

and write Turkish as well as Arabic, was in charge of (collecting?) the sheep and 'ushr (tithe on harvests) taxes.³⁹⁷ The Ja'abri brothers will be discussed further below.³⁹⁸

The purpose of the court session was to record the villagers' testimony of the fact of their sale of the lands and to appoint an agent (*wakīl*) to handle the mortgage transaction for them at the Commission of Transactions and Settlements (*Qumisiyūn al-mubāya'a wa'l-iqrār*). This was in accordance with the law concerning mortgages (*rehn*) of 21 Rabi ' al-Ākhir 1287 (21 July 1870).³⁹⁹

³⁹⁷ ISA, 1905 nufūs registers for Hebron, defter 187, hane #142.

³⁹⁸ In 1900, Shaykh Ahmad b. Darwīsh and his wife, Khadīja bt. Muhammad Salmān al-Ja'abri, would give birth to Muhammad 'Ali (Ahmad Darwīsh) al-J'abri, (b. 1900 / d. 1980). Shaykh Muhammad 'Ali appears in the 1905 population registers as the fifth of Shaykh Ahmad's five sons; his older brothers were 'Ali, Salmān, Šādiq, and Muhammad Rāshid. The family's household, of which Ahmad's brother Khālid was also a member, was registered as # 142 in the Mushāriqa neighborhood of Hebron.

Al-Bishtāwī, in his biography of Shaykh Muhammad 'Ali, concurs that the shaykh's father's and grandfather's names are these (19). However, Ahmad and Khālid's roles in late-Ottoman society appear to be a forgotten part of family history. In the course of his research, al-Bishtawi interviewed three of Shaykh Muhammad 'Ali's sons and had recourse to the shaykh's private archive of papers. Yet, regarding the Ja'abri family in the Ottoman period he concludes that "one notes the absence of the family name among those who held religious, judicial or administrative posts in the city of Hebron." (21).

³⁹⁹ Article 116 of the 1858 Land Code (See *Ibid.*, 62-63) explains that although *miri* land cannot be mortgaged (*rehn*), it can be alienated against a debt, by means of *vefā*, which is what occurred in this case. Article 1 of the 1870 law on mortgages details the procedure that was to be followed in mortgaging land. A certificate from the village mukhtar(s), stating that the land was eligible for mortgage, was to be shown in the sharia court, and it was the court's role to issue a judgment (*hujjet*) of mortgage. (Ongley, 180.) It would appear that testimony in this case was used in place of a mukhtar's certificate to verify the status of the land and its eligibility for mortgage. Evidence from other contemporary cases further shows that sharia court documents served as documentary proof of land ownership or land transactions at the tapu office. For example, in late 1890 Ahmad b. Mahmūd Salhab of Hebron appeared in court with Salīm and 'Āysha, two adult children of al-Hajj Sulaymān al-Dweik, also of Hebron. Ahmad complained that five days previous he had purchased from the Dweik siblings two-thirds of a feddan in a vineyard (*karm*) in Sibtā, featuring a storage pit (*jawra*). This sale was to be permanent (*bī' bāt*). The agreed-upon price was sixty riyals meçidi (equivalent to 1,200 qirsh), of which Ahmad had given at that time a down payment of five meçidis. According to him, it was agreed he would pay the remainder at