchards, some of which were waqf of the Qarawīyīn mosque and some of which were owned by the inhabitants of Fès. Mazzīn, *Fās wa-bādiyat-hā*, p. 431.

<sup>47</sup> The Zarārī family is an old family of Fès, sometimes called Awlād Azrār. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 464.

<sup>48</sup> In Deed 7, ‘Abd al-Qādir Ibn ‘Azūz is mentioned in conjunction with the term *al-madhkūr*, “above-mentioned.” This usually indicates that the name was previously mentioned in the document, but in this case we cannot find any mention of ‘Abd al-Qādir Ibn ‘Azūz before this. This may indicate that there was another document describing the purchase of the orchard by ‘Abd al-Qādir Ibn ‘Azūz that was not copied/transcribed on this document.

<sup>49</sup> The location of the orchard in Document IV as it was in 1032/1623 was described in IV-1 and the location of the orchard in Document VIII as it was in 1143/1731 was described in VIII-3. According to them, the orchard in Document IV was located next to the orchard of ‘Alī Dāwūd, while Document VIII says that “the orchard belonged to al-Shāwī in the

purchased along with the orchard in Document VIII after 1194/1780. The documents were ultimately preserved by the Jurundī family,<sup>50</sup> the final owner of the two orchards.

### Deed 1 (IV-1)

Date: 11 Ramaḍān 1032/9 July 1623

No. of lines: 14

Notaries: signature IV-S1

‘Alī b. Ḥusayn al-Murādī

The handwriting of the deceased notary was verified by two notaries (IV-S2 and IV-S3) when the deed was transcribed.

A deed of purchase of the orchard in al-Ḥabālāt by a merchant Aḥmad b. Muḥammad al-Jammū‘ (IV-b1)<sup>51</sup> from Aḥmad b. ‘Abd al-Wāḥid al-Khaḍār (IV-a2).<sup>52</sup>

The deed first describes the location of the orchard in al-Ḥabālāt, which was land for waqf (*jazā’*) and inheritance after the death of Qāsim al-Khaḍār (IV-a1), the first owner of the house. The inheritors, Aḥmad (IV-a2), Muḥammad (IV-a3), and ‘Alī (IV-a4), the sons of ‘Abd al-Wāḥid, the brother of Qāsim, inherited one third of the orchard each.

The deed then says that Aḥmad al-Jammū‘ (IV-b1) purchased Aḥmad’s (IV-a2) share of the orchard for 200 *ūqīya sikkīya al-ta’rīkh*, although 100 *ūqīya min al-ṣifa* remained unpaid at this time.

In addition, it says the purchaser was acquainted with the conditions relating to the orchard, that it was land for waqf (*jazā’*) and the owner had to donate 10 *ūqīya* every year.

This text was afterwards transcribed on Document IV, probably on the occasion of the establishment of the ownership of the orchard in 1063/1652.<sup>53</sup>

past but was added to ‘Arṣat Dāwūd and united with ‘Arṣat Dāwūd,” which indicates the orchard in Document VIII had been owned by the Dāwūd family at that time. The orchard in Document VIII was contiguous, on the upper side, with the property of Ḥājj Ḥamm al-Majdhūb, while Ḥamm al-Majdhūb (IV-e1) had owned the orchard in Document IV from 1134/1722 until sometime before 1194/1780 (IV-7 and IV-8). It may be supposed that the orchard in Document IV was located below orchard VIII and the two orchards were united when Ḥamm al-Shafshāwinī (IV-g1/VIII-f1) came to own both of them (IV-8 and VIII-13).

<sup>50</sup> A famous family of Fès of Andalusi origin. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, pp. 272–273. Members of this family appear in four of the eight vellum documents (IV, VI, VII, VIII) as the last owner of the properties. It is highly probable that the four documents were kept by this family.

<sup>51</sup> The Jammū‘ family is an old family of Fès. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 304.

<sup>52</sup> The Khaḍār family is an old and rich family of Fès. They were few in number. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 397.

<sup>53</sup> It was noted that the transcription was done after Aḥmad b. Muḥammad al-Jammū‘ (IV-b1) paid the rest of the payment, referring to the deed below (IV-2).

**Deed 2 (IV-2)**

Date: end of Ramaḍān 1032/July 1623

No. of lines: 3

Notaries: signature IV-S1

no signature for the other notary

A deed which establishes the receipt of the payment for the purchase above (IV-1). The seller Aḥmad al-Khaḍār (IV-a2) received the rest of the price for the purchase of his share from the purchaser Aḥmad b. Muḥammad al-Jammūʿ (IV-b1).

This text was afterwards transcribed on Document IV, probably on the occasion of the establishment of the ownership of the orchard in 1063/1652.

**Deed 3 (IV-3)**

Date: end of Dhū al-Ḥijja 1062/November–December 1652

No. of lines: 12

Notaries: signature IV-S2

signature IV-S4

After an additional sentence of amendment was written, the signature of IV-S2 was written again.

A deed which establishes that ʿAlī al-Zarārī (IV-c1) purchased one third of the orchard from Aḥmad b. Muḥammad al-Jammūʿ (IV-b1). It consists of a copy of one deed, and includes at the end a testimony on the collation of the copy with the original and its acceptance (*qubūl*) by the deputy chief qadī (*nāʿib qāḍī al-jamāʿa*) of Fès (IV-Q1).<sup>54</sup> It was copied on Document IV, probably on the occasion of the establishment of the ownership of the orchard in 1063/1652.

**Naṣṣ 1 (IV-3-1)**

Date: 1 Rabīʿ I 1039/19 October 1629

Notaries: ʿAbd al-Mālik al-Markanī  
al-Ḥaḍarī b. ʿAbd al-Ḥalīm

The handwriting of these deceased notaries was verified by two notaries (IV-S2 and IV-S4).

A deed of purchase of one third of the orchard by ʿAlī al-Zarārī (IV-c1) from Aḥmad b. Muḥammad al-Jammūʿ (IV-b1), for one third of 520 *ūqīya*, the price of the whole orchard. In addition, it was related that the purchaser ʿAlī al-Zarārī inspected the orchard and recognized the conditions relating to the waqf, mentioned in Deed 1, and that the sum of the actual payment was 18 *mithqāl*.

<sup>54</sup> We could not identify the name of this deputy chief qadī, though the chief qadī at that time was Muḥammad b. Abī al-Qāsim Ibn Sūda (d. 1076/1666). al-Qādirī, *Nashr al-mathānī*, vol. 2, pp. 150–151.

**Deed 4 (IV-4)**

Date: 28 Rajab 1052/22 October 1642

No. of lines: 14

Notaries: signature IV-S5  
signature IV-S6

A deed of the settlement of a dispute over ownership of the orchard between ‘Umar (IV-c4) and al-Zahrā’ (IV-c5), and their uncle ‘Īsā (IV-c8).

The deed first describes the inheritance of the orchard in al-Ḥabālāt after death of al-Nāṣir ‘Alī al-Zarārī (IV-c1). According to it, his property was inherited by his two wives al-Zahrā’ the daughter of Muḥammad (IV-c2) and al-Zahrā’ the daughter of ‘Umar (IV-c3), and his children ‘Umar (IV-c4), al-Zahrā’ (IV-c5), Fāṭima al-Kubrā (IV-c6), and Fāṭima al-Ṣuḡhrā (IV-c7). ‘Alī’s brother ‘Īsā was entrusted with Fāṭima al-Ṣuḡhrā’s guardianship (*naẓar*).

Later, ‘Umar and al-Zahrā’ sued their uncle ‘Īsā, saying that the purchased property had been under the joint ownership of their father al-Nāṣir ‘Alī and their uncle ‘Īsā, but that ‘Īsā denied their statement.

They finally reached an amicable settlement on the condition that ‘Īsā paid them 210 *ūqīya* and handed over a piece of another orchard in al-Ḥabālāt; he was then confirmed in his ownership of one third of the orchard.

This deed was afterwards transcribed on Document IV, probably on the occasion of the establishment of the ownership of the orchard in 1063/1652.

**Deed 5 (IV-5)**

Date: 20 Muḥarram 1063/21 December 1652

No. of lines: 5

Notaries: signature IV-S7  
signature IV-S2

A deed of confirmation of the ownership of the orchard by ‘Īsā (IV-c8).

The deed first describes the inheritance of the orchard in al-Ḥabālāt after the death of ‘Alī b. ‘Umar al-Zarārī (IV-c1). According to it, his property was inherited by his wife Fāṭima bint Mūsā al-Filālī al-Zarārī (IV-c10), Fāṭima al-Ṣuḡhrā (IV-c7),<sup>55</sup> and ‘Īsā. Then, by *mukhāraja* partition of the inheritance, ‘Īsā obtained ownership of one third of the orchard.

At this time, ‘Umar (IV-c4) demanded a settlement with Fāṭima bint Mūsā and Fāṭima al-Ṣuḡhrā and the two agreed to it. It states that the share of Fāṭima bint Mūsā and Fāṭima al-Ṣuḡhrā went to ‘Īsā by *mukhāraja* partition of the inheritance.

<sup>55</sup> In the text of IV-5, she was mentioned as “Fāṭima called Yaṭṭ.” She should be identical to Fāṭima al-Ṣuḡhrā (IV-c7), judging from her relationship with ‘Īsā.

**Deed 6 (IV-6)**

Date: 20? Muḥarram 1063/21? December 1652

No. of lines: 3

Notaries: signature IV-S8  
signature IV-S2

A deed which establishes the ownership of the orchard.

The content of this deed and the reason for writing it down are not clear because it is difficult to decipher a large part of the text. It mentions that one third of the orchard belonged to 'Īsā (IV-c8) and that some settlement was made.

**Deed 7 (IV-7)**

Date: end of Dhū al-Ḥijja 1134/October 1722

No. of lines: 3

Notaries: signature IV-S9  
signature IV-S10

A deed which establishes, according to the other deed, the purchase of the orchard by Ḥamm al-Majdhūb (IV-e1)<sup>56</sup> from the inheritors of 'Abd al-Qādir Ibn 'Azūz (IV-d1).<sup>57</sup>

**Deed 8 (IV-8)**

Date: 20 Rajab 1194/22 July 1780

No. of lines: 4

Notaries: signature IV-S11  
signature IV-S12

A deed which establishes, according to the other deed, the purchase of the orchard by Ḥamm al-Shafshāwinī al-'Alamī (IV-g1)<sup>58</sup> from the inheritors of 'Abd al-Salām Ibn Ḥadd al-Lamṭī (IV-f1).<sup>59</sup>

The deed first describes the transfer of the ownership of the orchard to 'Abd

<sup>56</sup> We could not identify this person. The term *majdhūb* means a person “drawn by divine attraction” and is often applied to a kind of Sufi saint who abandoned himself. The most famous person of this kind in Morocco is 'Abd al-Rahmān al-Majdhūb (d. 976/1568). cf. *Encyclopaedia of Islam*, new edition, “MADJDHŪB.”

<sup>57</sup> Ibn 'Azūz was a notable family of Fès of Andalusī origin. 'Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, p. 32.

<sup>58</sup> A member of a sharif family, whose ancestor Aḥmad b. Yaḥyā (d. 1001/1592–3) came to Fès from Chefchaouen. The name al-'Alamī derives from Mount 'Alam near Chefchaouen which is known as the abode of Idrisid sharifs. al-Qādirī, *Nashr al-mathānī*, vol. 1, p. 33; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 3, pp. 314–315; H. Beck, *L'Image d'Idrīs II, ses descendants de Fās et la politique sharīfienne des sultan marīnides (656–869/1258–1465)*, Leiden, 1989, pp. 218–219.

<sup>59</sup> Ibn Ḥadd al-Lamṭī was an old family of Fès of Berber origin. 'Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, pp. 350–351.



al-Salām al-Lamṭī. Ḥamm al-Shafshāwinī al-‘Alamī then purchased the orchard from the inheritors of ‘Abd al-Salām al-Lamṭī after his death.

**Deed 9 (IV-9)**

Date: beginning of Rajab 1224/August 1809

No. of lines: 4

Notaries: signature IV-S13

signature IV-S14

A deed which establishes, according to the other deed, the purchase of the orchard by Muḥammad b. ‘Abd al-Raḥmān Ibn Mūsā (IV-h1)<sup>60</sup> from the inheritors of Ḥamm al-Shafshāwinī al-‘Alamī (IV-g1).

The purchaser, the sellers, the date, and the signatures of this deed are identical with VIII-14. It may be supposed that the two deeds refer to the same purchase.

**Deed 10 (IV-10)**

Date: 19 Ṣafār 1249/8 July 1833

No. of lines: 7

Notaries: signature IV-S15

signature IV-S16

After the two signatures, the amendments were added, followed again by the signatures IV-S20 and IV-S21.

A deed which establishes the purchase of the orchard by Muḥammad Ibn Mūsā (IV-h4) from Faḍīla (IV-h2) and Ṭāmū (IV-h3).

The deed first describes the inheritance of the orchard from Muḥammad Ibn Mūsā (IV-h1) by his daughters Faḍīla and Ṭāmū according to the other deed. Their brother Muḥammad then purchased the orchard from them.

**Deed 11 (IV-11)**

Date: middle of Muḥarram 1254/April 1838

No. of lines: 6

Notaries: signature IV-S17

signature IV-S18

A deed which establishes, according to the other deed, the purchase of the orchard by Muḥammad al-Jurundī (IV-i1).<sup>61</sup>

<sup>60</sup> Ibn Mūsā was a family of Fès with many branches. We could not identify this person in any of the branches. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, p. 234.

<sup>61</sup> He appears in Document VI as the final owner of the property (VI-b11). Though we do not have information on himself, he had four sons and two of them were still alive at the time of the author of *Zahr al-ās* (beginning of the twentieth century). ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 273.

The purchaser, the sellers, the date, and the signatures of this deed are identical with VIII-15. It may be supposed that the two deeds refer to the same purchase.

(KAMEYA Manabu)

## Families in Document IV

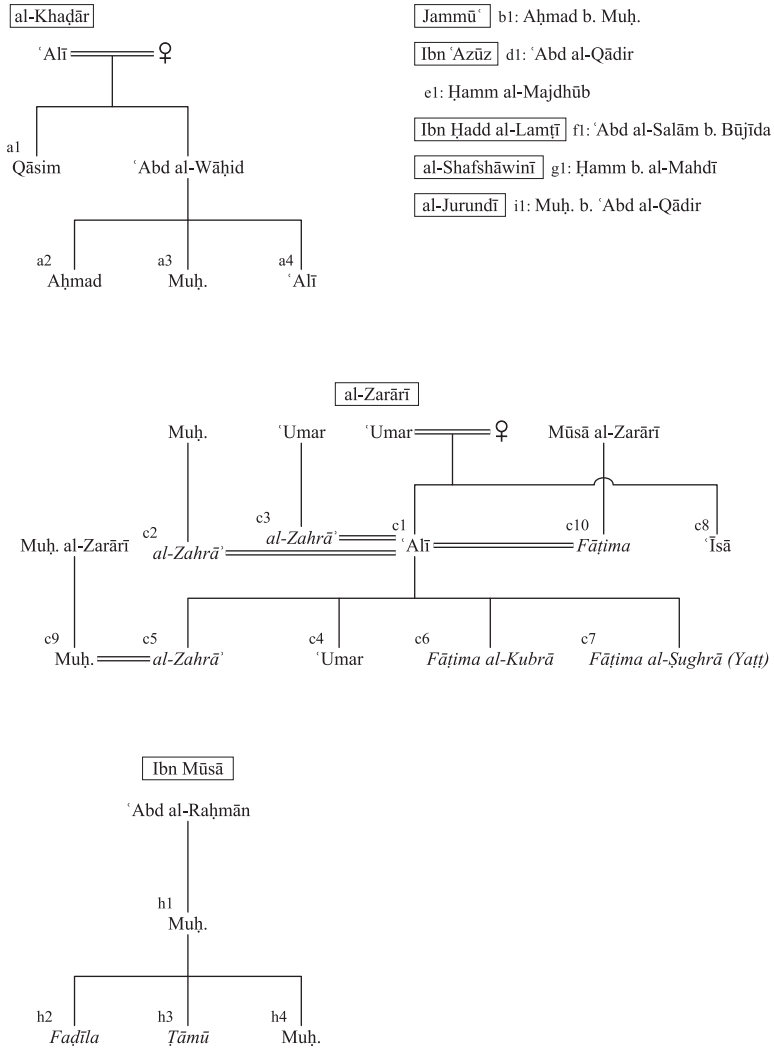
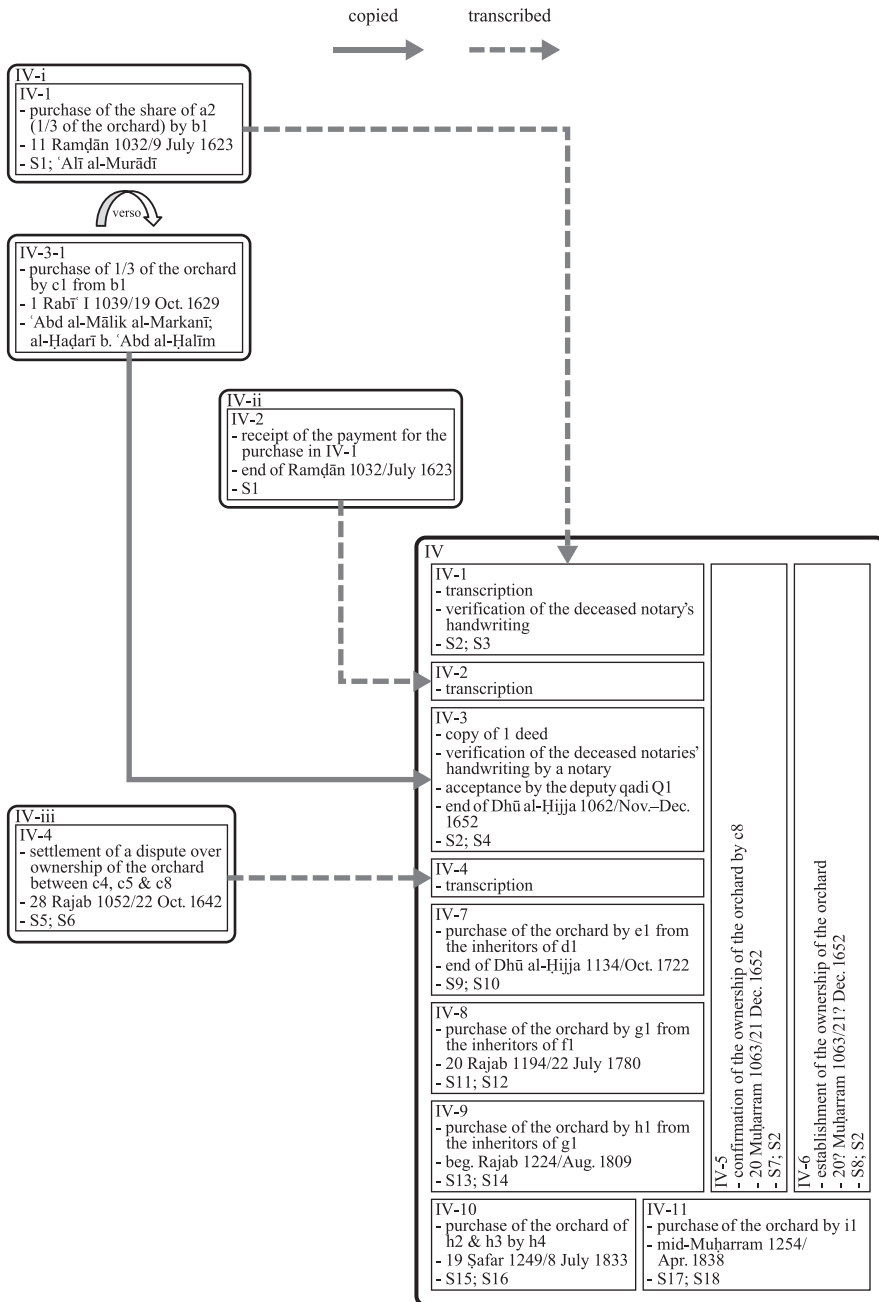


Chart for Document IV

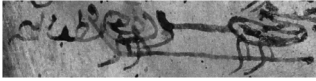


**Signatures of Document IV**

IV-1  
(IV-S1)



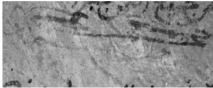
(IV-S2)



(IV-S3)



IV-2  
(IV-S1)



IV-3  
(IV-Q1)



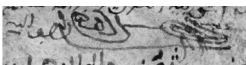
(IV-S2)



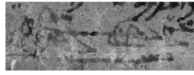
(IV-S4)



(IV-S2)



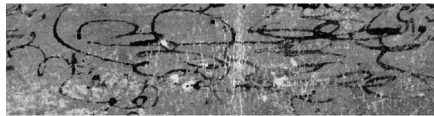
IV-4  
(IV-S5)



(IV-S6)



IV-5  
(IV-S7)



(IV-S2)



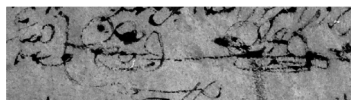
IV-6  
(IV-S8)



(IV-S2)



IV-7  
(IV-S9)



(IV-S10)



IV-11

(IV-S17)



IV-8

(IV-S11)



(IV-S18)



(IV-S12)

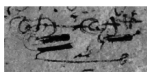


IV-9

(IV-S13)



(IV-S14)



IV-10

(IV-S15)



(IV-S16)



(IV-S15)



(IV-S16)



## Document V

### General Description

Title: Contract of an oil press factory (‘*Aqd al-ma‘šar*)

Size: 74×59cm

Number of deeds: 15

Date: 1080–1134/1670–1722

A document drawn up on the occasion of the purchase of a deserted house and an adjacent lot inside the Jīsa gate in Fès,<sup>62</sup> by a merchant Muḥammad al-Salawī (V-d1)<sup>63</sup> from ‘Abd al-Salām Ibn Kīrān (V-b1)<sup>64</sup> in 1121/1709. Along with the purchase deed itself (V-5), four related deeds (V-1, V-2, V-3, V-4) were drawn up or copied/transcribed on Document V. As these five deeds are certified by the same notary (V-S1), we assume that they were probably written and copied at the same time in 1121/1709. Deed 6 relates that Muḥammad Ibn Ma‘n (V-e1)<sup>65</sup> purchased a deserted house from Muḥammad al-Salawī in 1121/1709, and the successive eight deeds (V-7 to V-15) describe the transfers of ownership for the oil press factory that was newly erected there. Finally, Āmina bint Aḥmad of the Lamī family (V-a27) purchased it from Muḥammad al-Yamanī (V-f1)<sup>66</sup> and his son in 1134/1722 (V-15). The successive nine deeds (V-6 to V-15) were all testified to by the same two notaries (V-S5 and V-S6) except Deed 14 where the signatures of the notaries are unclear and cannot be identified. Document V was to be prepared first by the Salawī family and then probably given to the purchasers.

<sup>62</sup> Bāb al-Jīsa. One of the principal gates of Fès, located in the north on the Qarawīyīn bank. At the beginning of the twentieth century, there were many oil press factories around this gate, where olives arrived from orchards located in the region north of Fès. When we visited there in 2014, however, we could not find any oil factories. Le Tourneau, *Fès avant le Protectorat*, pp. 123, 328–329.

<sup>63</sup> The Salawī (Salāwī) family was a notable family of Fès, renowned for their wealth. The family had several branches. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, pp. 499–501.

<sup>64</sup> The Ibn Kīrān family was also a notable family of Fès with many branches. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, pp. 127–132.

<sup>65</sup> A Sufī scholar of Fès, who died in 1134/1722. His father Aḥmad and grandfather Muḥammad were also well-known Sufī scholars and he himself managed the zawiya of his father and grandfather. He was renowned for his piety and it is said that he gave almost all his income to charity. al-Qādirī, *Nashr al-mathānī*, vol. 3, pp. 260–261; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 3, pp. 333–334.

<sup>66</sup> Though we do not have information on him, his father Aḥmad was a well-known Sufī scholar of Fès, who died in 1113/1701. The father Aḥmad seems to have been a friend of Aḥmad Ma‘n, as the latter built a dome on the former’s tomb. That might indicate the close relationship between the two Sufī-scholar families. al-Qādirī, *Nashr al-mathānī*, vol. 3, pp. 121–131; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 3, pp. 377–381.

**Deed 1 (V-1)**

Date: middle of Muḥarram 1121/March–April 1709

No. of lines: 40

Notaries: signature V-S1

signature V-S2

A deed on the transfer of ownership for the deserted house (*kharaba*), the irrigation house (*bayt al-arwā*),<sup>67</sup> and the lots of land (*marāji*). They first belonged to the Lamṭī family and finally moved to ‘Abd al-Salām Ibn Kīrān (V-b1), and were shared by ‘Abd Allāh (V-a5) of the Lamṭī family.

It consists of copies of ten deeds that were drawn up on the two sides of the original document (Document V-i). The six deeds on one side of Document V-i were drawn up on the occasion of the purchase mentioned in Naṣṣ 3 (V-1-3) and Naṣṣ 6 (V-1-6) on 22 Rajab 1096/24 June 1685, testified by the same notaries, together with two deeds (Naṣṣ 7 and Naṣṣ 8) to prove the qualification of the testamentary guardian and the custodian whose names appeared on the sale document. The other two deeds drawn up on the reverse describe the purchase of the same house in 1097/1686.

At the end of Deed 1, a notary, Muḥammad Bannānī, testified concerning the handwriting of the deceased notaries written on the ten deeds, and the chief qadi of Fès (V-Q1) accepted (*qubūl*) the testimony on the collation of the copy with the original, in the middle of Muḥarram in 1121/1709.

It was transcribed afterwards on Document V, probably on the occasion of the sale of the deserted house in Deed 5, in order to prove the qualification of ‘Abd al-Salām Ibn Kīrān as the seller.

**Naṣṣ 1 (V-1-1)**

Date: 23 Rajab 1096/25 June 1685

Notaries: Aḥmad b. al-‘Arabī al-Shafshāwinī

Muḥammad b. Muḥammad Mayyāra<sup>68</sup>

A deed in which eleven non-notary witnesses testified concerning the deserted house (*kharaba*) inside the Jīsa gate. It was the private property of three sons of ‘Abd Allāh b. ‘Abd al-Raḥmān al-Lamṭī (V-a1), Aḥmad (V-a2), ‘Abd al-Raḥmān al-Janāwī (Ganāwī) (V-a3), and ‘Abd Allāh (V-a4) till their death. It was first testified by eleven witnesses and confirmed (*thubūt*) by the chief qadi of Fès Muḥammad al-‘Arabī b. Aḥmad Burdulla.<sup>69</sup>

<sup>67</sup> It seems to be a building for supplying water, considering the trilateral roots [RWY] of Arabic.

<sup>68</sup> He might be the same person as a jurist Muḥammad b. Aḥmad b. Muḥammad Mayyāra, who died in 1144/1731, or one of his kinsmen. al-Qādirī, *Nashr al-mathānī*, vol. 3, pp. 353–354; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 1, pp. 180–181.

<sup>69</sup> A chief qadi, mufti, and preacher (*khaṭīb*) of the Qarawīyīn mosque in Fès (1042–1133/1632–1721). Since his first appointment as qadi by the ‘Alawid sultan Ismā‘īl in



**Naṣṣ 2 (V-1-2)**

Date: 18 Jumādā II 1089/7 August 1678

Notaries: Aḥmad b. al-‘Arabī b. al-Ḥājj

Idrīs b. Abī Ṭālib al-Sharīf

The handwriting of the second deceased notary was verified by two notaries, Aḥmad b. al-‘Arabī al-Shafshāwinī and Muḥammad b. Muḥammad Mayyāra, when it was transcribed.

A deed of testament in which the above-mentioned Aḥmad (V-a2) made a will that his son ‘Abd Allāh al-Lamṭī (V-a5) should be the testamentary guardian for his other children, Ṭāhir (V-a6), Ḥamm (V-a7), al-‘Arabī (V-a8), and Nūna (V-a27), and that their mother Fāṭima (V-a9) should take the role of overseer (*ishrāf*) of this guardianship even when Aḥmad died. It was originally testified in Document V-ii and transcribed on Document V-i below Naṣṣ 1 at the end of Rajab 1096/June–July 1685 on the occasion of the sale mentioned in Naṣṣ 3 to prove the qualification of ‘Abd Allāh al-Lamṭī as the guardian.

**Naṣṣ 3 (V-1-3)**

Date: 22 Rajab 1096/24 June 1685

Notaries: Aḥmad b. al-‘Arabī al-Shafshāwinī

Muḥammad b. Muḥammad Mayyāra

A deed of purchase for the three properties by the merchant ‘Abd al-Salām Ibn Kīrān (V-b1) from ‘Abd Allāh b. Aḥmad (V-a5).

The deed first describes the inheritance of the properties under the joint ownership of the three brothers Aḥmad (V-a2), ‘Abd al-Raḥmān (V-a3), and ‘Abd Allāh al-Lamṭī (V-a4) mentioned in Naṣṣ 1; these were the deserted house, usufruct (*zīna*)<sup>70</sup> of the irrigation house (*bayt al-arwā*) at the Zuḥūl wadī<sup>71</sup> near the oil press factory, and a two-thirds usufruct of the three lots of land (*marāji*) at Khandaq al-Surrāq. The three properties were inherited by their descendants and relatives after their deaths.

‘Abd al-Salām Ibn Kīrān then purchased the above-mentioned properties from ‘Abd Allāh b. Aḥmad, who sold them on behalf of his brothers and sisters as their guardian and of the joint owners by way of a *ṣafaqa* sale. The prices were 350 *ūqīya darāhim qadīma rub ‘ūqīya fī kull thamāniya* for the deserted

1088/1677–8, he was repeatedly dismissed and reappointed to the position, until his final dismissal in 1119/1707. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, pp. 127–129; Ibn Zaydān, *al-Manza ‘al-laṭīf fī mafākhīr al-Mawlā Ismā‘īl b. al-Sharīf*, ed. ‘Abd al-Ḥādī al-Tāzī, Casablanca, 1993, p. 219; al-Qādirī, *Nashr al-mathānī*, vol. 3, p. 247.

<sup>70</sup> A right of usufruct on an immovable property belonging to the state or waqf. This right is based on the improvements to the property by the tenant. Colin, *Le Dictionnaire Colin d’arabe dialectal marocain*, s.v. *zīna*.

<sup>71</sup> Also called al-Zuhūn. A river which runs through the Qarawīyīn bank of Fès from the south-west to the north-east. At present, it flows underground.

house, 145 *ūqīya darāhim min al-ṣifa* for the irrigation house, and 100 *ūqīya min al-ṣifa* for the lots.

It was drawn up on Document V-i below Naṣṣ 2.

**Naṣṣ 4 (V-1-4)**

Date: the same date as Naṣṣ 3 (22 Rajab 1096/24 June 1685)

Notaries: Aḥmad b. al-‘Arabī al-Shafshāwinī

Muḥammad b. Muḥammad Mayyāra

A deed which establishes the sale mentioned in Naṣṣ 3.

The deed first relates that thirteen non-notary witnesses testified that the five<sup>72</sup> children (V-a20, a21, a23, a24, a25) of ‘Abd al-Raḥmān al-Janāwī (V-a3) had no money to repurchase the whole by the *ṣafaqa* sale or to preempt them when they were sold.

Fāṭima bint ‘Abd Allāh al-Ghāzī (V-a19), ‘Abd al-Raḥmān al-Janāwī’s wife, mother of the children, and their guardian mentioned in the right margin (V-1-7), then agreed to the sale mentioned in Naṣṣ 3, and ratified (*amḏā*) the *ṣafaqa* sale in the presence of Muḥammad Muḥṭān, representative (‘*arīf*)<sup>73</sup> of the qadi’s office and deputy (*nā’ib*) for the orphans under her guardianship because of the death of the overseer (*mushrif*) which was mentioned in the right margin (V-1-7). This was communicated to the chief qadi of Fès, Muḥammad al-‘Arabī b. Aḥmad Burdulla, and he agreed to the sale and confirmed (*thubūt*) it. It must have been drawn up on Document V-i below Naṣṣ 3 at the same time as Naṣṣ 3.

**Naṣṣ 5 (V-1-5)**

Date: the same date as Naṣṣ 3 (22 Rajab 1096/24 June 1685)

Notaries: Aḥmad b. al-‘Arabī al-Shafshāwinī

Muḥammad b. Muḥammad Mayyāra

A deed of ratification for the *ṣafaqa* sale mentioned in Naṣṣ 3. ‘Ā’isha bint ‘Abd Allāh al-Ghāzī (V-a10), wife of ‘Abd Allāh (V-a4), agreed to the above-mentioned sale, on behalf of her children (V-a16, a17, a-28)<sup>74</sup> under her custody (*ḥaḏāna*), mentioned in the right margin (V-1-8), and ratified the *ṣafaqa* sale. It was drawn up on Document V-i below Naṣṣ 4 at the same time as Naṣṣ 3.

**Naṣṣ 6 (V-1-6)**

Date: the same date as Naṣṣ 3 (22 Rajab 1096/24 June 1685)

Notaries: Aḥmad b. al-‘Arabī al-Shafshāwinī

Muḥammad b. Muḥammad Mayyāra

A deed of purchase of the properties described in Naṣṣ 3.

<sup>72</sup> The text says four, but the names of five children are written down. The father’s nickname is written here as al-Janāwī, instead of al-Ganāwī with three dotted *jīm*.

<sup>73</sup> *Encyclopaedia of Islam*, new edition, “‘ARĪF.”

<sup>74</sup> They inherited the inheritance of the other children of ‘Abd Allāh (V-a4) after their deaths, as described in Naṣṣ 3 (V-1-3).

The deed says that the above-mentioned purchaser (‘Abd al-Salām Ibn Kīrān, V-b1) purchased the usufruct of the irrigation house, two thirds of the usufruct of the lots, and a quarter of the deserted house on behalf of Aḥmad b. ‘Alī b. ‘Abd al-Raḥmān (V-c1) from the seller (‘Abd Allāh, V-a5). They (V-b1 and V-c1) divided the house between them so that Aḥmad owned a quarter and ‘Abd al-Salām owned three quarters. They constructed a wall between the two lots at the expense of the latter. It was drawn up on Document V-i below Naṣṣ 5 at the same time as Naṣṣ 3.

**Naṣṣ 7 (V-1-7)**

Date: 12 Dhū al-Ḥijja 1080/3 May 1670

Notaries: Aḥmad b. al-‘Arabī al-Shafshāwīnī

‘Abd al-Raḥmān al-Ghāzī

A deed of testament by ‘Abd al-Raḥmān al-Janāwī (V-a3) in which he appointed his wife Fāṭima al-Ghāzī (V-a19) as testamentary guardian (*waṣī*) for his children (V-a20, a21, a23, a24, a29, a30, a31), with the jurist ‘Abd al-Salām b. ‘Abd al-Raḥmān b. Jalāl as overseer. It was transcribed later in the right margin (*turra*) of Document V-i, relating to Naṣṣ 4 (V-1-4).

**Naṣṣ 8 (V-1-8)**

Date: middle of Shawwāl 1096/September 1685

Notaries: Aḥmad b. al-‘Arabī al-Shafshāwīnī

Muḥammad b. Muḥammad Mayyāra

A deed which establish the custody of ‘Ā’isha al-Ghāzī (V-a10), with confirmation (*thubūt*) by the chief qadi of Fès. It consists of copies of two deeds, and includes at the end a testimony on the collation of copies with the originals. It was copied in the margin of Document V-i in the middle of Shawwāl 1096/September 1685, relating to Naṣṣ 5 (V-1-5).

**Naṣṣ 1 (V-1-8-1)**

Date: 7 Shawwāl 1096/6 September 1685

Witnesses: twelve non-notary witnesses

Twelve non-notary witnesses testified that ‘Ā’isha al-Ghāzī was the custodian (*ḥāḍina*) for her two children (V-a16 and V-a17) and her son-in-law (V-a28).

**Naṣṣ 2 (V-1-8-2)**

Date: the same day as Naṣṣ 1 (7 Shawwāl 1096/6 September 1685)

Notaries: no name of notary

(Two notary signatures were put at the end of Naṣṣ 8 instead, as they also testified on the copying.)

A deed of confirmation (*thubūt*) of Naṣṣ 1 by the chief qadi of Fès, Muḥammad al-‘Arabī b. Aḥmad Burdulla.

**Naṣṣ 9 (V-1-9)**

Date: middle of Jumādā I 1097/April 1686

Notaries: Aḥmad b. al-‘Arabī al-Shafshāwīnī

‘Abd al-Raḥmān b. al-‘Arabī al-Shafshāwīnī

A deed of purchase for the deserted house by ‘Abd al-Salām Ibn Kīrān (V-b1) from Aḥmad b. ‘Alī b. ‘Abd al-Raḥmān (V-c1). The deed first says that the quarter of the house sold mentioned in the document on the reverse side (Naṣṣ 6, V-1-6) was equally divided between Aḥmad and the son of his uncle ‘Abd Allāh b. Aḥmad (V-a5).<sup>75</sup> ‘Abd al-Salām Ibn Kīrān then purchased one eighth of the house from Aḥmad at a price of 70 *ūqīya darāhim qadīma rub ‘ūqīya fī kull thamānīya*. It was written down on the reverse of Document V-i.

**Naṣṣ 10 (V-1-10)**

Date: 22 Jumādā I 1097/16 April 1686

Notaries: Aḥmad b. al-‘Arabī al-Shafshāwīnī

‘Abd al-Raḥmān b. al-‘Arabī al-Shafshāwīnī

A deed which establishes that ‘Abd Allāh b. Aḥmad (V-a5) gave up his preemption right to the above-mentioned sale and agreed to the joint ownership of the deserted house with ‘Abd al-Salām Ibn Kīrān (V-b1). It was written down on Document V-i below Naṣṣ 9.

**Deed 2 (V-2)**

Date: 23 Muḥarram 1115/8 June 1703

No. of lines: 5

Notaries: signature V-S1

signature V-S3

A deed of purchase for the deserted house by ‘Abd al-Salām Ibn Kīrān (V-b1) from the inheritors of ‘Abd Allāh b. Aḥmad b. ‘Abd al-Raḥmān al-Lamṭī (V-a5). The deed first relates that ‘Abd Allāh al-Lamṭī owned one eighth of the deserted house, sharing with ‘Abd al-Salām who had seven eighths of the whole, and it was inherited by ‘Abd Allāh’s wife Ṣafīya (V-a21), their children (V-a32, a33, a34), and his brothers and sisters (V-a7, a8, a27) as agnates (*‘uṣab* > *aṣaba*) after his death. ‘Abd al-Salām purchased it from the three agnates and Ṣafīya, on behalf of herself and her daughters, at a price of 100 *ūqīya darāhim qadīma*. It was written down on the reverse of Document V-i below Naṣṣ 10 of Deed 1 (V-1-10), and was transcribed on Document V, probably on the occasion of the sale of the deserted house in Deed 5.

<sup>75</sup> His name should be written ‘Abd Allāh b. Aḥmad b. ‘Abd al-Raḥmān, because his grandfather or ancestor was the same as that of Aḥmad b. ‘Alī b. ‘Abd al-Raḥmān (V-c1). The following deed (V-2) says that ‘Abd Allāh b. Aḥmad b. ‘Abd al-Raḥmān al-Lamṭī (V-a5) owned one eighth of the deserted house and sold it to its sharer ‘Abd al-Salām Ibn Kīrān, while the text of Naṣṣ 9 says “‘Abd Allāh b. Aḥmad mentioned on the reverse” of the original deed (V-i). Therefore we assume that this ‘Abd Allāh b. Aḥmad must be identical with ‘Abd Allāh b. Aḥmad b. ‘Abd al-Raḥmān al-Lamṭī (V-a5) who appeared in the former deeds as the owner and seller of the deserted house.

A memo (V-2-appendix) was written in the right margin describing how the price of 100 *ūqīya darāhim* was divided among the inheritors of ‘Abd Allāh (V- a7, a8, a21, a27, a32, a33).

### Deed 3 (V-3)

Date: middle of Muḥarram 1121/March–April 1709

No. of lines: 3

Notaries: signature V-S1

signature V-S2

A deed that establishes the assessment of the lot of land (*buq‘a*) by two experts with confirmation (*thubūt*) by Muḥammad al-‘Arabī Burdulla (probably the chief qadi of Fès mentioned in V-1-1 and V-1-4). It consists of copies of two deeds, and includes at the end a testimony on the collation of the copies with the originals. It was copied on Document V in Muḥarram 1121/1709, on the occasion of the sale of the oil press factory mentioned in Deed 5.

#### Naṣṣ 1 (V-3-1)

Date: 1 Dhū al-Qa‘da 1116/25 February 1706

Witnesses: Muḥammad b. al-Awdab

Muḥammad b. ‘Abd al-Raḥmān

A deed of testimony about the assessment of the land by two witnesses with expertise called master (*mu‘allim*). They went to the lot (*buq‘a*) facing Sīdī al-Ghassāl and the watering place (*siqāya*) at the Jīsa gate,<sup>76</sup> and testified that they had assessed it at 60 *ūqīya qadīma*.

#### Naṣṣ 2 (V-3-2)

Date: the same day as Naṣṣ 1 (1 Dhū al-Qa‘da 1116/25 February 1706)

Notaries: no name of notary

(Two notary signatures were put at the end of Deed 3 instead, as they also testified on the copying.)

A deed of confirmation (*thubūt*) by Muḥammad al-‘Arabī b. Aḥmad Burdulla. It was drawn up below Naṣṣ 1.

### Deed 4 (V-4)

Date: beginning of Dhū al-Qa‘da 1116/February–March 1706

No. of lines: 4

Notaries: signature V-S4

al-‘Arabī b. ‘Alī al-Runda

The handwriting of the deceased notary was verified by two notaries

<sup>76</sup> A watering place between the Jīsa gate and the Bāb al-Jīsa mosque. Sīdī al-Ghassāl is a saint buried in a graveyard in front of the Bāb al-Jīsa mosque. Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 3, p. 420.

(V-S1 and V-S2) when the deed was transcribed.

A deed of purchase of the lot mentioned in Deed 3 by ‘Abd al-Salām Ibn Kīrān (V-b1). The lot was incorporated into the Muslims’ treasury (*māl al-muslimīn*) because it had no owner. ‘Abd al-Salām bought it at a price of 60 *ūqīya darāhim qadīma* from the scholar ‘Abd Allāh al-Shāwī, who was the deputy of the controller of escheats (*nāzir al-mawārīth*) Abū ‘Alī b. ‘Abd al-Khāliq al-Rūsī.<sup>77</sup> It was authorized (*tafwīd*) by the sultan Ismā‘īl. It was transcribed on Document V in the middle of Muḥarram 1121/1709.

#### **Deed 5 (V-5)**

Date: 6 Muḥarram 1121/18 March 1709

No. of lines: 4

Notaries: signature V-S1  
signature V-S2

A deed of purchase of the deserted house and the lot (*buq‘a*) adjacent to it mentioned in the deeds above by the merchant Muḥammad b. al-‘Arabī al-Salawī (V-d1). He purchased them from the merchant ‘Abd al-Salām Ibn Kīrān (V-b1) at a price of 650 *ūqīya darāhim qadīma*, offsetting a debt owed by the seller.

The five successive deeds (V-1 to V-5) were drawn up or copied/transcribed on Document V in the same month of the same year (Muḥarram 1121) except Deed 2 in 1115. The notary (V-S1) put his signature to all the deeds (V-S2 is also common to four deeds, V-1 and V-3 to V-5). Deed 5 was the main deed of Document V at the time of its first preparation. We assume that the deeds were drawn up or copied/transcribed on the occasion of the purchase of the deserted house and the adjacent lot by Muḥammad al-Salawī from ‘Abd al-Salām Ibn Kīrān, to prove the latter’s ownership through the deeds relating to them.

#### **Deed 6 (V-6)**

Date: beginning of Ramaḍān 1121/November 1709

No. of lines: 5

Notaries: signature V-S5  
signature V-S6

A deed of purchase of the above-mentioned deserted house and four shops near its entrance by Muḥammad b. Aḥmad b. ‘Abd Allāh Ma‘n (V-e1). He purchased them

<sup>77</sup> A governor (*wālī*) of Fès who was appointed in 1115/1703. His grandfather ‘Abd Allāh was a favorite general of the ‘Alawid sultan Ismā‘īl and members of the Rūsī family were often charged with the rule and control of the defiant city of Fès. When the sultan Ismā‘īl died in 1139/1727, Abū ‘Alī al-Rūsī was killed by the inhabitants of Fès because of their hatred for him due to his involvement in the heavy taxation. al-Qādirī, *Nashr al-mathānī*, vol. 3, p. 291; vol. 4, pp. 238–240; al-Nāṣirī, *al-Istiḡṣā*, vol. 6, p. 116; ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 454.

from Muḥammad b. al-‘Arabī al-Salawī (Salāwī) (V-d1) at a price of 1,220 *ūqīya darāhim qadīma sikkat ta’rīkh-hi* at the end of Sha‘bān 1121. The seller received 85 *mithqāl darāhim min al-ṣifa*, equivalent to the sale price. His wife (V-d2) and her mother Zīz (V-d3) agreed to the sale and received the amount equivalent to his debt (*dhimma*) due to them. The seller received all the payment at the beginning of Ramaḍān in the same year.

### Deed 7 (V-7)

Date: 1 Rajab 1123/15 August 1711

No. of lines: 5

Notaries: signature V-S6

no signature for the other notary

A deed of purchase for the oil press factory (*ma‘šara*) newly erected inside the Jīsa gate by Āmina bint Sīdī Aḥmad b. ‘Abd Allāh (V-a27). Her husband Qāsim b. ‘Alī b. Abī Faḍl Sīdī Qāsim al-Khaṣāṣī (V-a35)<sup>78</sup> purchased a quarter of it on behalf of his wife Āmina (V-a27) from Muḥammad b. Aḥmad Ibn Ma‘n (Ma‘ān) (V-e1) at a price of 2,500 *ūqīya* (2,000 *ūqīya darāhim qadīma* and 500 *ūqīya min al-ṣifa*). This oil press factory might have been erected on the site of the deserted house owned by Muḥammad Ibn Ma‘n mentioned in Deed 6. From the description of Deed 8, it is supposed that it was transcribed on Document V together with Deed 8, probably by the notary (V-S5), though this deed lacks the signature of the transcriber.

### Deed 8 (V-8)

Date: middle of Rabī‘ II 1124/May 1712

No. of lines: 3

Notaries: signature V-S6

signature V-S5

A deed of purchase by the same purchaser as the deed above (V-7). Qāsim b. ‘Alī al-Khaṣāṣī (V-a35) purchased a quarter of the same oil press factory on behalf of his wife Āmina (V-a27) from the same seller as above (V-e1) at a price of 2,000 *ūqīya darāhim qadīma*. It was written on the same document as Deed 7 (Document V-viii) and transcribed later on Document V by the notary (V-S5).

<sup>78</sup> A grandson of the Sufi scholar Abū al-Faḍl Qāsim al-Khaṣāṣī (d. 1083/1673). This Abū al-Faḍl was a master of the Sufi scholar Muḥammad Ibn ‘Abd Allāh Ma‘n (d. 1062/1652), the grandfather of Muḥammad b. Aḥmad Ma‘n (V-e1). al-Qādirī, *Nashr al-mathānī*, vol. 2, pp. 199–200; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 2, pp. 319–322. Considering his close relationship with the Ma‘n family, her wife Āmina (V-a27) might belong to the Ma‘n family, not the Lamfī family. Both her father and father of Muḥammad Ma‘n (V-e1) had the name of Aḥmad with the sufic epithet *al-‘arīf* or *al-wālī*. But we concluded that she was from the Lamfī family because in Deed 7 she is said to be “above-mentioned (*madhkūra*).”

**Deed 9 (V-9)**

Date: 7 Rabī' 1125/April–May 1713 (whether Rabī' I or II is unclear due to lack of clarity of the writing)

No. of lines: 3

Notaries: signature V-S6  
signature V-S5

A deed of testament in which Āmina bint Aḥmad (V-a27), owner of half of the oil press factory, cancelled the purchase of half of the factory from Muḥammad b. 'Abd Allāh (V-e1) and got back the money paid to him. Her husband Qāsim b. 'Alī al-Khaṣāṣī (V-a35) agreed to the cancellation by his wife. The two notaries wrote their signatures to her testimony and to her husband's agreement respectively on this deed.

**Deed 10 (V-10)**

Date: beginning of Ramaḍān 1126/September 1714

No. of lines: 7

Notaries: signature V-S5  
signature V-S6

A deed of purchase of half of the oil press factory by the jurist Muḥammad b. Aḥmad al-Yamanī (V-f1). He purchased it from Muḥammad b. Aḥmad b. 'Abd Allāh (V-e1, the Ma'n family) at a price of 5,200 *ūqīya darāhim qadīma*. Some part of the payment was delayed for four months but finally cleared. This deed might have been transcribed from the original document (V-ix) on Document V on the occasion of the cancellation of this purchase, described in Deed 11.

**Deed 11 (V-11)**

Date: 19 Ṣafar 1127/24 February 1715

No. of lines: 7

Notaries: signature V-S5  
signature V-S6

A deed of cancellation (*iqāla*) of the purchase. Both of the people involved in the transaction, Muḥammad al-Yamanī (V-f1) and Muḥammad of the Ma'n family (V-e1) mentioned in the right margin (Deed 10), cancelled the purchase of half of the oil press factory. The purchase was made five months before. The item sold was returned to the seller and the money to the purchaser. The proper names of the persons making the transaction were not written here; reference was simply made to Deed 10 and the deed was testified by the same notaries as Deed 10. The reason for the cancellation is not clear, but this kind of sale might have acted as a temporary loan to the seller. If this was so, the seller might continue to manage the oil press factory and keep Document V for the approximately six months of its temporary transfer.



**Deed 12 (V-12)**

Date: 26 Dhū al-Ḥijja 1129/1 December 1717

No. of lines: 7

Notaries: signature V-S6  
signature V-S5

A deed of purchase of half of the oil press factory by sharif al-‘Arabī b. Ḥamm al-Ṣiqillī (V-g1).<sup>79</sup> He purchased it from the Muḥammad Ibn Ma‘n (V-e1) mentioned in the deeds above, right, and left (V-7, V-11, V-10), at a price of 3,500 *ūqīya* (3,000 *ūqīya darāhim qadīma* and 500 *ūqīya min al-ṣifa*). The purchaser paid the price by offsetting the seller’s debt in the former three transactions between the two.

**Deed 13 (V-13)**

Date: 1132AH?/1719–20? The date and month is unclear.

No. of lines: 10

Notaries: signature V-S5  
signature V-S6

A deed of preemption for the oil press factory by Muḥammad al-Yamanī (V-f1). He conducted the preemption right (*shuf‘a*) on its sale, as mentioned in the deed on the right (Deed 12), because he was joint owner of its half share. al-‘Arabī al-Ṣiqillī (V-g1) approved the preemption and received a price of 3,500 *ūqīya* (no mention of *darāhim*). The preemptor (Muḥammad al-Yamanī) owned the whole factory. There is no deed in Document V that mentions when Muḥammad al-Yamanī came to own the initial half share in the factory.

**Deed 14 (V-14)**

Date: 1132 AH?/1719–20? The date is unclear.

No. of lines: 12

Notaries: The two signatures are unclear and cannot be identified (V-S7 and V-S8)

A deed of sale for the oil press factory by Muḥammad al-Yamanī (V-f1) to his son. The preemptor (Muḥammad al-Yamanī) assigned half of the property sold, mentioned on the left side (Deed 13), that is, a quarter of the whole oil press factory, to his son Muḥammad (V-f2), and received the price.

**Deed 15 (V-15)**

Date: beginning of Dhū al-Qa‘da 1134/August 1722

<sup>79</sup> The Ṣiqillī family was one of the most famous families of sharif lineage of Fès from the thirteenth century. They are believed to have come from Sicily (*Ṣiqillīya*). cf. Beck, *L’Image d’Idrīs II*.

No. of lines: 12

Notaries: signature V-S5

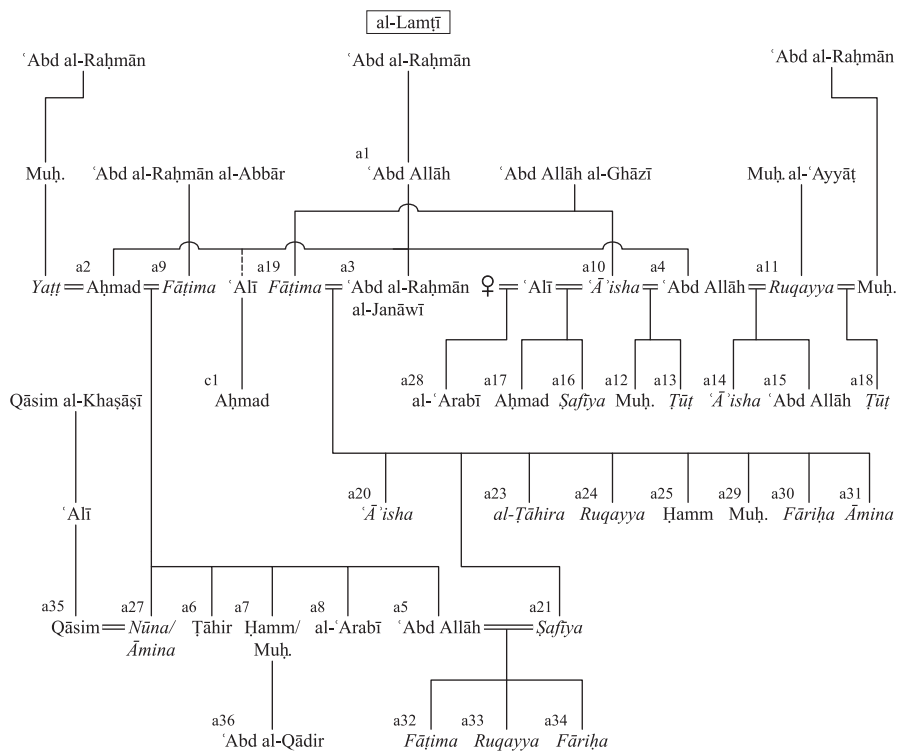
signature V-S6

A deed of purchase for the oil press factory by Āmina bint Aḥmad (V-a27). ‘Abd al-Qādir b. Ḥamm (V-a36, son of V-a7) purchased the whole of the oil press factory on behalf of his aunt Āmina bint Aḥmad from Muḥammad al-Yamanī (Yamānī) (V-f1) and his son Muḥammad (V-f2) at a price of 5,000 *ūqīya darāhim qadīma*. Three quarters of the price the seller received was for himself, and a quarter was for his son.

The final owner of the oil press factory was Āmina bint Aḥmad, which means the immovable properties of her grandfather (‘Abd Allāh al-Lamṭī, V-a1) at the Jīsa gate (the deserted house and the lots) eventually returned to his descendant, if we assume that the factory was erected on the site of the deserted house and Āmina was the member of the Lamṭī family.

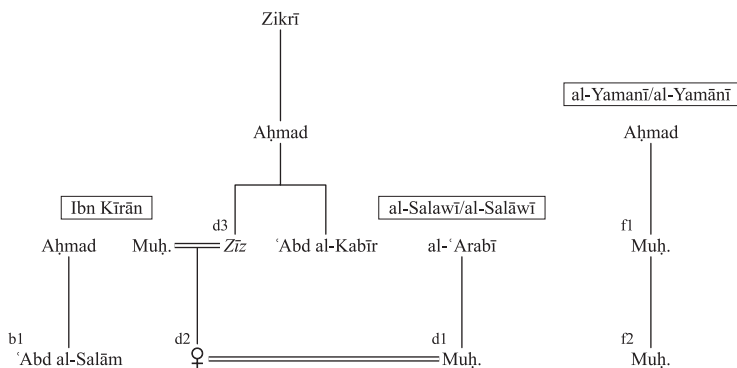
(MIURA Toru)

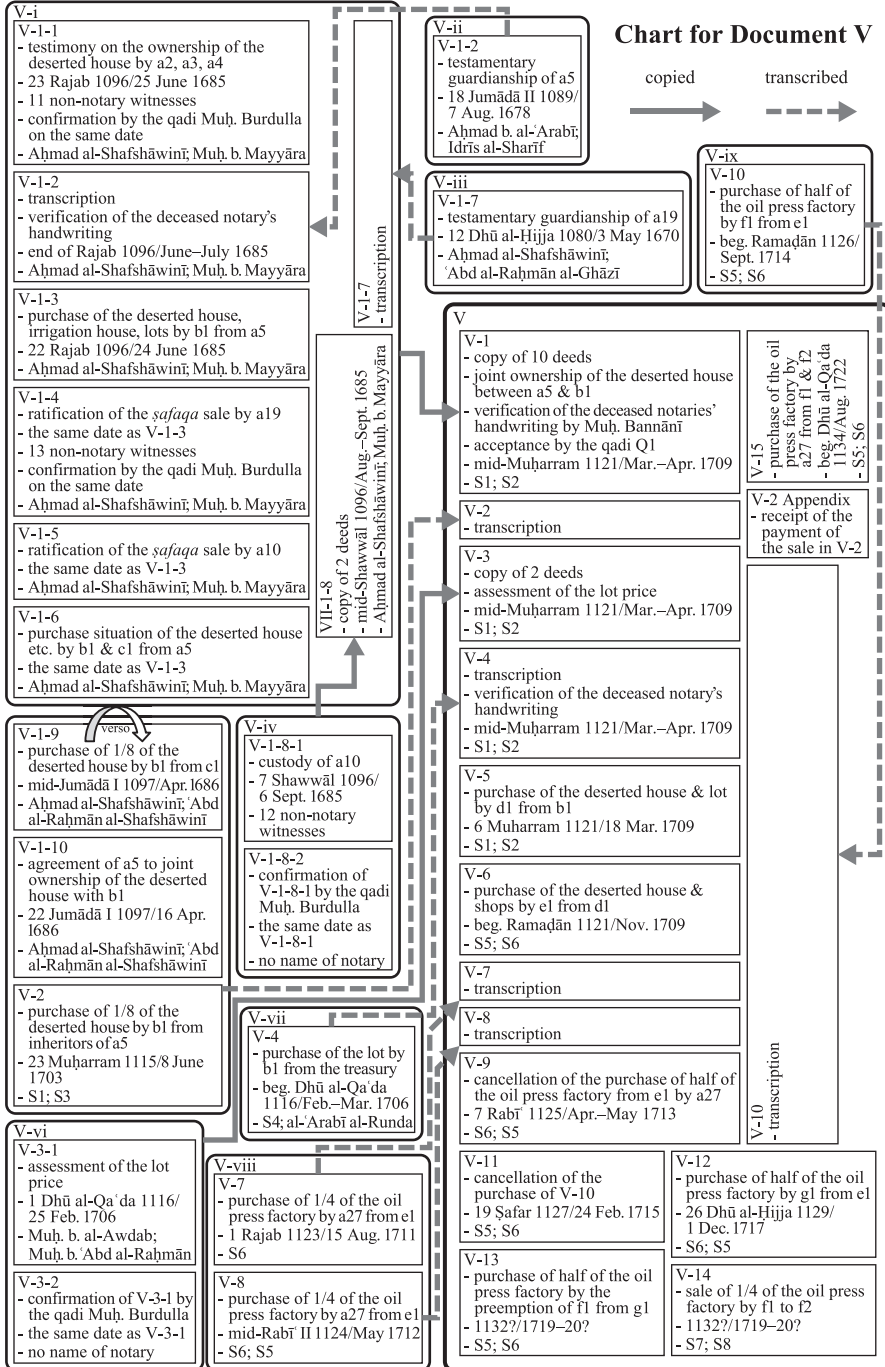
## Families in Document V



Ma'n/Ma'ān e1: Muḥ. b. Aḥmad (b. Muḥ.) b. 'Abd Allāh

al-Ṣiqillī g1: al-'Arabī b. Ḥamm

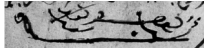




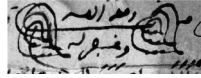
Signatures of Document V

V-1

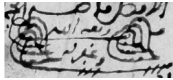
(V-Q1)



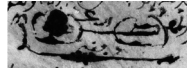
(V-S1)



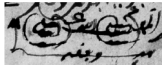
(V-S1)



(V-S2)

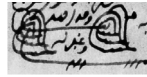


(V-S2)



V-5

(V-S1)

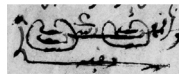


V-2

(V-S1)



(V-S2)

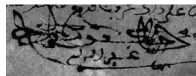


(V-S3)



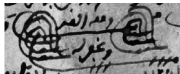
V-6

(V-S5)

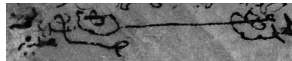


V-3

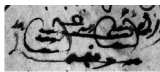
(V-S1)



(V-S6)

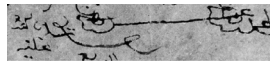


(V-S2)



V-7

(V-S6)



V-4

(V-S4)



V-8

(V-S6)



(V-S5)



V-9

(V-S6)



(V-S5)



(V-S6)



(V-S5)

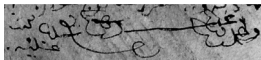


V-10

(V-S5)

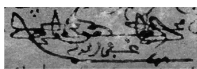


(V-S6)



V-11

(V-S5)



(V-S6)



V-12

(V-S6)

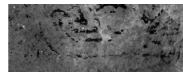


(V-S5)

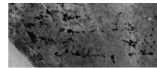


V-13

(V-S5)



(V-S6)



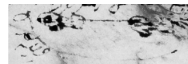
V-14

(V-S7 and V-S8)



V-15

(V-S5)



(V-S6)



## Document VI

### General Description

Title: Land in the Māliḥ wadi (*Bilād wād al-Māliḥ*)

Size: 39×42cm

Number of deeds: 5

Date: 1124–1238/1712–1823

Two deeds (VI-1 and VI-2) were drawn up on the occasion of the purchase of agricultural land (*ḥirātha*) at the Māliḥ wadi<sup>80</sup> outside the Jīsa gate of Fès by Aḥmad b. ‘Alī al-Jurundī (VI-b2)<sup>81</sup> from members of the Zarhūnī family<sup>82</sup> in 1124/1712. Four years later a deed (VI-3) was written down to confirm the investigation of the border between it and the adjacent lot by two witnesses. One hundred years later, two deeds (VI-4 and VI-5) were drawn up concerning the transfer of this land by inheritance and purchase among the Jurundī family, until Muḥammad b. ‘Abd al-Qādir al-Jurundī (VI-b11) came to own it in 1238/1809.

All the notaries who signed the five deeds are different, which suggests the deeds were written on Document VI according to occasion. Document VI would have been prepared and kept by the Jurundī family.

### Deed 1 (VI-1)

Date: 29 Sha‘bān 1124/1 October 1712

No. of lines: 22

Notaries: signature VI-S1

signature VI-S2

A deed of purchase of cultivated land (*arḍ al-ḥirātha*) at the Māliḥ wadi outside the Jīsa gate of Fès by Aḥmad al-Jurundī (VI-b2). The deed first says that the cultivated land with olive trees called *zahr al-ḥāfa wa-Faddān al-Salawī* had been owned by Abū Jum‘a al-Zarhūnī (VI-a1), and that it had been inherited by his wife Āmina (VI-a2) and his children (VI-a3, a4, a5, a6, a7, a8, a9, a10) after his death. After the deaths of Āmina and her son ‘Abd al-Wahhāb (VI-a4), it was inherited by their inheritors (VI-a3, a5, a11, a12, a13) and finally one twentieth and a small fraction (*kasr tāfīh*) of the land belonged to Āmina (VI-a12) and the rest to ‘Abd al-Raḥmān (VI-a6) through inheritance and purchase. The latter’s share was inherited by his

<sup>80</sup> A river which runs north of Fès from west to east and flows into the Fès river.

<sup>81</sup> Aḥmad b. ‘Alī b. ‘Abd al-Raḥmān al-Jurundī (d. 1125/1713). A jurist of Fès. He was an imam of the Shurafā’ mosque. He was appointed as chief qadi of Fès by the ‘Alawid sultan Ismā‘īl in 1115/1702–3, but escaped the duty by pretending that he had lost his sanity. al-Qādirī, *Nashr al-mathānī*, vol. 3, pp. 150, 215; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 2, pp. 20–21; ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, pp. 272–273.

<sup>82</sup> A family of Fès of Berber origin who came from the Mountain of Zarhūn, around 60 kilometers west of Fès. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, pp. 464–465.

son al-Khayyāt (VI-a14) and his daughter (VI-a15) after his death.

Thereafter Muḥammad al-Jurundī (VI-b1) purchased it from al-Khayyāt who represented the other sharers by way of a *ṣafaqa* sale at a price of 500 *ūqīya dirham qadīma*. It was acknowledged on 29 Sha‘bān 1124 on behalf of a jurist, Aḥmad al-Jurundī (VI-b2), the real purchaser. Furthermore the deed says that the seller’s sister Fāriḥa (VI-a15) ratified (*amḍā*) the *ṣafaqa* sale. The purchaser paid a price amounting to 47 and a quarter *mithqāl*, two thirds of which was for al-Khayyāt and the remaining one third for Fāriḥa. Muḥammad b. Mawlūd (VI-c1), who possessed the right of pledge and the usufruct (*manfa‘a*) of this land, received 23 *mithqāl qadīma* for payment on his loan, written in other documents. This purchase was completed and acknowledged on 19 Ramaḍān.

### Deed 2 (VI-2)

Date: 9 Ramaḍān 1124/10 October 1712

No. of lines: 8

Notaries: signature VI-S3  
signature VI-S4

A deed of purchase of an orchard by Aḥmad al-Jurundī (VI-b2) from Āmina (VI-a12). The deed first says she agreed to and ratified the above-mentioned *ṣafaqa* sale for her share of the land (*arḍ*) together with a farm (*ḥafārī*) adjacent to the Mālīh wadi for 40 *ūqīya qadīma*. The same purchaser bought an orchard (*jinān*) with olive trees at the same place for 30 *ūqīya qadīma darāhim sikkat ta‘rīkh-hi* from Āmina who inherited it from her father. Her husband ‘Abd al-Raḥmān al-Qayyūṭī (VI-a16) received the total price of 70 *ūqīya qadīma* on her behalf.

### Deed 3 (VI-3)

Date: ? Dhū al-Ḥijja 1128/November–December 1716 (the date is unclear)

No. of lines: 13

Notaries: signature VI-S5  
no signature for the other notary

A deed of land investigation by two witnesses with expertise called master (*mu‘allim*). They went to the land (*arḍ*) of Aḥmad al-Jurundī (VI-b2) bordering on the land of al-Ḥalawī to settle a conflict between the owners and found that the border between the two was a waterway for rain and testified to it. Following the date of the testimony and the names of the two witnesses (al-‘Ayyāshī al-Rawāz and ‘Abd al-Salām al-Nadrūmī, both farmers), the deed says that the chief qadi of Fès (VI-Q1) confirmed (*thubūt*) it.

### Deed 4 (VI-4)

Date: beginning of Rabī‘ II 1220/June–July 1805

No. of lines: 8



Notaries: signature VI-S6  
signature VI-S7

A deed which establishes the transfer of land (*bilād*) owned by ‘Abd al-‘Azīz al-Jurundī (Jūrundī) (VI-b3).<sup>83</sup> It was inherited by his wives, Fāriḥa (VI-b4) and Fāṭima (VI-b5), and his children (VI-b6, b7, b8, b9). The share of Fāriḥa was inherited by her father (VI-b8) and her daughter Ruqayya (VI-b6) after her death. The share of Ruqayya was transferred to ‘Abd al-Salām b. ‘Ubayda al-Jurundī (Jūrundī) (VI-b10) by the sale.

Deed 4 relates that it was drawn up according to the testimony of two notaries in another deed and stipulates “the land mentioned above and left” which shows that the land purchased was the same as the property described in Deeds 1, 2, and 3. As there were one hundred years between Deeds 3 and 4, there must have been several documents describing the transfer of the land’s ownership made during that time.

#### **Deed 5 (VI-5)**

Date: 23 Jumādā II 1238/7 March 1823

No. of lines: 4

Notaries: signature VI-S8  
signature VI-S9

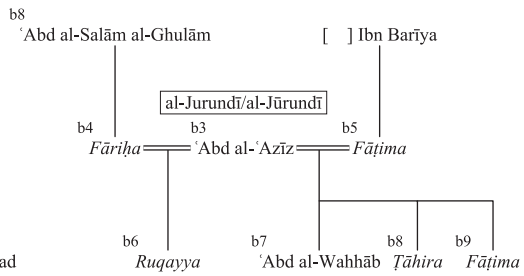
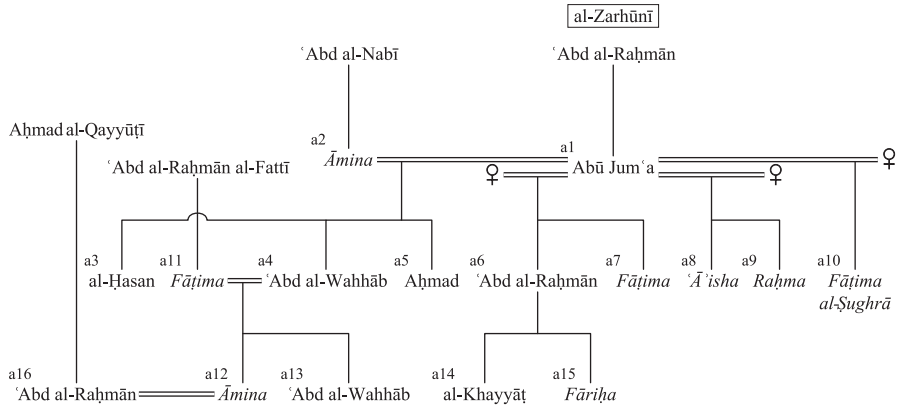
A deed which establishes the transfer of the above-mentioned land within the Jurundī family. Muḥammad b. ‘Abd al-Qādir b. ‘Abd al-Karīm al-Jurundī (VI-b11)<sup>84</sup> owned it by means of inheritance as an agnate (*ta‘ṣīb*) and purchase. This deed was testified to by the notary who appeared in another deed.

(MIURA Toru)

<sup>83</sup> He may be the son of Aḥmad al-Jurundī (VI-b2) even though his father’s name is not mentioned here. See Note 89.

<sup>84</sup> For him, see Note 61.

Families in Document VI



al-Jurundī/al-Jūrundī b1: Muḥ. b. Aḥmad

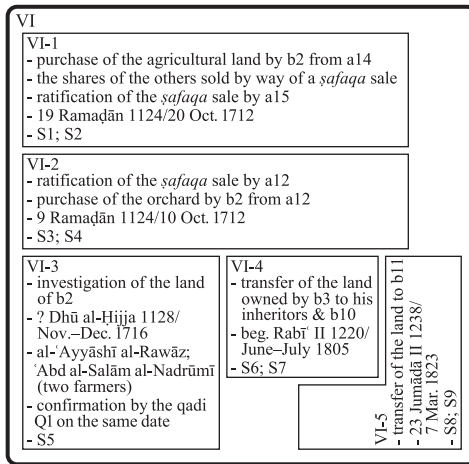
b2: Aḥmad b. 'Alī

b10: 'Abd al-Salām b. 'Ubayda

b11: Muḥ. b. 'Abd al-Qādir b. 'Abd al-Karīm

Ibn Mawlūd c1: Muḥ.

## Chart for Document VI

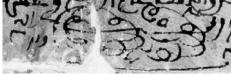


**Signatures of Document VI**

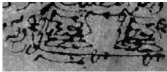
VI-1  
(VI-S1)



(VI-S2)



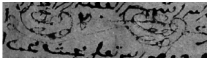
VI-2  
(VI-S3)



(VI-S4)



VI-3  
(VI-Q1)



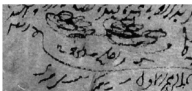
(VI-S5)



VI-4  
(VI-S6)



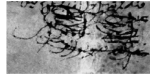
(VI-S7)



VI-5  
(VI-S8)



(VI-S9)



## Document VII

### General Description

Title: Deed for a half share of an annex in Ibn Ḥayyūn alley (*Rasm niṣf al-miṣrīya bi-darb Ibn Ḥayyūn*)

Size: 72×37cm

Number of deeds: 5

Date: 1094–1153/1683–1741

A document first prepared with Deed 1 in 1134/1722 in order to establish a half ownership of the annex (*miṣrīya*)<sup>85</sup> in Ibn Ḥayyūn alley.<sup>86</sup> The annex was shared equally between the Jurundī family<sup>87</sup> and the Mūmin family.<sup>88</sup> Considering that all the deeds are concerned with the latter, it is probable that the Mūmin family had the document drawn up and kept it in their own hands until the whole annex was sold to the Jurundī family in Deed 5. However, Deed 1, which establishes the history of the annex until Aḥmad Mūmin's (VII-f1) purchase of its half share, was written down around twenty years after his purchase; old deeds were just copied without any other relevant deeds of the same year. Therefore it is not clear why he prepared Document VII at that point. Did he want a new document integrated with a detailed history of the annex or did he just lose the original purchase deed ?

After the drawing up of Deed 1, four other deeds were added to the document in the course of around twenty years. Deed 2 gave a one-third share of the annex to the Mūmin family. With Deeds 3 and 4, the ratio of the shares among members of the Mūmin family changed. And finally, with Deed 5, all the shares of the Mūmin family were sold to 'Abd al-'Azīz b. Aḥmad al-Jurundī (VII-e2)<sup>89</sup> and he became owner of the whole annex. Probably at this point Document VII also moved from the Mūmin family to the Jurundī.

### Deed 1 (VII-1)

Date: end of Jumādā II 1134/April 1722

No. of lines: 73

<sup>85</sup> An independent room on the first floor of a house with separate stairs from the outside, by which one can enter without passing through the private area of the house. It is used for receiving or lodging guests, or for renting out. Le Tourneau, *Fès avant le Protectorat*, p. 499; Colin, *Le Dictionnaire Colin d'arabe dialectal marocain*, s.v. mṣrīyya.

<sup>86</sup> For Ibn Ḥayyūn alley, see Note 1.

<sup>87</sup> For this family, see Note 50.

<sup>88</sup> A family of Fès, famous as saddle makers. 'Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, p. 236.

<sup>89</sup> A scholar and teacher of Fès, died in 1177/1763. This may be the same person as the one who appeared as the owner of land in Document VI-4 (VI-b3). Muḥammad Ḥajjī ed., *Mawsū'at al-lām al-Maghrib*, 10 vols., Beirut, 1996, vol. 7, p. 2379.

Notaries: signature VII-S1  
signature VII-S2

A deed which establishes the joint ownership of the annex between Aḥmad al-Jurundī (VII-e1)<sup>90</sup> and Aḥmad al-Burnūsī Mūmin (VII-f1). It consists of copies of twelve deeds, and at the end includes a testimony on the collation of copies with the originals and the authorization of the copies' authenticity (*istiqlāl*) by the chief qadi (*qādī al-jamā'a*) of Fès (VII-Q1).

The twelve deeds are divided into two groups. One includes deeds from Naṣṣ 1 to Naṣṣ 9 (1094–1106/1683–1695) and the other from Naṣṣ 10 to Naṣṣ 12 (1114–1115/1702–1703). The former are concerned with the transfer of the annex from the inheritors of two sharers, the notary Aḥmad Ajzūl (VII-a3)<sup>91</sup> and his wife Zīz (VII-a4), to the notary 'Abd al-Raḥmān al-Markanī (VII-c1). The latter are concerned with the transfer from 'Abd al-Raḥmān al-Markanī (VII-c1) to the two sharers, Aḥmad al-Jurundī (VII-e1) and Aḥmad al-Burnūsī Mūmin (VII-f1).

Document VII-i, the original, was probably first prepared on the occasion of the purchase of a part of the annex in 1097/1686 (VII-1-2) by Mas'ūd al-Hazzāz (VII-b1). Added were deeds of successive purchases by 'Abd al-Raḥmān al-Markanī (VII-c1), who probably retained Document VII-i. After he sold the whole annex in 1114/1702 (VII-1-10), we assume that the new owner of the annex, Aḥmad al-Jurundī (VII-e1), kept Document VII-i even after the sale of its half share to Aḥmad al-Burnūsī Mūmin (VII-f1) in 1115/1703 (VII-1-12).

It was afterwards copied on Document VII with the signature of the qadi (VII-Q1) in 1134/1722, to support half ownership of the Mūmin family, while the original Document VII-i likely remained in the hands of the Jurundī family. But, as mentioned above, the motive for the copying in this year is not clear.

#### **Naṣṣ 1 (VII-1-1)**

Date: middle of Sha'bān 1098/June 1687

Notaries: a blank for the name of the first notary

'Alī b. Muḥammad al-'Awnī

A deed which establishes that Fāṭima (VII-a2) inherited one third of the property of Ṣafīya bint Aḥmad Ajzūl (VII-a1) as a bequest. It consists of one copy, and at the end includes a testimony on the collation of the copy with the original and its acceptance (*qubūl*) by the chief qadi of Fès, Muḥammad al-'Arabī b. Aḥmad b. Burdulla.<sup>92</sup>

<sup>90</sup> For Aḥmad al-Jurundī, see Note 81.

<sup>91</sup> Probably he was a jurist and notary of Fès who died in 1072/1662. His son Muḥammad, who might be Aḥmad's son Ḥamm (VII-a5) mentioned in this deed, was also a notary of Fès and died in 1090/1679. The Ajzūl family were famous as jurists and notaries. 'Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 70; Ḥajjī ed., *Mawsū'at al-'lām al-Maghrib*, vol. 4, pp. 1509, 1635.

<sup>92</sup> For him, see Note 69.

It was copied on Document VII-i, probably with Naṣṣ 8, on the occasion of the sale of Fāṭima's (VII-a2) share in order to prove her qualification as a seller.

**Naṣṣ 1-1 (VII-1-1-1)**

Date: last day of Muḥarram 1094/29 January 1683

Notaries: 'Alī b. Aḥmad al-Ḥurayshī<sup>93</sup>

Muḥammad b. [ ] Ibn Sūda

A deed of testament by Saḫīya (VII-a1), in which she left one third of her property as a bequest<sup>94</sup> for her niece Fāṭima (VII-a2) as well as payment for manumission of her sister's mother and for her shroud.

**Naṣṣ 2 (VII-1-2)**

Date: beginning of Dhū al-Qa'da 1097/September 1686

Notaries: Aḥmad b. al-'Arabī al-Shafshāwīnī

'Abd al-Raḥmān b. al-'Arabī al-Shafshāwīnī

A deed of purchase of the shares of Ruqayya (VII-a12) and Fāriḥa (VII-a10) by Mas'ūd al-Hazzāz (VII-b1).

After a brief description of the location of the annex,<sup>95</sup> it describes successive cases of inheritance after the deaths of its two sharers, the notary Aḥmad Ajzūl (VII-a3) and his wife Zīz (VII-a4), and some of their inheritors. According to it, there were seven final sharers of the annex at that time, Fāriḥa (VII-a10), her daughter Ruqayya (VII-a12), 'Ā'isha (VII-a13), her daughter Fāṭima (VII-a15), 'Ā'isha (VII-a7), Fāṭima (VII-a2), and Muḥammad (VII-a17).

It then says that Mas'ūd al-Hazzāz (VII-b1) purchased the shares of Ruqayya (VII-a12) and Fāriḥa (VII-a10) through their agent al-Tāwudī Ibn Sayyid-him (VII-a18),<sup>96</sup> husband of Ruqayya. Based on the value of the whole annex of 840 *ūqīya*, the price for Ruqayya's share was calculated at 212 *ūqīya* and 9 *fals* and for Fāriḥa's 121 and one-eighth *ūqīya* and 3 *fals*. For the time being, their agent received a part of the price, 312 *ūqīya*.

It says that it was originally drawn up on Document VII-i above Naṣṣ 1, but Naṣṣ 8 refers to a deed of bequest (VII-1-1) as the upper margin (*al-turra al-'ulyā*). Therefore the exact place of Naṣṣ 1 and Naṣṣ 2 in Document VII-i is

<sup>93</sup> A jurist of Fès. He died in Medina during his pilgrimage in 1132/1720 or 1145/1732–3. al-Qādirī, *Nashr al-mathānī*, vol. 3, pp. 361–363; 'Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 356.

<sup>94</sup> In Islamic inheritance law, bequests by will may not exceed one third of the assets.

<sup>95</sup> Among the houses adjacent to the annex, there is one called Mūmin's house (*dār Mūmin*). It seems to suggest the family of Aḥmad al-Burnūsī Mūmin (VII-f1), who would become one of the half sharers of the annex.

<sup>96</sup> This family was also called Ibn Sayyidī. He and his father Muḥammad possessed a large house in al-'Uyūn, in the southern part of Fès, in the latter half of the eleventh/seventeenth century, according to documents which the authors of *Zahr al-ās* saw. 'Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 532; vol. 2, p. 404.

unclear.

**Naṣṣ 3 (VII-1-3)**

Date: beginning of Dhū al-Ḥijja of the same year as Naṣṣ 2 (1097)/October 1686

Notaries: Aḥmad b. al-‘Arabī al-Shafshāwinī  
‘Abd al-Raḥmān b. al-‘Arabī al-Shafshāwinī

A deed which establishes that the two sellers of Naṣṣ 2 received the remaining amount of the payment, 18 *ūqīya* and 12 *dirham*.

It was drawn up on Document VII-i below Naṣṣ 2 to complement the purchase in Naṣṣ 2.

**Naṣṣ 4 (VII-1-4)**

Date: 4 Dhū al-Ḥijja 1097/22 October 1686

Notaries: ‘Alī b. Muḥammad al-‘Awnī  
‘Abd al-Raḥmān b. ‘Abd al-‘Azīz al-Markanī<sup>97</sup>

A deed of exertion of preemption right (*shuf‘a*) by one of the sharers ‘Ā’isha (VII-a13) over the purchase of the annex in Naṣṣ 2. The notary ‘Abd al-Raḥmān b. ‘Abd al-‘Azīz al-Markanī undertook the task of repayment from her to the previous purchaser (VII-b1) within a period of fifteen days. It was drawn up on Document VII-i in the right margin.

**Naṣṣ 5 (VII-1-5)**

Date: beginning of Rabī‘ II 1098/February 1687

Notaries: ‘Alī b. Muḥammad al-‘Awnī  
Muḥammad b. Muḥammad al-Nadrūmī

A deed of purchase of the share of Muḥammad (VII-a17) by ‘Abd al-Raḥmān al-Markanī (VII-c1). The price was calculated from the value of the whole annex, but the exact amount is not mentioned. The seller allowed al-Tāwudī (VII-a18) to receive the price, though the reason is not mentioned. It was drawn up on Document VII-i in the right margin.

**Naṣṣ 6 (VII-1-6)**

Date: end of Dhū al-Ḥijja 1097/November 1686

Notaries: ‘Alī b. Muḥammad al-‘Awnī  
Muḥammad b. ‘Alī al-Qusamṭīnī

A deed of purchase of a part of the annex, which ‘Ā’isha (VII-a13) preempted in Naṣṣ 4, by ‘Abd al-Raḥmān al-Markanī (VII-c1).

Shortly after ‘Ā’isha (VII-a13) exerted the preemption right in Naṣṣ 4, ‘Abd al-Raḥmān (VII-c1) purchased this preempted share for 277 and a half *ūqīya darāhim qadīma*. The seller ‘Ā’isha (VII-a13) allowed the purchaser to pay the price to Mas‘ūd al-Hazzāz (VII-b1) against whom she had exerted the preemption right.

<sup>97</sup> Perhaps the same person as the purchaser in Naṣṣ 6 (VII-c1).



It seems that ‘Ā’isha (VII-a13) could not get together enough money to exert her preemption right and that therefore ‘Abd al-Raḥmān (VII-c1) purchased this part of the annex and paid Mas‘ūd al-Hazzāz (VII-b1) instead of her. It is not clear why the price was less than that of the purchase in Naṣṣ 2. It was drawn up in Document VII-i on the same side as the other deeds.

**Naṣṣ 7 (VII-1-7)**

Date: the same date as the righthand deed, probably Naṣṣ 6 (end of Dhū al-Ḥijja 1097/November 1686)

Notaries: ‘Alī b. Muḥammad al-‘Awnī  
Muḥammad b. ‘Alī al-Qusamḫīnī

A deed which establishes that ‘Ā’isha (VII-a13) gave up her daughter’s (VII-a15) preemption right against the purchaser.

The purchaser against whom the preemption right was given up is mentioned just as “the purchaser above” (*al-mushtarī a ‘lā-hu*). Considering that ‘Ā’isha (VII-a13) is mentioned as “the seller above” (*al-bā’i ‘a a ‘lā-hu*), he is very likely to be ‘Abd al-Raḥmān al-Markanī (VII-c1), the purchaser for her in Naṣṣ 6. Probably it was drawn up at the same time as Naṣṣ 6, in order to confirm that ‘Ā’isha’s daughter would not claim the preemption right, as ‘Ā’isha (VII-a13) herself had done previously in Naṣṣ 4. It was drawn up on Document VII-i below Naṣṣ 6.

**Naṣṣ 8 (VII-1-8)**

Date: beginning of Rajab of the same year as the deed on the same side of the sheet (1098)/May–June 1687

Notaries: ‘Alī b. Muḥammad al-‘Awnī  
Muḥammad b. ‘Alī al-Qusamḫīnī

A deed of purchase of the shares of ‘Ashwa (VII-a16) and her daughter Fāṭima (VII-a2) by ‘Abd al-Raḥmān al-Markanī (VII-c1). The price was calculated at 97 *ūqīya darāhim qadīma* based on the value of the whole annex mentioned above in Naṣṣ 2.

The seller Fāṭima (VII-a2) is described as a receiver of the bequest, referring to the deed in the upper margin (*bil-ṭurra al-‘ulyā*), probably Naṣṣ 1. The other seller ‘Ashwa (VII-a16) is described as having been already mentioned (*al-madhkūra*). It is true that her name is mentioned in Naṣṣ 2, but she is not included among the inheritors in the account of the series of inheritances. Therefore it is not clear how she obtained the share. Alternatively, her name may just have been omitted from Naṣṣ 2 by mistake.

The date of the deed is only described as the beginning of Rajab in the same year as the deed on the same side of the sheet (*min al-‘ām ‘arḍ al-rasm ḥaythu ushīra*). It must have been drawn up in 1098, because the purchaser of this deed, ‘Abd al-Raḥmān (VII-c1), is mentioned as “the purchaser of the deed on the same side” (*al-mushtarī ‘arḍ al-rasm ḥaythu ushīra*), i.e. Naṣṣ 5 dated

Rabī' II 1098 or Naṣṣ 6 dated Dhū al-Ḥijja 1097. It was drawn up on Document VII-i in the right margin.

**Naṣṣ 9 (VII-1-9)**

Date: beginning of Dhū al-Ḥijja 1106/July 1695

Notaries: 'Alī b. Muḥammad al-'Awnī  
Muḥammad b. 'Alī al-Qusamṭīnī

A deed of purchase of the shares of 'Ā'isha (VII-a13) and her daughter Fāṭima (VII-a15) by 'Abd al-Raḥmān al-Markanī (VII-c1).

The seller 'Ā'isha (VII-a13) was also the agent (*nā'ib*) for her daughter Fāṭima (VII-a15) by virtue of her custody (*ḥaḍāna*). Based on the value of the whole annex of 700 *ūqīya darāhim qadīma*, the price was calculated at 310 *ūqīya darāhim*, of which 132 *ūqīya* was for the share of 'Ā'isha and 178 *ūqīya* was for Fāṭima. It also says that the sale was done in order that the sellers could purchase a share of another house in Qāḍī alley (*darb al-Qāḍī*).<sup>98</sup> It was drawn up in Document VII-i on the reverse.

**Naṣṣ 10 (VII-1-10)**

Date: end of Ṣafar 1114/July 1702

Notaries: Muḥammad b. Muḥammad al-Nadrūmī  
Muḥammad b. 'Alī al-Ḥasanī

A deed of purchase of the whole annex from 'Abd al-Raḥmān al-Markanī (VII-c1) by Aḥmad al-Jurundī (VII-e1).

The price was 1,000 *ūqīya darāhim qadīma*, of which the seller received 400 *ūqīya qadīma*. The seller allowed the remaining amount to be paid to Zīz bint Harshūn (VII-d1) who had taken the annex in pledge (*rahn*).

Although 'Abd al-Raḥmān (VII-c1) sold the whole annex here, there is no deed that establishes his purchase of 'Ā'isha's share (VII-a7), even though he had purchased the shares of all the other inheritors mentioned in the account of the series of inheritances in Naṣṣ 2.

It was drawn up on Document VII-i below Naṣṣ 9.

**Naṣṣ 11 (VII-1-11)**

Date: 25 Rabī' I 1114/19 August 1702

Notaries: Muḥammad b. Muḥammad b. Ḥamdūn Bannānī  
Muḥammad b. Muḥammad al-Nadrūmī

A deed which establishes payment of the remaining 600 *ūqīya qadīma* for the purchase in Naṣṣ 10 by the purchaser Aḥmad al-Jurundī (VII-e1) to Zīz bint Harshūn (VII-d1), in the presence of the seller (VII-c1) and Zīz's brother Aḥmad Harshūn (VII-d2).

It was drawn up on Document VII-i below Naṣṣ 10 in order to complete the purchase.

<sup>98</sup> A blind alley south of the Qarawīyīn mosque.

**Naṣṣ 12 (VII-1-12)**

Date: 10 Ṣafar 1115/25 June 1703

Notaries: ‘Abd al-Raḥmān b. ‘Abd al-‘Azīz al-Markanī  
Aḥmad b. ‘Alī al-Jurundī

A deed of purchase of half of the annex from Aḥmad al-Jurundī (VII-e1) by Aḥmad al-Burnūsī Mūmin (VII-f1) for 550 *ūqīya qadīma*.

It was drawn up on Document VII-i below Naṣṣ 11, in order to establish that a new sharer had joined in the annex.

**Deed 2 (VII-2)**

Date: end of Ṣafar 1139/October 1726

No. of lines: 13

Notaries: signature VII-S1  
signature VII-S3

A deed of purchase of a part of the share of ‘Abd al-‘Azīz al-Jurundī (VII-e2) by two daughters (VII-f6 and VII-f7) of Aḥmad al-Burnūsī Mūmin (VII-f1), the half sharer of Deed 1.

After a brief description of the location of the annex,<sup>99</sup> the deed speaks about the inheritance situation after the death of Aḥmad al-Burnūsī (VII-f1), the half sharer of the annex, and several purchases among his inheritors. According to it, the final sharers were ‘Abd al-Wāhid (VII-f4), Ruqayya (VII-f6), and Fāṭima (VII-f7), while ‘Abd al-‘Azīz b. Aḥmad al-Jurundī (VII-e2), probably the son of the other half sharer Aḥmad (VII-e1), had purchased a part of the annex from two (VII-f2 and VII-f3)<sup>100</sup> of Aḥmad al-Burnūsī’s inheritors. These purchases were established by the first notary of this deed in other deeds (*bi-shahādat awwal shahīday-hi fī ghayr hādihā*), which are not included in Document VII.

It then says that Ruqayya (VII-f6) and Fāṭima (VII-f7) purchased a part of ‘Abd al-‘Azīz’s share (VII-e2) for 57 and a quarter *ūqīya* and 4 *fals*. This amount is written also in the margin of Document VII in *fāsī* numerals. The ratio of the purchased share is described as a complicated fraction ( $1/10 + 7/500 + 1/2,000 + 1/12,000$ ). It was calculated in order that the total shares of members of the Mūmin family (VII-f4, f6, f7) should, after the purchase, be equivalent to one third of the whole annex.

**Deed 3 (VII-3)**

Date: 25 Rabī‘ II 1143/7 November 1730

<sup>99</sup> Among the houses adjacent to the annex, there is a house called *dār al-Jurundī*. It seems to suggest the family of ‘Abd al-‘Azīz al-Jurundī (VII-e2).

<sup>100</sup> One of the two, named Āmina (VII-f2), is a daughter of Aḥmad b. ‘Abd Allāh Ama’n al-Andalusī. It seems that Ama’n is a variation or error of Ma’n. For the Ma’n family, see Note 65.

No. of lines: 7

Notaries: signature VII-S4

signature VII-S5

A deed which establishes that Ruqayya's (VII-f6) share of the annex was transferred to her brother 'Abd al-Wāḥid (VII-f4) after her death.

The transfer was done by way of *muzāyada*, probably a method of inheritance partition.<sup>101</sup> The notaries of this deed drew up a table of the details in *fāsī* numerals (*rasm zimām tarikat-hā*), which is not included in Document VII.

#### Deed 4 (VII-4)

Date: 9 Rajab 1150/2 November 1737

No. of lines: 12

Notaries: signature VII-S6

signature VII-S7

A deed which establishes that Fāṭima (VII-f7) obtained her brother 'Abd al-Wāḥid's (VII-f4) share of the annex. By this deed, she got to possess one third of the annex.

The deed describes first the purchase of 'Abd al-Wāḥid's (VII-f4) share by 'Abd al-Khāliq b. Aḥmad b. Yashwā (VII-f8), caretaker of the tomb of Idrīs II (*qayyim al-rawḍa al-idrīsīya*),<sup>102</sup> for 102 and a half *ūqīya darāhim qadīma*. Then the seller's sister Fāṭima (VII-f7), who was at the same time the purchaser's wife, claimed her preemption right (*shuf'a*) and obtained the sold share after payment of the price to her husband.

#### Deed 5 (VII-5)

Date: beginning of Dhū al-Ḥijja 1153/February 1741

No. of lines: 12

Notaries: signature VII-S6

signature VII-S7

A deed of purchase of one third of the annex by 'Abd al-'Azīz al-Jurundī (VII-e2) for 50 *ūqīya darāhim qadīma*. By this deed, the purchaser got to possess the whole annex.

At first, it describes the inheritance of Fāṭima (VII-f7), owner of one third of the annex. According to it, her inheritors were her husband 'Abd al-Khāliq (VII-f8) and their children (VII-f9, f10, f11). It then says that another sharer of the annex,

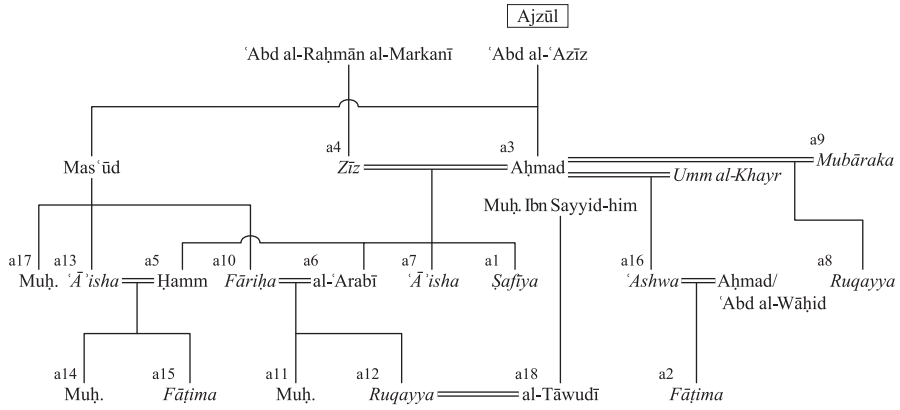
<sup>101</sup> The word *muzāyada* usually means "auction." But here it seems to refer to something like *mukhāraja*, a method of partitioning an inheritance. For *mukhāraja*, see Chapter II.

<sup>102</sup> Idrīs II (r. 793–828), the king of Idrisid Morocco, is venerated as a founder of Fès by the inhabitants of the city. His mausoleum was founded by the 'Alawid sultan Ismā'īl in 1130–32/1717–19 in the grounds of the Shurafā' mosque, where his tomb was discovered in the fifteenth century. Le Tourneau, *Fès avant le Protectorat*, pp. 599–604.

‘Abd al-‘Azīz al-Jurundī (VII-e2), purchased all the inherited shares from ‘Abd al-Khāliq (VII-f8), who also sold his children’s shares as their agent (*nā`ib*).

(SATO Kentaro)

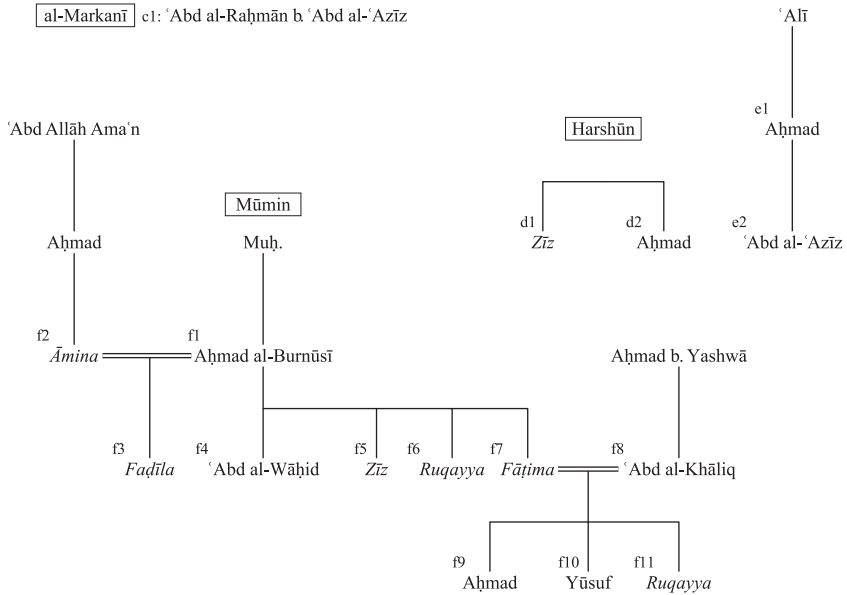
Families in Document VII



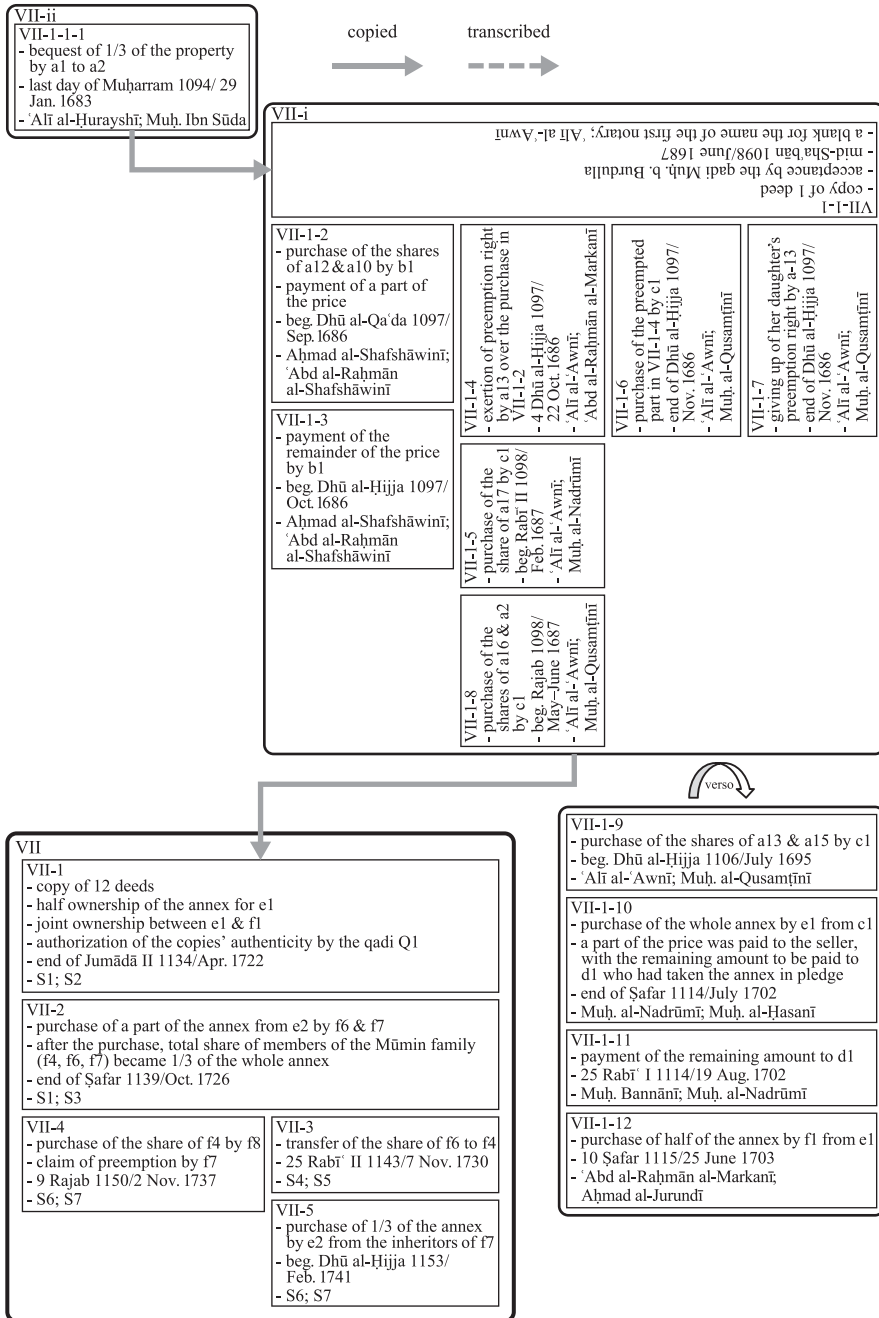
al-Hazzāz b1: Mas'ūd

al-Markanī c1: 'Abd al-Rahmān b. 'Abd al-'Azīz

al-Jurundī

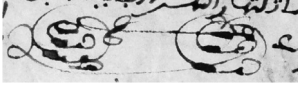


## Chart for Document VII



**Signatures of Document VII**

VII-1  
(VII-Q1)



VII-4  
(VII-S6)



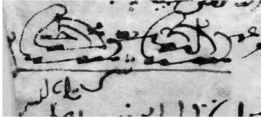
(VII-S1)



(VII-S7)



(VII-S2)



VII-5  
(VII-S6)



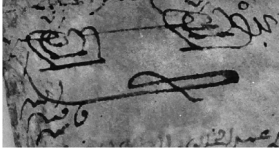
VII-2  
(VII-S1)



(VII-S7)



(VII-S3)



VII-3  
(VII-S4)



(VII-S5)





## Document VIII

### General Description

Title: The orchard of Banū Musāfir in al-Ḥabālāt (*Jinān Banī Musāfir al-Ḥabālāt*)

Size: 69×51cm

Number of deeds: 15

Date: 1137–1254/1721–1838

A document drawn up on the occasion of the purchase of an orchard in al-Ḥabālāt<sup>103</sup> by Muḥammad al-Gadārī (VIII-b1) on behalf of himself as well as Muḥammad (VIII-c1) and al-Ḥasan (VIII-c2), two children of ‘Alī b. al-Ḥasan al-Yāzaghī al-Shibr, in 1144/1731. Along with the purchase deed (VIII-4), six related deeds (VIII-1, VIII-2, VIII-3, VIII-5, VIII-6, VIII-7) were transcribed, copied, or drawn up on this document.

Six years later, Deed 9 was copied on the document, on the occasion of the purchase of the orchard by ‘Abd al-Hādī al-Dabbāgh (VIII-e1) in 1149/1737. The purchase deed (VIII-8) was written below it at the same time.

More six deeds (VIII-10, VIII-11, VIII-12, VIII-13, VIII-14, VIII-15) concerning the ownership of the orchard after 1194/1780 were added below. Among them, two deeds (VIII-14 and VIII-15) were almost the same as the deeds in Document IV (IV-9 and IV-11) and, judging from the description of the location of the orchard in Documents IV and VIII, the orchard in VIII was located next to the orchard in Document IV.<sup>104</sup> This indicates that the orchards in Document VIII had been purchased along with the orchard in Document IV after 1194/1780, and the documents were ultimately preserved by the Jurundī family.

### Deed 1 (VIII-1)

Date: 20 Muḥarram 1144/25 July 1731

No. of lines: 17

Notaries: signature VIII-S1  
signature VIII-S2

A deed which establishes the situation of the inheritance of al-Nāṣir al-Marīnī’s (VIII-a1) property.<sup>105</sup> It consists of copies of two deeds, and includes at the end a testimony on the collation of the copies with the originals and the authorization of the copies’ authenticity (*istiqlāl*) by the deputy chief qadī of Fès (VIII-Q1).

<sup>103</sup> See Note 46.

<sup>104</sup> On the location of the orchard in Document VIII, see Note 49.

<sup>105</sup> The Marīnī family were descendents of the rulers of the Marinid dynasty (13th to 15th century), who remained in their capital city Fès even after the collapse of the dynasty. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, pp. 172–186.

They were copied on Document VIII, on the occasion of the purchase of the orchard in 1144/1731 (VIII-4).

**Naṣṣ 1 (VIII-1-1)**

Date: middle of Jumādā II 1133/April 1721

Notaries: Muḥammad b. Muḥammad al-Bakrī al-Dilā'ī<sup>106</sup>  
Muḥammad b. al-'Arabī al-Qawrī<sup>107</sup>

A deed in which al-Nāṣir al-Marīnī (VIII-a1) appointed his wife Fāṭima (VIII-a4), the daughter of Muḥammad, as the testamentary guardian (*waṣī*) for his daughters Ṣāliḥa (VIII-a2) and Āmina (VIII-a3), and his nephew Muḥammad b. Yaḥyā (VIII-a5) as overseer (*mushrif*) of Fāṭima.

At the end of Naṣṣ 1, after the opening sentence “*al-Ḥamd li-llāh*,” it says that 'Alī b. 'Abd al-Wāḥid al-Sharīf al-Bū'inānī al-Ḥasanī<sup>108</sup> was notified of its validation (*ṣiḥḥa*).

**Naṣṣ 2 (VIII-1-2)**

Date: end of Jumādā I 1137/February 1725

Notaries: Muḥammad al-Ṭayyib b. Mas'ūd al-Marīnī<sup>109</sup>  
Mas'ūd b. Muḥammad al-Jaznā'ī al-Anṣārī

A deed which describes details of the inheritance of al-Nāṣir al-Marīnī's (VIII-a1) property by his wife Fāṭima (VIII-a4), his daughter Ṣāliḥa (VIII-a2), and his brother Zayyān (VIII-a6).

Fāṭima and Ṣāliḥa appointed an agent (*nā'ib*), as did Zayyān, and the appointments were written on the reverse side of the original document (VIII-ii). The two agents agreed on the inheritance conditions shown below.

Total amount of the property of al-Nāṣir: 10,969 and one-fourth *ūqīya dirham*.

Necessary expenses: 1,350 *ūqīya dirham*.

<sup>106</sup> A jurist of Fès, who died in 1141/1728–9. He was a preacher (*khaṭīb*) in Shurafā' mosque of Fès. al-Qādirī, *Nashr al-mathānī*, vol. 3, pp. 312–314.

<sup>107</sup> A jurist of Fès. At the beginning of the twentieth century, there still remained an orchard named after him, known as 'Arṣat al-Qawrī. 'Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, p. 119. See also Note 12.

<sup>108</sup> A jurist of Fès. He was appointed chief qadi of Fès in 1122/1710 as well as preacher (*khaṭīb*) and imam of Qarawīyīn mosque. He died in 1153/1740–1. al-Qādirī, *Nashr al-mathānī*, vol. 4, p. 22; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 1, p. 220.

<sup>109</sup> A jurist of Fès of the Marīnī family. He was appointed head of sharifs (*naqīb al-ashrāf*) by the 'Alawid sultan Ismā'īl. When he fell into disgrace with the sultan and the sultan ordered his murder, he was sheltered by the sultan's wazir 'Abd Allāh al-Rūsī and worked as a notary in Fès until the sultan's death in 1139/1727. He died in Fès in 1145/1732–3. al-Qādirī, *Nashr al-mathānī*, vol. 3, pp. 357–361; 'Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, pp. 185–186. He seems to have been a kinsman of al-Nāṣir al-Marīnī (VIII-a1), though the genealogy of al-Nāṣir is not clear.

Actual amount of inherited property: 9,619 and one-fourth *ūqīya dirham*.

Share of the wife Fāṭima: 1,202 and three-eighths *ūqīya dirham* and 3 *fals*.

Amount of money for which she had rights: 250 *ūqīya dirham*.

Amount of money she spent for al-Nāṣir's funeral: 100 *ūqīya dirham*.

Share of his daughter Ṣāliḥa: 4,809 and one-fourth *ūqīya dirham*.

Total amount of the inheritance of Fāṭima and Ṣāliḥa: 6,362 *ūqīya dirham* and 3 *fals*.

Amount that their agent received: 6,589 and three-eighths *ūqīya dirham*.

Debt to Zayyān: 227 and five-eighths *ūqīya dirham* and 9 *fals*.

Share of the paternal brother Zayyān: 3,607 and one-eighth *ūqīya dirham* and 9 *fals*.

Amount of money he spent for al-Nāṣir's funeral: 1,000 *ūqīya dirham*.

Total amount of the inheritance of Zayyān: 4,609 *ūqīya dirham*.<sup>110</sup>

Amount that his agent received: 4,379 and 9 *fals*.

Credit to Fāṭima and Ṣāliḥa: 227 and five-eighths *ūqīya dirham* and 9 *fals*.

This agreement was submitted to the chief qadi of Fès, 'Alī b. 'Abd al-Wāḥid al-Bū'inānī and he approved it. In addition, it was testified that the offset between the two sides had finished.

## Deed 2 (VIII-2)

Date: 27 Jumādā I 1137/11 February 1725

No. of lines: 6

Notaries: no name of notary

A deed of probate inventory of al-Nāṣir al-Marīnī (VIII-a1).

This deed consists of six lines of text and lists clarifying details of al-Nāṣir's property and its partition between three inheritors. The text makes clear that the inheritors of al-Nāṣir's property are his wife Fāṭima (VIII-a4), their daughter Ṣāliḥa (VIII-a2), and his brother Zayyān (VIII-a6). The list section consists of four parts: 1) a list of immovable property, 2) details of the division of the immovable property, 3) details of the division of the movable property, 4) details of the sum of inherited property and other expenses. All the numbers in the list section were written with *fāsī* numerals.

This text might afterwards have been copied/transcribed on Document VIII,

<sup>110</sup> The amount of money that his agent received is written in the document as 4,379 *ūqīya dirham* and 9 *fals*, but this is a mistake and refers to the next item.

along with Deed 1, as a supplementary deed which illustrated the inheritance situation of ‘Alī al-Nāṣir described in Deed 1, on the occasion of the purchase of the orchard in 1144/1731 (VIII-4). Deed 2 was located on the right side of Naṣṣ 2 of Deed 1 (VIII-1-2) in the original document (VIII-ii).

### **Deed 3 (VIII-3)**

Date: 20 Muḥarram 1144/25 July 1731

No. of lines: 17

Notaries: signature VIII-S3

no signature for the other notary

A deed which establishes the condition of the orchard owned by al-Nāṣir al-Marīnī (VIII-a1) in al-Ḥabālāt, with confirmation (*thubūt*) by the chief qadi of Fès. It consists of copies of two deeds, and includes at the end a testimony on the collation of copies with the originals. It was copied on Document VIII, on the occasion of the purchase of the orchard in 1144/1731 (VIII-4).

### **Naṣṣ 1 (VIII-3-1)**

Date: 27 Dhū al-Ḥijja 1143/3 July 1731

Witnesses: ‘Alī b. Muḥammad Rāwī al-Jannān

‘Abd Allāh Aznāg al-Jannān

A deed of testimony about the orchard in al-Ḥabālāt by two non-notary witnesses with expertise (*maʿrifa*). They testified on the conditions of the orchard, and that its price of 90 *mithqāl qadīma* was proper, answering questions on its sale. The witnesses were not notaries but experts on orchards, called master (*muʿallim*).

### **Naṣṣ 2 (VIII-3-2)**

Date: the same date as Naṣṣ 1 (27 Dhū al-Ḥijja 1143/3 July 1731)

Notaries: no name of notary

(His signature was put at the end of Deed 3 instead, as he also testified on the copying.)

A deed of confirmation (*thubūt*) of Naṣṣ 1 by the chief qadi of Fès, ‘Alī b. ‘Abd al-Wāḥid al-Bu‘inānī al-Ḥasanī. It was drawn up below Naṣṣ 1.

### **Deed 4 (VIII-4)**

Date: middle of Muḥarram 1144/July 1731

No. of lines: 6

Notaries: signature VIII-S1

signature VIII-S4

A deed of purchase of the orchard in al-Ḥabālāt by the scholar Muḥammad al-Gadārī (VIII-b1) from Fāṭima (VIII-a4).

The deed first says that Fāṭima and Ṣāliḥa (VIII-a2) inherited the orchard in al-Ḥabālāt from al-Nāṣir al-Marīnī (VIII-a1) by *mukhāraja* partition. Fāṭima herself and as the agent of Ṣāliḥa (VIII-a2) agreed to the inheritance situation. Then

Muḥammad al-Gadārī purchased the orchard in al-Ḥabālāt from Fāṭima for 900 *ūqīya dirham qadīma*. Fāṭima's reason for selling was that the orchard was not used at that time and she had to pay the price of 500 *ūqīya* for a house in Ḥawmat al-Ma'ādī that she had purchased.

**Deed 5 (VIII-5)**

Date: 29 Muḥarram 1144/3 August 1731

No. of lines: 5

Notaries: signature IV-S1

no signature for the other notary

A deed which establishes the agreement of Muḥammad b. Yaḥyā (VIII-a5) as the overseer (*mushrif*) of Fāṭima (VIII-a4), the testamentary guardian of Ṣāliḥa (VIII-a2), to the sale of the orchard. It consists of a copy of one deed, and includes at the end a testimony on the collation of the copy with the original and the authorization of the copy's authenticity (*istiqlāl*) by the deputy chief qadi of Fès (VIII-Q1).

It was copied on Document VIII, on the occasion of the purchase of the orchard in 1144/1731 (VIII-4).

**Naṣṣ (VIII-5-1)**

Date: 17 Muḥarram 1144/22 July 1731

Notaries: 'Abd al-Kabīr b. 'Abd al-Salām Gharrīṭ<sup>111</sup>

'Abd al-'Azīz b. Muḥammad al-Miskīnī

A deed of agreement by Muḥammad b. Yaḥyā (VIII-a5) as the overseer (*mushrif*) of Fāṭima (VIII-a4), the testamentary guardian of Ṣāliḥa (VIII-a2), to the sale of the orchard.

**Deed 6 (VIII-6)**

Date: end of Muḥarram 1144/July–August 1731

No. of lines: 5

Notaries: signature VIII-S1

signature VIII-S5

A deed of testimony by five non-notary witnesses. They testified that they knew al-Nāṣir b. Aḥmad al-Marīnī (VIII-a1) well and that the lot (*qisma*) in al-Ḥabālāt, which belonged to al-Shāwī in the past and was attached to 'Arṣat Dāwūd, had become a single orchard under his ownership. It was inherited by his wife Fāṭima (VIII-a4) and their daughter Ṣāliḥa (VIII-a2).

<sup>111</sup> A notary of Fès. Gharrīṭ was also called Gharnīṭ. 'Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, p. 55.

**Deed 7 (VIII-7)**

Date: 1 Šafar of the same year as Deed 5 (1144)/5 August 1731

No. of lines: 4

Notaries: signature VIII-S6  
signature VIII-S7

A deed which establishes the purchase situation concerning to Deed 4 by Muḥammad al-Gadārī (VIII-b1). He purchased it on behalf of himself and Muḥammad (VIII-c1) and al-Ḥasan (VIII-c2), two children of ‘Alī b. al-Ḥasan al-Shibr al-Yāzaghī. Muḥammad al-Gadārī (VIII-b1) held half of the orchard and two brothers held a quarter each. The deed refers to the purchase of the orchard in Deed 4, simply saying “the above-mentioned owner” and “the above-mentioned one sold.”

**Deed 8 (VIII-8)**

Date: beginning of Shawwāl 1149/February 1737

No. of lines: 5

Notaries: signature VIII-S8  
signature VIII-S9

After the signatures of the two notaries, the amendments were added, after which the signatures of VIII-S8 and VIII-S9 were again written.

A deed of purchase of the orchard in al-Ḥabālāt by ‘Abd al-Hādī al-Dabbāgh (VIII-e1) from Muḥammad al-Gadārī (VIII-b1).

‘Abd al-Hādī al-Dabbāgh purchased the orchard from Muḥammad al-Gadārī for 900 *ūqīya dirham qadīma sikkat ta’rīkh-hi*. The land was for waqf (*jazā’*) and the owner was obliged to act as stipulated in the document of the lease (*isti’jār*). The purchaser ‘Abd al-Hādī inspected the orchard and was satisfied with it.

The purchase was done at the beginning of Shawwāl 1149/February 1737, but this deed itself was finally written at the end of Jumādā 1150/October 1737.

**Deed 9 (VIII-9)**

Date: end of Jumādā II 1150/October 1737

No. of lines: 21

Notaries: signature VIII-S8  
signature VIII-S9

A deed which establishes the purchase of half of the orchard by Muḥammad al-Gadārī (VIII-b1) from al-Ḥasan (VIII-c2), ‘Ā’isha (VIII-c3), and Manāna (VIII-c4), children of ‘Alī b. al-Ḥasan al-Yāzaghī. It consists of copies of four deeds (VIII-9-1, VIII-9-2, VIII-9-3, VIII-9-4) and includes at the end a testimony on the collation of the copies with the originals and the authorization of the copies’ authenticity (*istiqlāl*) as well as the application (*i’māl*)<sup>112</sup> of the copies by the

<sup>112</sup> Approval by a qadi for the action of another qadi, who is dead, has resigned, or works in other jurisdiction. Colin, *Le Dictionnaire Colin d’arabe dialectal marocain*, s.v. *iēmāl*.

chief qadi of Fès (VIII-Q2),<sup>113</sup> after it was notified to the chief qadi of Meknès,<sup>114</sup> Muḥammad b. ‘Abd al-Wāḥid al-Bū‘inānī.<sup>115</sup>

They were copied on Document VIII, on the occasion of the purchase of the orchard in 1149/1737 (VIII-8).

**Naṣṣ 1 (VIII-9-1)**

Date: 22 Ṣafar 1147/24 July 1734

Notaries: Aḥmad b. al-‘Arabī al-Fīlālī

Muḥammad al-Makkī Qulībbān

A deed of appointment of Muḥammad b. Maṣṣūr (VIII-d1) as an agent (*wakīl*) of al-Ḥasan (VIII-c2) and his sisters ‘Ā’isha (VIII-c3), the children of ‘Alī b. al-Ḥasan al-Yāzaghī.

al-Ḥasan and ‘Ā’isha appointed Muḥammad b. Maṣṣūr as their agent over the sale of their share of the orchard in al-Ḥabālāt. The deed describes the shares of the orchard in al-Ḥabālāt. At this time, they shared the orchard with Muḥammad al-Gadārī (VIII-b1). After Muḥammad b. ‘Alī b. al-Ḥasan’s (VIII-c1) death, al-Ḥasan inherited one eighth of the orchard and held three eighths of it as a result, while ‘Ā’isha inherited one sixteenth.

**Naṣṣ 2 (VIII-9-2)**

Date: 23 Ṣafar of the same year as Naṣṣ 1 (1147)/25 July 1737

Notaries: Aḥmad b. al-‘Arabī al-Fīlālī

Muḥammad al-Makkī Qulībbān

A deed of purchase of half of the orchard by Muḥammad al-Gadārī (VIII-b1) from al-Ḥasan (VIII-c2), ‘Ā’isha (VIII-c3), and Manāna (VIII-c4) whose agent was Muḥammad b. Maṣṣūr (VIII-d1), for 500 *uqīya dirham al-ta’rīkh*.

Muḥammad al-Gadārī purchased half of the orchard from the agent of al-Ḥasan and ‘Ā’isha, Muḥammad b. Maṣṣūr. The agent sold the shares of al-Ḥasan and ‘Ā’isha by virtue of being their agent (*wakīl*), while he sold the share of Manāna by *ṣafaqa* sale.

**Naṣṣ 3 (VIII-9-3)**

Date: the same date as Naṣṣ 2 (23 Ṣafar 1147/25 July 1737)

Notaries: al-Ḥājj Muḥammad b. al-Ḥusayn al-Miknāsī

Sa’īd b. al-Ḥājj Aḥmad al-Miknāsī

<sup>113</sup> In the month of Rabī’ I of 1150, the qadi Ya’īsh b. al-Raghghāy was murdered by bandits. We could not however identify his successor. cf. al-Qādirī, *Nashr al-mathānī*, vol. 3, pp. 407–408.

<sup>114</sup> Meknès is a city located around 60 kilometers west of Fès. It was the capital in the reign of the ‘Alawid sultan Ismā’īl.

<sup>115</sup> He was also entrusted by the ‘Alawid sultan Ismā’īl the supervision of the other qadis (*wilāyat al-naẓar fī al-quḍā*). It is said that he received presents from the qadis when they were appointed. Probably he was a brother of the chief qadi of Fès, ‘Alī b. ‘Abd al-Wāḥid al-Bū‘inānī. al-Qādirī, *Nashr al-mathānī*, vol. 4, pp. 9–10.

A deed of testimony on the situation of Manāna (VIII-c4).

Two notaries acquainted with Manāna testified that she had no testamentary guardian (*waṣī*) or the like, despite her being immature. They also testified that she had no property to repurchase (*taḍummu*) the orchard and that Muḥammad b. Maṣṣūr (VIII-d1) was the most suitable person for the ratification (*imḍā'*) of the *ṣafaqa* sale.

After the names of the two notaries, it says that the chief qadi of Mekkès, Muḥammad al-Ṭālib b. 'Abd al-Wāḥid al-Bū'inānī al-Ḥasanī<sup>116</sup> was notified of the testimony.

**Naṣṣ 4 (VIII-9-4)**

Date: 24 Ṣafar of the same year as Naṣṣ 3 (1147)/26 July 1737

Notaries: Muḥammad al-Mad'ū al-Makkī Qulībbān

Aḥmad b. al-'Arabī al-Filālī

A deed which establishes the ratification of the *ṣafaqa* sale of the orchard on behalf of Manāna (VIII-c4) by Muḥammad b. Maṣṣūr (VIII-d1).

Muḥammad al-Ṭālib b. 'Abd al-Wāḥid al-Bū'inānī al-Ḥasanī, the chief qadi of Mekkès, determined the choice of Muḥammad b. Maṣṣūr as the one who ratified the *ṣafaqa* sale on behalf of Manāna. Muḥammad b. Maṣṣūr accepted it and ratified the *ṣafaqa* sale. Then he received the money for half of the orchard from Muḥammad al-Gadārī (VIII-b1), the purchaser of the orchard, while 30 *ūqīya* of that money was set aside for the share of the waqf of the Qarawīyīn mosque.

In addition, Muḥammad b. Ḥusayn al-Shibr al-Yāzaghī (VIII-c5) had the two notaries testify that he agreed to the sale.<sup>117</sup>

**Deed 10 (VIII-10)**

Date: 18 Muḥarram 1194/25 January 1780

No. of lines: 8

Notaries: signature VIII-S10

signature VIII-S11

A deed of purchase of a part of the orchard in al-Ḥabālāt by Muḥammad al-Dabbāgh (VIII-e3), the son of 'Abd al-Hādī, from his sisters Shurayf (VIII-e6) and Ṭayma (VIII-e5).

The deed first relates that the orchard 'Abd al-Hādī al-Dabbāgh owned was

<sup>116</sup> It is not clear why the matter about Manāna's situation was notified to the chief qadi of Mekkès. As the two notaries acquainted with Manāna have the *nisba* of al-Miknāsī, it might be supposed that they lived in Mekkès or had a connection with Mekkès, so that they brought the matter to the chief qadi of Mekkès, although there is another possible interpretation of al-Miknāsī, that it comes from the Miknāsī family of Fès, rather than from the city name.

<sup>117</sup> Muḥammad b. Ḥusayn al-Shibr al-Yāzaghī does not appear before this time. He was possibly one of the close relatives of Manāna.



inherited by his wife ‘Ashūsh al-Rundīya (VIII-e2), and his children Muḥammad (VIII-e3), Sūna (VIII-e4), Ṭayma (VIII-e5), and Shurayf (VIII-e6). The agent of Shurayf, her husband Aḥmad b. al-Tāwudī Ibn Sūda (VIII-e7),<sup>118</sup> and the agent of Ṭayma, her husband ‘Alī b. Ṭāhir al-Fāsī (VIII-e8), agreed to the conditions of the inheritance.

Muḥammad al-Dabbāgh purchased Shurayf’s and Ṭayma’s shares of the orchard from the two agents. The price was calculated on that of the whole orchard amounting to 252 *mithqāl dirham qadīma*.

#### **Deed 11 (VIII-11)**

Date: beginning of Rabī‘ I of the same year as Deed 10 (1194)/March 1780

No. of lines: 4

Notaries: signature VIII-S10

signature VIII-S11

A deed of purchase of a part of the orchard in al-Ḥabālāt by Muḥammad al-Dabbāgh (VIII-e3) from his father’s wife ‘Ashūsh al-Rundīya (VIII-e2). The price was calculated in the same way as in VIII-10.

#### **Deed 12 (VIII-12)**

Date: 22 Sha‘bān 1194/23 August 1780

No. of lines: 4

Notaries: signature VIII-S11

signature VIII-S12

A deed of purchase of a part of the orchard in al-Ḥabālāt by Muḥammad al-Dabbāgh (VIII-e3) from his sister Sūna (VIII-e4). The price was calculated in the same way as in VIII-11.

#### **Deed 13 (VIII-13)**

Date: 22 Sha‘bān 1194/23 August 1780

No. of lines: 6

Notaries: signature VIII-S11

signature VIII-S13

After VIII-S11, a sentence indicating an amendment was written, followed again by the abridged signature of VIII-S13.

A deed of purchase of the orchard in al-Ḥabālāt by Muḥammad Ḥamm al-Shafshāwīnī al-‘Alamī (VIII-f1) from Muḥammad al-Dabbāgh (VIII-e3) for 360 *mithqāl*. The price was reduced by 50 *ūqīya* and Muḥammad al-Dabbāgh received

<sup>118</sup> A jurist of Fès, who was born in 1153/1740–1 and died in 1235/1819–20. He was appointed qadī several times at the end of eighteenth century. Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 1, pp. 121–122.

the rest of the money.

**Deed 14 (VIII-14)**

Date: beginning of Rajab 1224/August 1809

No. of lines: 5

Notaries: signature VIII-S13

signature VIII-S14

A deed which establishes, according to the other deed, the purchase of the orchard in al-Ḥabālāt by Muḥammad b. ‘Abd al-Raḥmān Ibn Mūsā (VIII-g1) from the inheritors of Ḥamm al-Shafshāwīnī al-‘Alamī (VIII-f1).

The purchaser, the sellers, the date, and the signatures of this deed are identical with IV-9. It may be supposed that the two deeds refer to the same purchase.

**Deed 15 (VIII-15)**

Date: middle of Muḥarram 1254/April 1838

No. of lines: 5

Notaries: signature VIII-S15

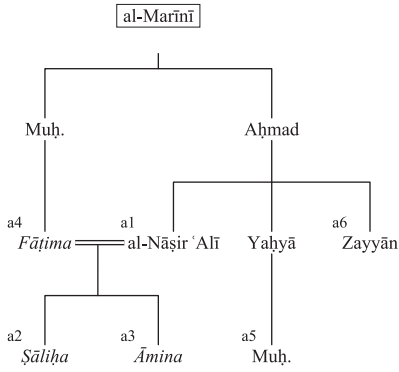
signature VIII-S16

A deed which establishes, according to the other deed, the purchase of the orchard by Muḥammad b. ‘Abd al-Qādir al-Jurundī (VIII-h1) from the agent of the inheritors of Muḥammad b. ‘Abd al-Raḥmān Ibn Mūsā (VIII-g1). The agent Muḥammad (VIII-g2) himself was one of the inheritors.

The purchaser, the sellers, the date, and the signatures of this deed are identical with IV-11. It may be supposed that the two deeds refer to the same purchase.

(KAMEYA Manabu)

## Families in Document VIII



**al-Gadārī** b1: Muḥ. b. Muḥ. b. Zayyān

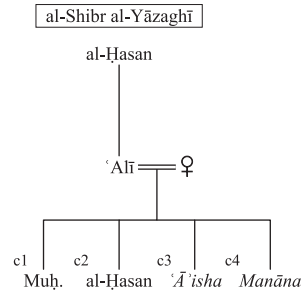
d1: Muḥ. b. Maṣṣūr

**al-Shafshāwīnī** f1: Muḥ. (Ḥamm) b. al-Mahdī

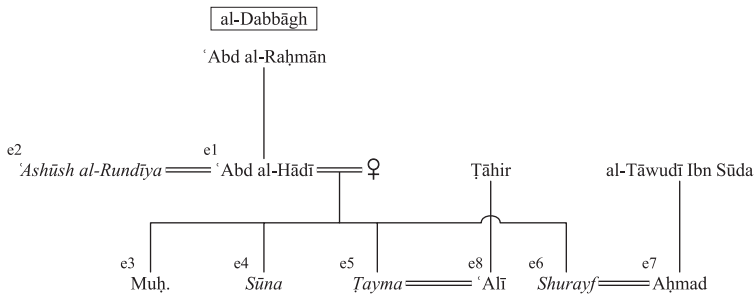
**Ibn Mūsā** g1: Muḥ. b. 'Abd al-Raḥmān

g2: Muḥ. (one of the inheritors of g1)

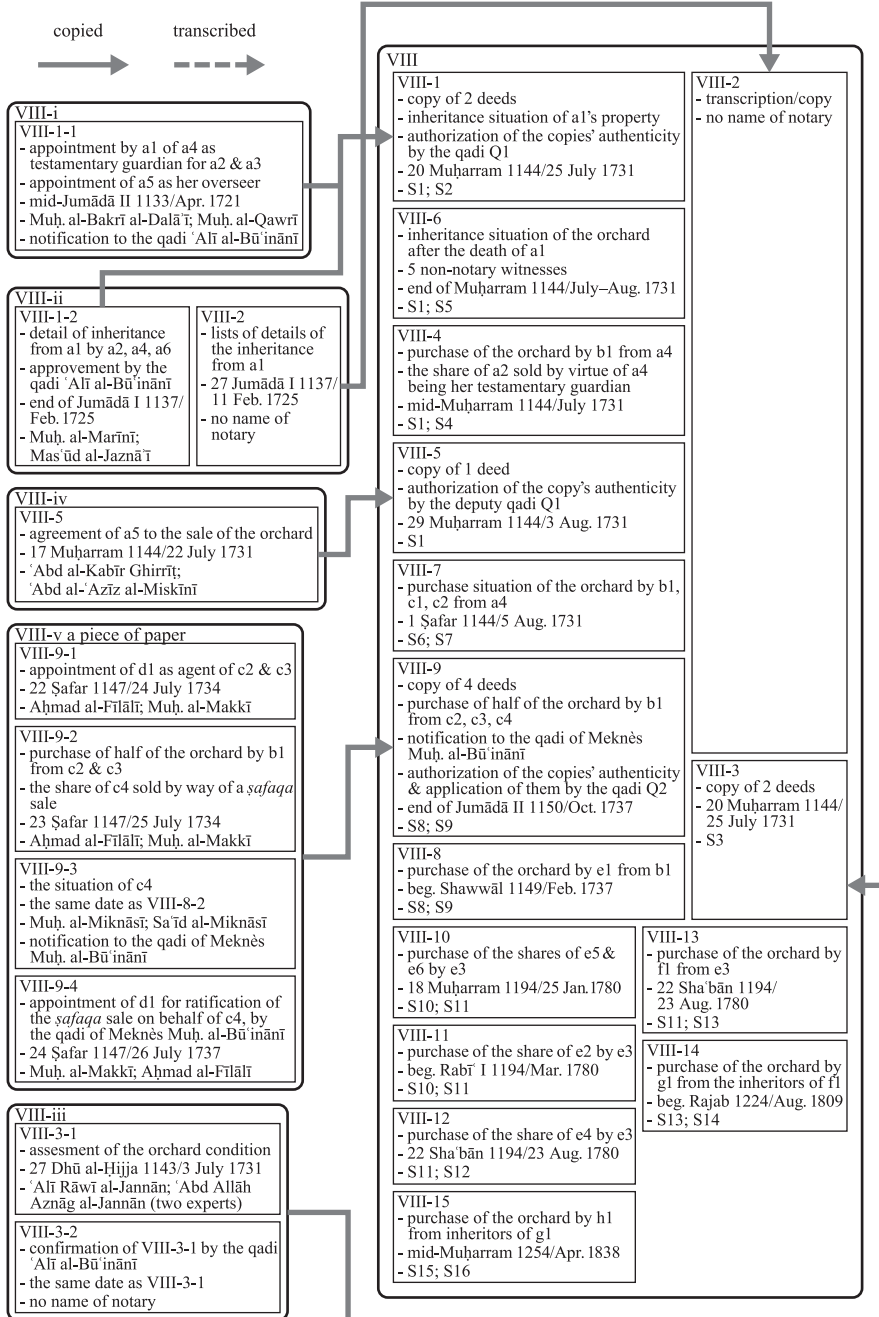
**al-Jurundī** h1: Muḥ. b. 'Abd al-Qādir



c5: Muḥ. b. al-Ḥusayn



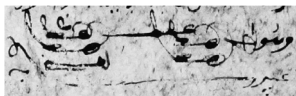
## Chart for Document VIII



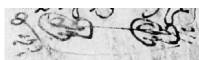
## Signatures of Document VIII

VIII-1

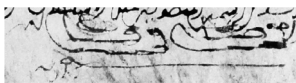
(VIII-Q1)



(VIII-S1)



(VIII-S2)



VIII-2

No notary's signature.

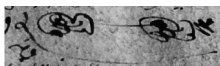
VIII-3

(VIII-S3)



VIII-4

(VIII-S1)



(VIII-S4)

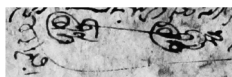


VIII-5

(VIII-Q1)



(VIII-S1)



VIII-6

(VIII-S1)

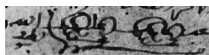


(VIII-S5)



VIII-7

(VIII-S6)



(VIII-S7)



VIII-8

(VIII-S8)



(VIII-S9)



(VIII-S8)



(VIII-S9)



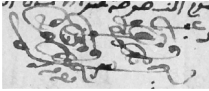
VIII-9  
(VIII-Q2)



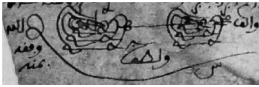
(VIII-S8)



(VIII-S9)



VIII-10  
(VIII-S10)



(VIII-S11)



VIII-11  
(VIII-S10)



(VIII-S11)



VIII-12  
(VIII-S11)



(VIII-S12)



VIII-13  
(VIII-S11)



(VIII-S11)



(VIII-S13)



VIII-14  
(VIII-S13)



(VIII-S14)



VIII-15  
(VIII-S15)



(VIII-S16)

