

Document XIII

General Description

Title: No title⁶⁶

Size: 36 × 29cm

Number of deeds: 3

Date: 1110–1138/1698–1725

A document drawn up on the occasion of the writing of Deed 2 (XIII-2) in 1119/1707 to record the purchase of a half share of Muḥammad b. Yaḥyā al-Zagārī (XI-b1) of land at Tāzrūt and Wuljat al-‘Azafa by al-‘Arabī b. ‘Āmir al-Zagārī (XI-b12). Along with Deed 2, Deed 1 (XIII-1) was transcribed as a related deed. Probably this document was preserved by the purchaser al-‘Arabī b. ‘Āmir al-Zagārī (XI-b12).

When al-‘Arabī b. ‘Āmir al-Zagārī (XI-b12) sold a half of his share, Deed 2 was copied from Document XIII to prove his qualification as the seller. This copy is found as Naṣṣ 8 of Deed 1 of Document XII (XII-1-8). It is, however, supposed that al-‘Arabī b. ‘Āmir al-Zagārī (XI-b12) kept Document XIII in his hands at this point, as it is still a proof of the ownership of his remaining half share.

Afterwards, in 1138/1725, when Muḥammad b. al-Tuhāmī al-‘Alamī (XI-g1) purchased the remaining half from the inheritors of al-‘Arabī b. ‘Āmir al-Zagārī (XI-b12), a summary of the purchase deed was added on Document XIII (Deed 3). Probably at this point, Document XIII also moved from the Zagārī family to the hands of the purchaser Muḥammad al-‘Alamī (XI-g1).

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

Deed 1 (XIII-1)

Date: middle of Jumādā II 1110/December 1698

Notaries: signature XIII-S1

signature XIII-S2

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). Probably it was drawn up on the occasion of the amicable settlement of the dispute (XI-2-1-4 and XI-1-6) between the two to clarify the borders of each portion of land.

It was transcribed on Document XIII on the occasion of the writing of Deed 2, a purchase deed of Muḥammad al-Zagārī’s (XI-b1) share, in order to establish

⁶⁶ It seems that there was a title in the lower part of the document, though most of the supposed title is torn out.

the borders of the purchased land.

The same text is found in Naṣṣ 7 of Deed 1 of Document XII (XII-1-7). A part of the signature XIII-S1 can be deciphered and the name “al-Qādirī” is found in it. This is a part of the name of one of the two notaries of XII-1-7, Idrīs b. ‘Allāl al-Qādirī. We assume that both deeds, XIII-1 and XII-1-7, were a transcription from the same source document which was in the hands of Muḥammad al-Zagārī (XI-b1). On the other hand, the same text is found also in Deed 3 of Document XI (XI-3). Again one of the two notaries of XI-3 was Idrīs b. ‘Allāl al-Qādirī and the other notary’s signature, XI-S5, is identical to XIII-S2. Therefore both deeds were drawn up by the same notaries. However, we assume that each of them had a separate source document, because XI-3 was transcribed in relation to the purchase of the share of ‘Abd al-Salām Naḡhmūsh (XI-a16), one of the inheritors of ‘Abd al-Wāḥid al-Ḥammāṭī (XI-a4). This kind of partition deed should be held by each of the two parties. Probably, XI-3 is a transcription from the document in the hands of the Ḥammāṭī family, while XIII-1 and XII-1-7 is a transcription from the document in the hands of the other party, Muḥammad al-Zagārī (XI-b1).

For the detailed content of the deed, see the description of XI-3.

Deed 2 (XIII-2)

Date: beginning of Jumādā I 1119/July–August 1707

Notaries: signature XIII-S3

signature XIII-S4

A deed which establishes the purchase of a half of the land by al-‘Arabī b. ‘Āmir al-Zagārī (XI-b12) from Muḥammad b. Yaḥyā b. Muḥammad b. Aḥmad (al-Zagārī) (XI-b1). It is a testimony by the two notaries who attended the purchase of six years before.

After the deed, two apostilles were affixed. One concerns the testimony about the two notaries’ handwriting due to their absence, its acceptance, and notification by a qadi with his signature (XIII-Q1). The other concerns the testimony about handwriting of the first apostille and its acceptance.

The same text is also found in Naṣṣ 8-1 of Deed 1 of Document XII (XII-1-8-1). We assume that its source document is this Document XIII. For the relationship between the two and the detailed content of the deed, see the description of XII-1-8-1.

Deed 3 (XIII-3)

Date: 23 Muḥarram 1138/1 October 1725

Notaries: signature XIII-S5

signature XIII-S6

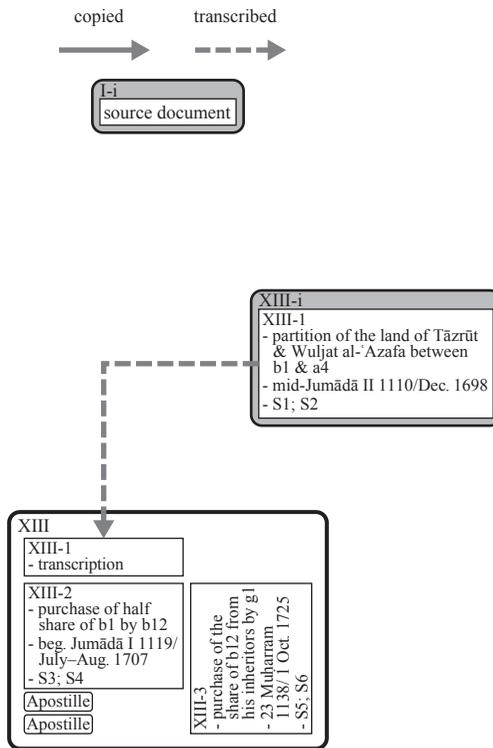
A deed which establishes that Muḥammad al-‘Alamī (XI-g1) purchased the land in question from al-‘Arabī b. ‘Āmir al-Zagārī’s (XI-b12) inheritors, Abū al-Qāsim

(XI-b13), 'Alī (XI-b15), Aḥmad (XI-b14), Zahra (XI-b16), and Maryam (XI-b17).

It is a summary of a deed drawn up on another document by the same notaries as this deed. Actually, Deed 11 of Document XI (XI-11) is a purchase deed of the same transaction, with the same date and signatures (XI-S12 and XI-S13). Therefore, XI-11 is the deed from which XIII-3 was prepared as a summary.

(SATO Kentaro)

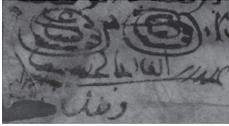
Chart for Document XIII



Signatures of Document XIII

XIII-1

(XIII-S1)

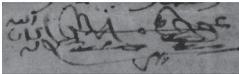


(XIII-S2)

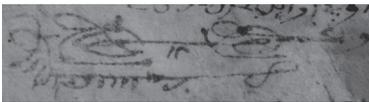


XIII-2

(XIII-S3)



(XIII-S4)



(XIII-Q1)



XIII-3

(XIII-S5)



(XIII-S6)

