

taken place, their statements (those of the alienor and the alienee) will be taken in the presence of the mudir of the country (*müdür-ı memleket*), if the statements are made at the district (*qāḍa*) offices, or in the presence of the financial officers (*māl me'murları*) located at either the provincial (*liwa*) offices or at the seat of the *vilayet* government...⁵⁷

Transfers of land title between two (or more) individuals now required a certificate of ownership that had been stamped by both the imam and mukhtars of the seller's neighborhood or village. This certificate was to specify the location of the property, describe its boundaries, enumerate its size in dunams and include the sale price in kuruş. With this certificate in hand, the seller and buyer were to proceed to government offices to officially register the sale and change of land title.⁵⁸ The innovations of this law were, first, the establishment of an arm of government to record land transactions and, secondly, the stipulation that land must be measured according to the standard of the dunam. Historical documents show that aside from the use of dunams, land sales recorded in the sharia courts of Jerusalem and Hebron had already been following these procedures before the Land Code was introduced.⁵⁹

⁵⁷ Tapu Nizamnamesi of 1859, 3rd Article. (The translation is mine.) Uğur Ünal et al., *Tanzimat Sonrası Arazi ve Tapu, 35 Numaralı Kanun-ı Kalemîye Defteri [ve] 40 Numaralı Kanunnâme-i Arazi Defteri, Transkripsiyon / Tıpkıbasım* (Land and Tapu after the Tanzimat, Book of Written Laws No. 35 [and] Land Code Book, No. 40. Transcription / Facsimile), (Istanbul: T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü Osmanlı Arşivi Daire Başkanlığı, Publication No.135, 2014), 130.

⁵⁸ Ibid.. Regarding the historical development of Ottoman thought on ownership of agricultural land, see Martha Mundy and John Saumarez-Smith, *Governing Property, Making the Modern State: Law, Administration, and Production in Ottoman Syria* (London and New York: I.B. Tauris, 2007): Chapters 2-4.

⁵⁹ See, for example, the document issued by Hebron's sharia court in 1839 (Introduction, Image 1). The borders of the two land parcels are relatively defined; no quantitative measurement of size is provided.