

in the way intended. At land settlement, rivers, wadis, and drainage channels have been registered in this category as lands controlled by Government on behalf of the community."¹

Some explanation is necessary as to why lands falling in the *matruka* category were registered at land settlement in the name of the High Commissioner and later appeared under the column of 'Public' in the 'Village Statistics':

In 1926, the Palestine Government enacted the Land Settlement Ordinance providing for the settlement of title to land. The procedure then adopted was that *mafruz* (individually-owned) and *masha'* (owned in partnership) land would be registered in the name of the owner in whole or in shares as the case may be. But in regard to other lands, these were to be treated as follows:

(a) Government privately-owned property (such as offices, hospitals, police buildings, post offices, agricultural nurseries, etc.); forests and areas reserved therefor; public highways and railway tracks — Registered in the name of 'The High Commissioner for the time being in trust for the Government of Palestine.'

(b) The common lands of the village used for grazing of cattle and fuel gathering, village roads, schools, public threshing floors, cemeteries, wadis (water-beds) — Registered in the name of 'the *Mukhtar* (headman) for the time being in trust for the village.'

Following the completion of land settlement operations in the first group of villages, the *Mukhtar* of a Jewish settlement exercised control over the stretch of village road running through his settlement on the grounds that it was the private property of the Jewish settlement. He prohibited passage of cars on the Sabbath and charged a fee during weekdays on through-traffic to the surrounding Arab villages.

A committee (comprising the Commissioner of Lands, the Director of Land Registries, the Director of Surveys and a representative of the Attorney-General with this writer acting as Secretary) met to consider the situation which had arisen. It was finally decided that the way to overcome the problem was to register all lands of the *matruka* category in the name of the High Commissioner. A few exceptions were, however, made in regard to village schools, threshing floors and cemeteries.

No objection was raised by the Arab villagers at the time because they were in physical occupation of their 'common lands' and were aware that if any improvement were made by Government in them, that would be for the general benefit of the village. It was never countenanced that a situation would ever arise whereby the villagers would be deprived of their lands and

(1) *A Survey of Palestine 1945-1946*, Vol. I, Chapter VIII, pp. 255-256.