K	121	31

GOVERNMENT OF PALESTINE

C. S. O.

SUBJECT AL-SAHEB AL-TAMIMI WAQF, HEBRON

(IPP 23750—6000—18.4.46)

CONNECTED FILES

NUMBER AND YEAR	SUBJECT

מדינת ישראל
גנזך המדינה

294

K/121/31

file with the Crown Counsel 14.11.45.

Please have to return the file by 22-11

Dl 17/12

(1) Hamed Al - Saheb Al - Tamimi — 5. 11. 45.

(2) Reminder sent to Crown Counsel, for the return of C.S.O. - 23.11.45.
file.

C. S. O. MINUTE PAPER

K	121	31

SUBJECT WAKF EL SAHIB TAMIMI - HEBRON

(1)

Letter from A/A.G. dated 26-6-31 re judgment given by the Land Court in respect of the above.

(2)

A/Treasurer

I am to request you to state what is the amount to be paid to the plaintiff under the last para. of page 5 of (1)a in order to enable H.E. to issue a warrant for the payment of money under Section 6 of the Crown Actions Ordinance 1926.

17.7.31

(3)

Chief Secretary.

The amount payable to judgment creditor in respect of tithe collected by Government up to 31st March, 1931, on 13.4½/5 qirats of El Sahib Tamimi in Taffuh village is £P.295.390.

2. It would appear that the case was not properly defended by Government and that the period for appeal has expired. I suggest, however, that future payments be withheld so as to force the judgment creditor to sue for payment when the opportunity can be taken for properly defending the case.

25.7.31.

Acting Treasurer.

(4)

A./A.G.

Pl. to see (3) w.r. to (1).

I have explained to the A/G. that even if the judgment creditor agrees to sue for payment, the case which was settled by the Court can not be re-opened.

For your advice pl.

30.7.31 [illegible]

(5)

A.G. 33/18

I do not agree that in this case the defence was badly conducted except in the sense that the Government ought not to have entered upon the litigation without making further inquiries as to whether they had a defence at all. I do not think that they had one but, even if they had, the course proposed by the Treasurer, namely, that future payments should not be made would not succeed because the plaintiffs will rightly say that the Government were bound by the existing judgment.

31.7.31.

[illegible]
A/ATTORNEY GENERAL

(6)

A./P.

W.r. to (3) H. to note (5) for info.

3.8.31 [illegible]

(7)

Cf

Sen.

[illegible]
9.2.1938

(8)

CS.

(1) submitted
Pl. to see (2) to (7) for information
? act as in para. 2 of (1).
13.8.31

(9)

hy 13.8.31.

(10)

Letter from Muhl. Hassan Budeyri — 4.8.31.
regarding funds belonging to Al Saheb family of Taffouh village.

(11)

CS

w.r. to the A.S.'s advice at (1).
warrant prepared in accordance with art. 6 of the Crown Actions Ordinance 1926, for H.E.'s signature.
The text of the warrant has been drawn up in consultation with the A.S.
31.8.31

(12)

HE.
for signature.
hy 31.8.31

(18)

J.R.C
31.8.31.

(19)

C.D.
(18)a to be typed for sign.
1.9.31

(20)

Letter to Treasurer — 3.9.31.
Waqf El Sahib Tamimi, Hebron.

Recirculated for further action.
11/8

(21)

C.D.
(20)a to be typed for sign.
10.9.31

(22)

Letter to Mohd. Hassan Effi. al Budeiri — 14-9-31

(23)

Letter from Mohd. Hassan Effi. al Budeiri 28-2-32.
re: Waqf El Sahib, Hebron

(24)

Letter from Mohd. Hassan Effi. Budeiri 3-3-32.
as above.

(25)

A.S.
? L/F. copies of (23) & (24) to ~~D.C. J.D.~~ ~~D. of Ag.~~ f. des.
Yes pl.
11.3
11/3.

(26)

Letter from Hassan Budeiri – 28.2.32 – requesting that Mutawallis' consent be sought when granting Quarry licences within the lands of Jaffouh Village.

(27)

C.D. Copy of (26) under L/F to D. of Agr. for observation and report.

11.3. A

(28)

L/F of 15/3/32.

transmits copy of (26)

to D/Ag.

for obs. report.

(29)

C.D. Copy of (24) (23) under L/F to D. C. J. D. for observations.

16.3. A

(30)

L/F of 22/3/32.

transmits copy of (23) & (24)

to D.C.J.D.

for obs.

Bakhi Bey,
? Send a reminder to Dir. of Agric. w.r.t. (28) & to D.C.J.D. w.r.t. (30).
B.V. 9/4
Yes M.
11.4. A

(31)

Reminder sent to D/Ag. on 14.4.32.

(32)

Reminder sent to D.C.J.D. on 14.4.32.

B.V. 29/4

(33)

Letter from Dir. of Agric. & Forests – 16.4.32.

Waqf El-Sahib Tamimi, Hebron

(34)

R. Pl. draft a reply to (26) as in (30)

20.4. A

(30)

C.D. 81.V (80)a f.o.
24.4. A

(36)

Letter to Muhd. Hassan Budeiri — 29.4.32.

(37)

Reminder sent to D.C. J.D. on 4.5.32.

2nd. (38) Reminder sent to D.C. J.D. on 15.5.32

(39)

Letter from D.C. J.D. - 21.5.32 - stating that a report will be submitted on completion of enquiry.

(40)

Solicitor General

I am to request your advice on (38). 8.2. A

41.

I have instructed in the

(42)

C.D.

3rd reminder to D.C. J.D.
W.2. to (80)
22.2. A

A.S. ?P.H. 27/4
81. send a reminder to (80).
29.4. A

A.S. ?B.U. 16.5.32.
A 5/5
1.5

A.S.
File B.U. as requested.
81. send another reminder to (80)
17.5.

A.S. ?B.U. 6/4/32.
A 20.5

B.U. 1-6/32
A 23.5.

B.U. 10.6
A 1.6.

B.U. 15.6.
A 10.6.

10 17 days

(43)

Reminder sent to D.C.J.D. - 28.2.34
B.

(44)

Letter from D.C.J.D. 8.3.34
Waqf el Sahib Jamiini - Hebron.

9/3

(45)

In view of the delay in sending (44) no further action is required.
10.3.

(46) Mohammad Hasan Budeiri — 24.4.41

(47) Ruhi Bey
There is no trace of the previous petition referred to in (46) & it may have been transmitted through another dept. but it never reached this office.
? send copy of (46) to D/L.R. for obs.
31/5
If inform the petitioner that the petition referred to in his letter has not been received in this office and ask him to furnish a copy of it. 4.5.41

Letter to Mr. Ruhi

(48) To Mohd. Eff Budeiri, — 9.5.41

Ruhi

(49) Advocate Mohd. Hassan Budeiri — 11.5.41

Ruhi Bey 20/5

(50) Act. General
Yours to request for observations on (46) + (49).
21.5.41

Chief Secretary.

With reference to the conversation between Ruhi Bey and Mr. Gress, Advocate Muhamad Hasan Budeiri has been interviewed in this office with regard to the applications at (36) and (49). He was informed that Government was prepared to offer to his clients, the beneficiaries of Waqf el Sahib El Tamimi, an annual payment of £P.41.799 in lieu of the tithe and commuted tithe formerly collected in respect of the crops grown on 13.4/5ths and 1/10th shares out of 24 shares of the lands of Taffuh Village, subject to the amount being revised at the request of the Mutawalli after a period of 7 years commencing from the 1st April, 1935, and thereafter after every period of 7 years, upon it being established by the Mutawalli that the average annual value of the produce of the waqf share in the lands in question has substantially increased in the interval and provided also that Government shall be entitled to require a review of the rate of the annual payment upon it being established by Government that the average annual value of such produce has substantially diminished. It was explained to him that the annual payment now offered represented the average of the tithe and commuted tithe collected by Government in respect of his clients shares in the village during the 7 years preceding the application of the R.P.T. Ordinance.

2. He stated that his clients are unable to accept this basis of settlement as although the judgment given by the Land Court in 1931 (see (1a)) then ordered continuation of the payment of tithe to them, it clearly indicates that they are the true owners of the waqf share and that they are consequently entitled to receive from the cultivators an annual rent.

3. He then asked that Government should consider the payment to his clients of an annual amount based on economic rent in respect of the years which followed the application of the R.P.T. Ordinance, and that the waqf lands in the village should be separated from the miri lands so that his clients would in future be able to collect the annual rent directly from the cultivators.

4. He has been informed that no decision can be reached at this end in the matter and that he should address Government on the subject, which he promised to do.

5. With reference to the judgment at (1a) it is clear that the Land Court admitted that by virtue of "Tamliknamah" (deed of ownership) which had been produced by the beneficiaries of the waqf, the waqf share in the village was mulk property and that the cultivators on the land were on the one hand tenants to the extent of the waqf share and therefore liable to pay rent but not tithe and on the other hand "Mutasarref" (possessors) liable to pay tithe to Government in respect of the remaining shares. As the waqf and Government shares in the village are undivided, the Court stated that the only solution would lie in a partition whereby the lands to be treated as mulk would be wholly separated from those to be treated as miri, but that such a case did not lie within the Court's jurisdiction.

6. It will be seen, therefore, that the case of this waqf is different from the case of the other awqaf in respect of which agreements have already been concluded with the respective mutawallies and that relying on the

judgment at (1a), the mutawallis might secure an order from a competent court for partition and in such a case they should be entitled to lease their share annually to the cultivators without the intervention of Government.

7. ~~Pending~~ In the circumstances I suspect we shd now await the submission of the further application by the Mutawalli. ~~I consider that no action can now be taken in the matter.~~

Accountant-General.

30.5.41.

WT. Rubi Bey 31/5

BV. 1.7.41
A. 2.6.41

(52) Acf. General — 2202/1 — 7.6.41.

(53) C.B. Arabic

(52a) for translation please.

(52a) 10.6.4

(54) Translation is enclosed. 17/6

(55) From Advocate M.H. Budeiri — 6.8.41.

13/8/41

(56) M. H. Budeiri — 19.8.41

(57) I have explained orally the position to Hassan Y. el Budeiri. He informed that his clients wished a partition to be made of the land as stated in the Court judgment at (1a). I replied that this was a new question with which the D. of L. was concerned and that he should apply for that separately as it has nothing to do with the agreement proposed for the payment of a compensation in lieu of the tithes of Toffaha village.

He said that he will submit a further application on the matter.

P.P. 21.8.41

C.S.O. 69.

(58) from Mohd. Hasan Budeiri — 26.8.41

(59) Director of Land Registration

I am to request your observations on (58) the Court judgment referred to in the petition in at (1).

L.D. 72/5 — 10,017

29.8.41

(60) C.S.

As Gait is not a co-owner it cannot be a party to any voluntary partition. I have explained this to Mr Budeiri

27/9/41 MS

(61) I have discussed the letter on face to Hassan Eff. Budeiri and he agreed with it. 8.10.41

(62) M. H. Budeiri — 7.10.41

(63) From Advocate Mohd. H. Budeiri — 5.11.41

(64) Accountant General

I am to request your observations on (65) 15.11.41

(65) Chief Secretary.

The position of Waqf El Sahib el Tamimi in Taffuh Village may be summed up as follows :-

(1) The village consists of undivided land comprising 13.4/5ths and 1/10th shares out of 24 shares, being the mulk property of the Waqf, ~~and~~ the remainder being miri land in private ownership.

(2) The Waqf is entitled to receive rent in respect of its mulk share in the land as confirmed by Court.

(3) Until the 31st March, 1935, Government collected tithe and commuted tithe in respect of the crop grown in the village and paid over to the Waqf part of the collections in proportion to its share.

(4) Following the abolition of the tithe upon the introduction of the Rural Property Tax Ordinance on 1st April, 1935, Government has offered to pay the Waqf an annual amount based on the average of seven years collections of the tithe prior to 1935 as compensation for the loss of the Waqf share in the tithe.

2. With regard to (1), there is nothing to preclude the Waqf from carrying out partition for the purpose of separating the mulk Waqf lands from the miri lands. ~~I agree with the Director of Land Registration, however, that~~ Government cannot be a party to such partition.

3. With regard to (2) and (3), it would appear that prior to the decision of the District Court it had been assumed that the land in question was of the "Takhsissat" category, whereas it was decided by the Court that the Waqf share in the land is mulk and the Waqf is entitled to receive rent, and not tithe, in respect thereof. The payments made by Government to the Waqf by way of a share in the tithe collections have thus been accepted by the Waqf in lieu of the rent which otherwise would have been collected directly from the cultivators. ~~I have therefore come~~ to the conclusion that Government should sever all connections with this Waqf land with effect from the 1st April, 1942, and that the representatives of the Waqf be advised to take the necessary steps for collecting the rent directly from the cultivators with effect from this date.

4. With regard to (4), Government's offer has been refused by the Waqf on the plea that the amount offered does not correspond and is not equivalent to the rent which would have been received from the cultivators. It would appear, however, that as the Waqf has in the past accepted payments in respect of rent in amounts equivalent to the tithe, it cannot logically now refuse an offer based on the average of payments so made, although these payments may not correspond to the rent which might otherwise have been received; but as the Waqf was not in a position to let out its share in the land in view of the contemplated negotiations with Government in regard to the amount payable as compensation in lieu of rent, it will, I think, be necessary to reach settlement with the Waqf by compromise on the basis of rent.

I suggest therefore that the Director of Land Settlement may be asked to advise as to the economic rent per dunum in the village of Taffuh during the years 1935-36 to 1941-42, so that the position may be considered with a view to making an offer to the Waqf in full settlement of their claim for the period in question.

ACCOUNTANT-GENERAL.

15.12.41.

C.S.O. 69.
GPP. 13838—20,000—15-10-41

(66) Accountant General

I am doubtful whether the suggestion in para 5 of (65) is really sound; if we make an offer to the Mutawalli of Shab Tamimi Waqf different from that made to other the mutawallis of similar waqfs who signed an agreement with Govt. this may cause dissatisfaction amongst them. There appears to be no reason for such discrimination and for a departure from principles already approved by the S. of S. Pl. advise whether you see any special reason for treating this waqf in the way suggested in para 5 of (65)

26.12.41

27/12

1471
8/24/12

(67) Chief Secretary

I have to-day discussed with Rushdi Bey the suggestions at (65) and the points raised at (66) and we agreed that the Mutawalli of Waqf Al Sahib Al Tamimi should now be warned that with effect from 1st April, 1942, he should arrange to collect his rent directly from the cultivators in respect of the waqf share in Taffuh lands and that an agreement will be reached for the settlement by Government of the question of compensation payable to the Mutawalli in respect of the financial years 1935/36 to 1941/42 for the loss of rent which used to be collected by way of tithe before the introduction of the Rural Property Tax Ordinance, 1935.

28.2.42

for Acc. Gen.

2/3

(68) Letter from Adv. Hassan Budeiri 28.2.42

(69) Attorney General,

Please see (1a) and (63).

This Waqf falls into the category of other Waqfs for which agreements were negotiated and signed with the different Mutawallis. The Mutawalli of this Waqf has refused to sign the agreement in view of the fact that the compensation offered to him was considered as very low in comparison with the amount he used to receive as his share of the tithe. The advocate of the Mutawalli has been communicating with us on the matter for some time and until now no arrangement could be made with him.

As it appears from para: 1 of (1a) the land in question is a Mulk property of the family represented by Joudeh el Saheb el Tamimi who is the trustee of es Saheb Waqf. It appears also from para: 5 of (1a) that the registered cultivators occupying the said land are the tenants of the Mulk owner to the extent of his share and thus they are liable to pay rent and not tithe.

It appears also from para: 10(3) of (1a) that until 1918 and from a period lying beyond the memory of elderly witnesses, the Mutawalli and his predecessors in interest collected the share of the tithe in suit side by side with the revenue farmers who from time to time bought the right to collect from the Government.

In the circumstances, although the amount paid to the Mutawalli for his share in the land is called tithe, in fact it is a rent and not tithe, as tithe is not payable on Mulk land, and in this respect this category of Waqf may be considered as different from other Waqfs for which agreements were signed with the Mutawallis.

I have discussed the matter with Mr.Gress of the Acc. Gen's Office, and we agreed to send to the Advocate Hassan Eff. el Budeiri as a reply to (63) a letter as in the draft at (69a). Please see in this connection (65) and (67). I do not propose to deal with para: 5 of (65) at this stage and I propose when negotiating with the advocate a settlement in respect of the compensation to be paid for the period 1st April, 1935, to the 31st March, 1942, to adopt the same principles already agreed for other Waqfs e.g. the average of the tithe paid during the seven years preceeding the abolition of tithe. If the advocate refuses to negotiate on this basis, then the suggestion in para: 5 of (65) will receive consideration.

(70) From Advocate Hamd. H. Budeiri — 30.3.42.

26/3.

I agree 18/4/42.

(72) A/F.S.
Pl. see (69) + (71)
I. draft at (69a) approved.
20.4.42
21/4/42

G.S.O. 69.
GPP. 14511—10,000—26.1.40

73. To Mohd H. Budeiri - 25.4.42.

(74) From Advocate Mohd. Hassan Bodeyri — undated

? any action on § 3 of (73) plse.
[illegible] 15.5. [illegible]

(75) From Advocate Mohd Hassan Budeyri — 2.5.42.

B.U. [illegible] 9.4.42

(76) Copy of (73) + (74) for c.o. g.d. for information and any action he may deem necessary. 13.5.42

(75) + (74) submitted [illegible] 1/5

95

13/5

(77) Copy of (73) + (75) to D.C. Jiles. for any action he may deem necessary — 16.5.42.

(78) Mohd. H. Budeiri — 25.5.42

(79) From M. H. Budeiri — 15.6.42.

(74) reconsidered [illegible] 27/5

(80) ACC - Sec.

19/6

You to request your advice on (74) + (79). The representative of the beneficiaries of the Wadi seems to have accepted our proposal set out at (73): we have now to settle the compensation due for the years from 1935/36 to 1941/42. He suggests £P.150 p.a. without stating how this sum has been worked out and arrived at.

Otherwise he should be treated in this respect as in the case of other mutawallis of private waqf by computing the letter on the basis of the average collections during 7 years ended 31st March 1935.

1.7.42.

2.7.42

(81) Chief Secretary.

It will be seen from paragraphs 5 and 6 of the Advocate's letter at (52a) that the beneficiaries of this waqf have already refused to accept payment at the rate of £P.41.799 mils, representing the average of the tithe and commuted tithe collected and paid to them by Government during the seven years preceding the application of the Rural Property Tax Ordinance.

2. I suggest therefore that we should adopt the proposal made in paragraph 5 of my minute at (65), and seek the Director of Land Settlement's advice as to the economic rent payable in Taffuh village during the years 1935-36 to 1941-42 and that in the light of such advice negotiations with the Mutawalli should proceed with the object of settlement by a lump sum payment.

Peters
ACCOUNTANT-GENERAL.

4th July, 1942.

R/ Recall to Rob'Pty on his return.
L. 10.7.42.

(82) I have discussed (81) with Mr Peters. It has been decided to ask the D. L. S. to advise as suggested in para 6 of (65) without committing Govt. to any form of payment.
18.7.42

Rot/3(1) Rob'Pty

(83) D. L. S.
I am to request you to be good enough to advise me as to the economic rent per dunum payable in Taffuh village during the years 1935-36 to 1941-42. This information should be kept confidential and Govt. should not be committed to any payment. Please see the Commissioner's (1) & (1a) (65) to (81).
23.7.42

(84) Chief Secretary.

I am asked for advice as to the economic rent per dunum during the years 1935-42 of the 12,103 dunums comprising the lands of Taffuh village.

2. You will appreciate that a detailed inspection and valuation of over 12,000 dunums of many different varieties of land would involve an immense amount of work which would not appear to be warranted in this case. It has, however, been possible to arrive at a fairly accurate estimate of the value of the lands of Taffuh from the Rural Property Tax Roll for the village. The lands of the village have, during the whole of the relevant period, been assessed for Rural Property Tax as follows :-

Category	4	=	31	dunums
"	6	=	205	"
"	7	=	837	"
"	8	=	31	"
"	9	=	20	"
"	10	=	189	"
"	12	=	275	"
"	13	=	2283	"
"	14	=	649	"
"	15	=	127	"
"	16	=	7456	"
	Total		12,103	

3. Having regard to the Net Annual Values on which the Rural Property Tax for the various categories was based, the claim of £P.150 per annum for 13 9/10ths of 24 shares in the above lands appears to be reasonable. Mohamad Hasan Eff. Bodeiri has been interviewed on the matter, however, and I believe he would be prepared to accept between £P.850 and £P.900 (less any amounts already paid) in full settlement of his clients' claim for rent and interest.

27.8.42.

DIRECTOR OF LAND SETTLEMENT.

WT.

As he has dealt with this (& similar agreements) from the outset, I consider it desirable to leave this for Rushi Bey's return.

R.U. to Rushi Bey on 5/10/42

Rushi Bey 2/9

Brought forward 5/10

(85) Mohd. Budeiri — 29.9.42

(86) A/Accountant General

Sir, see (84) w.2. to para 6 of (60). I shall be glad if the matter may be discussed between Land Office and the interested party and a solution suggested for Sec's consideration.

24.11.42

(87) Chief Secretary

I enclose a separate memo. setting out the result of my discussion with the advocate of this widow.

(88)

(88) Acct. General — 2202/1 — 14.12.42

(88)a Chief Secretary

I attach herewith a draft form of agreement which I should like the Law Officers to vet.

(89) A.G.

I am to request your advice as to whether in virtue of the judgment at (15) the Mutawalli is entitled to the rent and not to the tithe of the waqf in question.

I am also to refer to (71) and to request your advice as to whether the notification of severance of connection under (73) + (78) would constitute in itself actual handing over of the land to the Mutawalli or whether the procedure referred to at x of (88) is required for the purpose of severance of connection.

78.12.42

7/29.12.42

(90) C.S.

Ref.A of (89): The Mutawalli is entitled to rent and not tithe because tithe was not payable on Mulk or Wakf Sahih.

Ref.B of (89): Such formality is, I gather, unknown in Palestine.

I see, however, no objection to adoption of the procedure desired by the advocate for the Mutawalli. Such procedure would accord with section 6 of the Crown Actions Ordinance (see the expression "shall take such measures etc." occurring in that section).

4 February, 1943. A/ATTORNEY GENERAL

7/5/2

(91) A.G.

W.r.t. the last part of (90) do you agree with the draft letter at (91a)

6.2.43

7/6/2

(92). C.S. Yes, subject to minor alteration of wording as suggested & noted in pencil on (91a).

11/2/43

(95) D. e. J'lem — 12.2.43.

(94) D.F.S.,

The S. of S. in his secret despatch at folio (49) of K/18/40 had approved a proposal that negotiations should be conducted for the compensation of beneficiaries of private waqfs for the loss of the tithes resulting from the substitution of the Rural Property Tax for the commuted tithes payable under the Commutation of Tithes Ordinance 1927/28, the basis of the negotiations being the average collections less 6% collection charges over the period of seven years ending 31st March, 1935.

2. In order to give effect to this proposal a draft agreement was prepared in consultation with the Law Officers, and negotiations have already been concluded and agreements signed by all the beneficiaries of private waqfs, with the exception of the Sinan Pasha waqf and Saheb al Tamimi waqf. A copy of the agreement in question may be found at folio (203a) in K/60/32.

3. The delay for the conclusion of an agreement with the Sinan Pasha waqf was due to the conflict which has arisen between the Mutawalli and the lessees of the waqf. As regards Saheb al Tamimi waqf, the Mutawalli refused to accept the basis of the average of seven years referred to above in view of the fact that the tithes payable in respect of this waqf were really not tithes but rent. The advocate representing the beneficiaries of the waqf stated that his clients were not able to accept this basis of settlement as, although the judgment given by the Land Court in 1931 (see folio (1a)) then ordered continuation of the payment of tithes to them, it clearly indicated that they were the true owners of the waqf share and that they were consequently entitled to receive from the cultivators an annual rent.

4. He then asked that Government should consider the payment to his clients of an annual amount based on economic rent in respect of the years which followed the application of the Rural Property Tax Ordinance, and that the waqf lands in Taffuh village should be separated from the Miri lands so that his clients would in future be able to collect the annual rent directly from the cultivators.

5. With reference to the judgment referred to above, it is clear that the Land Court admitted that by virtue of Tamlik Nama (Deed of Ownership) which had been produced by the beneficiaries of the waqf, the waqf share in the village was Mulk property and that the cultivators on the land were on the one hand tenants to the extent of the waqf share and therefore liable to pay rent but not tithes, and on the other hand Mutassarrifs (producers) liable to pay tithes to Government in respect of the remaining shares. As the waqf and Government shares in the village are undivided, the Court stated that the only solution would lie in a partition whereby the lands to be treated as Mulk would be wholly separated from those to be treated as Miri, but that such a case did not lie within the Court's jurisdiction.

It appears therefore that the case of this waqf is different from the case of the other awqaf in respect of which agreements have already been concluded with the respective Mutawallis.

6. In the circumstances the position of waqf As Saheb al Tamimi in Taffuh village may be summarised as follows:

(i) The village consists of undivided land comprising $13\frac{4}{5}$ths and $\frac{1}{10}$th shares out of 24 shares being the mulk property of the waqf, the remainder being miri land in private ownership.

(ii) The waqf is entitled to receive rent in respect of its mulk share in the land as confirmed by Court.

(iii) Until the 31st March, 1935, Government collected tithe and commuted tithe in respect of the crop grown in the village and paid over to the waqf part of the collections in proportion to its share.

(iv) Following the abolition of the tithe upon the introduction of the Rural Property Tax Ordinance on 1st April, 1935, Government has offered to pay the waqf an annual amount based on the average of seven years collections of the tithe prior to 1935 as compensation for the loss of the waqf share in the tithe.

With regard to (i), there is nothing to preclude the waqf from carrying out partition for the purpose of separating the mulk waqf lands from the miri lands, but with regard to (ii) and (iii), it would appear that prior to the decision of the District Court it had been assumed that the land in question was of the 'Takhsissat' category, whereas it was decided by the Court that the waqf share in the land is mulk and the waqf is entitled to receive rent, and not tithe, in respect thereof. The payments made by Government to the waqf by way of a share in the tithe collections have thus been accepted by the waqf in lieu of the rent which otherwise would have been collected directly from the cultivators. It may therefore be concluded that Government should sever all connections with this waqf land with effect from the 1st April, 1942, and that the representatives of the waqf be advised to take the necessary steps for collecting the rent directly from the cultivators with effect from this date.

7. The advocate of the beneficiaries of the waqf has been accordingly informed that Government has decided that with effect from the 1st April, 1942, the waqf owners should take the necessary steps to collect from the cultivators the rent to which the waqf is entitled by virtue of the judgment in question (vide folios (73) and (93) in K/121/31.

This should have been done in 1931 immediately after the Land Court's judgment A

8. It remains now to settle the compensation due to the waqf from 1935 (the date of the promulgation of the Rural Property Tax) to April 1942. The offer made to the Mutawalli in this respect was refused on the plea that the amount offered does not correspond and is not equivalent to the rent which had been received from the cultivators. It would appear, however, that as the waqf has in the past accepted payments in respect of rent in amounts equivalent to the tithe, it cannot logically now refuse an offer based on the average of payments so made, although these payments may not correspond to the rent which might otherwise have been received; but as the waqf was not in a position to let out its share in the land in view of the contemplated negotiations with Government in regard to the amount payable as compensation in lieu of rent, it will, I think, be necessary to reach settlement with the waqf by compromise on the basis of rent.

GPP. 14511—10,000—26.1.42

9. On the suggestion made by the Acc. Gen. the D.L.S. has been asked to advise as to the economic rent per dunum in the village of Taffuh during the years 1935/36 to 1941/42, so that the position may be considered with a view to making an offer to the waqf in full settlement of their claim for the period in question.

10. The D.L.S. has replied that, having regard to the net annual values on which the Rural Property Tax for the various categories was based, the claim made by the waqf of £P.150 per annum for 13 $\frac{9}{10}$ths of 24 shares in the land in question appeared to be reasonable. He had interviewed the advocate on the matter and he believed that he would be prepared to accept between £P.850 and £P.900 (less any amount already paid as advance) in full settlement of his clients claim for rent and interest (vide para: 3 of folio (84) in K/121/31).

11. On receiving this reply I have asked the Acc. Gen. to negotiate a settlement with the advocate of the Mutawalli. The result of the negotiations and the recommendation of the Accountant General are submitted at folio (88).

12. I suggest that the recommendation in para: 6 of folio (88) regarding the payment of £P.850 less £P.100 to the Mutawalli of the waqf may be approved and that a clearance agreement should be concluded with him to this effect.

13. As regards the second part of para: 6 of folio (88) action has already been taken accordingly, vide folios (90) and (93). When the agreement has been signed and the compensation of £P.750 paid, the Mutawalli will have no more claim for any further payment in the future.

14. While the beneficiaries of other family waqfs are paid annually an agreed amount as compensation, the payment proposed regarding Taffuh waqf is a final settlement and no annual payment will be provided in the agreement.

19/2/43.

EM.

Rushdi Bey.

I approve the proposal in para. 12. May I with great deference thank you for your masterly exposition of this intricate case?

19.2.43.

(95) A.G.

w.r.t. (94) it is proposed to conclude an agreement with the Mutawalli of the waqf paying them compensation for the rent due to them from 1935 to 1942 and putting an end to Govt. interference with the waqf in future. Pl. see in time

Connection (90) + (93).
a draft of the proposed agreement is submitted at (89b) for your consideration.
11.3.43

96) C.S.

I have inserted in pencil on (89a) suggested alterations of the draft agreement which otherwise appears to be suitable.

March, 1943. SOLICITOR GENERAL.

(97) D. F. S.
w. r. to (94) dr. agreement to be concluded with the owners of the waqf submitted at (89b) for approval. The advice of the law officer on it is at (96).
26.3.43

98. F.S.
Please see from min (94), which sets out with great lucidity the considerations in this case. I recommend approval of the proposed agreement at fol (89b).
28.3.43.

99) Fol. (89b) app'd.
30/3

(100) D.C. J'lem - 6056/S/1 — 29.3.43.
31/3

(101) CS
agreements in quadruplicate submitted for signature; the position is explained at fol (94).
2.4.43

To Acct General. — 6/4/43.

P.A.

(103) J. Somerville Esq — 31.3.43.
7/4

104 To D.C. Jerusalem Dist — 12/4/43

P.A. 23.4.43

(105). D.C. Jerusalem — 6056/5/1 — 13.4.43

#/16/4.

106 To D.C. Jlm Dist. — 19/4/43

P.A.E.

(107) Saddik Tamimi — 2.2.44.

(108) Mr. Kirkbride

You may wish to see (107); this is a clever way of agitating against the waqf administration. I propose to acknowledge (107) and to thank the writer for his generous offer and then n.f.a.

H. 4.2.44

(109) Rushbrook Esq.

Seen thank you — I had a copy direct. It is too childish to be really clever; even if this person were the Mutawalli actually administering the Waqf (which he is not) it would not be permissible for him to give the revenues away in this manner. (I entirely agree as he is not within the prescription of the waqf deed) B. 7.2.

I suggest no more than a simple acknowledgement (it would be inappropriate to thank him; the offer is invalid — apart from being inspired by an ulterior motive.

4/2/44

(110) To Sheikh Saddik Tamimi — 9.2.44.

P.A.E.

(111) Sadek Tamimi — Undated

P.A.E. 9.2.44

(112) Registrar District Court, Jerusalem — 1.8.45.

(113) A.G.

I am to request your advice on (112)

4.8.45

#2/6

(114) C.S.

It seems to me that the citation of Govt as a party in this case was only a formality. If the Dir. of Land Registration confirms this opinion then H.E. may be advised to grant his fiat.

8.8.45 Crown Counsel

(115) Dir. of L. Registration
w.r. to (112) You to request Law to state whether you confirm the opinion expressed at (114)
10.8.45

(116) LD. 72/5-2410
Chief Secretary.

Reminder 13.8.45 S.No. 8112

I do not consider my citation a mere formality, as I consider that I should be a party and should be represented in Court, in every action involving the correction of any entry in my land registers.

2. I would, however, recommend that His Excellency be advised to give his fiat.

3. Please accept my apologies for the delay in replying.

DIRECTOR OF LAND REGISTRATION

RA. 12th November 1945.

(117) R. Al-Halawani Tamimi — 10.10.45

(118) Reminder to D.L.R. for return of file — 19.10.45.

(119) Sh. Asal — 10.10.45

(120) P.A.S. Please see (116) 13/11

(121) Crown Counsel.

Minute (116) is referred to you with reference to your Minute (114). I shall be grateful for your further advice in the matter.

for A.C.S.
18/11/45

(122.)

C.S.

I advise that the fiat be granted.

I should be glad to have a full statement from the D.L.R. of the facts of this case and of the grounds upon which the D.L.R. desires Crown Counsel to appear on his behalf.

(123) C.S. YE

ICR
29.11.45

Advocate Shafic Assal has filed an action before the District Court, Jerusalem, sitting as Land Court, on behalf of the Mutawalli (trustee) of Saheb Tamimi Waqf against Ibrahim Haj Sarayreh and the Palestine Government in respect of 13.9 shares out of 24 shares in all the land of Taffuh village, Hebron sub-district. Under Rule 8 of the Court Procedure Rules 1938, and Section 4 of the Crown Actions Ordinance, members of the public desirous to instituting actions with courts against Government, must obtain the sanction of H.E. to enable them to start proceedings.

2. The Law Officers advised at min.(122) that H.E. be pleased to grant his fiat.

December, 1945.

HA.

4.12.45

4/12/45

6/12

(124) Please return enclosures to (112) to the Registrar District Court, Jerusalem, for rec. action. [illegible] 12

(125) Action taken as at m. (124) - 6.12.45.

K.I.V.
(122)

(126) H. Al-Saheb Al-Tamimi — 5.11.45.

(127) To D.L.R. — 12.12.45.
Copy to Crown Counsel.

(128) H. Al-Saheb Al-Tamimi — 8.12.45.

P.A. 13.12.45
13

(129) Crown Counsel — 27.12.45.

(130) Crown Counsel.
Ref (129). File herewith.
[illegible]
for C.S.
31/12/45

(131) C.S.
I have discussed this case with Mr Spry, Assistant D.L.R., who now agrees that Govt is not directly interested in this case and that no further action in the case need be taken by Govt.
The file can now be put away. [illegible] 13.3.46.

P.A. 18.3.46

C.S.O. 69.

(132) D. of Land Registration. — 2.1.46.

(133) TG D. of Land Registration. — 9.1.46.

P.A.

K/121/31.

Crown Counsel 31.12.
R. " 15.3.
" " 2.5.46
Mr. Samaan 9/12
ar Ld. t J 50/45. 9.12.47

K/121/31

9 January 1946

Director of Land Registration.

I am directed to refer to your letter no.LD.72/5-6 of the 2nd January 1946 and to inform you that this office file no.K/121/31 on the subject of the Waqf of Al Saheb al Tamimi is with the Crown Counsel, with whom you should get in touch.

(Sgd.) RUHI ABDULHADI
ACTING CHIEF SECRETARY.

Mr. Sperling
TH
7.1

132

GOVERNMENT OF PALESTINE.

CHIEF SECRETARY'S OFFICE
(Chief Clerk)
3 JAN 1946
JERUSALEM

TEL. No. 4497
P. O. B. 190

DIRECTOR OF LAND REGISTRATION.
JERUSALEM.

IN REPLY PLEASE QUOTE
No. LD.72/5-6

~~2 December~~ 2nd January, 1946.

Chief Secretary.

Subject:- Waqf of Al Saheb al Tamimi.

Reference:- Your letter No.K/121/31.

I should be glad if you could spare your file No.K/121/31 for perusal to enable me to deal with the above mentioned matter.

DIRECTOR OF LAND REGISTRATION

L.

C.C. 21/1/7 (vs)

CROWN COUNSEL'S OFFICE
JERUSALEM.

129

Very urgent

27 DEC. 1945

Chief Secretary,

I should be much obliged if I could have your file No. K/121/31 on the subject Civil Claim by Hamid Hold. Mahmoud Hutawali waqf El Saheb El Tamimi for perusal and return.

Barnard
CROWN COUNSEL.

CHIEF SECRETARY'S OFFICE
(Chief Clerk)

28 DEC. 1945

JERUSALEM

Jerus.

ON HIS MAJE

128

The Honourable,
The Chief Secretary.

Sir,

Subject: Application for permission to institute legal proceedings against Government.

126

I have the honour to refer to my letter dated the 5th November, 1945, and to request that you may be kind enough to consider my application favourably as a sympathetic gesture towards the poor.

K

With highest respects,

(Sgd) Hamed Al-Saheb Al-Tamimi,
Mutawalli of Waqf Al-Saheb Al-Tamimi, Hebron.

8.12.45.

The Honourable,
The Chief Secretary.

Sir,

Subject: Application for permission to institute legal proceedings against Government.

I have the honour to refer to my letter dated the 5th November, 1945, and to request that you may be kind enough to consider my application favourably as a sympathetic gesture towards the poor.

With highest respects,

(Sgd) Hamed Al-Saheb Al-Tamimi,
Mutawalli of Waqf Al-Saheb Al-Tamimi, Hebron.

8.12.45.

The Honorable,
The Chief Secretary.

Sir,

Subject: Application for permission to
[illegible] Ibrahim Abdulla Anlaby
[illegible].

I have the honour to refer to my letter dated 2nd November, 1949, and to request that you may be kind enough to consider my application favourably so that permission may be granted to me to proceed there.

With highest respects,

(Sd.) Ibrahim Abdulla Al-Yemani,
Mukaddis al-Yaqi Al-
Qaba Al-Yemani, Hadram-
[illegible].

128

صاحب السعادة السكرتير العام لحكومة فلسطين المحترم

البحث : طلب الأذن بإقامة الدعوى على الحكومة

عطفا على كتابي السابق المؤرخ ١٥/١٢/٤٥ اعود فألتمس من سعادتكم التكرم بإعادة طلبي جزرا من اهتمامكم وعنايتكم بمصالح الفقراء . ولسعادتكم نزيد الشكر والاحترام سيدي

الداعي

حامد الصاحب التميمي
متولي وقف الصاحب التميمي بالخليل

٤٥/١٢/٨

10.12

Open C. D.

Drafted by: Mr. Sperling | Approved by: Ruhi Bey

Received on: 9/12 | Typed by: TS on: 9/12.

(147)

K/121/31.

12 December, 1945.

Director of Land Registration.

I am directed to refer to your Minute LD.72/5-8410 of the 12th November 1945, regarding the Waqf of Al-Saheb Al-Tamimi, and to inform you that His Excellency has granted his fiat on the petition of Shafic Eff. Assal.

2. I am to request you to furnish the Crown Counsel with a full statement of the facts of this case and of the grounds upon which you desire him to appear on your behalf.

Ruhi Abdulhadi

CHIEF SECRETARY.

Copy to: Crown Counsel.

(126)

Hamed Al-Saheb Al-Tamimi, Mutawalli of Al-Saheb Al-Tamimi Waqf, Hebron, in a letter addressed to the Chief Secretary, states that five months ago, he instituted an action against the cultivators of Al-Saheb Al-Tamimi Waqf for failure to pay the Waqf's share. He found it necessary that Government should be included in this case. The statement of claim was therefore referred by the Court to the Chief Secretary for the purpose of obtaining His Excellency's fiat for the institution of this case against Government, but no reply has as yet been received despite the repeated representations of his attorney, Shafic Eff. Asal, Advocate of Jerusalem. Petitioner therefore requests that consideration of this matter may be expedited so that they may be able to institute the action without further delay.

5.11.45.

Hamed Al-Saheb Al-Tamimi, Mutawalli of Al-Saheb Al-Tamimi Waqf, Hebron, in a letter addressed to the Chief Secretary, states that five months ago, he instituted an action against the cultivators of Al-Saheb Al-Tamimi Waqf for failure to pay the Waqf's share. He found it necessary that Government should be included in this case. The statement of claim was therefore referred by the Court to the Chief Secretary for the purpose of obtaining His Excellency's fiat for the institution of this case against Government, but no reply has as yet been received despite the repeated representations of his attorney, Shafic Eff. Asal, Advocate of Jerusalem. Petitioner therefore requests that consideration of this matter may be expedited so that they may be able to institute the action without further delay.

5.11.45.

حضرة صاحب السعادة السكرتير العام لحكومة فلسطين المحترم

الموضوع: طلب الإذن بإقامة الدعوى على الحكومة

سيدي

أتشرف بأن أعرض لسعادتكم بأن لوقف الصاحب التميمي ١٢ قيراط وتسعة أعشار القيراط في قرية نفوح التابعة لمدينة الخليل وبالنظر لتمنع المزارعين عن دفع حصة الوقف اضطررنا لإقامة الدعوى على المزارعين وقد وجد من الضروري إدخال الحكومة في هذه الدعوى وقد نظمت الدعوى وقدمت للمحكمة والمحكمة أرسلت لسعادتكم للاستحصال على الإذن بإقامة الدعوى على الحكومة وقد مضى على إرسال المدة خمسة أشهر ولم نأخذ الجواب رغم مراجعة وكيلنا المحامي شخصياً فذي عن المتكررة كتابة وتلفونياً وشخصياً دائرة سعادتكم والنيابة العامة وكل منهما تحيلنا على الأخرى فعليه وبما أن لا يخفى على سعادتكم حالة المستحقين من الفقراء والأيتام والذين مضى عليهم مدة خمس سنوات وهم في مراجعة المحاكم وما تحملوه من مشقات ومصاريف. لذلك نلتمس من سعادتكم رحمة هؤلاء الفقراء البؤساء التكرم بإنجاز تلك المعاملة حتى نتمكن من إقامة الدعوى للاستحصال على حقوقنا ولسعادتكم مزيد الشكر والاحترام

سيدي ٥/١١/٩٤٥

الداعي
حامد الصاحب التميمي
متولي وقف الصاحب التميمي: بالخليل

Shafic Asal, Advocate of Jerusalem, in a letter addressed to the Chief Secretary, states that on 23.7.45, he filed an action before the District Court, Jerusalem, sitting as a Land Court, on behalf of Hamed Mohammad Mahmoud Al-Saheb Al-Tamimi, Mutawalli of Al-Saheb Al-Tamimi Waqf, against Ibrahim Haj Sarayreh and the Palestine Government, in respect of 13.9 shares out of 24 shares in all the lands of Taffuh village, Hebron Sub-District. In order to institute this action, he applied for His Excellency's fiat, but he has failed to receive any reply. Shafic Eff. requests that a reply may be sent to him at an early date.

10.10.45.

Copies to: The Attorney General.

The Crown Counsel.

CHAFIC ASAL
ADVOCATE
Jerusalem
Teleph. No. 747

المحامي
شفيق عسل
القدس
رقم التلفون : ٧٤٧

١١٩٥

سعادة السكرتير العام المحترم

بتاريخ ٤٥/٧/٢٣ قدمنا قضية لدى محكمة مركزية القدس بصفتها محكمة اراضي باسم السيد حامد محمد محمود الصاحب التميمي متولي وقف الصاحب التميمي ضد ابراهيم الحاج السرايره وضد حكومة فلسطين بخصوص ثلاثة عشر قيراط وتسعة اعشار القيراط من اصل ٢٤ قيراط في جميع اراضي قرية تفوح التابعه لقضاء الخليل ولهذا طلبنا اعطائنا الاذن لاقامة الدعوى علي الحكومه وللان لم ناخذ اى جواب بهذا الخصوص مع انه لم يكن اى خلاف حقيقي فيما بيننا وبين الحكومه لان الحكومه قد اعترفت بحقنا من السابق وما طلبنا الا شكلي فعليه وحيث ان موكلنا راجعنا ويراجعنا دائما بهذه المسالة فنرجو سرعة اعطاء الاذن بها .

وتفضلوا بقبول فائق الاحترام

وكيل المدعي

٤٥/١١/١٠

المحامي
شفيق عسل ـ باب الخليل
القدس

صورة لحضرة النائب العام
صوره لحضرة محامي التاج

1

117

TELEGRAM. K/121/31

From Rashad Al-Halawani Tamimi,
on behalf of all the
Tamimi families in Hebron.

To His Excellency,
The High Commissioner.

Despatched Hebron, 10.10.45 (11.35). Received (12.50).

The Tamimi families in Palestine have received with disappointment the intervention of the Supreme Moslem Council in postponing the enforcement of the just judgment of the Sharia Court of Hebron, which provides for the separation of the Awqaf of our grandfather, Tamim Al-Dari, from the General Awqaf. This intervention is incompatible with justice and the law. We request Your Excellency to order that an end be put to such intervention so that justice may take its course in the case of this Waqf.

TELEGRAM.

From Rashad Al-Halawani Tamimi,
on behalf of all the
Tamimi families in Hebron.

To His Excellency,
The High Commissioner.

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P.T. 6.

C

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Handed at	سلمت في نمصر ب /	Orig. No.	
On	التاريخ بيوم /	Words	
Time	الوقت الزمن /	Recd. from	
Received at	وصلت في نتكبل ب /	By	

JERUS 10 * OC 45

To / אל

سم ٨ فخامة المندوب السامي المعظم القدس

العائلات	التميمية بفلسطين	مستاءة من	
مداخلة هيئة المجلس	الاسلامي	الاعلى لتوفيه	
تنفيذ قرار	محكمة الخليل	الشرعية	
اوقاف عدنا	تمس الدارين	عمه الاوقاف	لعادل بفضل
مغارة الحرم	والقانون	يرجوا الامر	التابعة مداخلة
ليأخذ العدل	مجراه	بسبب هذه	يمنع هذا التدخل
			الوقف الشريف
	عن عموم	العائلات	
	التميمية بالخليل		
	رشاد	الحلواني	
	التميمي		

32998—900000—31.12.44—G.C.P.

DEPARTMENT OF POSTS AND TELEGRAPHS.

מברק **TELEGRAM** برقية

This form must accompany any enquiry respecting this telegram.

يجب ارسال هذا النموذج مع كل استعلام بخصوص هذه البرقية

יש לצרף את הטופס הזה לכל הקורה הנערכת בנידון המברק הזה.

מברק TELEGRAM برقية

No Charge for Delivery.

לא נגבה דמי מסירה

لا يؤخذ ثمن التبليغ

Legal/67.

نموذج ٧ قضائي

112

PALESTINE

CROWN ACTIONS.
دعاوي الحكومة

Case No. ..... قضية نمرة .....

1st August ~~July~~ 1945 ١٩٣.....

The Honourable
The Chief Secretary.

سعادة السكرتير العام

Sir,

مولاي

In pursuance of Section 4 (2) of the Crown Actions Ordinance, 1926, I have the honour to transmit to you herewith a petition filed in this office by/on behalf of Shafic Eff. Assal Hamed Mohammad El Saheb El Tamimi

وفقاً لنص المادة ٤ (٢) من قانون دعاوي الحكومة لسنة ١٩٢٦ ، لي الشرف بان ارفع اليكم استدعاء مقدماً الى هذه الدائرة من/عن .....

against 1. Ahmad Ibrahim El Haj El Sarayreh
2. Government of Palestine.

ضد .....

and to ask that it may be laid before His Excellency the High Commissioner for his direction.

وان التمس منكم ان تعرضوه على فخامة المندوب السامي لاصدار امره بشأن ذلك

I have the honour to be,
Sir,
Your obedient servant,

لي الشرف بان اكون
مولاي
خادمكم المطيع

~~Chief Clerk~~ Registrar
District Court of Jerusalem.

رئيس قلم
المحكمة المركزية .....

21177—10000—11.8.32—S.O.P.

111

His Excellency,
The Chief Secretary for the Palestine Govt.
Jerusalem

107

Your Excellency,

On 2.2.44 I wrote to Your Excellency showing our preparedness to give one third of the total income of our Wakf in Hebron District for his Majesty's Government during this present war.

Up to now I have not received a reply. This reply, I beg to submit, is very urgent as many of our people are very anxcious for the reply. Therefore I will be much obliged if I am favoured with one

I have the honour to be
Your Excellency's
Obedient servant,
Saddik Tamimi
Saddek ET-Tamimi.

Thorey Quarter,
Near the Railway Station
Jerusalem

Copy to,
The President of the Moslems
Wakf Committee, Jerusalem

The members of the High Moslems Council
Jerusalem

(110)

K/121/31 9 February, 1944

Sir,

I am directed to acknowledge the receipt of your letter dated the 2nd February, 1944, addressed to the High Commissioner on the subject of the Waqf Al-Saheb Al T Tamimi.

I am, Sir,
Your obedient servant,

(Sgd.) RUHI ABDULHADI
CHIEF SECRETARY.

Sheikh Saddik Tamimi,
Jerusalem.

Mr. Sperling
Ruhi Bey
CS

K/121/31

His Excellency,
The Chief Secretary For Palestine Govt.,
Jerusalem.

2. 2. 1944.

Your Excellency,

I the undersigned, in my capacity as a Lawful heir and legal attorney for the lawful beneficiaries entitl to the income of the Wakf of our Grand testator the late" Tamim El whose Wakf is situated within Hebron District, have the honour to offer one third of the total income of the said Wakf to His Majest Government all during the War period.

The annual income of the said Wakf is approximately 6000 L.P. The Wakf Department at Hebron is placing its hand on the said income since 20 years ago from year 1924 till year 1944.

The total income for the whole period is 120, 000 L.P. and nothing of that sum was paid to any of the said beneficieries till now.

Owing to the present War conditions I most respectfully, hereby, authorize your Excellency to receive in the name of H.M.G. from our shares one third from the Wakf Department of Hebron continually every year until the War is over.

In the mean time , I am ready to offer every facility and submit all the necessary documents for this purpose.

I have the honour to be,
Your Excellency's
Most Obedient Servant.

Jerusalem,
2.2.1944.

Saddik Tamimi

Copy to,
The president of the Moslems
Wakf Committee,
Jerusalem.
" " The members of the High Moslems Council,
Jerusalem.

(186)

K/121/31 19th April, 1943.

District Commissioner,
Jerusalem District.

(105)

Subject: Waqf Al-Saheb Al Tamimi in Taffuh Village - Hebron.

Reference: Your No.6056/5/1 of 13.4.43.

I am directed to request you to be good enough to inform the Mutawalli of the Waqf of Al-Saheb Al Tamimi that Government is not prepared to grant his request.

(Sgd.) RUSH ABDULHADI

for ACTING CHIEF SECRETARY.

Checked by ..... Shukri Bey

Fair copy typed by ..... A. Y. Ly

6056/5/1

DISTRICT COMMISSIONER'S OFFICES
JERUSALEM DISTRICT.

105

13 April, 1943.

THE CHIEF SECRTARY.

Waqf Al-Saheb Al Tamimi in
Taffuh Village - Hebron.

93

Your letter K/121/31 of 12.2.43.

I enclose a translation of a letter addressed to you by the Mutwalli of Waqf Al-Saheb Al-Tamimi in which he requests that the date on which this Waqf property was passed to his possession should be the date on which it was actually handed over to him i.e. the 14th March, 1943, and not the 1st April, 1942, as stated in your letter referred to above.

2. I understand that you have been in direct contact with the Mutawalli regarding this matter.

R. Newton

DISTRICT COMMISSIONER.

DISTRICT COMMISSIONER'S OFFICE
GEZIRA DISTRICT.

WAD MADANI, 19th.

THE DEPUTY SECRETARY.

Wadi Al-Hawah al Tawila in
Ibrahim Y. Ibrahim - Hassan.

Your letter 8/2/21 of 12.4.21.

I enclose, presently, copy of a letter addressed to you by the Mudiriyah of Wadi Al-Hawah al-Tawila in which he proposes that the claim on which this proprietary was pending to the potential boundary be the date on which it was actually passed over to this s.s. the 19th March, 1921, and not the 1st April, 1921, as stated in your letter referring to above.

2. I understand that you have been in direct contact with the Mudiriyah regarding this matter.

H. Weld

DISTRICT COMMISSIONER.

105a

TRANSLATION.

CHIEF SECRETARY.

through

District Officer,
Hebron.

Sir,

I would submit that on the 29.3.43 I received a copy of your letter informing me of the severance of the relations of the Government with the Waqf Es-Sahib et-Tamimi at Taffuh Village as from 1.4.42. How can the handing over take place on 14.3.43 and the severance be on 1.4.42 especially as the crops of 1942 have come and gone and demands from cultivators will now be difficult. The Government cannot be unaware of the harm resultant to the Waqf and those to whom this is due. I therefore do not acknowledge the handing over except as from 14.3.43 which was the day on which this was conveyed to the Mukhtar and notables of the Village. I therefore present this my petition asking that it be attached to your letter to be addressed to the appropriate authorities that the matter be reconsidered and this year be added to the other years settlement of which will take place between us and Government that justice may be done and pity be taken on those to whom the waqf is due who are exceedingly poor. The merciful will be mercifully treated by the all merciful One to whom be praise and glory.

Respects.

(Sgd) Hāmid Es-Sāhib Et-Tamimi.
MUTAWALLI OF THE
WAQF OF ES-SAHIB
ET-TAMIMI.

104

K/121/31

12 April, 1943.

District Commissioner,
Jerusalem District.

Subject: - Waqf Al-Saheb Al-Tamimi in Taffuh Village - Hebron.

Reference: - Your letter No. 6056/5/1 dated 29th March, 1943.

100

I am directed to concur in the proposal made in paragraph 2 of your letter under reference.

SAID RUHI ABDULHADI
ACTING CHIEF SECRETARY.

Mr. Sperling

Ruhi Bey
aw 11.4.

Draft approved by
Fair copy typed by

No. H/16/2.

Hebron.
31st March, 1943.

103

Dear Ruhi Bey:

GOVERNMENT OF PALESTINE
CHIEF SECRETARY'S OFFICE
REGISTRY
7 APR. 1943

Waqf Es-Sāhib et-Tamīmi -
Taffuh Village, Hebron
Sub-District.

As requested attached please find a copy of the declaration made by the District Officer, Hebron, and Hamid Es-Sahib Et-Tamimi, Mutawalli of the Waqf Es-Sahib Et-Tamimi, to the Mukhtar and notables of Taffuh Village regarding the severance of relations between Government and the Waqf as from 1.4.1943.

Yours sincerely,
J. Somerville.

Ruhi Bey 'Abdul Hadi, O.B.E.
Secretariat,
Jerusalem.

103.

أنا قائمقام قضاء الخليل قد ذهبت في اليوم الرابع عشر من شهر
مارس سنة ٩١٣ الى قرية تفوح وبصحبتي السيد حامد الصاحب التميمي متولي وقف
الصاحب التميمي حيث قمت بجمع مختار واعيان القرية وابلغتهم بأن الحكومة
اعتبارا من ابتداء سنة ٩٤٤ قد قطعت علاقاتها مع وقف الصاحب
التميمي في قرية تفوح وانها اعتبارا من ذلك التاريخ توقفت
عن جباية ايجار الوقف من اراضي قرية تفوح وصرحت لاصحاب الوقف
بأن يجبوا مباشرة ايجار أرضهم التي كانت تقوم الحكومة بجبايتها

٤٢/٢/٢٩

قائمقام الخليل

متولي وقف الصاحب التميمي
حامد الصاحب التميمي

COPY. /16/2.

(1039)

GOVERNMENT OF PALESTINE.

ASSISTANT DISTRICT COMMISSIONER'S OFFICE,
HEBRON.
17th March, 1943.

District Commissioner,
Jerusalem District.

Waqf Es Sahib El Tamimi.

Your No. 6056/5/1 of 3.3.43.

The District Officer, Hebron, accompanied by Mutawali Waqf Es Sahib Et Tamimi visited Taffuh village on 14.3.43 where he gathered most of the elders of the village and informed that Government has, as from 1.4.42, severed all relations with this waqf and has authorized the Waqf owners to collect the rent due to the Waqf, which hitherto was collected by Government.

2. I attach herewith a mazbata from the villagers who are asking for a copy of the Court Judgment in this case and should be grateful if I be enabled to reply thereto.

Sgd. J. Somerville.
ASSISTANT DISTRICT COMMISSIONER,
HEBRON.

ASSISTANT DISTRICT COMMISSIONER'S
OFFICE, HEBRON.

No.

Assistant Superintendent of
Police, Hebron.

Subject :- Emergency Regulation 15A - Order.

against

of

Reference D.S.P., Jerusalem's letter No.

dated

TRANSLATION.

District Officer,
Hebron.

Petitioners :- 1. Abed As'ad.
2. Abdul Muhdi Salameh.
3. Ahmad Ismail Ise'id.
4. Hussein Ahmad el Haj.
5. Abdel Mihsin Hassan Libhur.
6. Ahmad Ibrahim Et Taraira.
7. Muhammad Ali Es Sa'aideh.
8. Muhammad Hussein Salim.
9. 'Osman Muhammad 'Odeh.

(On behalf of the Taffuh village).

We beg to apply for a copy of the decision and all documents relating to the lands of Taffuh and Es Sahib for favour of communication with the proper authorities.

Respects.

(9) Signatories.

I do not propose to renew the above-mentioned order.

ASSISTANT DISTRICT COMMISSIONER,
HEBRON.

Copies to :- District Commissioner,
Jerusalem District;

Deputy Inspector General,
C.I.D., Jerusalem.

(102)

K/121/31 6th April, 1943.

Accountant General.

I am directed to inform you that an agreement has now been concluded between Government and Hamed el Saheb el Tamimi, son of Sheikh Mohammad el Saheb el Tamimi, with regard to the compensation to be paid to the beneficiaries of the waqf Saheb el Tamimi, for the loss of the rent, following the introduction of the Rural Property Tax Ordinance, 1935, which might have been received by them from the cultivators of the Waqf land consisting of 13 9/10 qirats of 24 qirats of the Musha'a lands of the village of Taffuh, Hebron sub-district, in respect of the period 1st April, 1935, to 31st March, 1942.

2. I am to enclose herewith for .... your retention English and Arabic copies .... of the agreement and to request you to effect payment to the Mutawalli in accordance with section 3 thereof.

Drafted / Dictated by Ruhi Bey

Draft approved by

Fair copy typed by

(Sgd.) RUHI ABDUL HADI

ACTING CHIEF SECRETARY.

AGREEMENT

AN AGREEMENT made this second day of April, 1943, between the Chief Secretary of the Government of Palestine, for and on behalf of the Government, hereinafter called "the Government" of the one part, and Hamed el Saheb el Tamimi, son of Sheikh Mohammad el Saheb el Tamimi, for and on behalf of the beneficiaries of the Waqf el Saheb el Tamimi, hereinafter referred to as "the Waqf", by virtue of Tawliah issued by the Sharia Court of Hebron on 18th Zil Hijjeh, 1349, corresponding to 5th May, 1931, hereinafter called "the Mutawalli", of the other part, witnesseth:

WHEREAS the tithe and/or commuted tithe and the house and Land Tax (Werko) ceased to be collected consequent upon the enactment of the Rural Property Tax Ordinance, 1935, with effect from the 1st April, 1935;

AND WHEREAS for the period ending 31st March, 1935, the Government collected the tithe and/or commuted tithe in respect of the crop grown on $13\frac{9}{10}$ Qirats of 24 Qirats of the "Mushaa" lands of the village of Taffuh, Hebron Sub-District, and paid such tithe and/or commuted tithe to the Mutawalli, less 6% collection charges;

AND WHEREAS by virtue of judgment delivered by the Land Court of Jerusalem in Land Case No.1/29H on the 23rd April, 1931, the $13\frac{9}{10}$ Qirats of the undivided lands in the village of Taffuh above cited have been declared to be the Mulk property of the Waqf, the remainder being Miri land in private ownership, and that the Waqf was entitled to receive rent from the cultivators and not tithe and/or commuted tithe from the Government in respect of the $13\frac{9}{10}$ Qirats aforesaid (hereinafter referred to as the Waqf land);

AND WHEREAS the Government continued to collect the tithe and/or commuted tithe until the 31st March, 1935, and has not handed over to the Waqf the Waqf lands aforesaid to the Mutawalli consequent upon the judgment of the Land Court above cited;

AND WHEREAS it is now desired to pay the Mutawalli a sum equivalent to the rent which might have been collected by him from the 1st April, 1935, to the 31st March, 1942, and to sever the connections of the Government with this Waqf land with effect from the 1st April, 1942;

NOW THEREFORE it is hereby agreed as follows:

1. The Government offers and the Mutawalli accepts a lump sum payment of £P.850 in full settlement and satisfaction of the equivalent of the rent which might have been received by the Mutawalli from the cultivators of the Waqf land consisting of $13\frac{9}{10}$ Qirats of 24 Qirats of the "Mushaa" lands of the village of Taffuh, Hebron Sub-District, in respect of the period 1st April, 1935, to 31st March, 1942.

P.T.O.

2. The Government and the Mutawalli agree that with effect from the 1st April, 1942, all connection of the Government with the Waqf land aforesaid has been severed and that the Mutawalli has taken possession of this Waqf land.

3. Upon signature of this Agreement by both parties, the Agreement shall be of full force and effect between the parties hereto and the Government shall pay to the Mutawalli the sum of E.£.850 representing the equivalent of the rent which might have been received by him in respect of the period 1st April, 1935 to the 31st March, 1942, as aforesaid, after deducting therefrom the sum of EP.100 such sum being the aggregate of the payments made to the Mutawalli by the Government as advance payments during the said period pending the conclusion of this Agreement.

IN WITNESS WHEREOF

THE MUTAWALLI

حامد العبابكي

G.H. Sandford
Acting
CHIEF SECRETARY.

IN THE PRESENCE OF

IN THE PRESENCE OF

AGREEMENT

89b

AN AGREEMENT made this ..... day of ..... 1943, between the Chief Secretary of the Government of Palestine, for and on behalf of the Government, hereinafter called "the Government", of the one part, and Hamed el Saheb el Tamimi, son of Sheikh Mohammad el Saheb el Tamimi and Judeh el Saheb el Tamimi, son of Khalil el Saheb el Tamimi, for and on behalf of the beneficiaries of the Waqf el Saheb el Tamimi, hereinafter referred to as "the Waqf", by virtue of Tawliah issued by the Sharia Court of Hebron on 18th Zil Hijjeh, 1349, corresponding to 5th May, 1931, hereinafter called "the Mutawallis", on the other part, witnesseth :

WHEREAS the tithe and/or commuted tithe and the House and Land Tax (Werko) ceased to be collected consequent upon the enactment of the Rural Property Tax Ordinance, 1935, with effect from the 1st April, ~~1935;~~

AND WHEREAS for the period ending 31st March, 1935, the Government collected the tithe and/or commuted tithe in respect of the crop grown on $13\frac{9}{10}$ Qirats of 24 Qirats of the "Mushaa" lands of the village of Taffuh, Hebron Sub-District, and paid such tithe and/or commuted tithe to the Mutawallis, less 6% collection charges;

AND WHEREAS by virtue of judgment delivered by the Land Court of Jerusalem in Land Case No.1/29H on the 23rd April, 1931, the $13\frac{9}{10}$ Qirats of the undivided lands in the village of Taffuh above cited have been declared to be the Mulk property of the Waqf, the remainder being Miri land in private ownership, and that the Waqf was entitled to receive rent from the cultivators and not tithe and/or commuted tithe from the Government in respect of the $13\frac{9}{10}$ Qirats ~~in question~~ aforesaid (hereinafter referred to as the Waqf lands);

AND WHEREAS the Government has continued to collect the tithe and/or commuted tithe until the 31st March, 1935, and has not handed over to the Waqf ~~lands consisting of~~ to the Waqf lands aforesaid $13\frac{9}{10}$ Qirats in the village of Taffuh to the Mutawallis ~~for the purpose of leasing them to the cultivators~~ consequent upon following the judgment of the Land Court above cited;

AND WHEREAS it is now desired to pay the Mutawallis a sum equivalent to the rent which ~~would~~ might have been collected by them from the 1st April, 1935, ~~the date on which the Rural Property Tax Ordinance was enacted,~~ to the 31st March, 1942, and to sever the Government connections with this Waqf land with effect from the 1st April, 1942;

NOW THEREFORE it is hereby agreed as follows :

1. The Government offers and the Mutawallis accept a lump sum payment of £P.850 in full settlement and satisfaction of the equivalent of the rent which might have been received by the Mutawallis from the cultivators of the Waqf land consisting of $13\frac{9}{10}$ Qirats of 24 Qirats of the "Mushaa" lands of the village of Taffuh, Hebron Sub-District, in respect of the period 1st April, 1935, to 31st March, 1942.

2. The Government and the Mutawallis agree that with effect from the 1st April, 1942, all the Government connections with this Waqf land have been severed and that the Mutawallis have taken possession of this Waqf land ~~for the purpose of leasing it to the cultivators and receiving rent therefrom.~~

3. Upon signature of this Agreement by both parties, the Agreement shall be of full force and effect between the parties hereto and the Government shall pay to the Mutawallis the sum of £P.850 representing the equivalent of the rent which ~~would~~ might have been received by them in respect of the period 1st April, 1935 to the 31st March, 1942, as aforesaid, after deducting therefrom the sum of £P.100 such sum being the aggregate of the payments made to the Mutawallis by the Government as advance payments during the said period pending the conclusion of this Agreement.

IN WITNESS WHEREOF

THE MUTAWALLIS
IN THE PRESENCE OF

CHIEF SECRETARY
IN THE PRESENCE OF.

25th February, 1943.

LM.

اتفـــاق

لقد تم الاتفاق في هذا اليوم الثاني من شهر نيسان سنة ١٩٤٣ ، بين السكرتير العام لحكومة فلسطين ، بالنيابة عن الحكومة (المشار اليها فيما يلي باسم "الحكومة") ، كفريق اول ، وبين حامد الصاحب التميمي بن الشيخ محمد الصاحب التميمي ، بالنيابة عن مستحقي وقف الصاحب التميمي (المشار اليه فيما يلي باسم "الوقف") ، وذلك بمقتضى اعلام التولية الصادر من محكمة الخليل الشرعية في اليوم الثامن عشر من شهر ذي الحجة سنة ١٣٤٩ ، الموافق لليوم الخامس من شهر ايار سنة ١٩٣١ (المشار اليه فيما يلي باسم "المتولي") ، كفريق ثان ، على ما يلي :-

بما ان ضريبة العشر و/او ضريبة العشر المستبدلة وضريبة المستغلات والاراضي (الويركو) قد توقفت جبايتها اعتبارا من اليوم الاول من شهر نيسان سنة ١٩٣٥ ، على اثر صدور قانون ضريبة الاملاك في القرى لسنة ١٩٣٥ .

وبما ان الحكومة قد جبت ضريبة العشر و/او ضريبة العشر المستبدلة المستحقة عن المحاصيل المزروعة في ١٣ قيراطا وتسعة اعشار القيراط من اصل ٢٤ قيراطا من الاراضي المشاع في قرية تفوح التابعة لقضاء الخليل عن المدة المنتهية في ٣١ آذار سنة ١٩٣٥ ، ودفعت ضريبة العشر و/او ضريبة العشر المستبدلة هذه للمتولي ، بعد تنزيل ستة في المائة منها مقابل رسوم التحصيل .

وبما انه بموجب الحكم الذي اصدرته محكمة الاراضي في القدس ، في قضية الاراضي رقم ١/٣٩خ بتاريخ ٢٣ نيسان سنة ١٩٣١ ، اعلن ان الـ ١٣ قيراطا وتسعة اعشار القيراط المشار اليها آنفا من الاراضي غير المفرزة في قرية تفوح ، هي ملك للوقف وان الباقي منها هي اراض ميرية يملكها افراد ، وان من حق الوقف ان يستوفي عن الـ ١٣ قيراطا وتسعة اعشار القيراط ، المشار اليها آنفا (المسماة فيما يلي باسم "ارض الوقف") بدل ايجار من المزارعين ، وليس ضريبة عشر او ضريبة عشر مستبدلة من الحكومة .

وبما ان الحكومة استمرت في جباية ضريبة العشر و/او ضريبة العشر المستبدلة لغاية تاريخ ٣١ آذار سنة ١٩٣٥ ، ولم تسلم ارض الوقف المبحوث عنها الى المتولي على اثر صدور حكم محكمة الاراضي المشار اليه اعلاه .

وبما انه يراد الآن دفع مبلغ للمتولي ، يساوي بدلات الايجار التي كان في وسعه ان يحصلها اعتبارا من ١ نيسان سنة ١٩٣٥ لغاية ٣١ آذار سنة ١٩٤٢ ، وان تقطع علاقة الحكومة بارض الوقف المذكورة اعتبارا من اول نيسان سنة ١٩٤٢ .

لذلك /

لذلك تم الاتفاق على ما يلي :-

(١) تعوض الحكومة ، ويقبل المتولي ، مبلغا مقطوعا قدره ٨٥٠ جنيها فلسطينيا تسديدا وايفاء لتكامل المبلغ المساوي لبدلات الايجار التي كان من الممكن ان يستوفيها المتولي من مزارعي ارض الوقف المؤلفة من ١٣ قيراطا وتسعة اعشار القيراط من اصل ٢٤ قيراطا من الاراضي المشاع في قرية تفوح التابعة لقضاء الخليل ، عن المدة الواقعة بين اول نيسان سنة ١٩٣٥ و ٣١ آذار سنة ١٩٤٢ .

(٢) يوافق كل من الحكومة والمتولي على انه اعتبارا من اول نيسان سنة ١٩٤٢ قطعت الحكومة كل علاقة لها بأرض الوقف المذكورة ، ووضع المتولي يده عليها .

(٣) يصبح هذا الاتفاق نافذ المفعول والاثر لدى توقيعه من الفريقين ، وتدفع الحكومة للمتولي مبلغ ٨٥٠ جنيها فلسطينيا باعتباره يمثل ما يعادل بدلات الايجار التي كان من الممكن ان يستوفيها المتولي عن المدة الواقعة بين اول نيسان سنة ١٩٣٥ و ٣١ آذار سنة ١٩٤٢ ، كما ذكر آنفا ، بعد ان تخصم من هذا المقدار مبلغ مائة جنيه فلسطيني وهو مجموع المبالغ التي دفعتها الحكومة للمتولي كسلفات خلال المدة المذكورة ريثما يتم عقد هذا الاتفاق .

واشعارا بذلك وقع الفريقان على هذا الاتفاق .

المتولي حامد الصاحب الحسيني

بحضور

وكيل السكرتير العام

بحضور

GOVERNMENT OF PALESTINE.

(100)

IN REPLY PLEASE QUOTE
No. 6056/5/1

DISTRICT COMMISSIONER'S OFFICES.
JERUSALEM DISTRICT.
JERUSALEM.

29 March, 1943.

THE CHIEF SECRETARY.

Waqf Al-Saheb Al-Tamimi in Taffuh Village - Hebron.

Your letter K/121/31 of 12.2.43. (93)

--- I enclose herewith copy of a letter addressed to the Assistant District Commissioner, Hebron, by Advocate Faiz Nazzal, acting on behalf of the mukhtars and inhabitants of Taffuh Village, regarding this case.

2. I propose, subject to your concurrence, to instruct my assistant at Hebron that he should inform petitioner that the question at issue is a matter between his clients and the Mutawallis of this Waqf to settle and that Government is no party to it.

R. Newton
DISTRICT COMMISSIONER,
JERUSALEM DISTRICT.

E/HA.

FAYEZ NAZZAL
ADVOCATE.

C O P Y .

Jerusalem 24th March, 0943.

The Assistant District Commissioner,
Hebron.

Subject:- Lands of Taffuh Village.

Sir,

I have been instructed by the Mukhtar and inhabitants of Taffuh village to write to you in connection with the letter you have sent to them dated 18.2.43.

My clients have interpreted the above quoted letter as a direction to them to pay part of the taxes they have hitherto paid to Government to the Saheb el Tamimi Waqf. My clients, however, deny any waqf rights in their lands as all their lands and immovable properties are either Mulk or Miri. The people of Taffuh are in possession of numerous quantity of kushans in respect of the greater part of their lands and in none of these is the category of lands mentioned as Waqf of any category.

The tax receipts during the Turkish Regime and thereafter do not in any manner indicate that the amounts received in accordance therewith were levied save for Government Taxes.

Furthermore, a considerable part of the Taffuh lands has been sold to Hebronites during the last thirty years and the Taffuh people have acquired part of the lands of Durah village. The alleged rights of the waqf, if any, would consequently be impossible of ascertainment of limitation.

My clients have no objection to continue the payment of taxes to Government as heretofore, but categorically deny any waqf claims to their lands and definitely refuse to pay anything to the claimants, who have apparently made representations that Government has authorised them to collect rent from Taffuh village.

In the circumstances, I shall be grateful if you will kindly confirm the fact that Government does not, by its decision, order the people of Taffuh to pay the balance of the taxes or any rent to the claimants of the alleged waqf rights which have to be determined ultimately by the Courts of competent jurisdiction.

I am, Sir,
Yours faithfully,

Sgd. F.NAZZAL,
ADVOCATE.

GOVERNMENT OF PALESTINE.

Number .....

DISTRICT COMMISSIONER'S OFFICES,
JERUSALEM DISTRICT,
JERUSALEM.

To .....

.....

Reference to previous correspondence

.....

The undermentioned documents are forwarded herewith for

information
observation and **retention**
action **return**

District Commissioner,
Jerusalem District,

Subject .....

.....

GPP. 3846—1000—30.7.37

Date	Reference No.	Description

93

K/121/31 12 February, 1943

77

District Commissioner,
Jerusalem District.

I am directed to refer to my transmission slip No. K/121/31 of the 16th May, 1942, on the subject of the Waqf Al-Saheb Al-Tamimi in Tafuh village, Hebron, and to request you to take the necessary steps to inform the cultivators that Government, who hitherto has collected tithes (representing the rent due to the Waqf) on behalf of the Waqf, has now severed all relations with the Waqf in question and has authorised the Waqf owners to collect the rent due to the Waqf as from the 1st April, 1942.

2. The villagers, therefore, as from the 1st April, 1942, should pay the rent due to the Waqf direct to the Mutawalli.

CHIEF SECRETARY.

Ruhi Bey
CS

K/121/31

(DRAFT)

Letter to: D.C. J. D.

I am directed to refer to my transmission slip No.K/121/31 of the 16th May, 1942, on the subject of the Waqf Al-Saheb Al-Tamimi in Tafuh village, Hebron, and to request you to take the necessary steps ~~with a view~~ to informing the cultivators that Government, who ~~was so far collecting tithes~~ hitherto has collected tithes (representing the rent ~~of~~ due to the Waqf) on behalf of the Waqf, has now severed all relations with the Waqf in question and has authorised the Waqf owners to collect ~~their own~~ the rent ~~of~~ due to the Waqf as from the 1st April, 1942.

2. The villagers, therefore, as from the 1st April, 1942, should must pay the rent due to the Waqf direct to the Mutawalli.

C.S.

EM. 6/2.

Telegraphic Address: TREASURY, JERUSALEM.
Tel. No: JERUSALEM 85.

In your reply please quote
No. 2202/1

ACCOUNTANT-GENERAL'S OFFICE,
~~THE TREASURY,~~
JERUSALEM.

14th December, 1942.

Chief Secretary.

According to the request made in your minute (86) on your file No.K/121/31, I discussed this matter with Advocate Mohd. Hassan Eff. Budeiri on the 7th instant, and informed him that I was authorised to discuss and reach verbal agreement on the amount payable to Waqf El Saheb Tamimi, which he represents, as corresponding to rent for the years 1935-36 to 1941-42, following the judgment of the Land Court delivered on the 23rd April, 1931.

2. The Advocate stated that Government should have ceased collecting tithe on the Waqf lands from the date of the Court Judgment in 1931, and handed over the land to the Waqf to enable the Mutawalli to collect rent from the cultivators, and that by continuing to collect tithe in lieu of rent until the 31st March, 1935, Government had prevented the Waqf from collecting its rent from the cultivators, and had rendered itself (Government) liable to pay the equivalent of rent until such date as the land is actually handed over to the Waqf.

I agree

3. I informed the Advocate that Government had already severed its connections with this Waqf land with effect from the 1st April, 1942, and his attention was directed to your letter dated the 25th April, 1942, at (73) in your file, in which he was warned to take the necessary steps to collect from the cultivators the rent to which the Waqf is entitled. He replied that severance of connections by virtue of a letter addressed to him in this instance was not sufficient as Government should have handed over the land on the spot through the District Officer who should have informed the cultivators that Government who was so far collecting rent on behalf of the Waqf has now authorised the Waqf to collect its own rent, and that from now onwards they must pay rent direct to the Mutawalli. He added that unless the handing over was effected in this manner, the cultivators would refuse to deal with the Waqf, and that in order to avoid dispute with the cultivators, he purposely asked Government in his letter of the 2nd May, 1942, ((75) in your file) to inform the District Commissioner of the position, so that the latter could direct the District Officer, Hebron, to warn the tenants to approach the Mutawalli regarding the Waqf share in the village. He (the Advocate) observed that the only action which appears to have been taken was that described in your letter to him of the 25th May, 1942, at (78) in your file, namely, that the District Commissioner has been informed of the contents of your letter to him of the 25th April, 1942, and that no further action appears to have been taken by either the District Commissioner or the District Officer in this respect as when the Mutawalli endeavoured to conclude lease agreements with the cultivators they ignored him. He also stated that he had referred the matter to the District Officer, Hebron, Nazif Eff. Khairy, and had repeatedly asked him to effect the actual handing over of the land, but that the District Officer always deferred the matter to a later date which was however, never fixed. For this reason he submitted that the Waqf which he is representing is entitled to payment until the land is actually handed over to the Mutawalli.

Some verb

4. I informed the Advocate that his claim for further payment, if any, from the 1st April, 1942, will be submitted for consideration by Government, and that for the present we were concerned in reaching agreement with him as regards an amount representing the equivalent of rent held to be payable annually in respect of the years 1935-36 to 1941-42, following the introduction of the Rural Property Tax Ordinance. He explained that the area of the village was approximately 12,000 dunums of which the Waqf owned 13.9/10th Qirats, or approximately 7,000 dunums.

P.T.O.

This area comprised 3,000 dunums of good fertile land and approximately 4,000 dunums of poor land. He stated that if the minimum rent of 50 mils per dunum was taken for the good land, and 20 mils for the poor land, an annual rent of £P.150 and £P.80 respectively would be payable, or a total annual sum of £P.230.- In order, however, to avoid lengthy discussions and negotiations, he had asked that payment be made to him on the basis of an annual rent of £P.150 only, which represents the minimum rent payable in respect of that part of the fertile land.

5. The Advocate was informed that I understood that at an interview which a representative of the Director of Land Settlement had with him he was prepared to accept settlement on the basis of a lump sum payment of £P.850 to £P.900 in respect of the years 1935-36 to 1941-42, less the advances aggregating £P.100 which had already been made to the Waqf. He replied that at the meeting in question he had accepted settlement in a lump sum payment of £P.900 as a further concession to Government, and again in order to avoid lengthy procedure, but that his acceptance was subject to payment of further rent until the Waqf land was actually handed over to the Mutawalli. I then offered a lump sum payment of £P.850 in full settlement of the rent payable in respect of the years in question subject to a deduction of £P.100 being the total advances already made to the Mutawalli. He replied that he accepts this offer, although it meant a further sacrifice of £P.50 to the detriment of the Waqf interests, but that his acceptance is without prejudice to the Waqf claim to further rent subsequently to the 1st April, 1942, until the actual handing over of the land to the Waqf.

6. I recommend that approval may now be given of the payment of £P.850 less £P.100 based on the offer made in the preceding paragraph, and that a clearance agreement be concluded to this effect. With regard to the further claim of the Waqf, the matter should, I think, be referred to the Law Officers, who should be asked to advise whether the notification of severance of connections as notified by you in your letter of the 25th April, 1942, would not constitute in itself actual handing over of the land to the Waqf. My recommendation that the offer of £P.850 in full settlement should be approved is based on the following considerations :-

(a) In the Director of Land Settlement's minute at (84) the total area of Taffuh Village is stated to be 12,103 dunums of various categories including 7,583 dunums in categories 15 and 16 of poor ground crop or uncultivable land in respect of which no Rural Property Tax is levied. The cultivable land in the village may, therefore, be taken as 4,520 dunums of which the share of the Waqf on the basis of 13.4/5 and 1/10 shares of 24 shares amounts to 2,617 dunums. The Waqf share of the tithe which was actually collected during the seven years preceding the application of the Rural Property Tax Ordinance and on which the yearly average of £P.41.799 mils was worked out amounted to £P.311.270 mils as under :-

Year	Amount £P.Mils
1928-29	59.629
1929-30	79.116
1930-31	49.467
1931-32	7.501
1932-33	36.588
1933-34	27.112
1934-35	51.857
£P.	311.270

(b) These tithes represent 10% of the gross assessment of the crop and taking into consideration the generous remissions granted during these years it would not be unreasonable to take the yearly figure of £P.60 or the gross value of the crop at £P.600. On this basis the gross income per dunum of the cultivable Waqf area of 2,617 dunums would work out at 230 mils. The Waqf in this case is the landlord and it is the practice when land is given out in Palestine for cultivation that the tenant pays the landlord a proportion of the gross produce of the land at rates of 1/5, 1/4 or 1/3 of the gross produce according to the fertility of the land and to whether the landlord supplies seed or otherwise. If the lowest rate of rent is taken in this case, i.e. 1/5 of the produce the rent payable to the Waqf would work out at 46 mils per dunum on the basis of the estimated gross produce of 230 mils per dunum as stated above. This estimate accords with that given in the Johnson-Crosbie Report of 1930 on page 11 of which it is stated that the rent ranges from about 50 mils to 250 mils per dunum, but the most usual figures seem to be 100 mils and 150 mils per dunum.

(c) If the rent of 46 mils per dunum is taken, the rent payable to the Waqf in respect of its share of 2,617 dunums would be £P.120.382 mils (say £P.120.-) per annum as compared with £P.150 per dunum arrived at by the Director of Land Settlement.

ACCOUNTANT-GENERAL.

LM.

85

Mohammad Hasan Budeiri,
Advocate,
Jerusalem.

29th September, 1942.

The Honourable,
The Chief Secretary,
Jerusalem.

Sir,

I beg to draw your attention to the question of Al-Saheb Al-Tamimi Waqf, which has been pending for a long time, and to request that you may be moved to order that it may be settled at an early date.

With highest respects,

(Sgd) Mohammad Hasan
Budeiri,

Attorney for the
Waqf.

LAND (SETTLEMENT OF TITLE) ORDINANCE.

NOTICE OF POSTING OF SCHEDULES OF RIGHTS.

NOTICE IS HEREBY GIVEN that the schedules of rights to land in the villages and settlement areas scheduled hereunder, and for the registration blocks mentioned, have been posted at the offices of the Area Settlement Officers concerned and at the District Offices of the Sub-Districts in which the villages are situated, in accordance with section 33(2) of the Ordinance.

Village	*Sub-District*	*Settlement Area*	*Settlement Office at*	*Nos. of Registration Blocks*
Far'un	Tulkarm	Tulkarm	Tiberias	8464, 8465 and 8467
Shuweika	Tulkarm	Tulkarm	Tiberias	8439
Fardisiya	Tulkarm	Tulkarm	Tiberias	8031
Sha'ara	Tiberias	Tiberias	Tiberias	15120, 15121, 15122, 15123, 15124 and 15125
Iksal	Nazareth	Nazareth	Tiberias	16905 and 16906
Umm Qubei	Nazareth	Nazareth	Tiberias	16577 and 16582
Mount Tabor	Nazareth	Nazareth	Tiberias	17001

M. C. BENNETT
Director of Land Settlement.

31st August, 1942.
(Gaz/1/40)

M. H. BODEYRI
ADVOCATE
JERUSALEM

المحامي
محمد حسن البديري
القدس

P. 10

سعادة السكرتير العام لحكومة فلسطين المحترم

سيدي

ارجو ان الفت انظار سعادتكم الى قضية وقف الصاحب التميمي التي طال عليها الامد راجيا ان تعيروها اهتمامكم وان تامروا بانهائها

هذا مع التفضل بقبول الاحترام

٢٩/ ٩/ ٩٤٢

محمد بديري
المحامي

Mohammad Hasan Budeiri, (79)
Advocate,
Jerusalem.

15th June, 1942.

The Honourable,
The Chief Secretary,
Jerusalem.

Subject: Share in As-Saheb Waqf.

Sir,

With reference to your letter No.K/121, (73) dated the 25.4.1942, I beg to request that you may be kind enough to send a reply to my letter (74) of the 27.4.42, and to direct that this matter may be settled by ordering payment as requested.

With highest respects.

Attorney

(Sgd.) M.H. Budeiri.

B/211/C

The Bankruptcy Ordinance 1936.

Notice of Intended Dividend.

Debtor's Name : Eliahu Schwartz.
Address : Rishon Lezion
Description: Landlord.
Court: Chief Magistrate's Court Tel Aviv.
Number of Matter: 189/39

Last day for
Receiving Proofs: 25th June, 1942.

Name of Trustees: 1.I.L.Pinchas
2.Y.Behem
3.A.Makov

Address: 6, Gruzenberg St., Tel Aviv.

(Sgd) H. Kantrovitch

ADMINISTRATOR GENERAL.

M. H. BODEYRI
ADVOCATE
JERUSALEM

17.6.42

GOVERNMENT OF PALESTINE
CHIEF SECRETARY'S OFFICE
JERUSALEM
17 JUNE 1942

المحامي
محمد حسن البديري

القدس ١٥/ ٦/ ٩٤٢

سعادة وكيل السكرتير العام لحكومة فلسطين المحترم

سيدي

الموضوع – حصة وقف الصاحب

بالاشارة لكتاب سعادتكم ٢٥/ ٤/ ٤٢ رقم ك/ ١٢١ .

ارجو ان تتفضلوا الاجابة على كتابي تاريخ ٢٧/ ٤/ ٤٢ وان تاءمروا باءنهاء هذه المراجعة بالدفع حسب الطلب

وتفضلوا بقبول فائق الاحترام

محمد البديري
الوكيل

Mr. Yusef
Ruhi Bey
aw

(78)

K/121/31

25 May, 1942.

FOR ARABIC.

Sir,

(75) I am directed to refer to your letter dated the 2nd May, 1942, regarding the rent in respect of the El Saheb Waqf share in the Taffuh village, and to inform you that the District Commissioner, Jerusalem District, has been informed of the contents of my letter of the 25th April, 1942, as requested. (73)

I am, Sir,

Your obedient servant,

(Sgd.) RUHI ABDULHADI

CHIEF SECRETARY.

Mohammad Hassan Eff. Budeiri,
Advocate,
Jerusalem.

Mr. Usher
Sub-Lect
Sw

T/427/24 25 May, 1942.

MOST URGENT.

Sir,

I am directed to refer to your letter dated the 2nd inst. (T/4), regarding the rent in respect of the 27 upper floors in the Parsee Village, and to inform you that the District Commissioner, Jerusalem District, has been informed of the contents of my letter of the 7th April, 1942, as requested.

I am, Sir,

Your obedient servant,

[signature]

PRIVATE SECRETARY.

Mohamed Hassan Effi. Bulbul,
Advocate,
Jerusalem.

ك/١٢١/٣١

٢٥ ايار سنة ١٩٤٢

حضرة الفاضل محمد حسن افندي البديري المحترم ،
المحامي بالقدس .

اوعز الي ان اشير الى كتابكم المؤرخ في ٢ ايار سنة ١٩٤٢ ، بشأن بدل الايجار المستحق عن حصة وقف الصاحب في قرية تنوح ، وأن افيدكم ان حاكم لواء القدس قد احيط علما بمضمون كتابي المؤرخ في ٢٥ نيسان سنة ١٩٤٢ ، حسب طلبكم .

واقبلوا فائق الاحترام ،

عن السكرتير العام

(Sgd.) RUHI ABDULHADI

Mohammad Hasan Budeyri,
Advocate,

(75)

Jerusalem, 2nd May, 1942.

The Honourable,
The Acting Chief Secretary,
Jerusalem.

(73)

Sir,

With reference to your letter No.K/121/31, dated the 25th April, 1942, on the subject of Es-Sahib Waqf at Taffuh village, I beg to request that you may be kind enough to inform the District Commissioner, Jerusalem, of the matter so that he may direct the District Officer, Hebron, to advise the tenants to approach the Mutawally of the Waqf regarding the Waqf's share in the village.

With highest respects.

(Sgd.) Mohammad Hasan
Bodeyri.

The attorney Advocate.

(78)

M. H. BODEYRI
ADVOCATE
JERUSALEM

المحامي
محمد حسن البديري

القدس ٢/ ٥/ ٩٤٢

سعادة وكيل السكرتير العام لحكومة فلسطين المحترم

سيدي

بالاشارة لكتاب سعادتكم المؤرخ ٢٥/ ٤/ ٤٢ رقم ك/ ١٢١/ ٣١ بشأن وقف الصاحب في قرية تفوح .

ارجو ان تبلغوا الكيفية لحضرة حاكم لواء القدس ليبلغ قائمقام الخليل ليجرى التنبيه على المزارعين بمراجعة متولي الوقف بخصوص حصة الوقف في القرية وتفضلوا بقبول الاحترام

المحامي الوكيل

Mohammad Hassan Bodeyri,
Advocate.

74

Jerusalem,

27.4.42

The Honourable,
The Chief Secretary,
Jerusalem.

Sir,

73

In reply to your letter No. K/121/31, dated the 25th April, 1942, I beg to apply for an annual rent amounting to LP. 150 per year, in respect of El-Saheb Waqf's share in the Taffuh village. Considering that the total period in respect of which rent is claimed, amounts to seven years, the total rent would amount to LP.1050, and I beg to request that you may issue orders for the payment of this sum after deducting therefrom any sums which may have already been paid.

With highest respects.

(Sgd.) Mohammad Hassan
Bodeyri.
~~The attorney~~ Advocate.

No ~~date~~.

27.4.42

M. H. BODEYRI
ADVOCATE
JERUSALEM

المحامي
محمد حسن البديري

القدس ٢٧/ ٤/ ١٩٤٢

(7)

سعادة وكيل السكرتير العام لحكومة فلسطين المحترم

سيدي

جوابا على كتابكم تاريخ ٢٥/ ٤/ ٤٢ رقم ك/ ١٢١/ ١٣١

اقدم طلبي عن اجر حصة وقف الصاحب في قرية تفوح ماية وخمسون جنيها فلسطينيا في السنة وباعتبار المدة المطلوب ايجارها سبع سنين فيكون المبلغ ١٠٥٠ جنيها .

اطلب بعد خصم المبلغ المدفوع ان تأمروا بدفع الرصيد .

وتفضلوا بقبول الاحترام

المحامي الوكيل

Ruhi Bey
A/FS
Em 22/4

(13)

K/121/31 25th April, 1942.

(68)

Sir,

I am directed to refer to the correspondence ending with your letter of the 10th February, 1942, and to inform you that by virtue of the judgment of the Land Court of Jerusalem in case no.1/39/H dated the 23rd April, 1931, the undivided share of Waqf al Saheb al Tamimi in Taffouh village is a Waqf Sahih and the Waqf is entitled to the rent and not to the tithe of that share in the land.

2. In the circumstances, therefore, Government has decided that with effect from the 1st April,1942, the Waqf owners should take the necessary steps to collect from the cultivators the rent to which the Waqf is entitled by virtue of the judgment in question.

3. I am to add that it is proposed to negotiate with the Waqf owners a settlement in respect of the period 1st April, 1935, to 21st March, 1942, for the payment of a compensation in lieu of the rent which the Government used to collect by way of tithe before the introduction of the Rural Property Tax Ordinance, 1935.

4. As regards the partition of the village lands between the Waqf and the villagers in proportion to the share of each, I am to refer you to my letter no. K/121/31 of the 7th October, 1941.

(62)

I am, Sir,
Your obedient servant,

(Sgd.) RUHI ABDULHADI
ACTING CHIEF SECRETARY.

Mohammad Hasan Eff. Budeiri,
Advocate,
Jerusalem.

٥ نيسان سنة ١٩٤٢ ك/١٢١/٣١

حضرة الفاضل محمد حسن افندى البديرى المحترم ،

المحامي بالقدس .

اوعزالي ان اشير الى المكاتبات المنتهية بكتابكم المؤرخ في ١٠ شباط سنة ١٩٤٢ ، وان اعلمكم ان الحصة غير المفروزة من وقف الصاحب التميمي في قرية تفوح هي وقف صحيح ، بموجب الحكم الذى اصدرته محكمة الاراضي في القدس بتاريخ ٢٣ نيسان سنة ١٩٣١ ، في الدعوى رقم ١/٣٩/هـ ، وللوقف الحق في بدل ايجار تلك الحصة من الارض وليس في عشرها .

٢ .— وفي هذه الظروف قررت الحكومة ، انه اعتبارا من اليوم الاول من شهر نيسان سنة ١٩٤٢ ، ينبغي على اصحاب الوقف ان يتخذوا التدابير ليحصلوا من المزارعين بدل الايجار المستحق للوقف بمقتضى الحكم المذكور .

٣ .— وقد كلفت ان اضيف الى ما سبق ، انه في النية التفاوض مع اصحاب الوقف على اجراء تسوية عن المدة الواقعة بين ١ نيسان سنة ١٩٣٥ ، و ٢١ آذار سنة ١٩٤٢ ، من اجل دفع تعويض بدلا من بدل الايجار الذى اعتادت الحكومة ان تحصله كعشر ، قبل صدور قانون ضريبة الاملاك في القرى لسنة ١٩٣٥ .

٤ .— وفيما يختص بتقسيم اراضي القرية ما بين الوقف والقرويين بالنسبة لحصة كل فريق منهم ، كلفت ان احيلكم الى كتابي رقم ك/١٢١/٣١ ، المؤرخ في ٧ تشرين الاول سنة ١٩٤١ بهذا الصدد .

واقبلوا فائق الاحترام ،

روحي عبد الهادي

وكيل السكرتير العام

69

(DRAFT)

Letter to: Mohammad Hasan Eff. Budeiri,
Advocate,
Jerusalem.

I am directed to refer to the correspondence ending with your letter of the 10th Feb. 1942. and to inform you that by virtue of the judgment of the Land Court of Jerusalem in case no.1/39/H dated the 23rd April, 1931, the undivided share of Waqf al Saheb al Tamimi in Taffouh village is a Waqf Sahih and the Waqf is entitled to the rent and not to the tithe of that share in the land.

2. In the circumstances, therefore, Government has decided that with effect from the 1st April, 1942, the Waqf owners should take the

./.

To.....

On.....there appeared.....

.....and applied that a Promissory Note (or

whereof is set out above, be protested for non payment;

.....امامي انا كاتب عدل .....وطلب اجراء البروتستو لعدم الدفع على

לפני אני הנוטריון חכללי ב.....ובקש לעשות .....

.....לא״י שהוא מחזיק בו ושהעתקתו כתובה לעיל.

AND WHEREAS the said Promissory Note (or Bill

.....being present refused to pa

.....

.....المذكور مع كونك حاضراً قد رفضت ان تدفعها بسبب (اذكر الاسباب ان كانت معلومة)

.....הנזכר בהיותך נוכח סרבת לשלם מסבת (תן סבות אם הן ידועות).

.....

THEREFORE and on the application of the above h
damages and legal interest will be claimed in the action w
of payment, after the service of this Protest.

جميع المصاريف والعطل والضرر والفائدة القانونية سيصير المطالبة بها في الدعوى التي سيقيمها

כל ההוצאות והרבית לפי החק יתבעו בתביעה שהמחזיק־בשטר יאלץ להגיש

Dated this.....

١٩.....من.....

19 לחדש

Revenue طوابع ايراد
Stamps..... בולי־הכנסה

N. B. Set out copy of Bill and indorsements verbatim in s
Insert occupations and addresses of holder and debt
المديون.
ם וכתובתם של המחזיק בשטר והחייב.

17097—100 Bks—13.10.20—O.P.

necessary steps to collect from the cultivators the rent to which the Waqf is entitled by virtue of the judgment in question.

3. I am to add that it is proposed to negotiate with the Waqf owners a settlement in respect of the period 1st April, 1935, to 21st March, 1942, for the payment of a compensation in lieu of the rent which the Government used to collect by way of tithe before the introduction of the Rural Property Tax Ordinance, 1935.

4. As regards the partition of the village lands between the Waqf and the villagers in proportion to the share of each, I am to refer you to my letter no. K/121/31 of the 7 Sept 1941

To.....

On.....there appeared.....

.....and applied that a Promissory Note (or

whereof is set out above, be protested for non payment;

.....اماي انا كاتب عدل .....وطلب اجراء البروتستو لعدم الدفع على

.....לפני אני הנוטריון הכללי ב.....ובקש לעשות

.....לא״י שהוא מחזיק בו ושהעתקתו כתובה לעיל.

AND WHEREAS the said Promissory Note (or Bill

.....being present refused to pa

.....

.....المذكور مع كونك حاضرًا قد رفضت ان تدفعها بسبب (اذكر الاسباب ان كانت معلومة)

.....הנזכר בהיותך נוכח סרבת לשלם מסבת (תן סבות אם הן ידועות).

.....

THEREFORE and on the application of the above h
damages and legal interest will be claimed in the action w
of payment, after the service of this Protest.

جميع المصاريف والعطل والضرر والفائدة القانونية سيصير المطالبة بها في الدعوى التي سيقيمها

כל החוצאות והרבית לפי החק יתבעו בתביעה שהמחזיק־בשטר יאל״ץ להגיש

Dated this.....

.....من ١٩

לחדש 19

Revenue طوابع ايراد
Stamps.....בולי־הכנסה

N. B. Set out copy of Bill and indorsements verbatim in s
Insert occupations and addresses of holder and debto

والمديون.

ם וכתובתם של המחזיק בשטר והחייב.

17097—100 Bks—13.10.20—O.P.

Ruhi Bey

File B/121/31

sent to A.G. on 26.3.42.

2/4

? B.U. 9/4/42 for return of file.

2/4

Just

3.4.42

Ruhi Bey

CSO 43 f.: The file has not been returned yet.

9/4

CS.O. 43 to Hs. - 10.4.42

BU 17/4/42

(70)

Mohammad Hasan Budeiri,
Advocate,
Jerusalem.

30th March, 1942.

The Honourable,
The Chief Secretary,
Jerusalem.

Sir,

Subject: Al-Saheb and Taffuh Waqf.

I beg to remind you of the above subject and shall be grateful for an early determination of this case.

With highest respects,

(Sgd) Mohammad H. Budeiri,
Advocate.

(73)

Wharton Jones & Co.,
Advocates,
Ta Wylde.

Form Proof, Ltd.

The Honorable,
The Chief Secretary,
Hongkong.

Sir,

Re Hongkong Al-Hussayn Textile Mfg.

I beg to remind you of the above and shall be grateful for an early determination of this case.

With kind regards,

(Sd) Wharton . Jones.
Advocate.

M. H. BODEYRI
ADVOCATE
JERUSALEM

المحامي
محمد حسن البديري

القدس ٣٠/ ٣/ ١٩٤٢

(7)

سعادة السكرتير العام المحترم

سيدي

الموضوع ـ وقف الصاحب وتفوح

اذكر سعادتكم بهذه القضية وارجوا انهائها والتفضل باجابتي

وتفضلوا بقبول احتراماتي

المحامي الوكيل

Mohammad Hasan Budeiri,
Advocate,
Jerusalem.

10th February, 1942.

The Honourable,
The Chief Secretary,
Jerusalem.

Sir,

The question of Al-Saheb Waqfs at Taffuh village, of which Government took possession without legal right, although Government is not a co-owner in the other part, has been pending for a long time without settlement.

I am not aware whether the opinion formed by your Assistant, Ruhi Bey Abdul Hadi, as regards the rent, which is to be based on Badal Al-Mithl, has been the reason for this delay in settling this matter or whether there are other reasons.

The beneficiaries of this Waqf are in urgent need. Government has failed to pay them their share while it received the Waqf's rent, without their authorization.

P.T.O.

To leave this matter pending would be, in my opinion, be contrary to the Government's aim of relieving the poor. I, therefore, request that you may be kind enough to settle this question, or to refer us to the Courts of Law so that we may claim the Badal Al-Mithl in respect of the rent of the Waqf from Government.

With highest respects,

(Sgd) Mohammad Hasan Budeiri,
Advocate.

M. H. BODEYRI
ADVOCATE
JERUSALEM

المحامي
محمد حسن البديري
القدس

سعادة السكرتير العام لحكومة فلسطين المحترم

سيدي

ان اوقاف الصاحب في قرية تفوح التي وضعت الحكومة يدها عليها بدون حق مع انها غير شريكة في الباقي مضى عليها مدة كبيرة من الزمان دون حل .

ولا ادري هل الفكرة التي كونها احد مساعديكم السيد روحي عبد الهادي بخصوص اجر مثل الوقف المذكور هي التي حالت دون حلها حتى الآن ام هنالك سببا آخر .

ان المرتزقة في هذا الوقف في اشد حالات الضيق وان الحكومة لم تسلم لاصحاب الوقف حصصهم وقد استوفت بلا اذن وتفويض منهم اجر الوقف .

فاء بقاء هذا الحق معلقا اعتقد انه لايتفق مع اغراض الحكومة من جهة مساعدة الفقراء

رجائي ان تاءمروا بحلها اوتحيلونا للمحكمة لمطالبة الحكومة باء جر مثل الوقف المذكور

وتفضلوا بقبول فائق الاحترام

المحامي الوكيل

63

Mohammad Hasan Budeiri,
Advocate,
Jerusalem.

5th November, 1941.

The Honourable,
The Chief Secretary,
Jerusalem.

Sir,

See 61

I had a meeting with your Assistant, Ruhi Bey Abdul Hadi, at his request, about the end of last August, for the purpose of discussing the question of Al-Saheb Waqf in Taffuh. Unfortunately, I failed to reach an agreement with him regarding the settlement of the dispute between Government and Al-Saheb Waqf. All what he said to me was that Government did not change its opinion regarding the suggestion which he had made to the Mutawallis of the Waqf, and which they had previously rejected.

It would have saved much time if this opinion was conveyed to me in writing.

62

Now that you were kind enough to inform me, in your letter dated the 7th October, 1941, that Government was not the owner of the remaining share of the village in question, I feel bound to refer you to my previous letters to you on this subject dated the 22.10.40 and 24.4.41, or to the letter submitted through the Treasurer, and to request that a reply may be sent to me on the following:-

(1) Was not Government, which was not a partner in the village, responsible for the share of the Waqf?

(2) Did Government not occupy (lay hands on) the share of the Waqf during all this period?

(3) Is not the party who ~~held~~ (laid hands on) the Waqf's share responsible for that share?

That being the case, (and it is for this reason that Governments avoids ~~attempts~~ to give a definite reply), I request that you may be kind enough to inform me accordingly, so that my clients may follow the course which would enable them to obtain their rights.

13

With highest respects,

(Sgd) Mohammad Hasan Budeiri,
Attorney for the
Waqf.

M. H. BODEYRI
ADVOCATE
JERUSALEM

المحامي
محمد حسن البديري
القدس

٥/ ١١/ ٩٤١

11.11.41

سعادة السكرتير العام لحكومة فلسطين المحترم

سيدي

بناء على دعوة مساعدكم السيد روحي عبد الهادي في اواخر شهر اب الماضي بحث قضية الصاحب ... بن سوء الحظ انني لم اصل معه لحل هذا الخلاف المتكون بين الحكومة ووقف الصاحب لان كل ماسمعته منه ان الحكومه لم تغير راءيها في الاقتراح الذي كان ابداه للمتوليين ورفضوه .

وما كان اغناه ان يبدي هذا الراءي كتابة دون تكليفه لاءضاعة الوقت بالاجتماع وفتح الدوسية الى اخر ماتوقع .

والآن ياسيدي وقد تفضلتم في كتابكم تاريخ ٧/ ١٠/ ٤١ بان الحكومة لم تكن مالكه للحصة الباقيه من القرية المذكورة .

لهذا يتحتم عليه ان اعود لكتبي السابقه في هذا الصدد سواء المحررة لسعادتكم بتاريخ ٢٢ تشرين اول سنة ٩٤٠ و ٢٤/ ٤/ ٤١ راءسا وسواء المرسله بواسطة سعادة مدير الماليه وارجو اجابتي

١ – هل الحكومه التي لم تكن شريكه في القرية لم تكن مسوءولة عن حصة الوقف و

٢ – هل الحكومه لم تضع يدها على حصة الوقف المذكور طول هذه المدة .

٣ – وان المسوءول عن حصة الوقف هو الذي وضع يده عليها .

فان كان الاءمر كذلك وهذا ما تعنيه من محاولتها عن اعطاء الجواب الصريح ارجو التفضل ببيان ذلك حتى يرى موكليني الطريق التي توصلهم لحقوقهم .

هذا مع رجائي بقبول الاءحترام

محمد البديري
المحامي

Ruhi Bey

(62)

MF.

K/121/31. 7 October, 1941.

Sir,

(58)

I am directed to refer to your letter of the 25th August, 1941, regarding As-Sahib Waqf at Taffuh village and to inform you that as already explained to you by the Director of Land Registration, Government being not recorded as a co-owner it cannot be a party to any voluntary partition.

I am, Sir,
Your obedient servant,

(Sgd.) RUHI ABDULHADI

CHIEF SECRETARY.

Mohd. Hassan Eff. Al Budeiri,
Advocate, Jerusalem.

GOVERNMENT OF PALESTINE.

IN REPLYING TO THIS LETTER PLEASE QUOTE THE DATE AND REFERENCE NUMBER.

CHIEF SECRETARY'S OFFICE
JERUSALEM.

K/121/31.

September, 1941.

Sir,

I am directed to refer to your letter of the 25th August, 1941, regarding As-Sahib Waqf at Taffuh village and to inform you that as already explained to you by the Director of Land Registration, Government being not a co-owner it cannot be a party to any voluntary partition.

I am, Sir,
Your obedient servant,

CHIEF SECRETARY.

Moh. Hassan Eff. Al Budeiri,
Advocate,
Jerusalem.

ك/١٢١//٣١

تشرين الاول سنة ١٩٤١

حضرة الفاضل السيد محمد حسن البديري المحترم ،
المحامي بالقدس .

اوعز الي ان انسير الى كتابكم المؤرخ في ٢٥ آب سنة ١٩٤١ ، بشأن وقف الصاحب في قرية ثلوح ، وأن اعلمكم انه كما سبق ان بينه لكم مدير تسجيل الاراضي ، لا يسع الحكومة ان تنظر في اجراء الافراز الاختياري لانها ليست شريكة في الملك .

واقبلوا فائق الاحترام ،

السكرتير العام

Gl. re-adjust as the amended text implies
9/10/41

ك/١٢١/٣١

٧ تشرين الاول سنة ١٩٤١

حضرة الفاضل محمد حسن افندي البديري المحترم ،
المحامي بالقدس .

اوعز الي ان اشير الى كتابكم المؤرخ في
٢٥ آب سنة ١٩٤١ ، بشأن وقف الصاحب في قرية تفوح ،
وأن اعلمكم انه ، كما سبق ان بينه لكم مدير تسجيل
الاراضي ، لا يسع الحكومة ان تشترك في اجراء الافراز
الاختياري لانها ليست مسجلة كشريكة في الملك .

واقبلوا فائق الاحترام ،

السكرتير العام

58

Mohammad Hasan Budeiri,
Advocate,
Jerusalem.

25th August, 1941.

The Honourable,
The Chief Secretary,
Jerusalem.

Sir,

(52A)

55

With reference to my letters dated the 29th May, 1941, and the 6th August, 1941, I have the honour to submit that the Land~~s~~ Court stated, in its Order No. 1/29 dated the 23rd April, 1931, regarding the village in question, that the best solution to be reached between the Waqf and Government ~~is~~ was to divide the share of the Waqf and ~~to~~ set it aside from the miri lands, and hand it over to the owners thereof, so that they may dispose of it as they wish.

As Government admits this share and the continued possession of the land as masha' would be injurious to the Waqf's interest, and as it is not in the interest of Govt or the beneficiaries to sustain heavy expenses in order to carry out this partition through the Court, I suggest that the necessary action may be taken in the matter, ~~and~~ by the appointment of a surveyor and an expert on behalf of Government at the earliest possible convenience, who should work with the surveyor and expert to be appointed on behalf of the Waqf administration, on the partition of the land and determine the share to which the Waqf is entitled. In doing so, each party will know his share and dispose of it as he wishes.

With highest respects,

(Sgd) Mohammad Hasan Budeiri,
Advocate.

25.8.41.

Mohammad Hasan Budeiri,
Advocate,
Jerusalem.

25th August, 1941.

The Honourable,
The Chief Secretary,
Jerusalem.

Sir,

With reference to my letters dated the 29th May, 1941, and the 6th August, 1941, I have the honour to submit that the Lands Court stated, in its Order No. 1/29 dated the 23rd April, 1931, regarding the village in question, that the best solution to be reached between the Waqf and Government ~~is~~ would to divide the share of the Waqf and to set it aside from the miri lands, and hand it over to the owners thereof, so that they may dispose of it as they wish.

As Government admits this share and the continued possession of the land as masha' would be injurious to the Waqf's interest, and as it is not in the interest of Sulin the beneficiaries to sustain heavy expenses in order to carry out this partition through the Court, I suggest that the necessary action may be taken in the matter, ~~and~~ & the appointment of a surveyor and an expert on behalf of Government at the earliest possible convenience, who should work with the surveyor and expert to be appointed on behalf of the Waqf administration, on the partition of the land and determine the share to which the Waqf is entitled. In doing so, each party will know his share and dispose of it as he wishes.

With highest respects,

(Sgd) Mohammad Hasan Budeiri,
Advocate.

25.8.41.

M. H. BODEYRI
ADVOCATE
JERUSALEM

المحامي
محمد حسن البديري
القدس

26.8.41

سعادة السكرتير العام لحكومة فلسطين المحترم

سيدي

بالاشارة لكتابي تاريخ ٢٩ / ٥ / ٤١ وكتابي تاريخ ٦ / ٨ / ٤١ اتشرف ان اعرض لسعادتكم ان محكمة الاراضي في قرارها المعطى بتاريخ ٢٣ / ٤ / ٣١ رقم ١ / ٢٩ بخصوص القرية المذكورة ذكرت ان احسن حل بين الوقف والحكومة قسمة حصة الوقف وافرازها من اراضي الميري وتسليمها لاهلها حتى يتصرفوا فيها كيف شاؤا .

وبما ان الحكومة لاتعارض في هذه الحصة وان بقاء الارض مشاعة مما يضر بصالح الوقف وحيث ان الحكومة والمرتزقه في غير حاجة لتحمل مصاريف كبيره لاجراء هذه القسمة بواسطة المحكمة .

لذلك اقترح اجراء المقتضى وتعيين مهندس من قبل الحكومة وجبر في اسرع مايمكن يشترك مع المهندس الذي ستعينه ادارة الوقف وجبر لقسمة الارض المذكورة وافراز حصة الوقف حسب الحصة التي تصيبه وبذلك يعرف كل فريق مقسمه فيتصرف به كيف شاء

وتفضلوا بقبول فائق احتراماتي

٢٥ / ٨ / ٩٤١

المحامي الوكيل

156

FOR ARABIC

K/121/31. Arabic translation sent

19 August, 1941.

Sir,

55

I am directed to refer to your letter dated the 6th August, 1941, regarding the As-Sahib Waqf at Taffuh village and to inform you that I shall be glad to discuss this matter with you in my office on Saturday the 23rd instant between 10 and 11 a.m.

I am,

Sir,

Your obedient servant,

Drafted / Dictated by Mr. Yousef
Draft approved by
Fair-copy typed by LS.

(sd.) RUHI ABDULHADI

CHIEF SECRETARY.

Muhammad Eff. Hassan Budeiri,
Advocate.
Jerusalem.

ك/١٢١/٣١

٩ آب سنة ١٩٤١

حضرة الفاضل السيد محمد حسن البديري المحترم ،
المحامي ، بالقدس .

اوعز الي ان اشير الى كتابكم المؤرخ في
٦ آب سنة ١٩٤١ ، بشأن وقف الصاحب في قرية
تفوح ، وأن اعلمكم انه يسرني ان ابحث هذه
المسألة معكم في مكتبي يوم الخميس الواقع في ٢١
الجاري ، بين الساعة العاشرة والحادية عشرة صباحا .

واقبلوا فائق الاحترام ،

محمد السكرتير العام

M. H. Bodeyri,
Advocate,

55

K/121/31

Jerusalem,
6th August, 1941.

The Honourable,
The Chief Secretary,
Jerusalem.

Sir,

With reference to the case of As-Sahib Waqf at Taffuh village, and my correspondence with you and with the Treasurer, I have the honour to request you to take such steps as may be necessary for the settlement of the dispute with the Mutawalli of the Waqf. Should this be impossible, I request that you may permit me to submit the matter to the Court, as requested in my letter to the Treasurer, dated the 29.5.41 which was referred to you, and to advise the Court to defer the payment of the fee until the matter is settled, similarly to the procedure followed in the previous case which was instituted against Government before the Land Court, Jerusale.

52a

With highest respects,

(Sgd.) Mohammad Hassan
Badeyri, Attorney

M. H. Bodeyri,
Advocate,

Jerusalem,
6th August, 1941.

The Honourable,
The Chief Secretary,
Jerusalem.

Sir,

With reference to the case of As-Sahib Waqf at Taffuh village, and my correspondence with you and with the Treasurer, I have the honour to request you to take such steps as may be necessary for the settlement of the dispute with the Mutawalli of the Waqf. Should this be impossible, I request that you may permit me to submit the matter to the Court, as requested in my letter to the Treasurer, dated the 29.5.41 which was referred to you, and to advise the Court to defer the payment of the fee until the matter is settled, similarly to the procedure followed in the previous case which was instituted against Government before the Land Court, Jerusale.

With highest respects,

(Sgd.) Mohammad Hasan
Badeyri

M. H. BODEYRI
ADVOCATE
JERUSALEM

المحامي
محمد حسن البديري
القدس

٦/ ٨/ ٩٤١

سعادة السكرتير العام لحكومة فلسطين المحترم

سيدي

بالاشارة الى وقف الصاحب في قرية تفوح وبالاشارة الى المخابرة مع سعادتكم وسعادة مدير المالية . —

اتشرف ان ارجو سعادتكم التفضل بانهاء الخلاف المذكور مع متولي الوقف وذا لم يمكن ذلك فحسبما جاء في كتابي المرسل لسعادة مدير المالية في ٢٩/ ٥/ ٤١ الذي احيل لسعادتكم ارجو الموافقة للذهاب الى المحكمة وان تشيروا على المحكمة بتأخير الرسم لنتيجة الدعوى كما جرى في القضية السابقة التي اقيمت ضد الحكومة لدى محكمة اراضي القدس .

وتفضلوا بقبول فائق الاحترام

المحامي

Tel. Address: TREASURY, JERUSALEM.

In your reply please quote
No. 2202/1

THE TREASURY,
JERUSALEM.

52

7th June, 1941.

Chief Secretary.

Subject : Waqf El Sahib Tamimi.

Further to my minute (51) on your file No.K/121/31, I transmit for your consideration, letter, in original, dated 29th May, 1941, received from Advocate Muhammad Hassan Budeiri. It is presumed that the opinion of the Law Officers will now be obtained on the legal points raised by the Advocate.

52a

2. The letter has been acknowledged.

ACCOUNTANT-GENERAL.

WT.

52a

Mohammad Hasan Budeiri,
Advocate,
Jerusalem.

29th May, 1941.

The Honourable,
The Treasurer to the Palestine Government.

Sir,

With reference to the interview which I have had, yesterday, with your Assistant, Mr. Jules Gress, on the subject of my communication regarding Waqf Al-Saheb Al-Tamimi, I beg to repeat hereby the following points which I mentioned to him in that interview:-

1) The fact that 13 $\frac{9}{10}$ shares out of 24 shares of Taffuh village are dedicated as ~~a~~ Waqf in favour of the descendants of Al-Saheb Al-Tamimi is beyond any controversy.

2) Until a time which is not remote, ~~Until recently,~~ the Mutawalli used to dispose of this share and collect the produce. This is also an established fact as may be ascertained from the recent judgment of the Land Court.

3) The above Court while explaining these two facts in a clear manner has expressly stated that my clients were fully entitled to rent their share.

4) It may be understood from the judgment itself too that, in view of their weakness and the fact that their share is owned in common with the miri share (as a masha'), my clients used to consider the tithes paid to them or received by them as ~~a~~ rent.

5) The commutation of the tithes has naturally no effect whatsoever on this Waqf's right, especially as the Waqf did not pay, in the past, any tithes or other taxes. Consequently, it would not be reasonable to expect my clients to accept a sum assessed by the Government without obtaining their consent or approval thereto. The rent of more than one half of the whole village at the sum of LP. 41.799 is contrary to justice and prejudicial to the interests of the Waqf and its beneficiaries.

P.T.O.

6) My clients, therefore, refuse utterly to accept this sum.

7) Whereas it is understood that Government has taken possession of this land, without the consent of my clients, it should be liable to pay the rent (Ajr Al-Mithl) of the said share.

8) For the settlement of this dispute, I suggest that the two parties should appoint two experts for assessing the rent (Ajr Al-Mithl) in respect of the past years, and that rent be paid on the basis of the sum agreed upon.

9) I also suggest that Government should lose no time in appointing two other qualified experts for partitioning the village, so that the dispute may be finally settled and each party may know its share, and dispose of it at will.

Hoping that you may be kind enough to agree to this request.

With highest respects,

(Sgd) Mohammad Hasan Budeiri.

Mohammad Hasan Budeiri,
Advocate,
Jerusalem.

29th May, 1941.

The Honourable,
The Treasurer to the Palestine Government.

Sir,

With reference to the interview which I have had, yesterday, with your Assistant, Mr. Jules Gress, on the subject of my communication regarding Waqf Al-Saheb Al-Tamimi, I beg to repeat hereby the following points which I mentioned to him in that interview:-

1) The fact that 13 $\frac{9}{10}$ shares out of 24 shares of Taffuh village are dedicated as a Waqf in favour of the descendants of Al-Saheb Al-Tamimi is beyond any controversy.

2) Until recently, the Mutawalli used to dispose of this share and collect the produce. This is also an established fact as may be ascertained from the recent judgment of the Land Court.

3) The above Court while explaining these two facts in a clear manner has expressly stated that my clients were fully entitled to rent their share.

4) It may be understood from the judgment itself too that, in view of their weakness and the fact that their share is owned in common with the miri share (as a masha'), my clients used to consider the tithes paid to them or received by them as a rent.

5) The commutation of the tithes has naturally no effect whatsoever on this Waqf's right, especially as the Waqf did not pay, in the past, any tithes or other taxes. Consequently, it would not be reasonable to expect my clients to accept a sum assessed by the Government without obtaining their consent or approval thereto. The rent of more than one half of the whole village at the sum of LP. 41.799 is contrary to justice and prejudicial to the interests of the Waqf and its beneficiaries.

P.T.O.

6) My clients, therefore, refuse utterly to accept this sum.

7) Whereas it is understood that Government has taken possession of this land, without the consent of my clients, it should be liable to pay the rent (Ajr Al-Mithl) of the said share.

8) For the settlement of this dispute, I suggest that the two parties should appoint two experts for assessing the rent (Ajr Al-Mithl) in respect of the past years, and that rent be paid on the basis of the sum agreed upon.

9) I also suggest that Government should lose no time in appointing two other qualified experts for partitioning the village, so that the dispute may be finally settled and each party may know its share, and dispose of it at will.

Hoping that you may be kind enough to ~~acquiesce~~ agree to this request.

With highest respects,

(Sgd) Mohammad Hasan Budeiri.

M. H. B. DEYRI
ADVOCATE
JERUSALEM

224

52

المحامي
محمد حسن البديري

القدس ٢٩/ ٥/ ٩٤١

سعادة مدير مالية فلسطين المحترم

سيدي

بالاشارة لاجتماعي امس بحضرة احد مساعديكم المستر جول جرسر بشأن مخابرتي التي تتعلق بوقف الصاحب التميمي لي الشرف ان اكرر ماذكرته لحضرته هو

١ ـ ان وقفية ثلاثة عشر قيراطا من اربعة وعشرون قيراطا واربعة اخماس ونصف خمس القيراط في عموم قرية تفوح الى ذرية الصاحب التميمي ثابت لايحتاج لجدال و

٢ ـ ان المتولي على هذا الوقف الى وقت غير بعيد كان يتصرف في هذه الحصة وكان يجبي الغلة والحاصلات ثابت ايضا كما دونته محكمة الاراضي في حكمها الاخير . و

٣ ـ ان المحكمة المشار اليها كما انها اوضحت الجهتين المذكورتين بصراحة ذكرت بكل وضوح ان لموكليني الحق كله في ايجار مايخصهم و

٤ ـ كما يفهم من القرار نفسه ان بدل العشر الذي كان يدفع لهم اوكانوا في السابق يقبلونه كانوا يتلقونه احيانا بمثابة بدل الايجار وذلك لضعفهم اولا ولكون حصتهم مشاعة مع حصة الميري بحق الباقي و

٥ ـ معلوم طبعا ان تبديل ضريبة الاعشار لاتؤثر على حق الوقف هذا خصوصا وانه ماكان يدفع في السابق لااعشار ولا اية ضريبة اخرى .

فبناء على ذلك فانه من غير المعقول ان يقبل موكليني مبلغا قدرته الحكومه من نفسها دون ان يكون لموكليني اي رضاء اوموافقة على ذلك وان في تقدير مبلغ ٤١٠٧٩٩ جنيه فلسطينيا لاكثر من نصف القرية لايتفق مع العدل ولا مع حق الوقف ولا المرتزقه .

٦ ـ بناء عليه فان موكليني يرفضوا بصراحة قبول مثل هذا المبلغ في اي شكل كان .

٧ ـ وبما ان الحكومة وضعت يدها كمايفهم على هذه الاراضي بغير رضاء موكليني فهي مكلفة بدفع اجر مثل الحصة المذكورة .

٨ ـ ولحل هذا الخلاف فاني اقترح انتخاب خبيرين واحدا من الوقف والاخر من الحكومة ليقدروا اجر المثل عن السنين السابقة ودفع المبلغ المتفق عليه .

٩ ـ ان تسرع الحكومة بتعيين خبيرين اخرين مهندسين ومن ارباب الخبرة لقسمة القرية حيث ينتهي الخلاف ويعرف كل فريق حصته يتصرف بها كيف شاء .

واني ارجو ان تاءمروا باجابة الطلب

والتفضل بقبول فائق الاحترام

Wagfs

Mohammad Hasan Budeiri,
Advocate,
Jerusalem.

11th May, 1941.

The Honourable,
The Chief Secretary,
Jerusalem.

Sir,

In reply to your letter No. K/121/31 dated the 9.5.41, I beg to enclose herewith a copy of the letter which was submitted to you by my client on the 22.10.40, and to request that you may be kind enough to grant their application.

With highest respects,

(Sgd) Mohammad Hasan Budeiri,
Advocate.

The Mutawalli of Waqf Al-Sahib Al-Tamimi addressing the Chief Secretary on the subject of the Waqf's share in the lands of Taffuh village, states that the said Waqf owns 13 $\frac{4}{5}$ $\frac{1}{2}$ shares out of 24 shares of the whole of the village which is owned in common with the Palestine Government. Referring to the judgment given by the Land Court on 23rd April, 1931, in Case No. 1/29, he suggests that, pending ~~parcellation~~ partition, the Waqf should be paid its share of the village tithes on the basis of the ~~xxxxxx~~ Waqf's share in the village.

He requests to be informed of the amount due to the Waqf from rents, tithes, etc., and whether any such amount has been collected on its behalf. In case no such amount is collected, he proposes to claim the Waqf's dues directly from the farmers on the assumption that the Waqf rights have not been affected by the substitution of the Rural Property Tax for Commuted Tithes.

22.10.40.

GOVERNMENT OF PALESTINE
CHIEF SECRETARY'S OFFICE
JERUSALEM
13 MAY 1941

محمد حسن البدري
المحامي
في القدس

(7)

سعادة السكرتير العام لحكومة فلسطين المحترم

سيدي

جوابا على كتاب سعادتكم تاريخ ٩/٥/٤١ رقم ك/١٢١/٣١
اقدم طيه صورة عن التحرير المتقدم لسعادتكم من موكلي بتاريخ ٢٢/١٠/٤٠
راجيا التفضل باء جابة الطلب وقبول فائق الاحترام

١١/٥/٩٤١

محمد حسن البدري
المحامي الوكيل

صـــــــورة

ســـــعادة السكرتير العام لحكومة فلسطين المحترم

ســـــيدى

اتشرف ان اعرض لسعادتكم ان لا ء وقاف الصاحب التميمى حصة من حصة ١٣ ½ ½ / ٢٤ فى عموم قرية تفوح المشتركة بحق الباقى مع حكومة فلسطين وبناء على الحكم المتكون فيما بين الاء وقاف المذكورة والحكومة لدى محكمة الاء راضى العؤ ن فى ٢٣ ابريل سنة ٩٣١ رقم ١/ ٢٩ — والى ان ينظر فى امر قسمة ماخص الوقف وقرزه من الاء راضى الاء ميريه التابعة للحكومه اقترح ان يدفع للوقف من اعشار القرية بنسبة حصة الوقف .

وبناء على تبديل الحكومة ضريبة الاء عشار بضريبة الاء ملاك فى القرى ذلك بمايتعلق بملكها فتكون جداً مقطيه فيما لوتفضلتم سعادتكم واعلمتمونا عما خص ادارة الوقف من ايجاره اوبدل ~~اعشار~~ اعشار اوخلافه وفيما اذا كان تحصل باء سم الوقف مبلغ من المال ومقداره هذا مع العلم باء ن تبديل الحكومة ضريبة الاء عشار بضريبة الاء ملاك فى القدس لايؤ ثر بحقوق الوقف فى بدل ايجار حصته فى القرية حتى واذا لم يحصل باء سم الوقف بدل ايجاره اواى مبلغ اخر يتفق مع مصلحة الوقف حتى نرجع على المزارعيين بطلب اجر مثل ماخص ادارة الوقف المذكورة وانا نرجو التكرم بالاء جابة وتفضلوا بقبول الاء حترام ٢٢/ ١٠/ ٤٠

متولى وقف الصاحب

(48)

K/21/31

9 May, 1941.

(46)

Sir,

I am directed to refer to your letter dated the 24th April, 1941, regarding the case of Taffuh village and to request that you will furnish me with a copy of the petition dated the 22nd October, 1940, which it is alleged was addressed to this office.

I am,

Sir,

Your obedient servant,

Drafted by Mr. Yousef.
Draft approved by
Fair copy typed by LS.

(sgd) Ruhi Abdulhadi
CHIEF SECRETARY.

Muhammad Eff. Hassan Budeiri,
Advocate,
Jerusalem.

ك/١٢١/٣١

٩ ايار سنة ١٩٤١

حضرة الفاضل السيد محمد حسن البديرى المحترم ،
المحامي بالقدس .

اوعز الي ان اشير الى كتابكم المؤرخ في
٢٤ نيسان سنة ١٩٤١ ، بشأن قضية قرية تفوح ، وأن
ارجوكم ترويدى بنسخة من العريضة المؤرخة في ٢٢
تشرين الاول سنة ١٩٤٠ ، التى تقولون انها ارسلت
الى هذه الدائرة .

واقبلوا فائق الاحترام ،

السكرتير العام

(46)

Mohammad Hasan Budeiri,
Advocate,
Jerusalem.

24th April, 1941.

The Honourable,
The Chief Secretary.

Sir,

I have the honour to refer to the case of Taffuh village, which is owned in partnership between Al-Saheb Al-Tamimi Waqf, which owns 13 shares and 4 and ½ part of a share out of 24 shares, and the Government which owns the remainder of the shares, and I inform you that the Land Court has given judgment in respect of the shares belonging to the Waqf and the revenue thereof. Government was the defendant in this case and judgment was given in the presence of its representative, and I, therefore, see no reason to restate here the judgment of the Court.

Government has, however, changed the tithes into a new tax called the Rural Property Tax, but failed to deal with the tithes payable in respect of Waqfs, including this Waqf. My clients were, therefore, compelled to enquire from you in their letter dated 22.10.40 as to the steps which were taken as regards the share of the Waqf in this village, and whether or not Government has leased the Waqf's share, and whether the Waqf's share is still vacant. My clients were anxious to know under what authority Government has leased the Waqf's share, and what was the amount of the lease agreed upon, and what amount did Government collect from the village on behalf of the Waqf?

No trace Registry

Unfortunately, however, no reply was sent to my clients in this respect. It is probable that the Department to which their petition was referred had neglected the matter, since my clients have not pressed the matter, or else the Department might have considered the matter of no importance, although it is of vital importance to my clients. I am of the opinion that had the matter been dealt with by you personally, a reply would have been sent to my clients at the time.

Failure to answer the representations of such poor people would adversely affect the Waqf interests. On the other hand, any failure on the part of the Mutawalli to take legal steps would render him responsible before the Courts of Law.

I do not suggest in the least that Government wishes to do any harm to any of the two parties, and I, therefore, request that you may be kind enough to reply to the petition referred to above, so that in the event of your reply failing to meet the interests of the Waqf, the Mutawallis may take the necessary steps for the institution of legal proceedings against the Government with a view to safeguarding Waqf interests. I venture to hope, however, that no such action would be necessary, as the Waqfs' interests must be protected from any interference.

With highest respects,

(Sgd) Mohammad Hasan Budeiri,
Advocate.

Mohammad Hasan Budeiri,
Advocate,
Jerusalem.

24th April, 1941.

The Honourable,
The Chief Secretary.

Sir,

I have the honour to refer to the case of Taffuh village, which is owned in partnership between Al-Saheb Al-Tamimi Waqf, which owns 13 shares and $\frac{4}{5}$ and ½ part of a share out of 24 shares, and the Government which owns the remainder of the shares, and to inform you that the Land Court has given judgment in respect of the shares belonging to the Waqf and the revenue thereof. Government was the defendant in this case and judgment was given in the presence of its representative, and I, therefore, see no reason to restate here the judgment of the Court.

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With highest respects,

(Sgd) Mohammad Hasan Budeiri,
Advocate.

M. H. BODEYRI
ADVOCATE
JERUSALEM

المحامي
محمد حسن البديري

القدس ٢٤/ ٤/ ١٩٤١

سعادة السكرتير العام لحكومة فلسطين المحترم

سيـــــدى

بالاشارة الى قرية تفوح المشتركه بين وقف الصاحب التميمي بحق ثلاثة عشر قيراط واربعه اخماس ونصف خمس القيراط من اصل اربعة وعشرين قيراط شركة الحكومه بحق الباقى .

اتشرف بان اعرض لسعادتكم انه سبق لمحكمه الأراضي ان اعطت قرارا بشأن الحصه المذكوره التابعه للوقف وبشان غلتها وحيث كانت الحكومه هى الخصم فى تلك الدعوى وان القرار اعطى بمواجهة ممثلها فلا ارى من الفائده تكرار ما ورد فى القرار المذكور .

غير ان الحكومه بناء على ابدالها ضريبه الاعشار بما يتعلق باملاكها والاملاك الاميريه بضريبه جديده اسمتها ضريبه الاملاك فى القدس فلم تبحث فيما يتعلق بالاوقاف ومنها هذا الوقف وقد اضطر موكلينى ان يسئلوا سعادتكم بكتاب مخصوص بتاريخ ٢٢/ ١٠/ ٩٤٠ عما تم فى حصة الوقف فى القريه المذكوره وهل اجّرت الحكومه حصة الوقف المذكور ام لا ، ام هل لم تزل حصة الوقف شاغرة ، وفيما اذا اجرت الحكومة حصة الوقف فبأى صلاحيه تم ذلك وكم كانت الأجاره المتفق عليها مثلا ، وماذا حصلت الحكومه من القريه المذكوره لحساب الوقف . ؟

الا انه لسوء الحظ لم يصل موكليني جوابا ما فى الخصوص المذكور حتي الان وكأن الجهة التي أحيل اليها الاستدعاء المذكور قد اغفلـه لعدم تعجيز هؤلاء الفقراء او أنها لم تهتم فيه مع عظيم اهميته لدى اربابه . هذا مع اعتقادى بان الأمر لو بقى تحت يد سعادتكم شخصيا لأجيب على السؤال بحينه ، ان عدم الاجابه يا سيدى واهمال مثل هؤلاء الفقراء يضر بالوقف ضررا كبيرا كما ان عدم اتخاذ المتوليين الاجراءات القانونيـه يوجب مسئوليتهم لدى القضاء .

وبما انى اجل الحكومه ان تكون سببا لاضرار اى من الطرفين فانى ارجو التفضل باجابتي عما ورد فى الاستدعاء المار الذكر حتي اذا لم يكن الجواب متفقا مع مصلحه الوقف اتخذ المتولين الطريقه التي توصلهم الى المحافظه على حقوق الوقف المذكور بمراجعه المحكمه ضد الحكومه وانى ارجو ان لا يصل بنا الامر الى هذا الحد حيث حقوق الوقف يقتضى ان تكون مصونة من كل تعرض .

وتفضلوا بقبول فائق احتراماتى ، سيدى

محمد بديري
المحامي

GOVERNMENT OF PALESTINE

Ref. No. 32

DISTRICT COMMISSIONER'S OFFICES,
JERUSALEM DISTRICT,
JERUSALEM,

8th March, 1934.

Chief Secretary.

Subject:- Wakf el Sahib Tamimi-Hebron.

Reference your letter No.K/121/31 of 22nd March, 1932.

30

I enclose herewith a detailed statement showing the amounts due to the abovementioned wakfs on the basis of the decision rendered by the District Court on the 23rd April, 1931, from which it would appear that the sum of LP.17.543 mils is still outstanding against Government in favour of the said Wakfs in respect of Tithes collected during the years 1919/20 - 1930/31.

2. Court and Advocate Fees are, I presume, chargeable to the vote of the Legal Department.

3. I much regret the considerable delay in forwarding this reply.

District Commissioner,
Jerusalem District.

E/HA.

STATEMENT OF ASSESSMENT, COLLECTIONS AND WAKF DUES OF TITHES IN TAFFUH VILLAGE HEBRON SUB-DISTRICT FOR THE PERIOD 1ST MARCH 1919 - 30TH JUNE 1931

Year and Kind	Proportion of Assesst. 12% or 12½%	Assessment 2½% or 1/5	Balance at 10%	Expend. of Est. and Collect.	Amount due.	Amount due to Wakf as per Court Judgement 13 9/10 Sh.	Total Collections	Collected Revenue due to Wakf.	EXEPDNITURE. Date	No.	Amount	Amount due from Govt. to Mutwallis	Amount due from Mutwalis to Govt.	Balance due to Mutwall
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1919 Winter	61.741	12.348	49.393	-.979	48.414	48.759	61.741	48.414	4.12.19	64	60.513	-	12.099	-
1919 Summer	37.789	7.558	30.231	-.878	29.353	29.602	37.789	29.353	24.2.20	81	36.697	-	7.344	-
1920 Winter	73.262	14.653	58.609	-.965	57.644	58.032	73.262	57.644	6.12.20	2	72.056	-	14.412	-
1920 Summer	29.126	5.825	23.301	-.679	22.622	22.791	29.126	22.622	15.3.21	4	28.278	-	5.656	-
1921 Winter	44.466	8.893	35.573	-.734	34.839	35.092	44.466	34.839	15.3.21	4	43.550	-	8.711	-
1921 Summer	22.515	4.503	18.012	1.450	16.562	16.680	22.515	16.562	15.3.21	4	20.705	-	4.143	-
1922 Winter	31.225	6.245	24.980	1.500	23.480	23.652	31.225	23.480	23.3.23	12	29.352	-	5.872	-
1922 Summer	17.205	3.441	13.764	-.826	12.938	13.034	17.205	12.938	30.4.24	45	16.172	-	3.234	-
Total:-	317.329	63.466	253.863	8.011	245.852	247.642	317.329	245.852			307.323	-	61.471	-
1923 Winter	37.026	7.405	29.621	1.777	27.844	28.044	37.026	27.844	30.4.24	45	34.801	-	6.957	-
1923 Summer	26.820	5.364	21.456	1.287	20.169	20.313	26.820	20.169	18.6.24	20	25.210	-	5.041	-
1924 Winter	57.343	11.469	45.874	2.752	43.122	43.436	57.343	43.122	20.11.24	24	43.902	-	10.780	-
1924 Summer	29.687	5.937	23.750	1.425	22.325	22.487	29.687	22.325	2.3.25	1	27.151	-	4.826	-
Total:-	150.876	30.175	120.701	7.241	113.460	114.280	150.876	113.460			141.064	-	27.604	-
1925mWinter	69.133	-	69.133	4.148	64.985	65.457	69.133	64.985						
1925 Summer	18.640	-	18.640	1.119	17.521	17.650	18.640	17.521						
1926 Winter	68.788	-	68.788	4.127	64.661	65.129	68.788	64.661						
1926 Summer	18.606	-	18.606	1.116	17.490	17.617	18.606	17.490						
1927 Winter	30.291	-	30.291	1.817	28.474	28.679	30.291	28.474						
1927 Summer	20.192	-	20.192	1.211	18.981	19.117	20.192	18.981						
1928 C of T	73.630	-	73.630	4.418	69.212	69.713	73.630	69.212						
1929 C of T	73.630	-	73.630.	4.418	69.212	69.713	73.630	69.212						
1930 C of T	51.541	-	51.541	3.092	48.449	48.799	51.370	48.288	8.10.31 8.10.31	48 33	295.390 - 3.184			
Total:-	424.451	-	424.451	25.466	398.985	401.874	424.280	398.824			292.206	106.618	-	-
								Difference				106.618	89.075	17.543

C/70/33

F. 5.

GOVERNMENT OF PALESTINE.

~~ORIGINAL~~
DUPLICATE

No. .....

(To be inserted by Sub-Accountant)

OTHER CHARGES VOUCHER.

Stores, Supplies and other Bills.

District or Station Jerusalem

Head of Estimates Legal Sub-Head Counsel's Fees and Costs.

Dr. to Joudeh El Sahib el Tamimi in his capacity as trustee of Wakf el Sahib Hebron

23771—100000—1/5/33—G.P.

Date	Detailed description of Service or Article	Quantity	Rate	Amounts L.P.	Amounts mils
	Counsel's Fees and Government Costs in Land case No.1/29 H Trustee of Wakf el Sahib vs.A.G.as per attached certified copy of judgment			7	910
	Seven palestine pounds and nine hundred and ten mils.				
	Authority F.A.Nos 10. £5.987 32 1.923 £7.910		Total	7	910

1. I certify that the above amount is correct and was ~~in~~curred under the authority quoted, and that the ~~rate~~ price charged ~~is~~ are ~~according to regulation~~ contract or fair and reasonable, and that the payment will not cause an excess over the amounts allocated to me.

Date 1.1.34 / 7.2.34

(Sd) H. H. TRUSTED
Signature

ATTORNEY GENERAL
Title

Head of Department.

2. Received the ..... day of ..... 193 .....
in payment of the above account the sum of .....

Signature of Receiver

3. I certify that the sums indicated above have been duly paid by me to the persons entitled thereto

Signature of Witness to payment, Seals and marks.
(Only necessary When payees are illiterate)

Signature of Paying Officer.

Date ..... 193 .....

٢٢/١٤٩

حادة الى ابي الهم المحترم

اتشرف ان اخبركم ان محكمة اراضي القدس كانت قررت في الدعوى التي رفعتها بصفتي متولياً على وقف الصاحب
ضد الحكومة قبل اعشار قرية تعنوج ان تدفع الحكومة سبع جنيهات مع مصاريف فارجو ان
تتوسطوا بدفع هذا المبلغ اليّ باقرب وقت ممكن مستفيداً بقبول فائق الاحترام

متولي وقف الصاحب

ان الدعوى المذكورة آنفاً مقيدة في محكمة اراضي تحت رقم ١/٩

I have the honour to inform you that the Land Court at Jerusalem had decided in the case I brought in my capacity as the Mutawalli of the Wakf Sahib against the Govt re tithes due on Ta'anuk village that Govt should pay me Seven Pounds Advocate' fees. I shall be glad therefore if arrangements be made for the payment of this amount to me as early as possible

(Sgd) Mutawalli of
Wakf Sahib
Tammimi

Ref. No. 9934/32

GOVERNMENT OF PALESTINE.

SECRETARIAT
RECEIVED
23 MAY. 1932
File No.

DISTRICT COMMISSIONER'S OFFICES,
JERUSALEM DISTRICT,
JERUSALEM,

39

21st May, 1932.

Chief Secretary.

Subject : Waqf el Sahib Tamimi-Hebron.
Reference your letter No.K/121/31 of the 22nd March, 1932, and reminders.

30

The accounts are being carefully scrutinised and a report will be submitted to you on the completion of the enquiry.

Gualan

District Commissioner,
Jerusalem District.

(36)

K/121/31.

29 April, 1932.

Sir,

I am directed to acknowledge the receipt of your letter of the 28th February, 1932 requesting that the District Authorities at Hebron be instructed not to issue licences to quarry or to cut wood or lime kiln licences in the village of Taffouh without first obtaining the consent of the mutawallis, and to inform you that I have nothing to add to the reply sent to you by the Acting Director of Agriculture and Forests on this matter.

I am,
Sir,
Your obedient servant,

(Sgd.) RUHI ABDULHADI

for CHIEF SECRETARY.

Mohd. Hassan Budeiri
Advocate
P.O.B. 263,
Jerusalem.

Drafted by Ruhi Bey
Draft approved by "
Fair copy typed by O.D.

ك/١٢١/٣١

٩ نيسان سنة ١٩٣٢

حضرة الفاضل الاستاذ محمد حسن افندي البديري المحترم
صندوق البريد رقم ٢٦٣ بالقدس.

جوابا على كتابكم المؤرخ في ٢٨ شباط
سنة ١٩٣٢ الذي تطلبون فيه اصدار تعليمات الى
السلطات الادارية في الخليل تحظر عليها اصدار
رخص للتحجير وقطع الاحطاب ولاتاتين الكلس في قرية
تفوح قبل الحصول على موافقة الشوليين اوعز الى
ان اعلمكم بانه ليس لدي ما اضيفه الى ما ورد في
الكتاب الذي بعثه اليكم وكيل مدير الزراعة والغابات
في هذا الشأن

واقبلوا فائق الاحترام

(Sgd.) RUHI ABDULHADI

عن السكرتير العام.

ALL COMMUNICATIONS TO BE ADDRESSED TO
DIRECTOR OF AGRICULTURE
AND FORESTS.
JERUSALEM.

In your reply please quote
No. Agr. F/7/22/1-428

Telephone :- No. 622, JERUSALEM.

DEPARTMENT OF AGRICULTURE,
FORESTS & FISHERIES,
AMERICAN COLONY,
JERUSALEM.

K/121/31

33

16th April, 1932.

Subject :- Waqf El Sahib Tamimi Hebron.

Reference :- Your K/121/31 dated 15.3.32.

28

CHIEF SECRETARY.

Mohammad Hassan Budeiri addressed this Department in the same connection in August, 1931. He was advised that six forest licences to collect natch, (a small wild plant), for the purpose of burning lime, had been issued to inhabitants of the Taffouh village whose applications were endorsed by the Mukhtar. He was requested at the same time to furnish documentary evidence with regard to ownership of half the village lands claimed by the "Al Sahib Waqf".

2. No reply was received from him. Meanwhile no forest licences have been issued in the Taffouh village, though it is possible the District Officer has issued quarry licences, which do not concern this Department there being no forest reserve within the boundaries of the village.

3. I have had occasion to point out on other papers that complications of this kind will continue to arise so long as Land Settlement is not applied to hill villages and forest lands.

4. I suggest that applicant be again requested to furnish evidence of ownership with, if possible, a plan of the property stated to belong to the Waqf.

H. Lunn.

ACTING DIRECTOR OF AGRICULTURE
AND FORESTS.

MS.

(26)

Hassan Budeiri
Advocate,
Jerusalem.

28th February, 1932.

Chief Secretary,

(10)

In my letter of the 4th August 1931, I requested that the District Authorities at Hebron be instructed not to issue licences to quarry or to cut wood or lime kiln licences in the village of Taffouh without first obtaining the consent of the mutawallis. It has been established that more than half of this village belongs to "Al Saheb Waqf". It is submitted that a co-owner cannot make use of any property which he owns with another owner without first obtaining the consent of his partner. The village of Taffouh is not divided and is held in common between Government and the Waqf. Any independent action on the part of any of the two co-owners is likely to do detriment to the other.

In view therefore of the necessity for protecting the interest of the Waqf, I shall be glad if the Forest Officers of the Department of Agriculture may be instructed not to act independently in the issue of kiln or quarry licences and similar licences and to draw their attention to the necessity of obtaining the written consent of the Muttawallis before such licences are issued.

I shall also be glad if I may be informed of any action taken in the matter.

I have etc.

(Sgd) Mohd. Hassan Budeiri
Attorney for al Saheb Waqf.

Hassan Budeiri
Advocate
Jerusalem
28th Feb. 1932.

C.S.

In my letter of the 4th August 1931, I requested that the District authorities at Hebron be instructed not to issue licences to quarry or to cut wood or lime kiln licences ~~with~~ in the village of Taffouh without first obtaining the consent of the mutawallis. It has been established that more than half of this village belongs to "Al Sabet Waqf". It is submitted that a coowner cannot make use of any property ~~that~~ which he owns with another owner without first obtaining the consent of his partner. The village of Taffouh is not divided & is held in

common between Govt & the Waqf. Any independent action on the part of any of the two co-owners is likely to do detriment to the other. I

In view therefore of the necessity for protecting the interest of the Waqf, I shall be glad if the Forest ~~section~~ Officers of the Dept of Agriculture may be instructed not to act independently in the issue of similar or quarry licences or ~~other licences to quarry or to cut wood etc~~ and to draw their attention to the necessity of obtaining the written consent of the Muttawalli's before such licences are issued.

I shall also be glad if I may be informed of any action taken in the matter.

Yours etc.

Khan Bahadur Hassan Bucheer
Attorney for Al Saheb Waqf

M. H. Boudeyri
ADVOCATE
P. O. B. 263. Teleph. 299.

المحامي
محمد حسن البديري
صندوق البريد: ٢٦٣ رقم التلفون: ٢٩٩

سعادة السكرتير العام المحترم

بتاريخ ٤/ ٨/ ١٩٣١ · كنت رجوت سعادتكم امر ادارة الخليل بعدم اعطاء رخص اللتاتين والتحجير والتحطيب في قرية تفوح دون رأى وموافقة المتولين ·

حيث ثبت ان اكثر من نصف هذه القريه هي وقف الصاحب وبما انه لايجوز للشريك التصرف بحصة شريكه دون اخذ رأيه وموافقته

وبما ان القريه لم تكن مقسومة بين الحكومة والوقف

وكل تصرف من احد الشريكين مستقلا يضر بالشريك الآخر

وبما ان هذه الحصه وقف

وبما ان منافع الوقف مضمونه

ارجو التكرم بتبليغ ادارة الاحراش عدم العمل مستقلا بتفويض رخص ما لعمل اللتاتين والتحجير وغير ذلك · قبل اخذ موافقة المتولين كتابة والتفضل بتبليغي ذلك

مع قبول فائق احترامي · ٢٨/ ٢/ ١٩٣٢

محمد البديري
وكيل متولي الوقف الذكور

Hassan Budeiri
Advocate,
Jerusalem.

3rd March, 1932.

Chief Secretary,

The judgment given by the Land Court of Jerusalem in respect of Al Saheb Waqf includes the whole village of Taffouh. The boundaries of this village as stated in the "Tamliknamah" are as follows:

South: Mahamdeh Garden, Deir Baha and Loza village.

East : Deir Baha and Majd al Fsail

North: Majd al Fsail and Hatman village

West : Mahamdeh Garden, Hatman village and Jannet Far'aa.

Many of the lands included within these boundaries were assessed for the purposes of tithes by the Mukhtars of the village and the Government Estimator. In the year 1924 the tithes in respect of the summer crops were 28138 kilos of grapes, 2386 kilos of figs, 65 kilos of tomatoes and 12 kilos of pomegranate. The sub-Accountant, however, has not paid to the Mutawallis of the waqf their share in these crops although they were the produce of the lands of the village.

I shall therefore be glad if instructions may be issued for payment of the share of the waqf in these products on the basis of thirteen shares plus four fifths of a share plus a half of one fifth out of twenty four shares.

I have etc.
(Sgd) Mohd. Hassan Budeiri
Attorney for the Mutawallis of the Waqf.

M. H. Boudeyri
ADVOCATE
P. O. B. 263. Teleph. 299.

المحامي
محمد حسن البديري
صندوق البريد: ٢٦٣ رقم التلفون: ٢٩٩

سعادة السكرتير العام بالقدس المحترم

بما ان حكم محكمة الاراضي بخصوص حصة الصاحب في قرية تفوح يشمل عموم القريه المذكوره .
وبما ان حدود هذه القريه كما هي التمليكنامه هي قبلة بستان المحامده ودير بحا وقرية لوزا وشرقا دير بحا ومجد الفصيل شمالا مجد الفصيل وقرية الحطمان وغربا بستان المحامده وقرية الحطمان وجنة فرعا .
وبما ان اراضي كثيره داخله ضمن هذه الحدود جرى تخمينها من قبل مختاري القريه ومخمن الحكومه فبلغت الحصه العشريه للصيفي عن سنة ١٩٢٤ ٢٨١٣٨ كيلوعنب و ٢٣٨٦ كيلو تين و ٦٥ كيلو بندوره و ١٢ كيلو رمان
وحيث ان دائرة الماليه لم تحاسب متولي الوقف عن هذه الحاصلات مع انها من ضمن اراضي القريه المذكورة
فلي الشرف ان ارجو سعادتكم اعطاء الأمر لاجراء محسوب واردات هذه الاراضي ودفع مايخص الوقف بأعتبار حصة ١٣ قيراط و ٤ اخماس ونصف خمس القيراط
والتفضل بقبول فائق الاحترام . ٣/ ٣/ ١٩٣٢

وكيل متولي وقف الصاحب

Hassan Budeiri,
Advocate,
Jerusalem.

28th February, 1932.

Chief Secretary,

I have the honour to refer to our previous correspondence on the subject of "Al Saheb Waqf" in Taffouh village, Hebron sub-District (No. K/121/31) and to draw your attention to the fact that the judgment of the Land Court of Jerusalem provides for the payment to "Al Saheb" Waqf of thirteen shares plus four fifths of a share plus a half of one fifth out of twenty four shares from the tithes of the village of Taffouh together with costs and advocate's fees of £P.7. I am informed however that the Sub-Accountant of Hebron has paid to the Mutawallis thirteen shares plus four fifths of a share but declined to pay "the one half of one fifth", and costs and advocate's fees as provided in the judgment of the Court. In addition, the Sub-Accountant has deducted from the sum due to the Mutawallis a sum of £P.89.37 mils representing excesses in payments made to them in previous years. The Mutawallis were not given a statement of account of previous payments, and it is submitted, nevertheless, that the deduction of this sum on behalf of the Treasury is detrimental to the interests of the waqf expecially since the account between the Administration and

the/

the Waqf has been closed. If therefore the Government has any claim against the Waqf in respect of previous years the matter should be referred to the competent Court.

In these circumstances, I shall be glad if you will cause the sum deducted to be paid to the Mutawallis together with the one half of the one fifth, the advocate's fees of £P.7 and the costs amounting to (amount not stated ?).

I have etc.

(Sgd) Mohd. Hassan Budeiri
Attorney for al Saheb Waqf.

M. H. Boudeyri
ADVOCATE
P. O. B. 263. Teleph. 299.

المحامي
محمد حسن البديري
صندوق البريد: ٢٦٣ رقم التلفون: ٢٩٩

سعادة السكرتير العام المحترم

بالأشارة للمخابرة الجاريه بخصوص وقف الصاحب في قرية تفوح من اعمال الخليل تحت رقم K/١٢١/٩٣١

لي الشرف ان الفت انظار سعادتكم الى ان الحكم المعطى من محكمة اراضي القدس · يتضمن الحكم بحصة اولاد الصاحب بنسبة ثلاثة عشر قيراط واربعة اخماس القيراط ونصف خمس القيراط من اصل اربعة وعشرون قيراطا والمصاريف التي دفعها المدعي (متولين الوقف) وسبعة جنيهات اتعاب محاماه ·

غير ان مالية الخليل لم تدفع للمتولين الا بنسبة ثلاثة عشر قيراط واربعة اخماس القيراط فقط · ولم تجر محسوب النصف خمس قيراط كما انها لم تدفع المصاريف واتعاب المحاماه المذكورة · وعدى عن ذلك فأن ادارة الماليه قد حسبت مبلغ ٨٩ ليرا و ٣٧ ملا بأعتبار هذا المبلغ زائد عن المدفوعات للمتولين في السنين السابقه ·

وبما ان الحساب السابق لم يبين للمذكورين

وان ادخال هذا المبلغ بحساب الخزينه فيما يضر بالوقف خصوصا وقد سبق وانتهى الحساب بين الوقف والاداره ولا يجوز الرجوع عنه الا بحكم من محكمة ذات صلاحيه وهذا لم تلجئ الحكومة اليه ·

لذلك ارجو امركم بدفع المبلغ المذكور واجراء محسوب النصف خمس قيراط حتى اليوم والأمر بصرف السبعة جنيهات اتعاب المحاماه والمصاريف البالغه

واقبلوا فائق الاحترام · ٢٨/٢/١٩٣٢

محمد البديري
وكيل متولي الوقف المذكور

(22)

No. K/121/31.

14th September, 1931.

Sir,

(10)

I am directed to acknowledge the receipt of your letter of the 4th August, 1931, on the subject of the funds belonging to al Saheb family of Taffouh village and to inform you that the matter is receiving attention.

I am,

Sir,

Your obedient servant,

(Sgd.) RUHI ABDULHADI

for ACTING CHIEF SECRETARY.

Mohd. Hassan Eff al Budeiri,
Advocate,
P.O. Box 263,
Jerusalem.

Drafted / ~~Dictated~~ by Ruhi Bey
Draft approved by Ruhi Bey
Fair copy typed by V. K

(21)a

DRAFT

Letter / ~~Telegram~~ to Mohs. Hassan Y. el Budeiri
advocate
P.O.B. 263
Jerusalem.

Sir

I am directed to acknowledge the receipt of your letter of the 4th August 1921 on the subject of the funds belonging to el Nabeh family of Naffouh Village and to inform you that the matter is receiving attention.

I am Sir
Your obedt servt

C. S. O. 41.

(20)

K/121/31.

3rd September, 1931.

Treasurer.

Subject: Waqf El Sahib Tamimi, Hebron.

(1a)

(2a)

I am directed to forward herewith a copy of a judgment given by the Land Court, Jerusalem, in the case of Waqf El Sahib Tamimi, Hebron, together with a Warrant under His Excellency's hand, authorising you to pay to the Plaintiff, Joudeh El Sahib el Tamimi, the amount awarded to him by the said Land Court.

(Sgd.) RUHI ABDULHADI

for ACTING CHIEF SECRETARY.

(20a)

TO: The Treasurer,
Government of Palestine.

WARRANT

In pursuance of the power vested in me by Section 6 of the Crown Actions Ordinance, 1926, I hereby authorise you to pay to the Plaintiff, Joudeh El Sahib el Tamimi, the amount awarded to him by the Land Court, Jerusalem, by the judgment given in his favour on the 23rd day of April, 1931, in an action in the said Court (No.1/29 H) in which the Attorney-General on behalf of the Government of Palestine was the defendant.

Given under my hand this 31st day of August, 1931.

(Sgd) J. R. CHANCELLOR

HIGH COMMISSIONER.

Drafted) by Mr Drayton
~~Dictated~~)
Draft approved by.....
Fair copy typed by G. Thoma.

DRAFT

(19)a

Letter / ~~Telegram~~ to Treasurer.

J.

Copy of (1)a

W. in Orp.

Subject: Waqf el Sahib Tamimi, Hebron

I am directed to forward herewith a Copy of a Judgment given by the Land Court, Jerusalem, in the case of Waqf el Sahib Tamimi, Hebron, together with a Warrant under H.E. hand, authorising you to pay to the Plaintiff, Jowdeh el Sahib el Tamimi the amount awarded to him by the ~~above mentioned~~ said Land Court.

J. C.

C. S. O. 41.

To the Treasurer, Government of Palestine

In pursuance of the power vested in me by section 6 of the Crown Actions Ordinance, 1926, I hereby authorise you to pay to the Plaintiff, Jordeh el Salib el Tamimi, the amount awarded to him by the Land Court, Jerusalem by the judgment given in his favour on the 23rd day of April 1931 in an action in the said Court (No 1/29 H) in which the Attorney General on behalf of the Government of Palestine was the defendant.

Given under my hand this day of 1931.

High Commissioner.

(10)

H.H. Boudeyri

Advocate.

4th August, 1931.

K/86/31 K/121/31

Chief Secretary,
Government Offices,
Jerusalem.

(10)

On a previous occasion I have written to you with regard to the funds belonging to Al Saheb family of Taffouh village, which were collected and retained by Government pending a decision is made in the case which was brought before the Land Court. The Court has given judgment that al Saheb family should have free disposal of their shares in the said village. This judgment was served on the Attorney General, who represented the Government in this ~~connection~~ action.

I have requested:

1. that an order be issued for payment of the arrears now kept at the Sub-Accountant's office at Hebron, to the persons entitled thereto or to their legal representative;

2. that a Circular be issued to all Departments concerned calling upon them not to interfere with these shares.

Notwithstanding the judgment of the Land Court, the District Officer of Hebron, continues to deal with the properties in Taffouh village as before.

It may be observed in this connection that the Administration until last year never issued a licence for a lime kiln without obtaining the consent of the Mutawalli, but during this year three licences were issued by the Forest Officer to Yehia Attia,

Mohd./

(2)

Mohd. Hussein Hassa and Suleiman Abdul Jewad of Taffouh village without obtaining the consent of the Mutawalli. You will agree that such action on the part of the Government is inconsistent with the terms of the judgment of the Land Court, and is prejudicial to the beneficiaries of the Waqf.

In the circumstances, I repeat my representations that an order for payment of the arrears be given and that all the Departments concerned be instructed not to interfere with the Waqf property.

I have etc.

(Sgd) Mohd. Hassan Boudeyri,

Attorney for Al Saheb

Waqf.

M. H. Boudeyri
ADVOCATE
P. O. B. 26[illegible] Teleph. 299.

المحامي
محمد حسين البديري
صندوق البريد: ٢٦٣ رقم التلفون: ٢٩٩

(٩)

سعادة السكرتير العام المحترم ·

سبق واعرضت لسعادتكم بخصوص مطلوبات عائلة الصاحي في قرية تفوح التي حصلتها الحكومه وابقتها لديها حتى نتيجة دعوى محكمة الاراضي ·

وحيث انتهت القضيه بالحكم بعدم معارضة الصاحب في حصصهم المعلومه في القريه المذكوره وتبلغ الحكم الى النيابه التي كانت تمثل الحكومه في القضيه المذكوره امام المحكمه .

رجوت من سعادتكم +

اولا — اعطائكم الامر بتسليم المبلغ المتراكم في صندوق مالية الخليل الى اصحابه او احد وكلائهما

ثانيا — تبليغ الدوائر عدم التعرض لهذه الحصص ·

ولكن حتى الآن وقد مضت مدة كبيره على الحكم ورغما عن مراجعاتنا وحاجة اصحاب الحصص المذكوره الماسه لم تسلم المبالغ المذكوره اليهم ·

وعدا عن ذلك فان الاداره في الخليل لم تزل تستغل في قرية تفوح استغلالا تاما مع ثبوت الحكم المار الذكر ·

وحيث فان الاداره رغما عن انها حتى السنه الماضيه لم تكن تعطي رخصا في عمل اللتاتين للشيد دون استحصال موافقة المتولي · فان ادارة الاحراش في هذه السنه لقد اعطت دون موافقة المذكورين رخصا ثلاث لكل من يحيى العطيات وشركا ، ومحمد حسين حسان وشركاه وسليمان عبد الجواد وشركاه جميعهم من اهالي تفوح ·

وحيث هذا يناقض الحكم المذكور ويزيد في ضرر اصحاب الوقف ·

فان لي الشرف ان اكرر رجائي بالتفضل باعطاء الامر لسرعة تسليم المبلغ المتراكم لاصحابه وتبليغ الدوائر بعدم التصرف بحصص الوقف فيما بعد

راجيا قبول احتراماتي واجلالي

٤/ ٨/ ٣١

مصطفى [illegible]
[illegible] الوقف [illegible]

Tu[illegible] LEGALITY. JERUSALEM.

Reference AG. 33/18.

K. (1)

GOVERNMENT OF PALESTINE,
ATTORNEY GENERAL'S OFFICE,
JERUSALEM.

GOVERNMENT OF PALESTINE
CHIEF SECRETARY'S OFFICE
REGISTRY
27 JUN. 1931
No. K/21/31

26th June, 1931.

Chief Secretary.

Subject : Wakf El Sahib Tamimi, Hebron.

Reference : Your file No. 12823/28.

I enclose a copy of the judgment given by the Land Court in this case. There are in my view no grounds for appeal.

2. I therefore send you the judgment so that action may be taken under Section 6 of the Crown Actions Ordinance 1926.

for Acting Attorney-General.

IN THE LAND COURT OF JERUSALEM.

Land case No.1/29 H.

Plaintiff:- Joudeh el Sahib el Tamimi in his capacity as trustee of Wakf el Sahib, Hebron.

Defendant:- Attorney General to the Palestine Government.

Judgment.

Plaintiff represents a family which claims to own 13 + 4/5 plus 1/10th shares out of 24 shares of the land of Taffuh village. He states that these shares constitute a Wakf known as the Wakf el Sahib. In 850 Hegira, an ancestor of the family was given the shares in suit as his Mulk property in virtue of a Tamliknamah, which appears to have been issued with the authority of the then Head of the State. The document has been produced by the plaintiff who received it from his father. It appears that it has been in possession of the family since it was first granted. It has therefore been produced from proper custody It has every appearance of great antiquity. The Court concludes that it may be accepted as a genuine document and as proof of the transfer to which it relates.

2. Although the Tamliknamah is, as its name implies, a grant of Mulk ownership, it is the case of both parties to the present suit that the plaintiff and his forbears have elected to benefit by it as if it represented nothing more than a right to share in the tithe collection in the proportions indicated by its contents. Quite recently Government which had hitherto been paying to the plaintiff the proportion of the tithe indicated, ceased to do so in order to compel him to prove the exact nature of the rights held by him. Hence this case.

3. It appears, and it is alleged by the plaintiff, that the Mulk ownership conferred by the document of 850 was at a subsequent, but ancient, date, converted into a Wakf for the benefit of the family Plaintiff is now unable to produce the Wakfieh or any other direct proof of the dedication. This inability is not however important to case in hand, because, so far as the Government is concerned, its rights as against the plaintiff are the same whether the latter holds as th

ch Mutawalli of a Wakf or as an outright Mulk owner. In refusing to continue to give the plaintiff his share of the tithe collections, Government stated (vide Exhibit) that, although the property is entered in the Tabou as Wakf, the existence of this entry does not suffice to prove that he is entitled to share in the tithe. Whether this allegation may be taken as an admission that the shares in suit have been made Wakf or not, is, as we have already stated, not important to the case in hand, as the existence or otherwise of a dedication makes no difference to the rights of the Goverment, if we assume, as we must, that the document of 850 represents a valid transfer of Mulk ownership. It is indeed difficult to say why Government has not been content to continue paying a share of the tithe; since this payment represents a less valuable interest than that of Mulk ownership. In other words Government has, up to the present and with the consent of the plaintiff's family, treated the shares in suit as if they represented nothing more that a Wakf Mazbout, which conferred merely a right to a share in the tithe.

4 In this case however the plaintiff asks for no more than the continuance of the custom of payment to him, as if he had no other claim on the land than that of sharing in the tithe.

5 Had he claimed full Mulk rights on the basis of the document of 850, he would have compelled the Court to consider how the recognition of those rights is compatible with a claim by Government to collect the whole of the tithe on the plaintiff's undivided shares in the land of Taffuh. It is clear that under the document of 850 the plaintiff has a Mulk right to certain shares in each plot of land in the village, and that Government has a right, to the extent of the balance of the shares, to the Rakabeh of that balance considered as Miri. Hence in any given plot of land the registered cultivator occupies two positions. On the one hand he is the tenant of the Mulk owner (the plaintiff) to the extent of his shares. On the other hand he is the Mutasaref of the Government to the extent of the remaining shares. As tenant of the Mulk owner, he is liable to pay rent but not tithe, and is also liable to be ejected at the suit of that owner. As mutasaref he is liable to pay tithe to the Government in respect of the remaining shares., but he is not liable to be ejected so long as he continues to do so, and to keep the land in cultivation. The situation may be summed up by saying that over a

a portion of the land which is defined only as an undivided share is, under the law of the Mejelle, the tenant at will of the Mulk owner, and in respect of the remaining share he is a Miri cultivator holding from the Government under the Land Code.

6 The only solution of this impossible situation would appear to lie in a partition whereby the lands to be treated a s Mulk, would be wholly separated from those to be treated as Miri. Such a case would not lie within our jurisdiction.

7 This Court is, however, as has already been pointed out, required to do nothing more than to ascertain whether the payment by Government of the share of the plaintiff in Taffuh lands in respect of tithe should or should not be continued. This means that we are not called upon to enter into the difficult question arising from the application of two laws to the same land.

8 Now, confining ourselves to the claim of the plaintiff as it stands, that is to say, to his claim to share in the tithe collections, it is difficult to see on what ground the defendant can contest it. Plaintiff produced the Tamlikamah of 850 which shows that he has a right to Mulk ownership to the extent of the share in suit. He proves, and it is not denied, that he has been recorded at least since 1303 in the Daftar Khakani as holding that interest. In the records of the Daftar el Awkaf his title is recorded as that indicated by a Wakf Sahih (vide Exhibit 14). In the Daftar Khakani of the Tabou in the same year, the same interest is recorded (in the name of the family) as the Mulk property of the family. It is admitted by the Government that the right of plaintiff to a share of the tithe is based on these entries and that it has been recognised at least since 1303, and probably for a much longer period.

9 On the side of the Government no proof has been advanced, to show that the plaintiff is not entitled to the continuance of the payment, other than the production of a Tabou register of quasi-Mulk lands of the village of Taffuh from the Land Registry of Hebron. This register shows that the rights of the plaintiff in the treed lands of the village were not recorded at the Euklamah of 1290.

10 To complete the plaintiff's case we must note that oral evidence of excellent quality has been given which shows:-

That there are plough lands as well as treed lands in the village.

2. That the Turkish authorities burnt a Tabou register relating to the Taffuh lands just before the occupation.

3. That until 1918 and from a period lying beyond the memory of elderly witnesses the plaintiff and his predecessors in interest collected the share of the tithe in suit side by side with the revenue farmers who from time to time bought the right to collect from the Government.

11 There is documentary evidence that the plaintiff's rights have been treated as those corresponding to a Wakf Sahih by the Sharia Courts. Some of it has already been indicated. In addition there is a copy of a document appointing a Mutawalli. As between the plaintiff and the defendant however this evidence is not important as whether the plaintiff's rights are those of Mulk owners or of beneficiaries of a perfect Wakf, the effect is exactly the same.

12 On the side of the defendant the only evidence is documentary and consists solely in the Tabou register of treed lands. This, as already stated, is relied on because the cultivators of those lands are registered on the Miri basis.

13 The effect of this ommission is off-set by the registration in the Daftar Khakani which records the plaintiff's right to the share in suit. The Werko registration may be taken as important corroboration of this document.

14 It is probable that the omission relied on by the defendant is due to the impossibility of recording the same lands as being at one and the same time both Mulk and Miri. This difficulty has been fully explained earlier in the judgment.

15 Finally it should be noted that the omission relied on has been made by the defendant's predecessor in interest, a fact which robs it of a great deal of the value it would have in a case in which Government is not a party.

16 A supplementary argument, or perhaps it would be better described as a suggestion, is that the plaintiff may obtain his rights under the Tamliknamah from some source other than the tithe. No such source is indicated, and the evidence clearly shows that the plaintiff and his predecessors in interest have always realised their interest

interest from the tithe collections.

17 Of this, and indeed of most of the facts elicited in this trial, the defendant might have made himself aware by very brief enquiry before proceeding to the extreme of cutting off the income derived by the persons for whom the plaintiff acts as trustee.

18 The plaintiff has fully proved the existence of the right for which he sues and we give him a decree in declaration of his title to receive thirteen shares plus four-fifths of a share plus a half of one fifth out twenty four from the tithe of the village of Taffuh. The plaintiff will also get his costs and advocate's fee of LP.seven.

Given at Jerusalem this 23rd day of April 1931.

President.

(Sgd). R. C. Tute

Judge.

(امضاء) محمد كامل البديري

عبد الرئيس

ضبط الغة
عبد الله

الرسم موحد بحسب قرار الرئيس المؤرخ

× cf. × on page 2.