According to Khalīl's timeline, his father had received his share of village lands twenty-six or twenty-seven (hijri) years before the court case, in 1867 or 1868. While there are no indications that a tapu survey had been conducted by this time in the district, as was discussed in Chapter One, we have seen that tapu clerks in the *mutasarrıflık* of Jerusalem had for years been issuing title deeds for voluntary registrations. Khalīl testified that his father had registered in the tapu his share of village lands (one-sixtieth) at the time he received them. By calculation based on the dunams of village field-crop land registered in 1876, his father had received some 215 dunams of field-crop lands, meaning the Idhna feddan was approximately seventy dunams in size. Although waqf lands (*arazi mevkufe*) were excluded from the Land Code of 1858,[377] their registration in the tapu became possible by decree in early 1865.[378]

The defendant, Jibrān, testified in rebuttal to Khalīl's claims that general tapu registration (*taṭwīb*) had taken place in Idhna just fifteen years before the court case, i.e. in 1297H / 1880. According to him, the village's agricultural lands were registered in the tapu *en bloc*, as belonging to the village communally. He claimed that the three feddans in question were his, and that he had been farming them for fifteen years and had received them as his own at the time of the town-wide division of its lands. According to him, this

[377] Their exclusion is made explicit in Article 4(i), (Ongley, 4).

[378] See the Regulations, promulgated on 25 Ramadan 1281 (21 February 1865) in Ongley, 138-158. Regulations regarding the inheritability of waqf land on which a title deed (tapu) existed were included in the regulations broadening the inheritability of tapu-ed miri lands, on 17 Muharram 1284 (16 May 1867). (Ongley, 158-160).