

Chapter I

Description of the Vellum Documents

Document IX

General Description

Title: In al-Sāḥil (*bil-Sāḥil*) / al-Kurdī¹

Size: 86×31cm

Number of deeds: 19 (16 deeds on the front side; 3 deeds on the reverse)

Date: 1009–1046/1600–1636

A document drawn up on the occasion of the purchase of half of an irrigated orchard (*al-jinān al-masqī*) outside of the Futūḥ gate² known as Sāḥil al-Khubbāz by ‘Alī (IX-b1) and Muḥammad (IX-b2), two sons of Aḥmad b. ‘Abd al-Raḥmān Ārdūz, from Aḥmad b. Muḥammad al-Kurdī (IX-a1), in 1012/1604. Along with the main purchase deed itself (IX-7), five related deeds (IX-1, IX-2, IX-4, IX-5, IX-6) were copied, transcribed, or drawn up to support the validity of the purchase. Though about half a month previously the said orchard had been trafficked among the family of the sellers (recorded in IX-4), this was premised on its resale (recorded in IX-7) in order to raise a bridal dower, and thus not the main reason for preparing the document. This initial form of Document IX was preserved in the hands of the Ārdūz family which made the purchase.

Afterward, in 1018/1609, Muḥammad al-Raḥḥālī (IX-d1) purchased this half of the orchard. However, a dispute arose over payment with the Ārdūz family which sold it. During this process, some deeds were at first written down on two documents (IX-iv, IX-v) different from Document IX. Just after the dispute was solved, Qāsim al-Kurdī (IX-a2),³ a member of the original family that owned the orchard, purchased half of it from Muḥammad al-Raḥḥālī (IX-d1) and, as required, prepared eight related deeds (IX-8, IX-9, IX-10, IX-11, IX-12, IX-13, IX-14, IX-15), includ-

¹ There is another phrase “Fes 1988” on the upper-left corner above Deed 17 (IX-17), however, being written in the Latin script, it is considered to have been added when this document was collected.

² Bāb al-Futūḥ. One of the principal gates of Fès, located in the south-east on the Andalus bank. It led to the main roads leading to the eastern Morocco and the Atlas Mountains. Roger Le Tourneau, *Fès avant le Protectorat. Étude économique et sociale d’une ville de l’Occident musulman*, Casablanca, 1949, p. 138.

³ The Kurdī family was an old family of Fès. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās fī buyūtāt Fās*, 2 vols., ed. ‘Alī b. al-Muntaṣir al-Kattānī, Casablanca, 2002, vol. 2, pp. 123–124.

ing deeds of testament among the Ārdūz family recorded in other documents (IX-ii, IX-iii). These were copied or transcribed to support the validity of the purchase, and then the purchase deed (IX-16) itself was written down in Document IX. It seems more likely that a deed of land investigation (IX-3) was added to the document on this occasion; it dealt with dividing the orchard in two and donating half of it as waqf, a procedure which occurred before the first sale described in this document.

Document IX may have been preserved in the hands of the Kurdī family for more than two decades, and then one quarter of the orchard was sold to Muḥammad b. Saʿīd al-Sūsī (IX-e1) and his brother ʿAlī (IX-e2) in 1044/1634. The deed of this purchase (IX-17) was written down on the reverse side of the document, which was itself moved to the Sūsī family making the purchase, and two deeds (IX-18, IX-19) were added continuously.

Deed 1 (IX-1)

Date: 15 Shaʿbān 1012/18 January 1604

No. of lines: 9

Notaries: signature IX-S1
signature IX-S2

A deed which establishes the maturity of Aḥmad b. Muḥammad al-Kurdī (IX-a1) 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 the copies with the originals. It was copied on Document IX by the notaries of Naṣṣ 2 on the occasion of the sale of half of the orchard in Deed 7 to prove Aḥmad's (IX-a1) qualification as its seller.

Naṣṣ 1 (IX-1-1)

Date: 8 Jumādā II 1009/15 December 1600

Witnesses: twelve non-notary witnesses

A deed in which twelve non-notary witnesses testified that Aḥmad b. Muḥammad al-Kurdī (IX-a1) was mature. It was drawn up on Document IX-i, and the qadi's apostille was affixed at the end.⁴

Naṣṣ 2 (IX-1-2)

Date: the same date as Naṣṣ 1 (8 Jumādā II 1009/15 December 1600)

Notaries: No name of notaries

(The notaries' signatures were put at the end of Deed 1 to testify to its copying.)

A registration deed of confirmation (*thubūt*) by the chief qadi of Fès, ʿAlī b. ʿAbd

⁴ Concerning the qadi's apostille, see Chapter III.

al-Raḥmān b. ‘Imrān,⁵ of Naṣṣ 1. It was drawn below Naṣṣ 1.

Deed 2 (IX-2)

Date: the same date as Naṣṣ 1 of Deed 1 (8 Jumādā II 1009/15 December 1600)

No. of lines: 7

Notaries: signature IX-S1

signature IX-S2

A deed which establishes the agreement of Qāsim al-Kurdī (IX-a2) as the testamentary guardian to the maturity (*tarshīd*) of his full-brother Aḥmad al-Kurdī (IX-a1). Aḥmad accepted his own maturity on the same day as Naṣṣ 1 of Deed 1 (8 Jumādā II 1009/15 December 1600), and also the notary Muḥammad b. Yūsuf Ibn Riḍwān al-Najjārī⁶ agreed to Aḥmad’s maturity as the overseer (*mushrif*) at the beginning of Shawwāl 1009/April 1601. It was drawn up on Document IX-i on the reverse of the original of Deed 1.

It was afterwards transcribed on Document IX, along with Deed 1, on the occasion of the sale of half of the orchard in Deed 7.

Deed 3 (IX-3)

Date: beginning of Ṣafar 1012?/July 1603

No. of lines: 10

Witnesses: no names of witnesses

A deed of testimony by two non-notary witnesses with expertise about dividing the irrigated orchard. They went to the orchard bordering on the orchard of Ibn ‘Ayn al-Nās and known as Sāḥil al-Khubbāz to judge the availability and conditions re-

⁵ ‘Alī b. ‘Abd al-Raḥmān b. Aḥmad b. ‘Imrān al-Salāsī. A jurist and mufti of Fès, who was born in 960/1552-3 and died in 1018/1609. He was appointed chief qadi of Fès in 16 Dhū al-Qa‘da 1004/22 July 1596 and retained his post until dismissed in Shawwāl 1009/April 1601, a few months after this confirmation. Latterly he was arrested by order of the Sa‘did sultan Zaydān and met his end in prison. Ibn al-Qāḍī, *Durrat al-ḥijāl fī asmā’ al-rijāl*, 3 vols., ed. Muḥammad al-Aḥmadī Abū al-Nūr, Cairo, 1971, vol. 3, pp. 255–256; Ibn Sūda, *Quḍāt Fās: min dawlat al-ashraf al-Adārīsa ilā dawlat al-shurafā’ al-‘Alawīyīn*, 172H/375M(sic.)–1389H/1969M, ed. ‘Abd al-‘Azīz Tīlānī, Rabat, 2009, pp. 99–100; al-Maqqarī, *Rawḍat al-ās al-‘āṭirat al-anfās fī dhikr man laqītu-hu min a’lām al-ḥaḍratayn Marrākush wa-Fās*, ed. ‘Abd al-Wahhāb Ibn Manṣūr, Rabat, 1983, pp. 332–335; al-Qāḍirī, *Nashr al-mathānī li-ahl al-qarn al-ḥādī ‘ashara wal-thānī*, 4 vols., ed. Muḥammad Ḥajjī and Aḥmad Tawfīq, Rabat, 1977–86, vol. 1, pp. 148–149.

⁶ The Ibn Riḍwān al-Najjārī family were descendants of the famous fourteenth-century scribe and intellectual Ibn Riḍwān (d. 1381-2). Among their members was Abū ‘Abd Allāh Muḥammad b. Yūsuf, who was born in 967/1559-60 and died in 1025/1615-6. He was familiar with medicine and property inheritance. Ibn al-Qāḍī, *Durrat al-ḥijāl*, vol. 2, p. 211; ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 447, vol. 2, p. 364; al-Maqqarī, *Rawḍat al-ās*, pp. 338–339; al-Qāḍirī, *Nashr al-mathānī*, vol. 1, p. 216; Fernando Rodríguez Mediano, *Familias de Fez (ss. XV-XVII)*, Madrid, 1995, pp. 227–228; ‘Abd al-Hādī al-Tāzī, *Jāmi‘ al-Qarawīyīn fī ta’rīkh al-Maghrib*, 3 vols., Beirut, 1972–73, vol. 2, p. 517.

lating to its division, and which division was suitable for waqf.

The deed is incomplete in that it lacks the names of the two witnesses and confirmation of the qadi, which normally accompanied a non-notary testification. It is also confusing in that the deed was written down under Deed 7 dated about half a year or so later. Considering its location and description order in the document, it was recorded (drawn up, copied, or transcribed) at least after the sale of half of the orchard in Deed 7. Its contents were related to a series of sales of the orchard in 1012/1603-4. However, since Deed 15, dealing with a dispute over the sale of the orchard that occurred in 1021/1612, pointed out the lack of any deed on dividing the orchard as a defect, this deed was probably added to Document IX later in association with Deed 15.

Deed 4 (IX-4)

Date: middle day of Rajab 1012/19 December 1603

No. of lines: 9

Notaries: signature IX-S3
signature IX-S4

A deed of purchase of half of the irrigated orchard outside of the Futūḥ gate known as Sāḥil al-Khubbāz from Fāṭima bint Aḥmad al-Daqqāq (IX-a3)⁷ by her grandson Aḥmad b. Muḥammad al-Kurdī (IX-a1).

The deed first describes her ownership of this orchard. After a description of the location of the orchard, it says that Aḥmad (IX-a1) purchased half of the orchard from his grandmother Fāṭima (IX-a3), the other half of which she had donated as waqf previously, for 380 *uqīya darāhim ta'rikh-hi*. She allowed Aḥmad (IX-a1) to pay the price to his wife Umm al-'Izz bint Muḥammad al-Majjāṣī (IX-a4)⁸ as a bridal dower.

It was drawn up on Document IX, on the occasion of the sale of half of the orchard in Deed 7.

Deed 5 (IX-5)

Date: 21 Rajab 1012/25 December 1603

No. of lines: 8

Notaries: signature IX-S5
signature IX-S3

A deed which establishes the ownership situation of the orchard known as Sāḥil

⁷ The Daqqāq family was an old family of Fès, who were known as combmakers (*al-mashshāt*), etc. 'Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 410.

⁸ There was one chief qadi of Fès having the same family name (*nisba*), Muḥammad b. al-Ḥasan b. al-Ṣaghīr al-Majjāṣī (in office, end of Jumādā I 1079/November 1668–4 Dhū al-Qa'da 1088/29 December 1677), although his connection with this bride is not known exactly. Ibn Sūda, *Quḍāt Fās*, pp. 107–108; al-Qādirī, *Nashr al-mathānī*, vol. 3, pp. 55–58.

al-Khubbāz: the sole owner of the orchard Fāṭima bint Aḥmad al-Daqqāq (IX-a3) had donated half of it as waqf for her two grandsons, Qāsim (IX-a2) and Aḥmad (IX-a1), and then Aḥmad (IX-a1) purchased the other half from Fāṭima (IX-a3), as mentioned in Deed 4, five days before the date of this deed.

It was drawn up on Document IX, on the occasion of the sale of half of the orchard in Deed 7.

Deed 6 (IX-6)

Date: end of the same month as Deed 5 (Rajab 1012)/January 1604

No. of lines: 6

Notaries: signature IX-S4

signature IX-S6

A deed of occupancy (*ḥiyāza*⁹) of the orchard known as Sāḥil al-Khubbāz. Two notaries (IX-S6 and IX-S4) accompanied, by permission of the chief qadi of Fès (IX-Q1¹⁰), the two notaries of Deed 5 (IX-S5 and IX-S3) to the orchard and they confirmed this occupancy, as mentioned in the deed above (IX-5).

It was drawn up on Document IX, on the occasion of the sale of half of the orchard in Deed 7.

Deed 7 (IX-7)

Date: 1 Sha‘bān 1012/4 January 1604

No. of lines: 8

Notaries: signature IX-S5

signature IX-S7

A deed of purchase of half of the orchard by ‘Alī (IX-b1) and Muḥammad (IX-b2),

⁹ *ḥiyāza* is a legal word in Islamic law, especially in the context of the Maliki school, which signifies that possession of something (both movable property and real estate) for a certain period of time presumes ownership by the possessor. Here, *ḥiyāza* specifically means “demarkating a property,” the ownership of which was dealt with in the previous deed (IX-5). According to al-Ṣanhājī’s manual for notaries, when any question arose from related persons to a deed about its ownership situation, notaries/witnesses of the deed must demarcate its four borders before two notaries dispatched by the qadi as his agents. YANAGIHASHI Hiroyuki, *Islamic Property Law*, Tokyo, 2012, pp. 93–96 (in Japanese); Abū al-Shitā’ al-Ṣanhājī, *al-Tadrīb ‘alā tahrīr al-wathā‘iq al-‘adliya: Wathā‘iq wa-sharḥ*, 2nd ed., 2 vols., ed. Aḥmad al-Ghāzī al-Ḥusaynī, Rabat, 1995, vol. 1, pp. 138–139.

¹⁰ This signature (IX-Q1) can be identified as that of the same chief qadi (II-Q3) described in Deed 20 of Document II (II-20) in 1019/1610. Some persons are known to have been appointed as chief qadi around this period, though their exact dates of office are unclear. After the dismissal of ‘Alī b. ‘Imrān (see Note 4) in 1009/1601, Abū al-Qāsim Ibn Abī al-Nu‘aym (d. 1032/1623, see Note 14), Muḥammad al-Shawwāsh (d. 1022/1613), ‘Abd al-Wahhāb al-Ḥumaydī (d. 1022/1613) held the office in turns. The chief qadi in question (IX-Q1=II-Q3) was presumably Abū al-Qāsim b. Abī al-Nu‘aym. Ibn Sūda, *Quḍāt Fās*, pp. 98–101; al-Qādirī, *Nashr al-mathānī*, vol. 1, pp. 181, 254–258.

two sons of Aḥmad b. ‘Abd al-Raḥmān Ārdūz from Aḥmad b. Muḥammad al-Kurdī (IX-a1).

Instead of describing the location of the orchard, it simply refers to the deeds above. The deed then says that the two brothers ‘Alī (IX-b1) and Muḥammad (IX-b2) purchased half of the orchard from Aḥmad al-Kurdī (IX-a1) for 380 *ūqīya darāhim sikkat ta’rikh-hi*. The seller received payment in gold, *dirham* coins, and raw silk.

Deed 8 (IX-8)

Date: 2 Jumādā II 1015/5 October 1606

No. of lines: 9

Notaries: signature IX-S8

Ibrāhīm b. ‘Alī al-Qal‘ī

The handwriting of the deceased notary (Ibrāhīm b. ‘Alī al-Qal‘ī) was verified by two notaries (IX-S9 and IX-S10) when the deed was transcribed.

A deed of testament by Muḥammad Ārdūz (IX-b2), in which he appointed his father Aḥmad (IX-b3) as the testamentary guardian (*waṣī*) of his children (IX-b4, IX-b5, IX-b6). It was drawn up on Document IX-ii.

It was afterwards transcribed on Document IX at the end of Sha‘bān 1021/October 1612, on the occasion of the sale of half of the orchard together with a walled orchard (*arṣa*) in Deed 16 to prove Muḥammad al-Raḥḥālī’s (IX-d1) qualification as its sole owner, by referring to the situation of the Ārdūz family from which he obtained the orchard.

Deed 9 (IX-9)

Date: 16 of the same month as Deed 8 (Jumādā II 1015)/19 October 1606

No. of lines: 8

Notaries: signature IX-S8

Ibrāhīm b. ‘Alī al-Qal‘ī

The handwriting of the deceased notary (Ibrāhīm b. ‘Alī al-Qal‘ī) was verified by two notaries (IX-S9 and IX-S10) when the deed was transcribed.

A deed which establishes the testament by the testamentary guardian of Deed 8, Aḥmad (IX-b3), in which he entrusted his duty to his son ‘Alī (IX-b1). It was drawn up on Document IX-ii on the reverse of Deed 8.

It was afterwards transcribed on Document IX at the end of Sha‘bān 1021/October 1612, on the occasion of the sale of half of the orchard together with a walled orchard in Deed 16 to prove Muḥammad al-Raḥḥālī’s (IX-d1) qualification as its sole owner, by referring to the situation of the Ārdūz family from which he obtained the orchard.

Deed 10 (IX-10)

Date: 28 Rabī' I 1017/12 July 1608

No. of lines: 9

Notaries: signature IX-S11

‘Abd al-Wahhāb Kharrūf al-Jaznā’ī¹¹

The handwriting of the deceased notary (‘Abd al-Wahhāb Kharrūf al-Jaznā’ī) was verified by two notaries (IX-S9 and IX-S10) when the deed was transcribed.

A deed which establishes the testament by the entrustee of testamentary guardianship of Deed 9, ‘Alī (IX-b1), in which he entrusted his duty to Muḥammad b. ‘Abd al-Raḥmān al-Ḥarrār (IX-b7), maternal uncle of his wards (IX-b4, IX-b5, IX-b6) and appointed his wards’ mother Āmina (IX-b8) as his overseer (*mushrif*). It was drawn up on Document IX-ii below Deed 9.

It was afterwards transcribed on Document IX at the end of Sha‘bān 1021/October 1612, on the occasion of the sale of half of the orchard together with a walled orchard in Deed 16 to prove Muḥammad al-Raḥḥālī’s (IX-d1) qualification as its sole owner, by referring to the situation of the Ārdūz family from which he obtained the orchard.

Deed 11 (IX-11)

Date: 28 Rabī' I 1017/12 July 1608

No. of lines: 14

Notaries: signature IX-S12

‘Abd al-Wahhāb Kharrūf al-Jaznā’ī

The handwriting of the deceased notary (‘Abd al-Wahhāb Kharrūf al-Jaznā’ī) was verified by two notaries (IX-S9 and IX-S10) when the deed was transcribed.

A deed of testament by ‘Alī Ārdūz (IX-b1), in which he appointed Muḥammad al-Ḥarrār (IX-b7), maternal uncle of his wards as the testamentary guardian (*waṣī*) of his children (IX-b9, IX-b10, IX-b11) and appointed al-Kabīr b. Aḥmad al-Ghardīs (IX-c1)¹² as his overseer (*mushrif*). It was drawn up on Document IX-iii.

¹¹ The Jaznā’ī family was an old family of Fès. Although its connection with this notary is not known exactly, among their members was Muḥammad b. Abī Yaḥyā al-Jaznā’ī, who was appointed deputy chief qadi of Fès in 970/1562-3. Moreover, there was a notary Muḥammad Kharrūf al-Jaznā’ī, who died in 1034/1624-5, who may have had some relationship to him. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 274; al-Qādirī, *Nashr al-mathānī*, vol. 1, p. 264.

¹² Muḥammad b. Aḥmad b. Muḥammad b. al-Ghardīs, surnamed “al-Kabīr.” He was a scholar of Fès, whose dates of birth and death are unknown. His father Aḥmad b. Muḥammad b. al-Ghardīs al-Taḡhlibī (947–1021/1540-1–1612-3) held the office of secretary (*kātib*) of al-Ma’mūn, the ruler of the Sa’dids dynasty. The Ghardīs family was an old and famous

It was afterwards transcribed on Document IX at the end of Sha‘bān 1021/October 1612, on the occasion of the sale of half of the orchard together with a walled orchard in Deed 16 to prove Muḥammad al-Raḥḥālī’s (IX-d1) qualification as its sole owner, by referring to the situation of the Ārdūz family from which he obtained the orchard.

Deed 12 (IX-12)

Date: 24 Rajab 1018/23 October 1609

No. of lines: 9

Notaries: signature IX-S10

Muḥammad b. Aḥmad al-Mizwār¹³

The handwriting of the deceased notary (Muḥammad b. Aḥmad al-Mizwār) was verified by a notary (IX-S9) when the deed was transcribed.

A deed of purchase of half of the orchard outside of the Futūḥ gate known as Sāḥil al-Khubbāz by Muḥammad/Ḥamm b. Ḥusayn al-Raḥḥālī (IX-d1) from the sharers (IX-b1, IX-b4, IX-b5, IX-b6).

After a description of the location of the orchard, it says that Muḥammad al-Raḥḥālī (IX-d1) purchased it, together with drinking water, from ‘Alī Ārdūz (IX-b1) and his brother Muḥammad’s (IX-b2) children (IX-b4, IX-b5, IX-b6) for 650 *ūqīya sikkīyat al-ta’rīkh*. The seller received 200 *ūqīya* at that time and the purchaser would finalize payment for the remaining amount in two yearly installments. In addition, it was related that a walled orchard (*‘arṣa*) bordering on the orchard of Ibn ‘Ayn al-Nās and al-Kurdī’s share (another half of the said orchard) was involved in that sale. It was drawn up on Document IX-iv.

It was afterwards transcribed on Document IX at the end of Sha‘bān 1021/October 1612, on the occasion of the sale of half of the orchard together with a walled orchard in Deed 16 to prove Muḥammad al-Raḥḥālī’s (IX-d1) qualification as its sole owner.

Deed 13 (IX-13)

Date: end of Sha‘bān 1021/October 1612

No. of lines: 5

Notaries: signature IX-S10

signature IX-S9

family of Fès, from which appeared secretaries, notaries, and qadis. Ibn al-Aḥmar, *Buyūtāt Fās al-kubrā*, ed. ‘Abd al-Waḥḥāb Ibn Maṣṣūr, Rabat, 1972, p. 69; Ibn al-Qāḍī, *Durrat al-ḥijāl*, vol. 2, p. 216; ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, pp. 50–52; Rodríguez Mediano, *Familias de Fez*, pp. 160–162.

¹³ The Mizwār family was famous as notaries in Fès. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, p. 189.

A deed which establishes that ‘Alī Ārdūz (IX-b1) received part of the remaining amount of payment for the sale of the orchard described in Deed 12, with acceptance (*qubūl*) of the testimony on it by the chief qadi of Fès. 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 IX by the notaries of Naṣṣ 2 on the occasion of the sale of half of the orchard together with a walled orchard in Deed 16 to prove Muḥammad al-Raḥḥālī’s (IX-d1) qualification as its sole owner.

Naṣṣ 1 (IX-13-1)

Date: middle of Rajab 1020/September 1611

Witnesses: ‘Alī b. ‘Abd al-Raḥmān al-Ḥarīqī
Muḥammad b. ‘Alī al-Nadrūmī

A deed in which two non-notary witnesses testified that Muḥammad al-Raḥḥālī (IX-d1) paid 160 *ūqīya* from the rest of payment to ‘Alī Ārdūz (IX-b1), five months before the date of the deed. The witnesses were not notaries but experts called *mu‘allim* (masters). It was drawn up on Document IX-v, and the qadi’s apostille was affixed at the end.

Naṣṣ 2 (IX-13-2)

Date: the same date as Naṣṣ 1 (middle of Rajab 1020/September 1611)

Notaries: No name of notaries

(The notaries’ signatures were put at the end of Deed 1 to testify to its copying.)

A registration deed of acceptance (*qubūl*) by the chief qadi of Fès, Abū al-Qāsim b. Muḥammad,¹⁴ of Naṣṣ 1. It was drawn below Naṣṣ 1.

Deed 14 (IX-14)

Date: 3 Sha‘bān of the same year as Naṣṣ 1 of Deed 13 (1020)/11 October 1611

No. of lines: 3

Notaries: signature IX-S10

signature IX-S13

A deed in which two notaries testified that al-Ḥarīqī and al-Nadrūmī, non-notary witnesses of Naṣṣ 1 of Deed 13, were competent to give testimony. It was drawn up on Document IX-v in the margin of Deed 13.

¹⁴ Abū al-Qāsim b. Muḥammad Ibn Abī Nu‘aym al-Ghassānī. He was born in 952/1545 and appointed as chief qadi of Fès after the dismissal of ‘Alī b. ‘Imrān in 1009/1601. He held the office and then died amid the civil conflict of Fès in 1032/1623. The Ghassānī family was an old family of Fès. Ibn al-Qāḍī, *Durrat al-ḥijāl*, vol. 3, pp. 285–286; Ibn Sūda, *Quḍāt Fās*, pp. 100–101; ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, pp. 58–59; Muḥammad b. Ja‘far al-Kattānī, *Salwat al-anfās wa-muḥādathat al-akyās bi-man uqḥira min al-‘ulamā’ wal-ṣulahā’ bi-Fās*, 3 vols., ed. ‘Abd Allāh al-Kāmil al-Kattānī et al., Casablanca, 2004, vol. 2, pp. 116–117; al-Maqqarī, *Rawḍat al-ās*, pp. 335–336; al-Qādirī, *Nashr al-mathānī*, vol. 1, pp. 254–258.

It was afterwards transcribed on Document IX at the end of Sha‘bān 1021/October 1612, on the occasion of the sale of half of the orchard together with a walled orchard in Deed 16 along with Deed 13 to prove Muḥammad al-Raḥḥālī’s (IX-d1) qualification as its sole owner.

Deed 15 (IX-15)

Date: ? Sha‘bān 1021/September–October 1612

No. of lines: 13

Notaries: signature IX-S9
signature IX-S10

A deed of reconciliation by the qadi court on a dispute over the sale of the orchard and the walled orchard described in Deed 12.

The deed first describes the joint ownership of half of the orchard known as Sāḥil al-Khubbāz with the walled orchard between two brothers of the Ārdūz family, ‘Alī (IX-b1) and Muḥammad (IX-b2), and the inheritance situation after the death of Muḥammad (IX-b2). According to it, his property was inherited by his wife Āmina bint ‘Abd al-Raḥmān al-Ḥarrār (IX-b8) and his children (IX-b4, IX-b5, IX-b6). ‘Alī (IX-b1) sold all of their shares to Muḥammad al-Raḥḥālī (IX-d1) and received 360 *ūqīya* of its total price (650 *ūqīya*). Thereafter, the seller ‘Alī (IX-b1) died and his property was inherited by his wife ‘Azūz (IX-b12), sister of Āmina (IX-b8), and his children (IX-b9, IX-b10, IX-b11, IX-b13, IX-b14).

Later, together with the two widows Āmina (IX-b8) and ‘Azūz (IX-b12), Muḥammad al-Ḥarrār (IX-b7) as the agent (*nā‘ib*) for their children requested the purchaser Muḥammad al-Raḥḥālī (IX-d1) for payment of the remaining amount (290 *ūqīya*). In response, Muḥammad al-Raḥḥālī (IX-d1) asked them to submit documents relating to the ownership of the orchard and its division into waqf and the said half. As a result, it was pointed out that the lack of any deed about dividing the orchard and the existence of a defect in the walled orchard were both discontent problems for him.

Additionally, Muḥammad al-Raḥḥālī (IX-d1) argued that, since he had paid 75 *ūqīya* at another time, the remainder was only 215 *ūqīya*, and he claimed restitution for the defect. The case was taken before the qadi court and he got a reduction of 50 *ūqīya* from the remaining account (290 *ūqīya*). It was drawn up on Document IX-iv on the reverse of Deed 12.

It was afterwards transcribed—though never explicitly stated so—on Document IX at the end of Sha‘bān 1021/October 1612, on the occasion of the sale of half of the orchard together with the walled orchard in Deed 16 to prove Muḥammad al-Raḥḥālī’s (IX-d1) qualification as its sole owner.

Deed 16 (IX-16)

Date: 23 Sha‘bān 1021/19 October 1612

No. of lines: 12

Notaries: signature IX-S9
signature IX-S10

A deed of purchase of half of the orchard known as Sāhil al-Khubbāz together with the walled orchard from Muḥammad al-Raḥḥālī (IX-d1) by Qāsim al-Kurdī (IX-a2).

Instead of describing the location of the orchard, it simply refers to the deeds above. The deed then says that Muḥammad al-Raḥḥālī (IX-d1) purchased them from Qāsim al-Kurdī (IX-a2) for 430 *ūqīya* (400 *ūqīya darāhim ta'rikh-hi* and 30 *ūqīya sikkīya*). The seller received payment in gold coin. It also says that the purchaser recognized the defect concerning the walled orchard.

Deed 17 (IX-17)

Date: 21 Jumādā II 1044/12 December 1634

No. of lines: 9

Notaries: signature IX-S14
signature IX-S15

A deed of purchase of a quarter of the orchard together with half of the two walled orchards included in it by Muḥammad b. Sa'īd al-Sūsī (IX-e1) from Aḥmad/Ḥamdūn al-Kurdī (IX-a1?).¹⁵

Instead of describing the location of the orchard, it simply refers to the deeds on the reverse. The two walled orchards were known as 'Arṣat Ā'rām and 'Arṣat al-Arqī. The deed then says that Muḥammad al-Sūsī (IX-e1) purchased them on behalf of himself and his brother 'Alī (IX-e2) for 550 *ūqīya dirham ta'rikh-hi*. The seller received 450 *ūqīya* from payment in *dirham* and *fulūs* coins and the purchaser would finalize payment for the remaining amount (100 *ūqīya*) after spinning silk thread that year. It also says that Fāṭima bint Muḥammad al-Marāsīnī (IX-e3), mother and testamentary guardian (*waṣī*) of the purchaser, agreed to this purchase.

It was drawn up on the reverse side of Document IX.

Deed 18 (IX-18)

Date: middle of Muḥarram 1045/June-July 1635

No. of lines: 3

Notaries: signature IX-S14
signature IX-S15

A deed which establishes that Aḥmad/Ḥamdūn al-Kurdī (IX-a1?) received the re-

¹⁵ There may exist missing deeds or something between Deeds 16 and 17, since the ownership of these orchards had changed among the Kurdī family (from IX-a2 to IX-a1). It is considered that during the intervening period of two decades or so, some transaction regarding ownership occurred by inheritance or sale. Otherwise the purchase recorded in Deed 16 would have been done under the joint ownership of IX-a1 and IX-a2.

remaining amount of payment for the sale of the orchard described in Deed 17 in *dirham* and *fulūs* coins.

Deed 19 (IX-19)

Date: beginning of Rabī' I 1046/August 1636

No. of lines: 5

Notaries: signature IX-S16

signature IX-S17

A deed which establishes the inheritance situation after the death of Muḥammad al-Sūsī (IX-e1), the joint owner of one eighth of the above-mentioned orchard with a quarter of the two attached walled orchards. According to it, those who shared the orchard at that time were his wife 'Ā'isha bint 'Allāl al-Raqqī (IX-e4), his daughter 'Abla? (IX-e5), his mother Fāṭima bint Muḥammad al-Marāsīnī (IX-e3), and, on behalf of his agnates (*aṣaba*), his brother 'Alī (IX-e2).

The deed then says that 'Alī (IX-e2) purchased from 'Ā'isha (IX-e4) her share with the approval of her father 'Allāl al-Raqqī (IX-e6).

(HARAYAMA Takahiro)

Families in Document IX

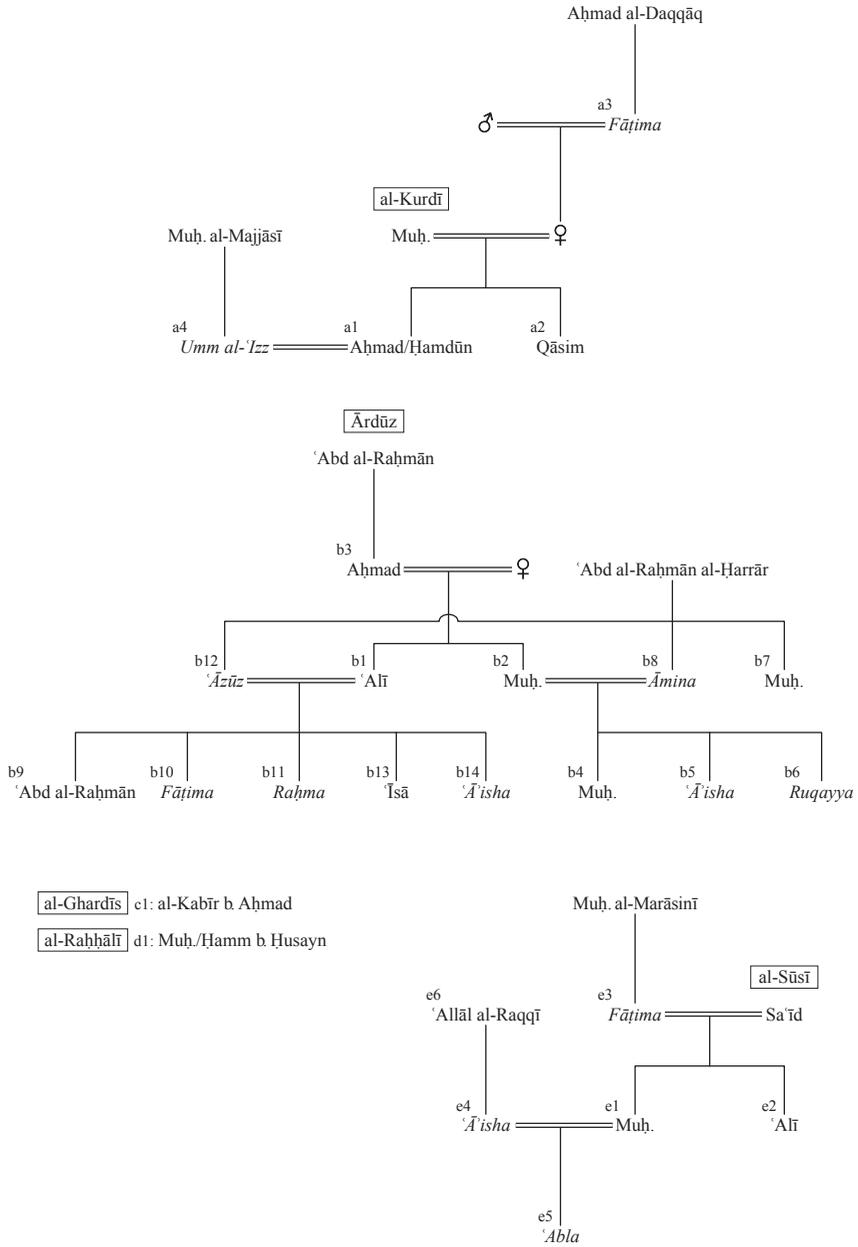
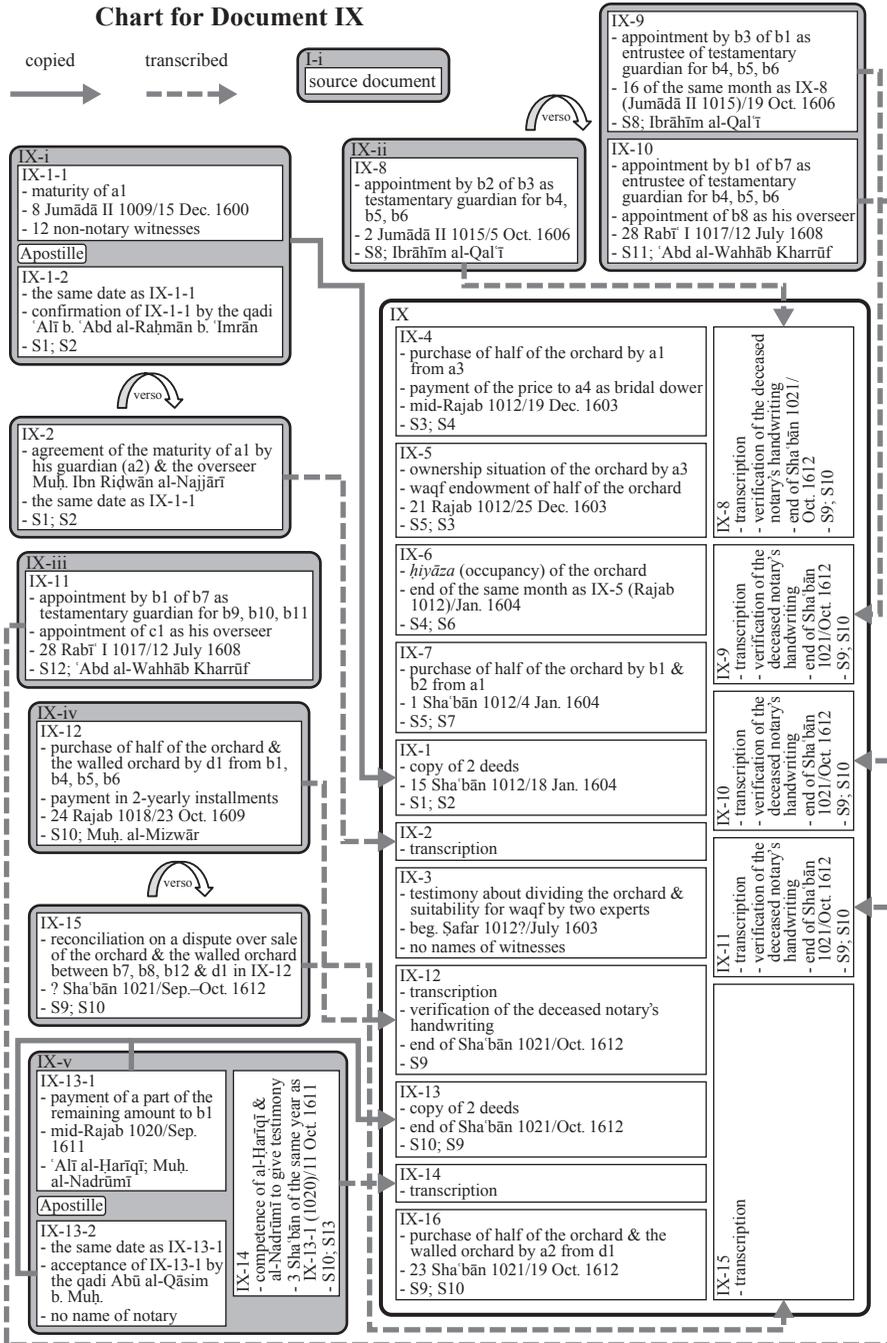


Chart for Document IX



IX-17
- purchase of 1/4 of the orchard & half of the two walled orchards by e1 & e2 from a1
- payment of a part of the amount received by a1
- 21 Jumādā II 1044/12 Dec. 1634
- S14; S15

IX-18
- payment of the remaining amount received by a1
- mid-Muḥarram 1045/June–July 1635
- S14; S15

IX-19
- inheritance situation of 1/8 of the orchard & 1/4 of the two walled orchards after the death of e1 among e2, e3, e4, e5
- purchase of the share of e4 by e2
- beg. Rabī I 1046/Aug. 1636
- S16; S17



Signatures of Document IX

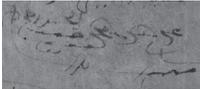
IX-1
(IX-S1)



(IX-S2)



IX-2
(IX-S1)



(IX-S2)



IX-3
No witnesses' signatures

IX-4
(IX-S3)



(IX-S4)



IX-5
(IX-S5)



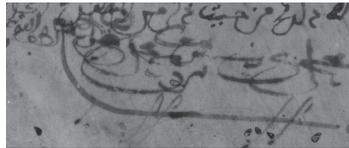
(IX-S3)



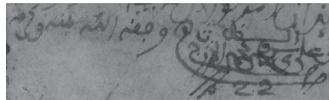
IX-6
(IX-Q1)



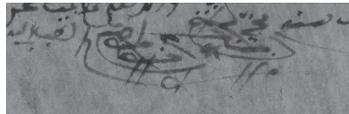
(IX-S4)



(IX-S6)



IX-7
(IX-S5)



(IX-S7)



IX-8
(IX-S8)



(IX-S9)



(IX-S10)



IX-9
(IX-S8)



(IX-S9)



(IX-S10)



IX-10
(IX-S11)



(IX-S9)



(IX-S10)



IX-11
(IX-S12)



(IX-S9)



(IX-S10)



IX-12
(IX-S10)



(IX-S9)



IX-13
(IX-S10)



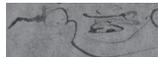
(IX-S9)



IX-14
(IX-S10)



(IX-S13)



IX-15
(IX-S9)



(IX-S10)



IX-19

(IX-S16)



IX-16

(IX-S9)



(IX-S17)

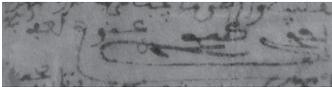


(IX-S10)



IX-17

(IX-S14)



(IX-S15)



IX-18

(IX-S14)



(IX-S15)

