

Document XI

General Description

Title: al-Ṣaḥīfa (*al-Ṣaḥīfa*) / al-Ṣaḥīfa (*al-Ṣaḥīfa*) / Land — at Tāzrūt; the price is ninety? five mithqāl, also seventy five below the deeds about al-Ṣaḥīfa (*bilād — bi-Tāzrūt, al-thaman khams wa-tis ʿīna? mithqālan wa-ayḍan khams wa-sab ʿīna asfal al-rusūm ʿalā al-ṣaḥīfa*) / Land which had belonged to Naqmūs and was purchased by Sīdī Muḥammad b. al-Tuhāmī (*bilād kānat li-Naqmūs wa-ishtarā-hā Sīdī Muḥammad b. al-Tuhāmī*) / Land of al-Ṣaḥīfa and royal? decrees (*bilād al-ṣaḥīfa wa-zawāhir al-mulūk?*) / Account? which includes purchase of a share from al-Ṣaḥīfa by Sīdī Muḥammad b. al-Tuhāmī al-Wazzānī (*qiṣṣa? bi-hi shirāʿ sīdī Muḥammad b. al-Tuhāmī al-Wazzānī li-wājib min al-Ṣaḥīfa*) / Deed — Naghmūs? (*rasm — Naghmūs?*)

Size: 93×74cm

Number of deeds: 12

Date: 1085–1139/1674–1727

A document drawn up on the occasion of the purchase of a half share of ʿAbd al-Salām Naghmūsh (XI-a16) in farmland at Tāzrūt²¹ in the Inaouène valley²² by Muḥammad b. al-Tuhāmī al-ʿAlamī (XI-g1)²³ in 1135/1722. Along with the main purchase deed itself (XI-7), four related deeds (XI-2, XI-3, XI-5, XI-6) were copied or transcribed by the notaries (XI-S3 and XI-S4) of the purchase deed in order to support the validity of the purchase.

²¹ A place name whose etymology is “stone” in Amazigh (Berber) language. There are many places with this name in the Rif mountains in northern Morocco. The founder of the Wazzānīya brotherhood, ʿAbd Allāh b. Ibrāhīm al-ʿAlamī (d. 1089/1678), was born in one such. *Maʿlamat al-Maghrib*, vol. 6, p. 2032; vol. 22, p. 7595; *Encyclopaedia of Islam*, “WAZZĀNIYYA.” Although the protagonist of Document XI, Muḥammad b. al-Tuhāmī al-ʿAlamī (g1), was a descendant of the founder of the brotherhood, that was probably just a coincidence.

²² The Inaouène river flows from the direction of Taza, a city to the east of Fès, and joins the Sebou river at a point around 18km north-northeast of the city. In the nineteenth century, sharifs of the Wazzānīya brotherhood lived in this region, arbitrating disputes among the inhabitants and also intermediating between them and the central government. ʿAbd al-Raḥmān al-Muwaddan, *al-Bawādī al-maghribīya qabla al-istiʿmār: Qabāʾ il ʾInāwin wal-makhzan bayna al-qarn al-sādis ʿashara wal-tāsi ʿashara*, Rabat: Jāmiʿat Muḥammad al-Khāmīs, 1995, pp. 292–305.

²³ One of the sharifs of the Wazzānīya brotherhood, who died in Fès in the 1160ʿs/1747–56. His father Muḥammad al-Tuhāmī (d. 1127/1715) was the third leader of the brotherhood, whose center was located in Wazzān in the north west of Morocco. He encouraged his sons to acquire property and wealth to support their religious life and the brotherhood acquired properties in many places in Morocco. His son Muḥammad b. al-Tuhāmī, the protagonist of this document, resided in Fès, managing their zawiya in this city. al-Qādirī, *Nashr al-mathānī*, vol. 4, pp. 260–263; *Encyclopaedia of Islam*, “WAZZĀNIYYA.”

Afterward, from 1136/1724 to 1139/1727, Muḥammad al-‘Alamī (XI-g1) increased his share by purchasing from his sharers, and also purchased other adjoining lands. During this process, new purchase deeds (some of them only in summary) and related deeds (XI-1, XI-8, XI-10, XI-11, XI-12) were additionally drawn up, copied, or transcribed on the document. Also, when his sharer ‘Abd al-Salām Naghmūsh (XI-a16) increased his share in 1137/1725, his purchase deed was transcribed with its related deed (XI-4, XI-9). It is supposed that Document XI was preserved in the hands of Muḥammad al-‘Alamī (XI-g1) to show his ownership of the land.

Document XII and Document XIII are also concerned with the same lands as those of Document XI. The same persons and even the same deeds appear in them. It is supposed that all three documents were ultimately preserved in the hands of Muḥammad al-‘Alamī (XI-g1).²⁴

Deed 1 (XI-1)

Date: 18 Jumādā [II] 113[7]/4 March 1725

No. of lines: 45

Notaries: signature XI-S1

signature XI-S2

A deed which establishes that Muḥammad b. al-Tuhāmī al-‘Alamī (XI-g1) purchased the shares of Muḥammad b. Yaḥyā al-Zagārī (XI-b1)²⁵ at Tāzrūt and ‘Uyūn al-Ziyād from his inheritors. It consists of copies of fourteen deeds which had been written down on three source documents written on paper (*qīṭa ‘min kāghīd*). At the end it includes a testimony on the collation of the copies with the originals, application (*i ‘māl*) of the second source document by the deputy chief qadi of Fès (XI-Q1)²⁶, and his authorization of the copies’ authenticity (*istiqlāl*) on all the three documents. It was copied on Document XI at the same time as the preparation of Naṣṣ 12, the purchase deed of the land by Muḥammad al-‘Alamī (XI-g1) from the Zagārī family, in order to prove his share increase in this region.

The first source document (XI-i) was copied to prove the ownership of Muḥammad al-Zagārī (b1) of land at Tāzrūt. It included Naṣṣ 1 to Naṣṣ 6, which had been written down on Document XI-i in relation to a dispute between him and ‘Abd al-Wāḥid b. al-Ḥasan al-Ḥammāfī (XI-a4) concerning the purchase in

²⁴ As the three documents are closely related to each other, we have used common numbering for the persons concerned with the contracts. We have also prepared a chart showing the relationship between the three documents.

²⁵ The Zagārī family was a sharif family of the Idrisid genealogy. Both his father Yaḥyā and grandfather Muḥammad (d. 1060/1650) were well-known saints (*walī ṣāliḥ*) of Fès. Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 1, p. 418; vol. 2, p. 8.

²⁶ In Naṣṣ 13, dated also 1137/1725, the deputy chief qadi is named ‘Abd al-Raḥmān b. ‘Abd al-Wāḥid al-Bū‘inānī.

1105/1693 (Naṣṣ 4-1). The dispute finally ended in an amicable settlement at the qadi court in 1110/1698 (Naṣṣ 6) and Muḥammad al-Zagārī (XI-b1) secured the ownership of one quarter of the Tāzrūt land. Seemingly, this source document had come into being during the course of the dispute but it is not clear when and how it was first prepared.

The second source document (XI-ii) was copied to prove the ownership of Muḥammad al-Zagārī (XI-b1) of land at ‘Uyūn al-Ziyād. It included Naṣṣ 7 to Naṣṣ 11, which had been written down on Document XI-ii on the occasion of the purchase of the land by Muḥammad al-Zagārī (XI-b1) and his co-purchasers in 1088/1677 (Naṣṣ 10).

The third source document (XI-iii) included the purchase deed of the two pieces of land by Muḥammad al-‘Alamī (XI-g1) from the inheritors of Muḥammad al-Zagārī (XI-b1) (Naṣṣ 12) and its related deeds (Naṣṣ 13 and Naṣṣ 14). Although this document itself was enough to prove the right of the new owner Muḥammad al-‘Alamī (XI-g1), it seems that he wanted to incorporate all the deeds concerning his ownership in this region into one document. Probably that is why Deed 1 was added on Document I in 1137/1725, which had already existed since 1135/1722.

A part of the date of copying is not legible due to damage of the document. We have however concluded that it was copied between the beginning of Jumādā II 1137 and the end of Rajab 1137. The former date is that of Naṣṣ 12 of Deed 1 (XI-1-12) which was doubtless drawn up before the copying. The latter date is that of Deed 10 (XI-10) which was written down below Deed 1 apparently after the copying.

Naṣṣ 1 (XI-1-1)

Date: 5 Rajab 1105/2 March 1694

Notaries: ‘Abd al-Wahhāb b. Mas‘ūd al-Shāmī

Muḥammad al-‘Ālim al-Shāmī

A deed which establishes the ownership of the land at Tāzrūt by the inheritors of the two brothers ‘Īsā b. Muḥammad al-Ḥammāṭī (XI-a1) and Belqāsim al-Ḥammāṭī (XI-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 its acceptance (*qubūl*) by the chief qadi of Fès, Muḥammad al-‘Arabī b. Aḥmad Burdulla.²⁷

It was copied on the first source document, Document XI-i, on the occasion of the purchase (Naṣṣ 4-1) from one of the inheritors, al-Ḥasan b. ‘Īsā al-Ḥammāṭī (XI-a3), in order to prove his qualification as a seller.

The same text is also found in Naṣṣ 1-1 of Deed 2 (XI-2-1-1).

Naṣṣ 1-1 (XI-1-1-1)

²⁷ A chief qadi of Fès (1042–1133/1632–1721). He was in the position intermittently between 1088/1677–8 and 1119/1707. See MIURA and SATO ed., *The Vellum Contract Documents*, pp. 78–79, Note 69.

Date: No date

Notaries: No name of notaries

A deed which establishes the ownership of the land at Tāzrūt by the inheritors of ʿĪsā b. Muḥammad al-Ḥammāfī (XI-a1) and his brother Belqāsīm al-Ḥammāfī (XI-a2), with confirmation (*thubūt*) by chief qadi of Fès, ʿAbd al-Wāḥid b. Muḥammad al-Būʿinānī.²⁸ It consists of copies of two deeds.

After the deed, two apostilles were affixed. One is on the deposition of testimony by a great number of witnesses (*al-laff*) and the notification of its confirmation by the qadi of Fès, ʿAbd al-Wāḥid b. Muḥammad al-Būʿinānī. It was affixed on the occasion of the preparation of this deed, though it is unusual that *laff* gave their testimony before the qadi.²⁹ The other concerns testimony about the handwriting of the first apostille and its acceptance. It was affixed by the qadi Muḥammad Burdulla on the occasion of copying.

Naṣṣ 1-1-1 (XI-1-1-1)

Date: end of Dhū al-Qaʿda 1101/August–September 1690

Witnesses: twenty four non-notary witnesses

A deed in which non-notary witnesses testified about the ownership of the land named Tāzrūt which was situated in the region of Ṣadrāta³⁰ by two brothers ʿĪsā b. Muḥammad al-Ḥammāfī (XI-a1) and Belqāsīm al-Ḥammāfī (XI-a2). The deed describes its location and says that it remained in their ownership for life until it passed into the hands of their inheritors.

Some names of witnesses are followed by the word *addā* (he gave testimony), written by the qadi Muḥammad Burdulla, as will be shown in Naṣṣ 2 (XI-1-2) below. Also, after closing the deed, a note is written saying that similar testimony was made on 28 Ṣafar 1105/29 October 1693. This might indicate the testimony made before the qadi Muḥammad Burdulla.

After the deed, an apostille on the confirmation of the testimony of a great number of witnesses was affixed.

Naṣṣ 1-1-2 (XI-1-1-2)

²⁸ A jurist of Fès, who died in 1106/1694. He occupied various positions, including preacher (*khaṭīb*) of the Qarawīyīn mosque, mufti of Fès, and qadi of New Fès from which he was dismissed in 1102/1691. He was also dispatched to Algiers under the Ottoman rule as an envoy. al-Qādirī, *Nashr al-mathānī*, vol. 3, p. 66; Muḥammad al-Kattānī, *Salwat al-anfās*, vol. 1, p. 220; Ibn Sūda, *Quḍāt Fās*, p. 146.

²⁹ For apostille affixed to the deed of the *laff* testimony, see Chapter III, pp. 132–133.

³⁰ A branch of the Ḥyāyina tribal confederation. This Arab tribal confederation appeared in the east and north-east of Fès, including the Inaouène valley, after the 16th century and controlled the region, sometimes in cooperation with the central government, sometimes opposing it. Although the name of Ṣadrāta/Sadrāta appeared as a Berber tribe since the Idrisid period in the ninth century, they seemed to have been incorporated into the Arab tribal confederation of Ḥyāyina by this time. al-Muwaddan, *al-Bawādī al-maghribīya qabla al-isti mār*, p. 64; *Ma lamat al-Maghrib*, vol. 11, pp. 3644–3646.

Date: the same date as Naṣṣ 1 (end of Dhū al-Qa‘da 1101/August-September 1690)

Notaries: Muḥammad b. Ibrāhīm al-Burnusī
Mūsā al-Ṣanhājī

A deed of confirmation (*thubūt*) of Naṣṣ 1-1-1 by the chief qadi of Fès, ‘Abd al-Wāhīd b. Muḥammad al-Bū‘inānī. It was drawn up below Naṣṣ 1-1-2.

Naṣṣ 2 (XI-1-2)

Date: end of Rajab 1105/March 1694

Notaries: ‘Abd al-Wahhāb b. Mas‘ūd al-Shāmī
Muḥammad al-‘Ālim al-Shāmī

A deed which establishes that the word *addā* in the deed of a large number of witnesses (*lafīf*) above (Naṣṣ 1) is by the handwriting of the qadi Muḥammad Burdulla. It was drawn up on Document XI-i below Naṣṣ 1.

The same text is also found in Naṣṣ 1-2 of Deed 2 (XI-2-1-2), like the case of Naṣṣ 1.

Naṣṣ 3 (XI-1-3)

Date: 22 Rabī‘ I 1108/19 October 1696

Notaries: ‘Abd al-Wahhāb b. Mas‘ūd al-Shāmī
Muḥammad al-‘Ālim al-Shāmī

A deed which establishes the ownership of the land in the Inaouène valley by al-Ḥasan b. ‘Īsā al-Ḥammāṭī (XI-a3). It consists of copies of two deeds, and includes at the end a testimony on the collation of the copy with the original, and acceptance (*qubūl*) by the chief qadi of Fès, Muḥammad al-‘Arabī b. Aḥmad Burdulla.

It was copied on Document XI-i below Naṣṣ 2 in relation to the purchase (Naṣṣ 4-1) from al-Ḥasan al-Ḥammāṭī (XI-a3) in order to prove his qualification as a seller.

The same text is also found in Naṣṣ 1-3 of Deed 2 (XI-2-1-3), like the case of Naṣṣ 1 and Naṣṣ 2.

Naṣṣ 3-1 (XI-1-3-1)

Date: beginning of Rabī‘ I 1105/October–November 1693

Notaries: ‘Abd Allāh b. Aḥmad Ājānā
‘Umar b. ‘Alī al-Ṣadrātī

A deed which establishes the ownership situation of the land in the Inaouène valley by al-Ḥasan b. ‘Īsā al-Ḥammāṭī (XI-a3), describing its location and stating that no one had contested his ownership. It was drawn up on a piece of paper (*qīṭ‘at kāghīd*).

After the deed, two apostilles were affixed. One is on the deposition of testimony by the two notaries and notification of its acceptance by ‘Umar b. Mūsā, who will be mentioned in Naṣṣ 3-2 as the deputy of the chief qadi of Meknès in the Ḥyāyina tribe. It was affixed on the occasion of the preparation

of this deed. The other concerns testimony about the handwriting of the first apostille and its acceptance. It was affixed by the qadi Muḥammad Burdulla on the occasion of copying.

Naṣṣ 3-2 (XI-1-3-2)

Date: 9 Ṣafar 1106/29 September 1694

Notaries: ‘Abd al-Salām al-Majjāṣī
‘Alī al-Ḥājī

A deed of occupancy (*ḥiyāza*)³¹ of the land in the Inaouène valley. Two notaries of the deed, by permission of the chief qadi of Meknès through his deputy in the Ḥyāyina tribe (*qabīlat al-Ḥyāyina*)³² ‘Umar b. Mūsā, accompanied the two notaries of Naṣṣ 3-1 to the land and they ascertained this occupancy, as mentioned in Naṣṣ 3-1. It was drawn up below Naṣṣ 3-1.

After the deed, two apostilles were affixed. One is on the deposition of testimony by the two notaries, its acceptance, and notification of its authorization (*istiqlāl*) by ‘Umar b. Mūsā. It was affixed on the occasion of the preparation of this deed. The other concerns testimony about the handwriting of the first apostille and its acceptance. It was affixed by the qadi Muḥammad Burdulla on the occasion of copying.

Naṣṣ 4 (XI-1-4)

Date: 25 Rabī‘ II 1109/10 November 1697

Notaries: Muḥammad al-‘Awnī

A deed which establishes that Muḥammad b. Yaḥyā al-Zagārī (XI-b1) purchased a half share of al-Ḥasan b. ‘Īsā al-Ḥammāṭī (XI-a3) in the Inaouène valley. It consists of a copy of one deed, and includes at the end a testimony on its confirmation (*thubūt*) by the chief qadi of Meknès, Muḥammad Būmadyan al-Sūsī.³³ Probably it was copied in the right margin of Document XI-i during the dispute between Muḥammad al-Zagārī (XI-b1) and ‘Abd al-Wāḥid b. al-Ḥasan al-Ḥammāṭī (XI-a4) to support the claim of Muḥammad al-Zagārī (XI-b1) that he had certainly purchased the land.

Naṣṣ 4-1 (XI-1-4-1)

Date: beginning of Rabī‘ I 1105/October–November 1693

Notaries: Muḥammad b. Muḥammad b. Mūsā
Muḥammad b. ‘Abbād al-Sarāfī

A deed of purchase of a half share of the land in the Inaouène valley by Muḥammad b. Yaḥyā al-Zagārī (XI-b1) from al-Ḥasan b. ‘Īsā al-Ḥammāṭī (XI-a3). After a description of its location, the deed says that Muḥammad al-

³¹ For *ḥiyāza*, see p. 5, Note 9.

³² For Ḥyāyina, see Note 30.

³³ A qadi of Meknès, who died in office in 1120/1708. al-Qādirī, *Nashr al-mathānī*, vol. 3, p. 201.

Zagārī (XI-b1) purchased a half of the land for 330 *ūqīya darāhim qadīma*. The seller received 200 *ūqīya darāhim qadīma* over several payments and the remaining amount was offset against the debt.

After the deed, an apostille on the first notary's deposition, testimony about the second notary's handwriting due to his death, and its confirmation was affixed.

Naṣṣ 5 (XI-1-5)

Date: 8 Jumādā II 1107/14 January 1696

Notaries: Muḥammad al-‘Awnī?

Muḥammad b. [blank]

A deed of lease for the land called Wuljat al-‘Azafa? in the Inaouène valley. Muḥammad b. ‘Umar al-W—, called a knight (*fāris*), took a one-year lease of the land from Muḥammad b. Yahyā al-Zagārī (XI-b1) for 10 *ūqīya darāhim qadīma*. It also says that the other half of the land belonged to ‘Abd al-Wāḥid b. al-Ḥasan al-Ḥammāṭī (XI-a4) and his brothers.

It was transcribed in the right margin of Document XI-i during the dispute between Muḥammad al-Zagārī (XI-b1) and ‘Abd al-Wāḥid al-Ḥammāṭī (XI-a4) in order to prove that Muḥammad al-Zagārī (XI-b1) actually managed the land.

Naṣṣ 6 (XI-1-6)

Date: beginning of Rabī‘ II 1110/October 1698

Notaries: ‘Abd al-Wahhāb b. Mas‘ūd al-Shāmī

Muḥammad al-‘Ālim al-Shāmī

A deed of amicable settlement of the dispute between ‘Abd al-Wāḥid b. al-Ḥasan al-Ḥammāṭī (XI-a4) and Muḥammad b. Yahyā al-Zagārī (XI-b1) concerning the sale described in Naṣṣ 4-1 (XI-1-4-1).

‘Abd al-Wāḥid al-Ḥammāṭī (XI-a4) brought a case against Muḥammad al-Zagārī (XI-b1), alleging that the supposed sale was not true and that his father al-Ḥasan al-Ḥammāṭī (XI-a3) never sold anything. In response, Muḥammad al-Zagārī (XI-b1) submitted the deed of the purchase. The qadi proposed an amicable settlement on the condition that Muḥammad al-Zagārī (XI-b1) renounced one quarter of the land (a half of the purchased land) for the sake of ‘Abd al-Wāḥid al-Ḥammāṭī (XI-a4) and other inheritors of his father al-Ḥasan (XI-a3). Both parties would share the land half-and-half while the Ḥammāṭī family would share their portion among its members in proportion to the percentage of their inheritance rights.

It was drawn up on the reverse side of the deeds above in Document XI-i to prove the settlement of the dispute. This kind of deed would be held by each of the two parties. We assume that it was prepared for the sake of Muḥammad al-Zagārī (XI-b1) and was preserved in his hands, because the document includes deeds which support his right, such as Naṣṣ 4 and Naṣṣ 5. On the other hand, the

same text is found also in Naṣṣ 1-4 of Deed 2 (XI-2-1-4), which was probably preserved in the hands of the other party, ‘Abd al-Wāḥid al-Ḥammāṭī (XI-a4).

Naṣṣ 7 (XI-1-7)

Date: middle of Ramaḍān of the same year as Naṣṣ 7-1 (1085)/December 1674

Notaries: Muḥammad b. Aḥmad al-Jābirī

Aḥmad b. Muḥammad Mayyāra³⁴

A deed which establishes the qualification of ‘Abd al-Wāḥid b. Aḥmad Ibn Abī Zayd al-Sharīf (XI-c1) as the controller of escheats (*nāẓir al-mawārīth*) of Fès. It consists of copy of the royal decree of the ‘Alawid sultan Ismā‘īl (*amra karīma sulṭānīya mawlāwīya hāshimīya*), 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, Muḥammad b. al-Ḥasan al-Majjāṣī.³⁵

It was transcribed on the second source document, Document XI-ii, on the occasion of the purchase (Naṣṣ 10) to prove seller’s qualification.

Naṣṣ 7-1 (XI-1-7-1)

Date: 11 Ramaḍān 1085/9 December 1674

A royal decree on the appointment of ‘Abd al-Wāḥid b. Aḥmad Ibn Abī Zayd al-Sharīf (XI-c1) as the controller of escheats (*nāẓir al-mawārīth*) of Fès by the ‘Alawid sultan Ismā‘īl.

After the deed, an apostille on testimony about the royal seal (*al-ṭābi‘ al-karīm*) and the authorization of the copy’s authenticity was affixed.

Naṣṣ 8 (XI-1-8)

Date: middle of Rajab of the same year as Naṣṣ 8-1 (1088)/September 1677

Notary: Muḥammad b. Aḥmad al-Jābirī

A deed which establishes the assessment of the land called ‘Uyūn al-Ziyād. 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 XI-ii on the occasion of the purchase (Naṣṣ 10) to show the reasonable price.

Naṣṣ 8-1 (XI-1-8-1)

Date: end of Jumādā II 1088/August 1677

Witnesses: Aḥmad b. ‘Abd al-Raḥmān Ḥamāmūsh

Muḥammad b. al-Ḥasan al-Barbarī

A deed of assessment of the price of a non-irrigated field (*al-arḍ al-ba‘l*) called ‘Uyūn al-Ziyād in the Inaouène valley. After a description of the field’s location, two witnesses with expertise assessed its price at 360 *ūqīya darāhim*

³⁴ A notary of Fès, who died in 1113/1701-2. His father Muḥammad (d. 1072/1662) was a famous commentator on many works, including the qadi manual by Ibn ‘Āṣim. al-Qādirī, *Nashr al-mathānī*, vol. 3, p. 136.

³⁵ For him, see p. 4, Note 8.

sikkīya. Both witnesses are called farmer (*al-fallāh*) and one of them is also called master (*mu'allim*).

After the deed, an apostille on the deposition of their testimony and its confirmation was affixed.

Naṣṣ 8-2 (XI-1-8-2)

Date: the same date as Naṣṣ 1 (end of Jumādā II 1088/August 1677)

Notary: No name of notary

(His name was put at the end of Naṣṣ 8 instead, as he also testified on the copying.)

A deed of confirmation (*thubūt*) of Naṣṣ 8-1 by the chief qadi of Fès, Muḥammad b. al-Ḥasan al-Majjāṣī. It was drawn up below Naṣṣ 8-1.

Naṣṣ 9 (XI-1-9)

Date: 5 Muḥarram 1087/20 March 1676

Notaries: Muḥammad b. Aḥmad al-Jābirī

Aḥmad b. Muḥammad Mayyāra

A deed which establishes that the controller of escheats of Fès, 'Abd al-Wāḥid b. Aḥmad Ibn Abī Zayd al-Sharīf (XI-c1), appointed al-'Arabī al-Darrāq as his agent (*wakīl*) for the sale of properties and receipt of payment.

It was transcribed on Document XI-ii on the occasion of the purchase (Naṣṣ 10) to prove the qualification of the seller's agent.

Naṣṣ 10 (XI-1-10)

Date: middle of Rajab 1088/September 1677

Notaries: Muḥammad b. Aḥmad al-Jābirī

Aḥmad b. Muḥammad Mayyāra

A deed of purchase of non-irrigated field (*al-arḍ al-ba'l*) called 'Uyūn al-Ziyād. The purchasers were Muḥammad b. 'Alī al-Maṭgharī (XI-d1), Muḥammad b. Yaḥyā (XI-b1), 'Abd Allāh b. al-'Arabī al-Ṣadrātī (XI-f1), and his maternal uncle al-Ḥasan Ibn al-Sūsī (XI-f2). The seller was al-'Arabī al-Darrāq, the agent of the controller of escheats (*nāzir al-mawārīth*) of Fès. The price was 400 *ūqīya darāhim bil-ḥisāb al-qadīm rub' al-ūqīya fī kull thamāniya*, which includes a premium to the assessed price in Naṣṣ 8. Muḥammad b. 'Alī al-Maṭgharī (XI-d1) and Muḥammad b. Yaḥyā (XI-b1) equally bore the payment for the half share of the field. 'Abd Allāh b. al-'Arabī al-Ṣadrātī (XI-f1) bore two thirds of the price for the other half share and his maternal uncle al-Ḥasan Ibn al-Sūsī (XI-f2) one third.

It also says that the controller of escheats of Fès, 'Abd al-Wāḥid b. Aḥmad Ibn Abī Zayd al-Sharīf (XI-c1), was informed of the sale and receipt of the payment and agreed to the action of his agent on the same date.

It was drawn up on Document XI-ii below Naṣṣ 9.

After the deed, an apostille on the authorization of the copy's authenticity for the four deeds above (Naṣṣ 7 to Naṣṣ 10) and one right margin deed (Naṣṣ 11)

was affixed.

Naṣṣ 11 (XI-1-11)

Date: middle of Ramaḍān 108[5]/December 1674

Notaries: Muḥammad b. Aḥmad al-Jābirī

Aḥmad b. Muḥammad Mayyāra

A deed in which the controller of escheats of the whole kingdom (*nāẓir al-mawārith al-sa'ida bi-sā'ir al-mamlaka al-ismā'īliya al-madīda*), 'Abd al-Wāhid b. Aḥmad al-Sharīf (XI-c1), permitted his agent al-'Arabī b. Muḥammad al-Darrāq to receive payment for the sale of escheats.

It was transcribed on Document XI-ii on the occasion of the purchase (Naṣṣ 10) to prove the qualification of the seller's agent.

Naṣṣ 12 (XI-1-12)

Date: beginning of Jumādā II 1137/February 1725

Notaries: Aḥmad b. Muḥammad al-Marīnī

al-Ḥasan b. Muḥammad

A deed of purchase of shares of Muḥammad b. Yaḥyā al-Zagārī (XI-b1) of land at Tāzrūt and 'Uyūn al-Ziyād by Muḥammad b. Muḥammad al-Tuhāmī al-'Alamī (XI-g1) from the inheritors of Muḥammad al-Zagārī (XI-b1), al-Mahdī b. Muḥammad al-Zagārī (XI-b3) and al-Hāshimīya bint al-'Arabī al-Zagārī (XI-b9).

The deed first describes the location of the land and the situation of its joint ownership by the deceased owner Muḥammad b. Yaḥyā al-Zagārī (XI-b1) with al-'Arabī b. 'Āmir al-Zagārī (XI-b12) and Ḥamm b. Daḥḥ al-Ḥayyān (XI-h1).³⁶ It then describes successive cases of inheritance after the deaths of Muḥammad b. Yaḥyā al-Zagārī (XI-b1) and some of his inheritors. According to it, there were five people alive at that time: al-Mahdī b. Muḥammad al-Zagārī (XI-b3), Muḥammad b. Muḥammad al-Zagārī (XI-b4), Muḥammad b. al-'Arabī al-Zagārī (XI-b8), al-Hāshimīya bint al-'Arabī al-Zagārī (XI-b9), and 'Azūz (XI-b10). The purchaser Muḥammad al-'Alamī (XI-g1) purchased the whole inherited land for 30 *mithqāl darāhim qadīma* from two inheritors, al-Mahdī (XI-b3) and al-Hāshimīya (XI-b9), by way of a *ṣafaqa* sale.³⁷ The husband of al-Hāshimīya (XI-b9), 'Alī b. 'Abd al-Raḥmān Mandīl (XI-b11), agreed to the sale.

Among the inheritors, the genealogy of 'Azūz (XI-b10) is not clear due to damage of the document. In addition, neither she nor Muḥammad b. Muḥammad al-Zagārī (XI-b4) appear in this *ṣafaqa* sale. Information about their shares might

³⁶ He purchased a half share of al-'Arabī al-Zagārī (b12) in 1124/1712 in Naṣṣ 9 of Deed 1 of Document XII (XII-1-9). For him, see also p. 70, Note 57.

³⁷ A form of sale where the whole property shared by several sharers could be sold as a package. See SATO Kentaro, "Form and use of of the Vellum Documents," *The Vellum Contract Documents in Morocco in the Sixteenth to Nineteenth Centuries*, Part I, ed. MIURA Toru and SATO Kentaro, Tokyo: Toyo Bunko, 2015, p. 13.

have appeared in the damaged parts of the document.

It was drawn up on the third source document, Document XI-iii.

Naṣṣ 13 (XI-1-13)

Date: 7 of the same month of the same year as Naṣṣ 13-1 (Jumādā II 1137)/21 February 1725

Notaries: ‘Abd al-Wāḥid b. Mas‘ūd al-Shāmī
Muḥammad al-‘Ālim al-Shāmī

A deed which establishes that Muḥammad b. al-‘Arabī al-Zagārī (XI-b8) did not have enough money to repurchase the whole portion of the land. 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 in the right margin of Document XI-iii on the occasion of the ratification of the *ṣafaqa* sale (Naṣṣ 14).

Naṣṣ 13-1 (XI-1-13-1)

Date: 4 Jumādā II 1137/18 February 1725

Witnesses: a dozen of non-notary witnesses

A deed in which non-notary witnesses testified that Muḥammad b. al-‘Arabī al-Zagārī (XI-b8) did not have enough money to repurchase (*yaḍumm bi-hi*) the whole portion of land at Tāzrūt and ‘Uyūn al-Ziyād which had been sold by way of a *ṣafaqa* sale. We could not specify the number of witnesses due to damage of the document.

After the deed, an apostille on the confirmation of a great number of witnesses’ testimony was affixed.

Naṣṣ 13-2 (XI-1-13-2)

Date: Not legible due to damage of the document. Probably on the same date as Naṣṣ 1 (4 Jumādā II 1137/18 February 1725)

Notaries: No names of notaries

(Their names were put at the end of Naṣṣ 13 to testify to its copying.)

A deed of confirmation (*thubūt*) of Naṣṣ 13-1 by the deputy chief qadi of Fès, ‘Abd al-Raḥmān b. ‘Abd al-Wāḥid al-Bū‘inānī.³⁸ It was drawn up below Naṣṣ 13-1.

Naṣṣ 14 (XI-1-14)

Date: 7 [Jumādā II] of the same year as Naṣṣ 13 (1137)/21 February 1725

Notaries: Aḥmad b. Muḥammad al-Marīnī
al-Ḥasan b. Muḥammad

A deed of ratification of the *ṣafaqa* sale on behalf of Muḥammad b. al-‘Arabī al-Zagārī (XI-b8). The chief qadi of Fès, ‘Alī b. ‘Abd al-Wāḥid al-Bū‘inānī,³⁹ dis-

³⁸ He was a chief qadi of Fès for a short period then replaced by his brother ‘Alī and became his deputy qadi in 1122/1710. Ibn Sūda, *Quḍāt Fās*, p. 163

³⁹ A chief qadi of Fès who was appointed in 1122/1710. See MIURA and SATO ed., *The*

patched his representative (‘*arīf*’), ‘Alī b. ‘Abd al-Wāḥid al-Sabtī⁴⁰ to ratify the sale of the deed above (Naṣṣ 12) and he accepted the task. After the ratification, two sellers (XI-b3 and XI-b9) received the payment for their shares and a representative received the payment for the share of the orphan Muḥammad al-Zagārī (XI-b8) from the purchaser Muḥammad al-‘Alamī (XI-g1).

It also says that the representative took 9 *ūqīya qadīma* of the payment as the commission (*ujra*) of the notary, representative, and qadi. The qadi received the remaining amount from the representative on behalf of the orphan.

It was drawn up on Document XI-iii above Naṣṣ 12 as a related deed of the purchase.

After the deed, an apostille on the authorization of the copy’s authenticity for the three deeds above and on the right (Naṣṣ 12 to Naṣṣ 14) was affixed.

Deed 2 (XI-2)

Date: end of Muḥarram 1135/November 1722

No. of lines: 50

Notaries: signature XI-S3

signature XI-S4

A deed which establishes the ownership of the land at Tāzrūt by ‘Abd al-Salām b. al-‘Ayyāshī Naghmūsh (XI-a16). It consists of copies of 14 deeds, which were written down on several source documents in vellum and paper (*qit’at raqq, qit’at kāghīd*). At the end it includes a testimony on the collation of the copies with the originals, and authorization of the copies’ authenticity (*istiqlāl*) by the deputy chief qadi of Fès XI-Q1. It was copied on Document XI as a related deed of Deed 7 on the occasion of the purchase of a half share of ‘Abd al-Salām Naghmūsh (XI-a16) of the land at Tāzrūt by Muḥammad al-‘Alamī (XI-g1) in 1135/1722 to prove the seller’s qualification.

The first source document on vellum (XI-xv) includes Naṣṣ 1 to Naṣṣ 7, which recount how ‘Abd al-Salām Naghmūsh (XI-a16) collected shares of the land at Tāzrūt from the inheritors of al-Ḥasan b. ‘Isā al-Ḥammāfī (XI-a3).

The second source document (XI-xvi), probably written on paper, includes Naṣṣ 8 to Naṣṣ 12, which are relevant to the lease of the land at Tāzrūt. They prove that ‘Abd al-Salām Naghmūsh (XI-a16) actually managed the land.

The third source document (XI-xvii) includes Naṣṣ 13 and Naṣṣ 14, but it is also probable that the two were written down on separate documents. Both are testimonies about the inheritance situation of al-Ḥasan al-Ḥammāfī (XI-a3), recount-

Vellum Contract Documents, p. 112, Note 108.

⁴⁰ According to al-Kattānī, his name is found in a deed dated Jumādā II 1135/March–April 1723 as a representative of the qadi court (‘*arīf dār al-qaḍā*’). ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 1, p. 486.

ing how ‘Abd al-Salām collected much of his inheritance.

Naṣṣ 1 (XI-2-1)

Date: 6 Shawwāl 1126/15 October 1714

Notaries: Muḥammad b. Aḥmad

Muḥammad b. Aḥmad al-Fāsī

A deed which establishes that ‘Abd al-Wāḥid b. al-Ḥasan al-Ḥammāṭī (XI-a4) and other inheritors of al-Ḥasan b. ‘Īsā al-Ḥammāṭī (XI-a3) secured the ownership of a three-quarter share of land at Tāzrūt after the dispute and amicable settlement with Muḥammad b. Yaḥyā al-Zagārī (XI-b1). It consists of copies of four deeds, 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 qadi of Fès, Muḥammad al-Ṭālib b. ‘Abd al-Wāḥid al-Bū‘inānī.⁴¹

It was copied on Document XI-xv and would serve to prove the qualification of the sellers on the occasion of the purchase in 1127/1715 (Naṣṣ 2). But the reason for the initial preparation of the copy the previous year is not clear.

Naṣṣ 1-1 (XI-2-1-1)

Date: 5 Rajab 1105/2 March 1694

Notaries: ‘Abd al-Wahhāb b. Mas‘ūd al-Shāmī

Muḥammad al-‘Ālim al-Shāmī

A deed which establishes the ownership of the land at Tāzrūt by the inheritors of the two brothers ‘Īsā b. Muḥammad al-Ḥammāṭī (XI-a1) and Belqāsim al-Ḥammāṭī (XI-a2). It consists of a copy of one deed, which in turn consists of copies of two deeds. It was then transcribed on vellum (*qit‘at raqq*), Document XI-xviii, on the occasion of the amicable settlement between ‘Abd al-Wāḥid b. al-Ḥasan al-Ḥammāṭī (XI-a4), the grandson of ‘Īsā al-Ḥammāṭī (XI-a1), and Muḥammad b. Yaḥyā al-Zagārī (XI-b1) as a related deed.

The same text is also found in Naṣṣ 1 of Deed 1 (XI-1-1), which is supposed to be the source of the transcription. For the detailed content of the deed, including its source deeds, see the description of XI-1-1 above.

Naṣṣ 1-2 (XI-2-1-2)

Date: end of Rajab 1105/March 1694

Notaries: ‘Abd al-Wahhāb b. Mas‘ūd al-Shāmī

Muḥammad b. Aḥmad al-Shāmī

A deed concerning the word *addā* in the deed above (Naṣṣ 1-1). It was transcribed on Document XI-xviii together with Naṣṣ 1-1 as a related deed.

The same text is also found in Naṣṣ 2 of Deed 1 (XI-1-2), which is sup-

⁴¹ He was a qadi of Meknès and died in 1151/1738–9. He might be the same person who, according to Ibn Sūda, was a deputy qadi of New Fès on behalf of his brother ‘Alī for a certain period. al-Qādirī, *Nashr al-mathānī*, vol. 4, pp. 9–10; Ibn Sūda, *Quḍāt Fās*, p. 146. For him, see also MIURA and SATO ed., *The Vellum Contract Documents*, p. 117, Note 115.

posed to be the source of the transcription, like the case of Naṣṣ 1-1. For the detailed content of the deed, see the description of XI-1-2 above.

Naṣṣ 1-3 (XI-2-1-3)

Date: 22 Rabī' I 1108/19 October 1696

Notaries: 'Abd al-Wahhāb b. Mas'ūd al-Shāmī

Muḥammad b. Aḥmad al-Shāmī

A deed which establishes the ownership of the land in the Inaouène valley by al-Ḥasan b. 'Īsā al-Ḥammāṭī (XI-a3). It consists of copies of two deeds.

It was transcribed on Document XI-xviii on the occasion of the amicable settlement between 'Abd al-Wāḥid b. al-Ḥasan al-Ḥammāṭī (XI-a4), the son of al-Ḥasan al-Ḥammāṭī (XI-a3), and Muḥammad b. Yaḥyā al-Zagārī (XI-b1) as a related deed.

The same text is also found in Naṣṣ 3 of Deed 1 (XI-1-3), which is supposed to be the source of the transcription, like the case of Naṣṣ 1-1 and Naṣṣ 1-2. For the detailed content of the deed, including its source deeds, see the description of XI-1-3 above.

Naṣṣ 1-4 (XI-2-1-4)

Date: beginning of Rabī' II 1110/October 1698

Notaries: 'Abd al-Wahhāb b. Mas'ūd al-Shāmī al-Khazrajī

Muḥammad b. Aḥmad al-Shāmī

A deed of amicable settlement of the dispute between 'Abd al-Wāḥid b. al-Ḥasan al-Ḥammāṭī (XI-a4) and Muḥammad b. Yaḥyā al-Zagārī (XI-b1) concerning the supposed sale by 'Abd al-Wāḥid's father, al-Ḥasan b. 'Īsā al-Ḥammāṭī (XI-a3). One half of the sold share was renounced for the sake of 'Abd al-Wāḥid al-Ḥammāṭī (XI-a4) and his father's inheritors.

The same text is also found in Naṣṣ 6 of Deed 1 (XI-1-6), which, however, cannot be the source unlike the cases of Naṣṣ 1-1 to Naṣṣ 1-3, because Naṣṣ 1-4 is not a transcription. Seemingly, two deeds of amicable settlement with the same text were prepared simultaneously for each party in the dispute. We assume that this Naṣṣ 1-4 of Deed 2 (XI-2-1-4) was drawn up on Document XI-xviii for the sake of 'Abd al-Wāḥid al-Ḥammāṭī (XI-a4) and was preserved in his hands, because it would be copied onto Document XI-xv in order to prove the ownership of his inheritors. On the other hand, Naṣṣ 6 of Deed 1 (XI-1-6) was prepared for the sake of the other party in the dispute, Muḥammad al-Zagārī (b1), as shown above. For the detailed content of the deed, see the description of XI-1-6.

After the deed, two apostilles were affixed. One is on the deposition of testimony by the two notaries and its acceptance. The other is on the authorization of the copy's authenticity for the four deeds above (Naṣṣ 1-1 to Naṣṣ 1-4). It was affixed by the deputy qadi, Muḥammad al-Ṭālib al-Bū'inānī, on the occasion of copying.

Naṣṣ 2 (XI-2-2)

Date: 28 Ramaḍān 1127/27 September 1715

Notaries: Aḥmad b. ‘Abd al-Wahhāb al-Wazīr

Muḥammad al-Ṭayyib al-Marīnī

A deed of purchase of some shares of the land at Tāzrūt by ‘Abd al-Salām b. al-‘Ayyāshī Naghmūsh (XI-a16) from the inheritors of al-Ḥasan b. ‘Īsā al-Ḥammāṭī (XI-a3), Fāṭima al-‘Awwāda (XI-a5) and her sons Muḥammad (XI-a6) and ‘Abd al-Raḥmān (XI-a7).

The deed first describes al-Ḥasan al-Ḥammāṭī’s (XI-a3) ownership of the land called Tāzrūt with its location and successive cases of inheritance after his and some of his inheritors’ deaths. According to it, those who shared the land at the time were al-Ḥasan’s children Aḥmad (XI-a8), al-Ḥasan (XI-a9), and Fāṭima (XI-a10), his granddaughter’s husband ‘Abd al-Salām Naghmūsh (XI-a16), and their son Muḥammad (XI-a17). During its course, al-Ḥasan al-Ḥammāṭī’s (XI-a3) son ‘Abd al-Wāḥid b. al-Ḥasan al-Ḥammāṭī (XI-a4) left one third of his share as a bequest for the waqf (*ḥabs*) of the zawiya of Muḥammad b. ‘Abd Allāh in the Makhfiya quarter of Fès.⁴²

The seller of this purchase, al-Ḥasan al-Ḥammāṭī’s (XI-a3) wife Fāṭima (XI-a5) and her sons are not included in this list of inheritors, because she had already sold her and her sons’ share to ‘Abd al-Wāḥid al-Ḥammāṭī (XI-a4) many years before. After the death of ‘Abd al-Wāḥid, however, her sons Muḥammad (XI-a6) and ‘Abd al-Raḥmān (XI-a7) claimed disagreement about their mother’s sale and disputed with ‘Abd al-Wāḥid’s inheritors, ‘Abd al-Salām Naghmūsh (XI-a16) in particular. In the end, both parties renewed the transaction, which is the purchase contract of this deed. The renewed price was 12 *mithqāl darāhim qadīma* and the sellers received 40 *ūqīya darāhim qadīma*. The remaining 8 *mithqāl* was offset by the amount that had been already paid in the previous transaction.

Naṣṣ 3 (XI-2-3)

Date: 12 Muḥarram 1129/27 December 1716

Notaries: Muḥammad b. Muḥammad al-Mashshāt

al-‘Ayyāshī al-Rayyāhī

A deed of purchase of a share of the land at Tāzrūt by ‘Abd al-Salām b. al-‘Ayyāshī Naghmūsh (XI-a16) from Fāṭima bint al-Ḥasan al-Ḥammāṭī (XI-a10) for 32 *ūqīya qadīma*. The seller received 29 and a half *ūqīya* and the remaining

⁴² Muḥammad b. ‘Abd Allāh is a sufi scholar of Fès, who died in 1062/1652. He built a zawiya in the Makhfiya quarter on the right bank of the Fès river (Abū Khrārib river), which would be rebuilt by his son Aḥmad (d. 1120/1708). al-Qādirī, *Nashr al-mathānī*, vol. 2, pp. 55–58; vol. 3, pp. 182–192. His grandson Muḥammad b. Aḥmad (d. 1134/1722) appears as an owner of an oil press factory in Document V. See MIURA and SATO ed., *The Vellum Contract Documents*, pp. 77–88, especially, Note 65.

10 *mawzūnāt* was to be paid in *ḥulūl*.⁴³ The seller's husband 'Abd al-Karīm b. 'Abd al-Qādir al-Wartādī (XI-a18) agreed to her sale.

Naṣṣ 4 (XI-2-4)

Date: 24 Ṣafar 1129/7 February 1717

Notaries: 'Alī b. 'Abd al-Wahhāb al-Shāmī al-Khazrajī

Idrīs b. 'Allāl al-Qādirī

A deed which delimited the land at Tāzrūt. It consists of copies of two deeds, and includes at the end a testimony on the collation of the copies with the originals. Though the reason of the copying at this time is not clear, the copy on Document XI-xv might reinforce the document to prove the ownership of 'Abd al-Salām b. al-'Ayyāshī Naghmūsh (XI-a16) who was collecting shares of the land at Tāzrūt in Naṣṣ 2 and Naṣṣ 3.

Naṣṣ 4-1 (XI-2-4-1)

Date: 5 Dhū al-Qa' da 1126/12 November 1714

Witnesses: al-'Ayyāshī b. Muḥammad al-Rawāz

'Abd al-Salām b. 'Alī al-Nadrūmī

A deed of testimony about the borders of the land at Tāzrūt by two witnesses with expertise. Two thirds of the land belonged to 'Abd al-Wāḥid b. al-Ḥasan al-Ḥammāṭī (XI-a4) (more properly to his inheritors as he was already dead at the time) and one third belonged to the waqf (*ḥabs*) of the zawiya of Muḥammad b. 'Abd Allāh. After some deeds about the ownership of the land were read out to the experts, they answered a question about the adequate delimitation of the land.

The witnesses were not notaries but experts on borders of land and its delimitation, called master (*mu'allim*) and farmer (*fallāḥ*).⁴⁴ After the deed, an apostille on the confirmation of the experts' testimony was affixed.

Naṣṣ 4-2 (XI-2-4-2)

Date: the same date as Naṣṣ 4-1 (5 Dhū al-Qa' da 1126/12 November 1714)

Notaries: No names of notaries

(Their names were put at the end of Naṣṣ 4 instead, as they also testified on the copying.)

A deed of confirmation (*thubūt*) of Naṣṣ 4-1 by the chief qadi of Fès, 'Alī b. 'Abd al-Wāḥid al-Bū'inānī.

⁴³ A way of paying later in which the debtor has to pay the amount whenever the creditor requires it. al-Ṣanḥājī, *al-Tadrīb 'alā taḥrīr al-wathā'iq al-'adliya*, 2nd ed., vol. 1, p. 43.

⁴⁴ This pair of witnesses with expertise appears also in Deed 3 of Document VI (VI-3) dated 1128/1716, to testify about the borders of land in the suburbs of Fès. They might have been farmers living close to Fès who sometimes offered their expertise to the qadi court, rather than inhabitants of the distant Inaouène valley. MIURA and SATO ed., *The Vellum Contract Documents*, p. 94.

Naṣṣ 5 (XI-2-5)

Date: the same date as the deed on the same side of the sheet (*al-ta'rīkh 'ard-hu*), probably Naṣṣ 4-1 (5 Dhū al-Qa'da 1126/12 November 1714)

Notaries: Muḥammad b. Aḥmad al-Fāsī

Idrīs b. 'Allāl al-Qādirī

A deed which establishes that the two notaries accompanied the persons mentioned in the deed (probably the two experts of Naṣṣ 4-1) to the land described in the deed on the same side (Naṣṣ 4-1) and ascertained the situation. Also those who cultivated the land were present there and recognized the delimitation.⁴⁵ Probably it was drawn up in the margin of Naṣṣ 4-1 and Naṣṣ 4-2 as a related deed. Afterward, it was transcribed on XI-xv probably on the occasion of the copying of Naṣṣ 4.

Naṣṣ 6 (XI-2-6)

Date: 3 Muḥarram 1133/4 November 1720

Notaries: 'Abd Allāh b. al-Ṣaghīr b. al-Qāḍī

'Abd al-Wahhāb b. Aḥmad al-Wazīr

A deed which establishes that 'Abd al-Salām b. al-'Ayyāshī Naghmūsh (XI-a16) sold one eighth of the land in the Inaouène valley to Muḥammad b. 'Abd al-Salām al-Qāsimī al-Shammākh (XI-e1) for 25 *mithqāl darāhim qadīma* and owned the land jointly. It includes the description of the location of the land.

It is not in accordance with the formula of a purchase deed, rather a testimony of sale. Also its content does not support the ownership of 'Abd al-Salām Naghmūsh (XI-a16), the supposed holder of the document. It might have been written down on Document XI-xv to make the change of his joint ownership clearer.

Naṣṣ 7 (XI-2-7)

Date: end of Sha'bān 1130/July 1718

Notaries: Aḥmad b. 'Abd al-Wahhāb al-Wazīr

al-'Ayyāshī b. Ḥamdūn al-Rayyāhī

A deed of purchase of a share of the land at Tāzrūt by 'Abd al-Salām Naghmūsh (XI-a16) from Aḥmad b. al-Ḥasan al-Ḥammāfī (XI-a8) for 40 *ūqīya qadīma*, of which 20 *ūqīya* was paid in kind and the remaining amount would be paid within one month.

After the deed, an apostille on the authorization of the copy's authenticity for the deeds above and in the right margin (Naṣṣ 1 to Naṣṣ 7) was affixed.

Naṣṣ 8 (XI-2-8)

⁴⁵ The names of the inhabitants are listed in the deed. Among them is Ḥamm b. Daḥḥ al-Ḥayyānī al-Dūmī (h1) who appears in Documents XI, XII, and XIII sometimes as a land owner and sometimes as a tenant. For him, see also p. 70, Note 57. Other inhabitants, Muḥammad b. al-'Atṭār and Qalla, seem to be the sellers in Naṣṣ 4 of Deed 1 of Document XII (XII-1-4).

Date: 10 Jumādā I 1129/22 April 1717

Notaries: Idrīs b. ‘Allāl al-Qādirī

Ḥamm b. Abī Ghālib

A deed which establishes that al-Ḥasan b. al-Ḥasan al-Ḥammāṭī (XI-a9) and ‘Abd al-Wāḥid b. al-Ḥasan al-Ḥammāṭī (a4) granted the lease of the land in the Inaouène valley. It consists of copies of two deeds, and includes at the end testimonies on the collation of the copies with the originals and acceptance (*qubūl*) by the chief qadi of Fès, ‘Alī b. ‘Abd al-Wāḥid al-Bū‘inānī.

It was prepared on Document XI-xvi in order to prove the qualification of ‘Abd al-Salām Naghmūsh (XI-a16), one of the inheritors of ‘Abd al-Wāḥid al-Ḥammāṭī (XI-a4), to collect the rent.

After the deed, an apostille on the deposition of testimony by the two notaries, its acceptance and notification by the chief qadi of Fès, ‘Alī al-Bū‘inānī, was affixed.

Naṣṣ 8-1 (XI-2-8-1)

Date: middle of Rabī‘ I 1110/September 1698

Notaries: al-‘Arabī b. al-‘Arabī Qaṣṣāra

‘Abd al-Wahhāb b. Aḥmad Ibn Jallūn

A deed of lease of the land in the Inaouène valley. Four men, Muḥammad b. al-Samīṭ al-Ḥayyānī al-Maskarī al-Dūmī, Daḥḥ b. Ramaḍān,⁴⁶ Mallūk b. Sa‘īd, and Ḥumayda b. al-Sā’iḥ took the lease of 20 *zawj* of the land at a rent of 5 *ūqīya darāhim qadīma* per 1 *zawj* from al-Ḥasan b. al-Ḥasan al-Ḥammāṭī (XI-a9) and his brother ‘Abd al-Wāḥid (XI-a4). The land was named after its owners.

Naṣṣ 8-2 (XI-2-8-2)

Date: the same date as Naṣṣ 8-1

Notaries: ‘Abd al-Wahhāb b. Aḥmad Ibn Jallūn

al-‘Arabī b. al-‘Arabī Qaṣṣāra

A deed which establishes the lease of the land, according to the testimony in another deed by the notaries of this deed. Muḥammad b. Aḥmad b. Abī al-Rawāyil al-Ḥuṣaynī⁴⁷ took the lease of 2 *zawj* of the land of Naṣṣ 8-1. The landowner and the condition of the rent are the same as that of Naṣṣ 8-1.

After the deed, an apostille on the deposition of testimony by one of the two notaries about the two deeds, testimony by Aḥmad al-Shāmī about the handwriting of the other notary due to his death, and their acceptance by a qadi was affixed. Also, there is a testimony by two notaries, Idrīs b. ‘Allāl al-Qādirī and Muḥammad b. ‘Alī b. Abī Ghālib, dated 7 Shawwāl 1126/16 October 1714, on the collation of the copies with the originals and the application

⁴⁶ He appears as one of the sellers of a piece of land in XII-1-4.

⁴⁷ The name of Abū al-Rawāyil also appears in XII-1-3.

(*i'māl*) of two deeds by the deputy chief qadi of Fès, al-Tālib b. 'Abd al-Wāḥid al-Bū'inānī. Seemingly it was written in place of the apostille on the application of the deed, *a'maltu-hu*. On the other hand, as it mentions the collation of the copies, there might be one more generation of copying.

Naṣṣ 9 (XI-2-9)

Date: 8 Rabī' I 1129/20 February 1717

Notaries: 'Abd al-Salām b. Ḥamm al-Wazīr

'Abd al-Wahhāb b. Aḥmad al-Wazīr

A deed of the receipt of the rent of the land at Tāzrūt by 'Abd al-Salām b. al-'Ayyāshī Naghmūsh (XI-a16) from Ḥamm b. Daḥḥ al-Ḥayyānī al-Maskarī (XI-h1)⁴⁸ and Muḥammad b. Aḥmad b. al-Samīt. The amount of the rent received was 14 and three-quarters *ūqīya darāhim qadīma sikkat ta'rīkh-hi*. The land was shared with the waqf of the zawiya of Aḥmad b. 'Abd Allāh.⁴⁹

It also says that four other tenants, al-'Azrī b. 'Umāra b. al-Marīnī, al-Shaykh b. Maṣṣūr b. al-'Azrī, 'Umar b. Abī Ḥāmid, and 'Āmir b. Mawlūd b. al-Mizwār presented themselves the next day, and undertook their own second appearance on 1 Rabī' II, the next month, to solve the problem with the lessors. Ḥamm b. Daḥḥ (XI-h1) guaranteed their appearance.

Naṣṣ 10 (XI-2-10)

Date: 5 Jumādā I 1129/17 April 1717

Notaries: 'Abd al-Salām b. 'Abd Allāh b. Zayyān

Muḥammad b. Muḥammad al-Mashshāṭ al-Manāfī

A deed of the receipt of the rent of the land by 'Abd al-Salām b. al-'Ayyāshī Naghmūsh (XI-a16) from Ḥamm b. Daḥḥ al-Ḥayyānī al-Dūmī (XI-h1). He paid on behalf of himself and his kinsmen Awlād Maṣṣūr. The amount of the rent received was 15 *ūqīya darāhim qadīma*. The land was located in the Inaouène valley and called the land of al-Ḥammāṭī (*bilād al-Ḥammāṭī*).

It was transcribed on Document XI-xvi. It might be relevant to the guarantee mentioned in Naṣṣ 2-9.

Naṣṣ 11 (XI-2-11)

Date: 22 Shawwāl 1130/18 September 1718

Notaries: Muḥammad b. Aḥmad al-Jābirī

Muḥammad al-Bakrī al-Dilā'ī

A deed of the receipt of the rent of the land by 'Abd al-Salām b. al-'Ayyāshī Naghmūsh (XI-a16) from Muḥammad b. Mīlūd al-Ḥayyānī al-Maskarī. He paid on behalf of himself and his kinsmen Awlād Maṣṣūr. The amount of the rent received was 20 *ūqīya darāhim qadīma*, by which that year's rent was cleared. The

⁴⁸ For him, see p. 70, Note 57.

⁴⁹ For this zawiya, see Note 42. It is called after either the first founder Muḥammad or his son Aḥmad, who reconstructed it.

land was located in the Inaouène valley and called Tāzrūt. After the payment, the payer Muḥammad b. Mīlūd undertook on behalf of himself and his kinsmen Awlād Manṣūr the payment of the rent, probably for the next year. For identification of Muḥammad b. Mīlūd, his physical characteristics are described.

Naṣṣ 12 (XI-2-12)

Date: 9 Dhū al-Qa‘da 1131/23 September 1719

Notaries: Muḥammad al-‘Ayyāshī al-Rayyāhī

Tāhir b. ‘Abd al-Salām al-Qādirī

A deed which establishes the extension of the rent payment. ‘Abd al-Salām b. al-‘Ayyāshī Naghmūsh (XI-a16) required payment of the rent of that year of Muḥammad b. Mawlūd (Mīlūd) al-Ḥayyānī al-Maskarī who had undertaken it in the deed above (Naṣṣ 11). Muḥammad al-Maskarī asked for an extension until the following Friday and ‘Abd al-Salām Naghmūsh (XI-a16) accepted it. As the date of the deed falls on Saturday (it may move slightly according to the date of the new moon observation of the month), it seems to be an extension of one week.

Naṣṣ 13 (XI-2-13)

Date: 4 Jumādā I 1129/16 April 1717

Notaries: Muḥammad b. Muḥammad al-Mashshāt

al-‘Ayyāshī al-Rayyāhī

A deed which establishes the inheritance situation of the land called Tāzrūt after the death of al-Ḥasan b. ‘Isā al-Ḥammāṭī (XI-a3), its first owner. After a description of the location of the land, it describes successive cases of inheritance after the deaths of al-Ḥasan al-Ḥammāṭī (XI-a3) and some of his inheritors. During its course, al-Ḥasan al-Ḥammāṭī’s (XI-a3) son ‘Abd al-Wāḥid al-Ḥammāṭī (XI-a4) left one third of his share as a bequest for the zawiya of Muḥammad b. ‘Abd Allāh; the shares of Fāṭima (XI-a5), Muḥammad (XI-a6), ‘Abd al-Raḥmān (XI-a7), and Fāṭima (XI-a10) were purchased by ‘Abd al-Salām b. al-‘Ayyāshī Naghmūsh (XI-a16) as described in another deed (XI-2-2 and XI-2-3); and the shares of M’hammad (XI-a13), Muḥammad (XI-a14), and ‘Abd al-Laṭīf (XI-a15) moved to ‘Abd al-Salām Naghmūsh (XI-a16) by *mukhāraja* partition⁵⁰ as described in another deed (XI-5 and XI-6). Finally, those who shared the land at that time were ‘Abd al-Salām Naghmūsh (XI-a16), Aḥmad b. al-Ḥasan (XI-a8), and al-Ḥasan b. al-Ḥasan (XI-a9).

A share equivalent to the remaining amount of 10 *ūqīya qadīma* was then divided between them according to the partition (*al-farīḍa*) in the right margin of the source document. It is not included in Deed 2 but we find something like a table in *fāsī* numerals in the right margin of Document XI, just to the right of the

⁵⁰ For *mukhāraja* partition of inheritance, see See SATO, “Form and use of of the Vellum Documents,” p. 14.

copied Naṣṣ 13. It seems that the table of inheritance partition was also reproduced here simultaneously with the copying of Naṣṣ 13, although the detail is not clear due to damage of the document.

After the deed, an apostille on the authorization of the copy's authenticity was affixed.

Naṣṣ 14 (XI-2-14)

Date: middle of Shawwāl 1131/August–September 1719

Notaries: Aḥmad b. 'Abd al-Wahhāb al-Wazīr

Muḥammad al-'Ayyāshī al-Rayyāhī

A deed which establishes the ownership of the land at Tāzrūt. It describes successive cases of inheritance after the deaths of al-Ḥasan b. 'Īsā al-Ḥammāṭī (XI-a3) and some of his inheritors. During its course, al-Ḥasan al-Ḥammāṭī's (XI-a3) son, 'Abd al-Wāḥid al-Ḥammāṭī (XI-a4), left one third of his share as a bequest for the zawiya of Aḥmad b. Muḥammad b. 'Abd Allāh Ma'ān in the Makhfiya quarter of Fès. It also says that among al-Ḥasan al-Ḥammāṭī's inheritance is the land at Tāzrūt in the region of the Inaouène river. Then it says that all of the property except shares of the zawiya and al-Ḥasan b. al-Ḥasan al-Ḥammāṭī (XI-a9) came into the possession of 'Abd al-Salām Naghmūsh (XI-a16) through inheritance and purchase according to the testimonies of the notaries of this deed. Actually, the deeds in which 'Abd al-Salām Naghmūsh purchased shares of the land (XI-2-2, XI-2-3, XI-2-7) were drawn up by both or either one of the two notaries of Naṣṣ 14.

After the deed, an apostille on the authorization of the copy's authenticity was affixed.

Deed 3 (XI-3)

Date: middle of Jumādā II 1110/December 1698

No. of lines: 4

Notaries: signature XI-S5

Idrīs b. 'Allāl al-Qādirī

The handwriting of the absent notary (Idrīs b. 'Allāl al-Qādirī) was verified by two notaries (XI-S3 and XI-S4) when the deed was transcribed at the end of Muḥarram 1135/November 1722.

A deed of partition of the land at Tāzrūt and Wuljat al-'Azafa between Muḥammad b. Yaḥyā al-Zagārī (XI-b1) and 'Abd al-Wāḥid b. al-Ḥasan al-Ḥammāṭī (XI-a4). Both were accompanied by the two notaries of the deed to the land in question and they ascertained the borders between their land in detail. It was written down on the source document on 9 Jumādā II 1111/2 December 1699, around one year after the date of the testimony itself.

Probably it was drawn up on the occasion of the amicable settlement of the dispute (XI-1-6 and XI-2-1-4) between Muḥammad al-Zagārī (XI-b1) and 'Abd

al-Wāḥid al-Ḥammāṭī (XI-a4) to clarify the borders of each piece of land. This kind of deed, as well as the deed of the amicable settlement, would be held by each of the two parties. We assume that Deed 3 was a transcription from that of ‘Abd al-Wāḥid al-Ḥammāṭī (XI-a4), because it was transcribed at the end of Muḥarram 1135/November 1722, almost the same time as Deed 7 (XI-7), in which the land of ‘Abd al-Salām Naghmūsh (XI-a16), one of the inheritors of ‘Abd al-Wāḥid al-Ḥammāṭī (XI-a4), was sold. Probably Deed 3 served to establish the borders of the sold land.

The same text is also found in Naṣṣ 7 of Deed 1 of Document XII (XII-1-7) and Deed 1 of Document XIII (XIII-1), the source of which was probably preserved in the hands of the other party of the partition, Muḥammad al-Zagārī (XI-b1).⁵¹

Deed 4 (XI-4)

Date: 13 Jumādā [II 1137]/27 February 1725

No. of lines: 5

Notaries: signature XI-S6

signature XI-S7

A deed which establishes credit for Fāṭima (XI-a11) and Ṣafīya (XI-a12), inheritors of ‘Abd al-Wāḥid b. al-Ḥasan al-Ḥammāṭī (XI-a4), against al-Ḥasan b. al-Ḥasan al-Ḥammāṭī (XI-a9). It consists of copies of two deeds. At the end it includes a testimony on the collation of the copies with the originals and application (*i māl*) of the two deeds by the chief qadi of Fès, ‘Alī b. ‘Abd al-Wāḥid al-Bū‘inānī. The application and copying was made when ‘Abd al-Salām Naghmūsh (XI-a16), an inheritor of the creditors, obtained the share of al-Ḥasan al-Ḥammāṭī (XI-a9) offsetting the debt, as described in Deed 9 (XI-9).

It was transcribed on Document XI on the 21st of the same month of the same year (Jumādā II 1137/7 March 1725) as a related deed of Deed 9 (XI-9) after the collation with the originals.

A part of the date of copying is not legible due to damage of the document. We have however supposed that it was copied in the same month of the same year as that of Deed 9 (XI-9).

Naṣṣ 1 (XI-4-1)

Date: end of Ṣafar 1122/April 1710

Notaries: Muḥammad b. ‘Abd al-‘Azīz al-Ṭāhirī al-Ḥasanī al-Jūṭī

Būjida b. Muḥammad al-‘Akkārī⁵²

A deed which establishes that al-Ḥasan b. al-Ḥasan al-Ḥammāṭī (XI-a9) had a

⁵¹ For details of the relation between these deeds, see Description of Deed 1 of Document XIII (XIII-1).

⁵² According to al-Kattānī, his name is found in a deed dated Muḥarram 1132/November–December 1719 as a purchaser of a house. ‘Abd al-Kabīr al-Kattānī, *Zahr al-ās*, vol. 2, p. 37.

deposit from ‘Abd al-Wāḥid al-Ḥammāfī (XI-a4). Muḥammad b. Muḥammad Ṣafīra, a leader of the pilgrimage caravan (*shaykh al-ḥajj al-nabawī*) told the notaries that he had received a deposit of 200 *mithqāl* in gold coins of the ‘Alawid sultan Ismā‘īl (*dhahaban sikkat mawlā-nā Ismā‘īl*) from al-Ḥasan al-Ḥammāfī (XI-a9) and ‘Abd al-Wāḥid al-Ḥammāfī (XI-a4) for the purpose of a business partnership (*sharikat al-qirāḍ*) when he had travelled to Mecca more than twelve years before and that al-Ḥasan al-Ḥammāfī (XI-a9) had received the same amount of deposit from him when al-Ḥasan had come to Mecca. Al-Ḥasan admitted this before the notaries.

After the deed, we can find a part of an apostille on the testimony about the notary’s handwriting (*shahida ‘alā khaṭṭ*), though the remaining part is not legible due to damage of the document.

Naṣṣ 2 (XI-4-2)

Date: 10 Rajab 1122/4 September 1710

Notaries: Muḥammad b. ‘Abd al-Raḥmān al-Nayrīnī?

‘Alī b. Muḥammad al-‘Awnī⁵³

A deed of oath (*yamīn*) by the inheritors of ‘Abd al-Wāḥid b. al-Ḥasan al-Ḥammāfī (XI-a4), his wife Fāṭima (XI-a11) and his daughter Ṣafīya (XI-a12), about the nonpayment of al-Ḥasan b. al-Ḥasan al-Ḥammāfī’s (XI-a3) debt to them. After the description of inheritance situation of ‘Abd al-Wāḥid al-Ḥammāfī (XI-a4), his inheritors Fāṭima (XI-a11) and Ṣafīya (XI-a12) swore at the Great Mosque that they had never received anything from al-Ḥasan al-Ḥammāfī (XI-a3), who was absent in the East (*bil-bilād al-mashriqīya*). It was drawn up along with Naṣṣ 1.

After the deed, an apostille on the application of the deed (*a‘maltu-hu*) was affixed.

Deed 5 (XI-5)

Date: middle of Sha‘bān 1127/Aug 1715

No. of lines: 20

Notaries: no name of notary

A deed of probate inventory of Fāṭima bint Aḥmad al-Qubbī (XI-a11), wife of ‘Abd al-Wāḥid al-Ḥammāfī (XI-a4). It consists of twenty lines of text and lists clarifying details of Fāṭima’s property and its partition among her inheritors.

The text section says that her inheritors consisted of two parties, her daughter Ṣafīya (XI-a12) and her agnates (*‘aṣaba*): Muḥammad (XI-a14), M’ḥammad (XI-a13), and ‘Abd al-Laṭīf (XI-a15). Ṣafīya (XI-a12), however, died before the partition. Therefore, her husband ‘Abd al-Salām b. al-‘Ayyāshī Naghmūsh (XI-a16) and

⁵³ The same notary appears in deeds dated 1097/1686–7, 1098/1687, 1106/1695. MIURA and SATO ed., *The Vellum Contract Documents*, pp. 100, 102–104.

her son Muḥammad (XI-a17) inherited her share.

The list section consists of three parts:

- 1) A list of property. The total amount of immovable property was 742 *ūqīya*. One twenty-fourth share of the land in the Inaouène valley was included in it. The total amount of movable property was 329 *ūqīya* and 6 *thumn*.
- 2) Calculation of each share. The total amount of immovable and movable property was 1071 *ūqīya* and 6 *thumn*. After the deduction of necessary expenses and debt, the remaining amount for partition was 173 *ūqīya* and 7 *thumn* and 5 *fals*. The amount was divided half-and-half between the two parties, the daughter Ṣafīya (XI-a12) and the agnates: 86 *ūqīya* and 7 *thumn* and 8 *fals* and 4 *ḥabb* for each.
- 3) Partition of the property and the balance. The party of the daughter Ṣafīya (XI-a12) was entitled to receive both the amounts of her share and the expenses and debt, which totalled 984 *ūqīya* and 6 *thumn* and 3 *fals* and 4 *ḥabb*. The amount of property in the hands of her party was 951 *ūqīya* and 6 *thumn*. The balance was 33 *ūqīya* and 3 *fals* and 4 *ḥabb*, which would be credit for them. The agnates' party was entitled to receive the amount of their share. The amount of property in their hands was 120 *ūqīya* and the balance was 33 *ūqīya* and 3 *fals* and 4 *ḥabb*, which would be the debt against them.

All the numbers in the list section were written in *fāsī* numerals.⁵⁴

The deed was written down before the representative of the qadī court (*'arīf*), 'Abd al-Salām b. Aḥmad al-Ghumārishī. It was drawn up along with the copying of the inheritance deed itself (XI-6-1) and reproduced on Document XI along with the copying of XI-6.

Deed 6 (XI-6)

Date: 24 Muḥarram 1135/4 November 1722

No. of lines: 6

Notaries: signature XI-S3

signature XI-S4

A deed which establishes that 'Abd al-Salām b. al-'Ayyāshī Naghmūsh (XI-a16) obtained a part of the land in the Inaouène valley as an inheritance from Fāṭima bint Aḥmad al-Qubbī (XI-a11), wife of 'Abd al-Wāḥid al-Ḥammāṭī (XI-a4). 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, whose signature is lacking due to damage of the document.

⁵⁴ For *fāsī* numerals, see KAMEYA Manabu, "Fāsī Numerals in the Vellum Documents," *The Vellum Contract Documents in Morocco in the Sixteenth to Nineteenth Centuries*, Part I, ed. MIURA Toru and SATO Kentaro, Tokyo: Toyo Bunko, 2015.

It was copied on Document XI on the occasion of the purchase of the land in Deed 7 (XI-7) in order to prove ‘Abd al-Salām Naghmūsh’s (XI-a16) qualification as a seller.

Naṣṣ 1 (XI-6-1)

Date: end of Sha‘bān 1127/August 1715

Notaries: Muḥammad al-Ṭayyib?
al-Ghandūd?

A deed of *mukhārāja* partition of inheritance of Fāṭima bint Aḥmad al-Qubbī (XI-a11) between her agnates (‘*aṣaba*), Muḥammad (XI-a14), M’ḥammad (XI-a13), and ‘Abd al-Laṭīf (XI-a15), and her daughter Ṣafīya (XI-a12). Ṣafīya’s (XI-a12) share was taken by her husband ‘Abd al-Salām b. al-‘Ayyāshī Naghmūsh (XI-a16) and her son Muḥammad (XI-a17) due to her death before the partition. Details of the partition were tabulated in the right margin, which was reproduced on Document XI as Deed 5 (XI-5). A representative of the qadi court (‘*arīf dār al-qaḍā’*’) ‘Abd al-Salām b. Aḥmad al-Ghumārishī attended as an agent of the agnates. After the partition, the chief qadi of Fès, ‘Alī b. ‘Abd al-Wāḥid al-Bū‘inānī, was informed of it and agreed to it.

It also says that the agnates claimed some amount of bequest for their sake. The deed of bequest, however, had been lost before the fact was confirmed (*lam yathbut dhālika*).⁵⁵ The both parties reconciled on the condition that ‘Abd al-Salām Naghmūsh renounced his credit (the balance between his right and the property in his hands) in addition to 20 *ūqīya*.

After the deed, an apostille on the authorization of the copy’s authenticity was affixed.

Deed 7 (XI-7)

Date: 24 Muḥarram 1135/4 November 1722

No. of lines: 8

Notaries: signature XI-S3
signature XI-S4

A deed of purchase of a half share of ‘Abd al-Salām b. al-‘Ayyāshī Naghmūsh (XI-a16) of land at Tāzrūt by Muḥammad b. al-Tuhāmī al-‘Alamī (XI-g1). It was the main deed of Document XI at the time of its first preparation.

The deed first describes the situation of joint ownership by ‘Abd al-Salām Naghmūsh (XI-a16), al-Ḥasan b. al-Ḥasan al-Ḥammāfī (XI-a9) who was absent in the East, and the waqf of the zawiya of Aḥmad b. ‘Abd Allāh, along with the location of the land in detail. It then says that Muḥammad al-‘Alamī (XI-g1) purchased a half of the Jurrat Awlād Maṣṣūr in this region for 50 *mithqāl darāhim qadīma bi-sikkat ta’rīkh-hi*. Before that, the purchaser Muḥammad al-‘Alamī (XI-g1) had

⁵⁵ Cf. Chapter III, p, 130.

his agent ‘Abd Allāh b. Mas‘ūd al-Ḥayyānī al-Dūmī al-Maskarī investigate the land in question. The agent also attended the purchase.

Deed 8 (XI-8)

Date: 6 Rajab 1136/31 March 1724

No. of lines: 4

Notaries: signature XI-S1
signature XI-S8

A deed of purchase of the one quarter share of ‘Abd al-Salām b. al-‘Ayyāshī Naghmūsh (XI-a16) of land at Tāzrūt by Muḥammad b. al-Tuhāmī al-‘Alamī al-Yamluḥī (XI-g1) for 20 *mithqāl darāhim qadīma*. The purchased land was one quarter of Jurrat Awlād Maṣṣūr, a half of which had already been purchased by Muḥammad al-‘Alamī (XI-g1). Instead of describing the location of the land, it simply refers to the deed above (XI-7). It also says that the seller ‘Abd al-Salām Naghmūsh (XI-a16) undertook to prepare substitute land for the sharer (the *zawiya* is probably intended). Besides, the deed says that three quarters of the land belonged to the purchaser Muḥammad al-‘Alamī (XI-g1) after this purchase.

Deed 9 (XI-9)

Date: 21 of the same month of the same year as Naṣṣ 2 (Jumādā II 1137)/7 March 1725

No. of lines: 15

Notaries: signature XI-S6?
signature XI-S9

A deed which establishes that ‘Abd al-Salām b. al-‘Ayyāshī Naghmūsh (XI-a16) obtained the share of al-Ḥasan b. al-Ḥasan al-Ḥammāṭī (XI-a9) of land at Tāzrūt. It consists of copies of two deeds, and includes at the end a testimony on the collation of the copy with the original.

After the copying, it was also transcribed on Document XI. Although the holder of the document, Muḥammad al-‘Alamī (XI-g1), does not appear in the deed, probably it was transcribed in order to show the change of the joint ownership of his sharer ‘Abd al-Salām Naghmūsh (XI-a16).

Naṣṣ 1 (XI-9-1)

Date: Not legible due to the damage in the document

Witnesses: ‘Abd al-Raḥmān al-Lamṭī
‘Abd Allāh b. Aḥmad Aznāg al-Lamṭī

A deed of assessment of the price of the land in the Inaouèn valley. Most of the description of the location is damaged in the document. Two witnesses with expertise assessed its price at 1,600 *ūqīya darāhim qadīma*. Both witnesses are called farmer (*al-fallāh*) and one of them is also called master (*mu‘allim*). It was drawn up as a related deed of Naṣṣ 2.

After the deed, an apostille on the deposition of their testimony and its confirmation was affixed.

Naṣṣ 2 (XI-9-2)

Date: 19 Jumādā II 1137/5 March 1725

Notaries: no names of notaries

(Their signatures were put at the end of Deed 9 instead, as they also testified on the copying.)

A deed which establishes that ‘Abd al-Salām b. al-‘Ayyāshī Naghmūsh (XI-a16) obtained the share of al-Ḥasan b. al-Ḥasan al-Ḥammāṭī (XI-a9) of land at Tāzrūt. After a brief description of the location of the land, it describes successive cases of inheritance after the deaths of al-Ḥasan b. ‘Īsā al-Ḥammāṭī (XI-a3), the former owner of the whole of the land at Tāzrūt, and some of his inheritors. It also says, referring to other deeds (XI-2-2, XI-2-3, XI-5), that one of the inheritors ‘Abd al-Salām Naghmūsh (XI-a16) had collected shares of some of the other inheritors through purchase and inheritance partition.

It then says that ‘Abd al-Salām Naghmūsh (XI-a16) requested the representative of the qādi court (‘*arīf dār al-qadā*’), ‘Alī b. ‘Abd al-Wāḥid al-Sabtī, to sell al-Ḥasan b. al-Ḥasan al-Ḥammāṭī’s (XI-a9) share as his agent. The representative was at that time in charge of the affairs of absent persons and orphans (*al-nā’ib ‘alā al-ghayb wal-aytām*). Al-Ḥasan b. al-Ḥasan al-Ḥammāṭī (XI-a3) had owed a debt to his brother ‘Abd al-Wāḥid al-Ḥammāṭī (XI-a4) whose inheritor ‘Abd al-Salām Naghmūsh (XI-a16) was. As al-Ḥasan b. al-Ḥasan al-Ḥammāṭī (XI-a3) was absent in the East and was not expected to return, the only resource to clear the debt was his share of the land in question. The representative made a calculation for the settlement of the debt based on the assessment of the land above (Naṣṣ 1).

After that, the qādi of Fès, ‘Alī b. ‘Abd al-Wāḥid al-Bū‘inānī, was informed of that and agreed to the representative’s act. Also he confirmed the assessment deed above (Naṣṣ 1).

Deed 10 (XI-10)

Date: end of Rajab 1137/April 1725

No. of lines: 4

Notaries: signature XI-S10

signature XI-S11

A deed which establishes that Muḥammad al-‘Alamī (XI-g1) purchased the land at ‘Uyūn al-Ziyād from al-‘Arabī b. ‘Abd Allāh b. al-‘Arabī al-Ṣadrātī (XI-f3). The land was once the share of Muḥammad b. ‘Alī al-Maṭgharī (XI-d1), the purchaser of the tenth deed above (XI-1-10). His inheritors had sold it to al-‘Arabī al-Ṣadrātī (XI-f3) who then sold it to Muḥammad al-‘Alamī (XI-g1).

It is a summary of a purchase deed drawn up on another document by the

same notaries of this deed. It was probably written down on Document XI to incorporate the records concerning the right of Muḥammad al-‘Alamī’s (XI-g1) in this region into one document.

Deed 11 (XI-11)

Date: 23 Muḥarram 1138/1 October 1725

No. of lines: 7

Notaries: signature XI-S12

signature XI-S13

A deed of purchase of the share of al-‘Arabī b. ‘Āmir al-Zagārī (XI-b12) by Muḥammad b. al-Tuhāmī al-‘Alamī (XI-g1) from al-‘Arabī’s inheritors. The deed first describes al-‘Arabī’s ownership of a half of the one-third of the land. This one-third had belonged to Muḥammad b. Yaḥyā al-Zagārī (XI-b1) before. Instead of describing the location of the land, it simply refers to the deeds above. This deed then says that after the death of al-‘Arabī al-Zagārī (XI-b12) his five children Abū al-Qāsim (XI-b13), Aḥmad (XI-b14), ‘Alī (XI-b15), Zahra (XI-b16), and Maryam (XI-b17) were his inheritors. Muḥammad al-‘Alamī (XI-g1) purchased from them a half of the land once owned by Muḥammad al-Zagārī (XI-b1) for 50 *ūqīya darāhim qadīma*.

The ownership of the first owner Muḥammad al-Zagārī (XI-b1) of land at Tāzrūt and ‘Uyūn al-Ziyād is detailed in Deed 1 (XI-1). How al-‘Arabī al-Zagārī (XI-b12) obtained a half of the one-third is not mentioned in any deed of Document I but mentioned in Deed 1 of Document XII. According to that, however, al-‘Arabī al-Zagārī (XI-b12) had already sold a half of the land he had obtained in 1124/1712. Therefore, probably the land purchased in Deed 11 corresponds to one half of half of one-third of the land.

It was drawn up on Document XI in order to prove the additional share of Muḥammad al-‘Alamī in the Inaouèn valley.

Its summary was found in Deed 3 of Document XIII (XIII-3) with the same date and signatures (XIII-S5 and XIII-S6).

Deed 12 (XI-12)

Date: ? Jumādā II 1139/February 1727

No. of lines: 5

Notaries: ?

signature XI-S8

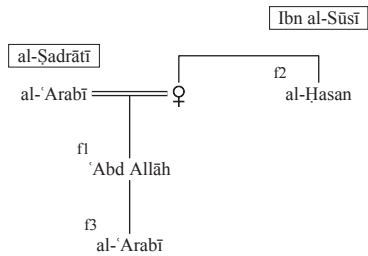
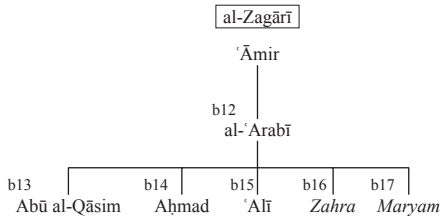
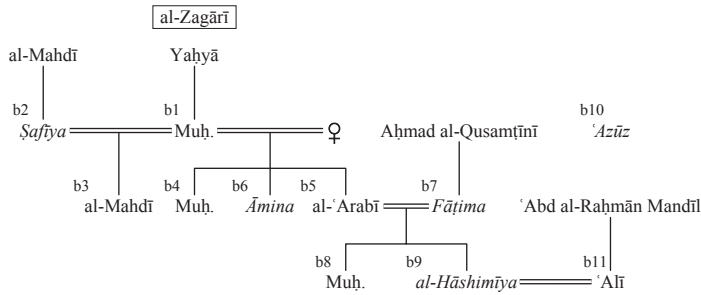
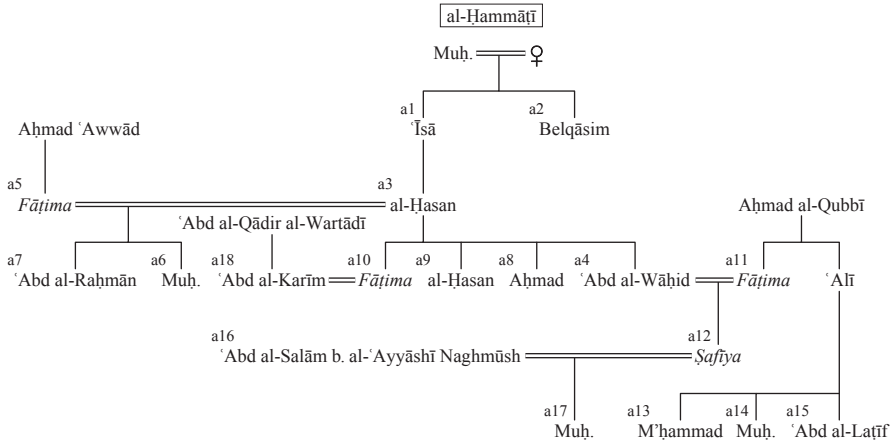
A deed which establishes that Muḥammad al-‘Alamī (XI-g1) obtained some part of the land. It says that one quarter of the land, which was mentioned in the same side of the document, had been in the possession of a certain al-Ḥājj Bū ‘Ayyād al-Qabbāj and that Muḥammad al-‘Alamī (XI-g1) purchased it from him. The land in question seems to be the remaining part of the share of ‘Abd al-Salām Naghmūsh (XI-a16)

who had sold three quarters of it to Muḥammad al-‘Alamī (XI-g1) in Deeds 7 and 8, which are located just left of Deed 12. We cannot find any more mention of the seller al-Ḥājj Bū ‘Ayyād al-Qabbāj in the document.

It is a summary of a purchase deed drawn up by the same notaries of this deed and probably written down on Document XI to incorporate the records concerning the right of Muḥammad al-‘Alamī’s (XI-g1) in this region into one document.

(SATO Kentaro)

Families in Documents XI, XII & XIII



Ibn Abī Zayd c1: 'Abd al-Wāhid b. Aḥmad al-Sharīf

al-Maṭgharī d1: Muḥ. b. 'Alī

al-Qāsimī e1: Muḥ. b. 'Abd al-Salām al-Shammākh

al-'Alamī g1: Muḥ. b. Muḥ. al-Tuhāmī al-Yamluḥī

al-Ḥayyānī h1: Ḥamm b. Daḥḥ al-Dūmī al-Maskarī

al-Maghāghī i1: al-Rāḍī b. Mūsā

Chart for Document XI, XII & XIII: relation between the three documents

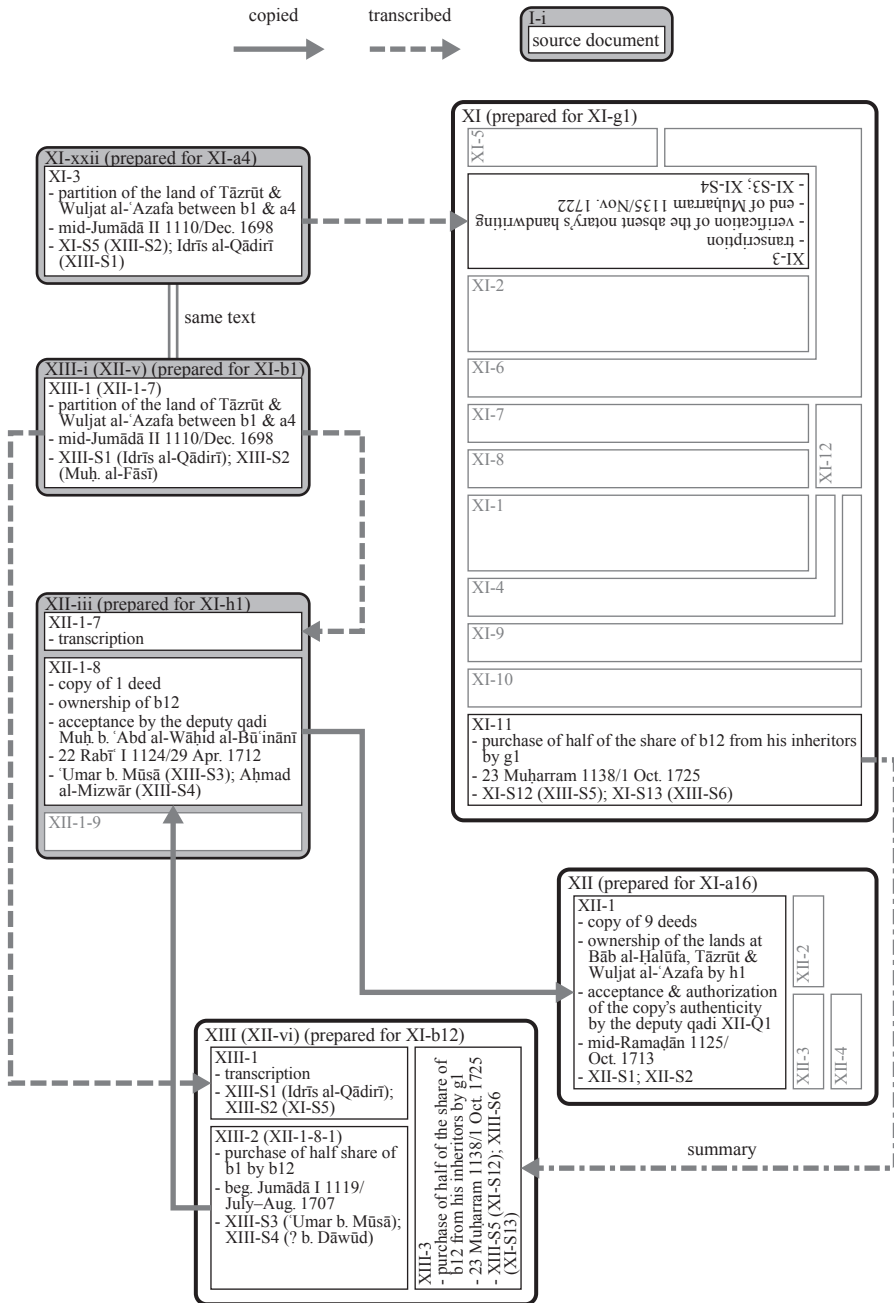


Chart for Document XI: Document XI and its sources

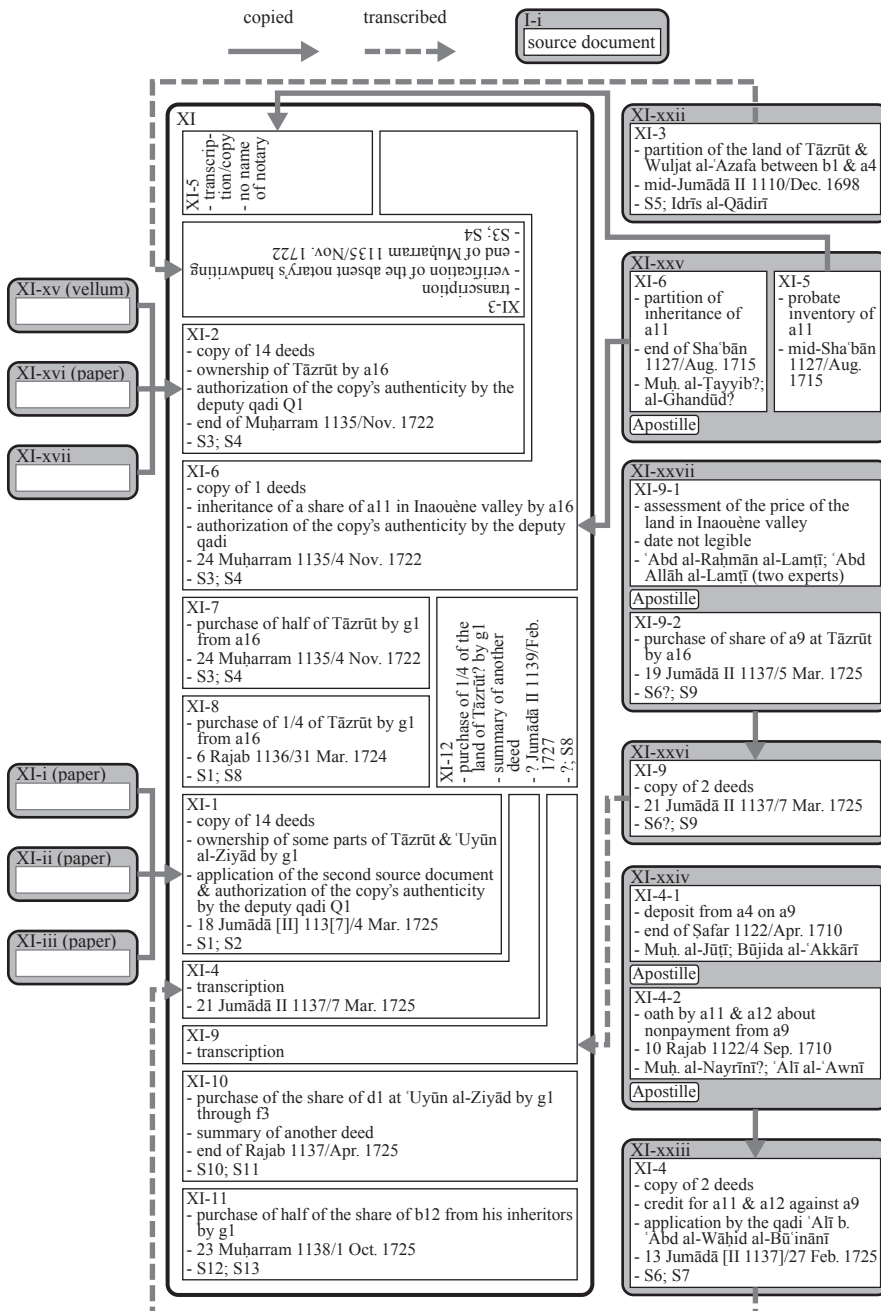


Chart for Document XI: source document XI-i

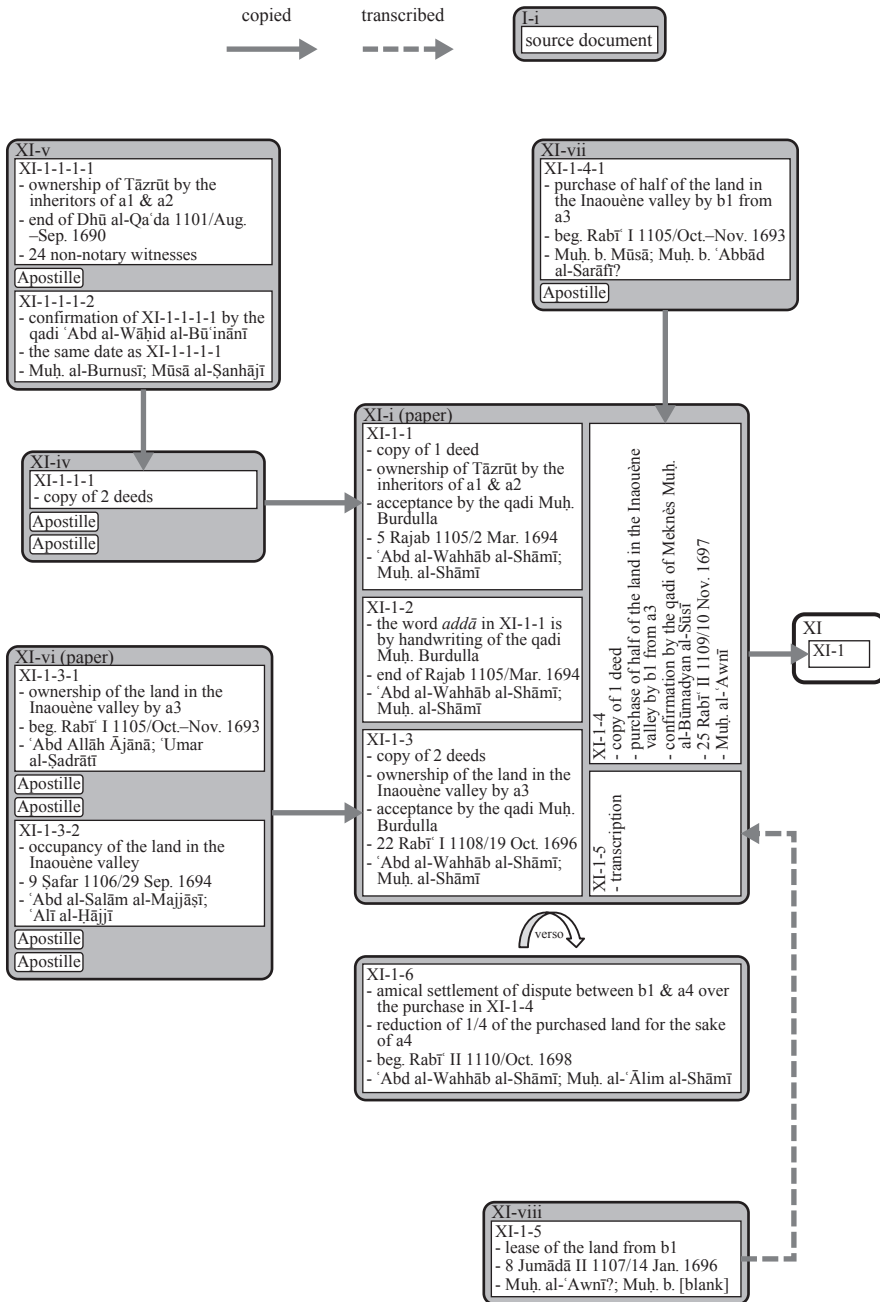


Chart for Document XI: source documents XI-ii & XI-iii

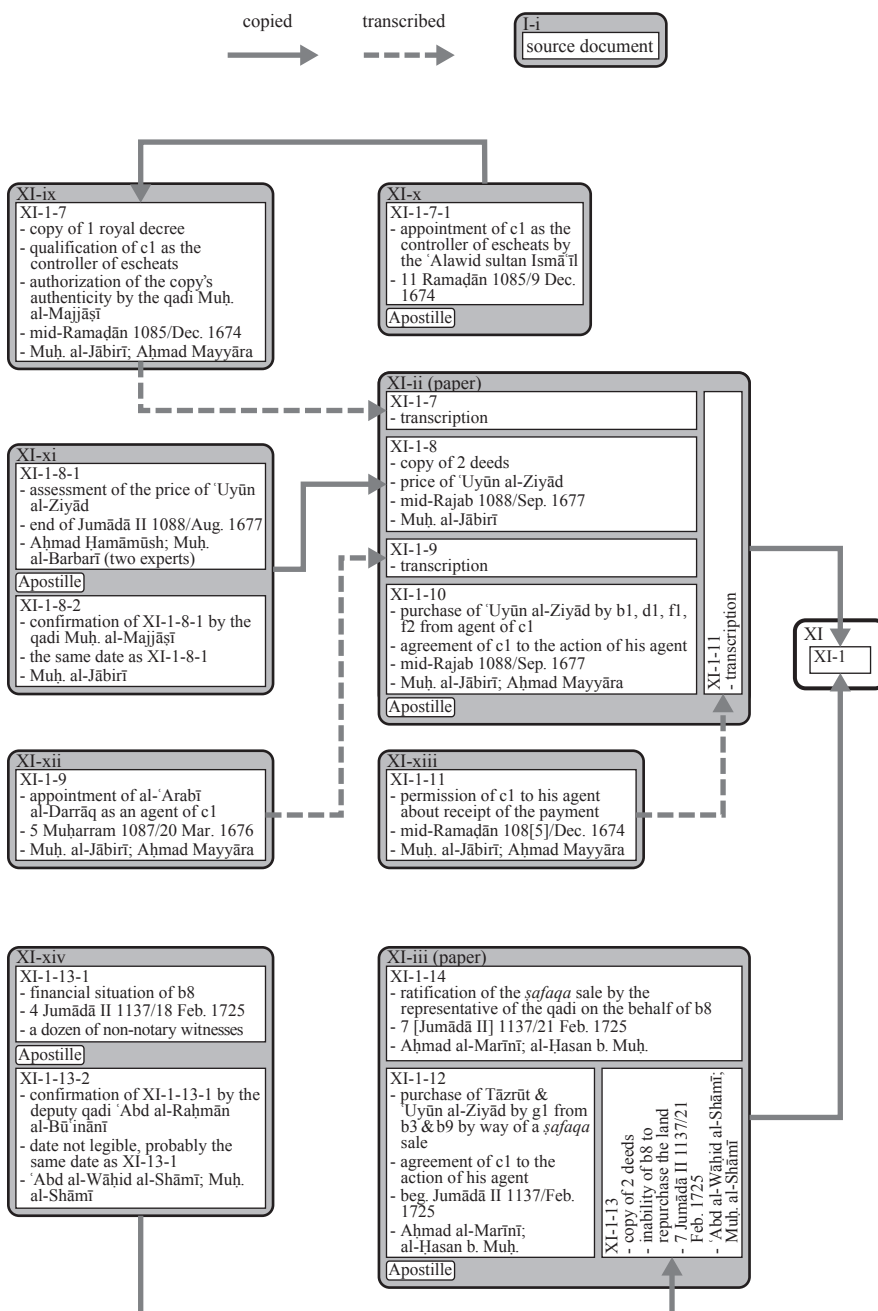


Chart for Document XI: source document XI-xv

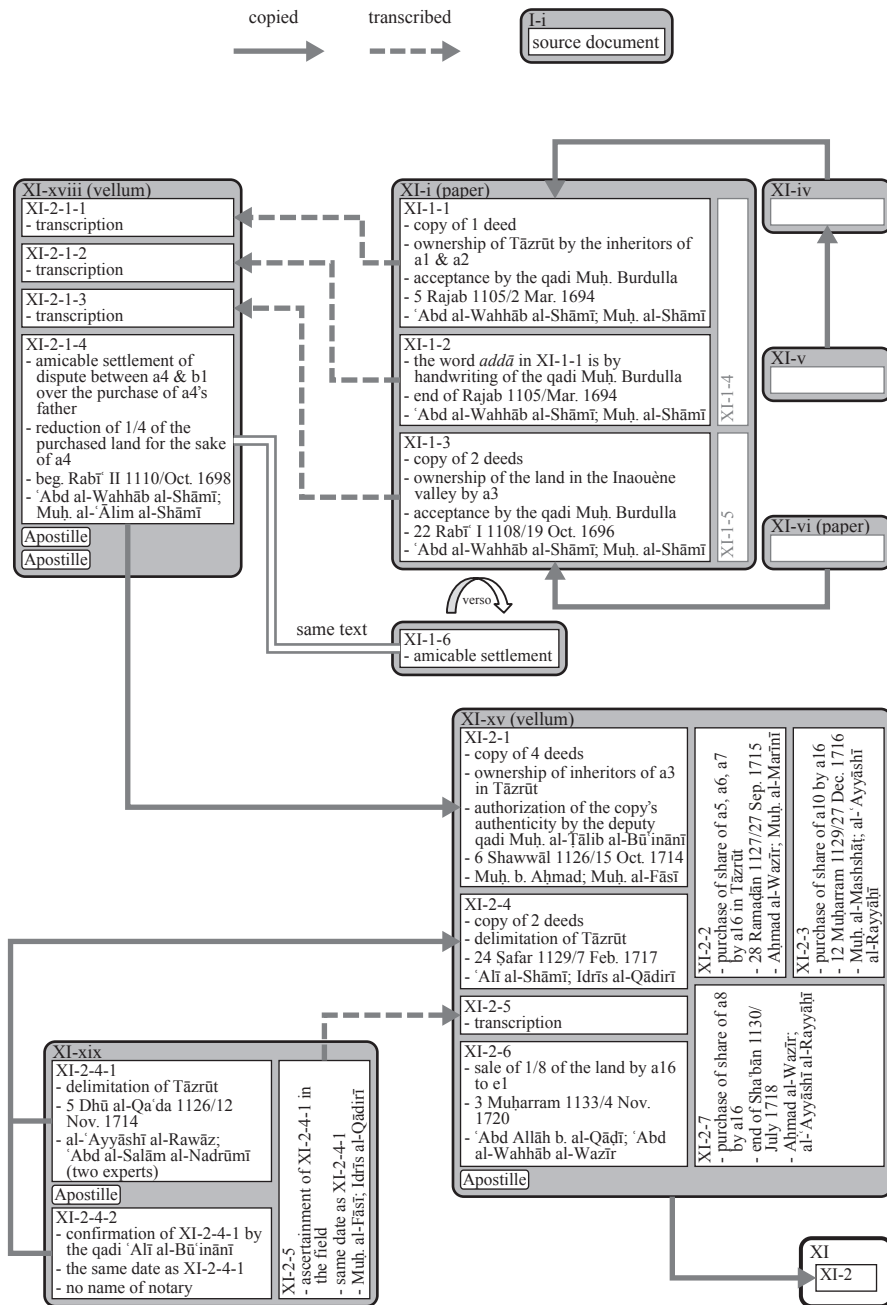
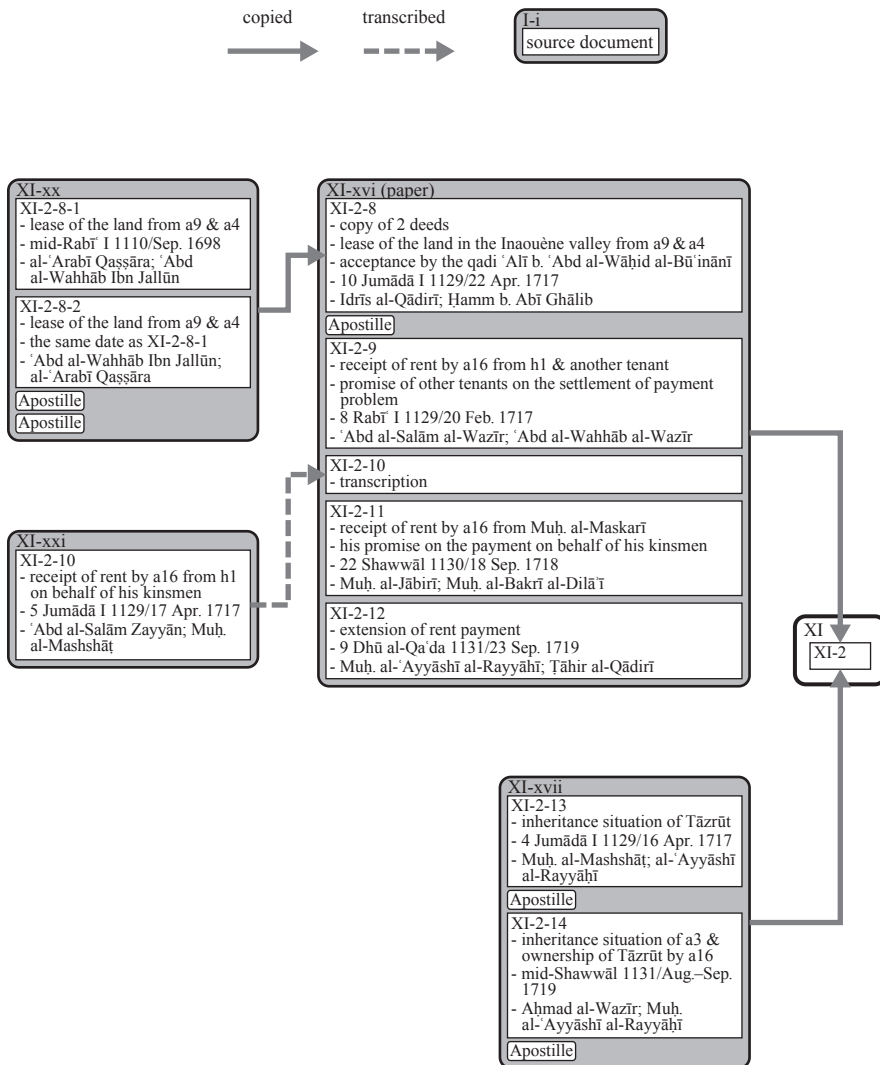
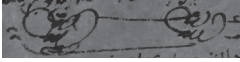


Chart for Document XI: source documents XI-xvi & XI-xvii



Signatures of Document XI

XI-1
(XI-Q1)



(XI-S4)



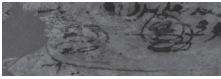
(XI-S1)



XI-4
(XI-S6)



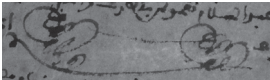
(XI-S2)



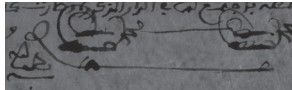
(XI-S7)



XI-2
(XI-Q1)



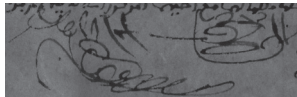
XI-6
(XI-S3)



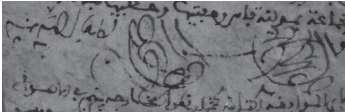
(XI-S3)



(XI-S4)



(XI-S4)



(XI-S3)



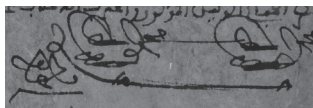
(XI-S4)



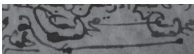
XI-3
(XI-S5)



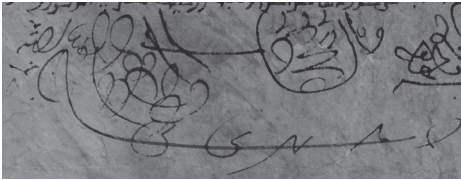
XI-7
(XI-S3)



(XI-S3)



(XI-S4)

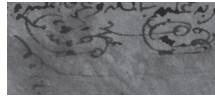


XI-11

(XI-S12)

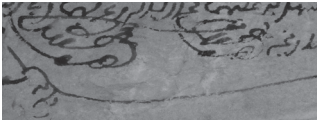


(XI-S13)



XI-8

(XI-S1)

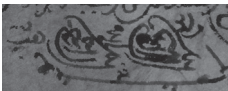


XI-12

(XI-S8)



(XI-S8)

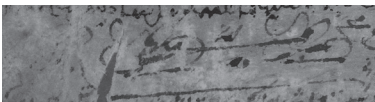


XI-9

(XI-S6?)



(XI-S9)



XI-10

(XI-S10)



(XI-S11)

