WATER AND FARM ESTATES IN THE ARABIC DOCUMENTS OF THE NAŚRID KINGDOM OF GRANADA

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Introduction

The legal regulation of water in Islamic law—ownership, distribution, use, management—stems mainly from the process and works of legal effect (furū'), such as collections of ahkām (sentences), nawāzīl (cases), futūwā (legal pronouncements) and waḍā'iq (notarial deeds or notarial documents). These all bring together the development and application of a few basic principles derived from the Qur'an and the sunna (Prophet's tradition) to a variety of specific situations and cases which may fall outside those general rules.

The Arabic documents of the Naṣrid period bear witness to that process and show: the influence that custom and local practice have on it, and its adaptation to the social circumstances of a given time and place.

This paper deals with water and its legal treatment based primarily on the Arabic Naṣrid documents available in the Fondo Antiguo of the University Library of Granada, most of which remain unpublished, and secondarily on the documents edited and translated by Luis Seco de Lucena, many of which come from the above mentioned collection.

Rural property and real estates are of special relevance since this is the setting in which water occurs most often in documents. This is obvious also considering the importance of farmland in the economy and the society of the time.

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1 This paper is part of the project 'Estudios sobre la Granada nazari a través de las fuentes documentales,' directed by C. Álvarez de Morales and funded by the Ministerio de Ciencia y Tecnología of Spain (BFP2002–02250). I would like to thank Amalia Zomeño (CSIC, Granada) for her help with this paper.
3 See Seco de Lucena 1961. This work has many errors and typographical mistakes, especially in the dates.
The period studied here is the Nasrid kingdom of Granada (thirteenth-fifteenth centuries), in particular the fourth phase (Vidal 2000), namely most of the fifteenth century. There were serious political crises at this time, which had resulted in dynastic murders and which weakened and destabilized the state in the previous two stages (approximately all of the thirteenth century); this in turn influenced land property and its transmission, price, official management, and other aspects, all of which are recorded in the documents studied. This influence cannot be ignored in the study of the evidence found in the documents.

Materials: A document typology

The legal typology or classification of the selected documents contains a wide variety of types. The most frequent one is the certificate of a sale contract (‘aqd bay’a). Inheritance division (qismat tarika/tirka), is also frequent, namely a sealed document which accounts for the distribution of the deceased’s possessions between the rights’ holders following the payment of due amounts, as specified by the legal regulations. The division sometimes included the order that a part of the legacy (from the third allowed for free use by the deceased) become ḥubus (i.e. an inalienable pious foundation for public or family profit, which is not allowed to be sold, the profit of which must always go to the charitable aim decreed by the founder).

Other documents in the collection are qismat mushā‘ (division and ensuing settlement of pro indiviso property), kirā‘/‘aqd kirā‘/‘aqd fār (lease documents), wāṣīya (“last will”), tamattuk/‘aqd tamūk (record of ownership) and mu‘āwada (“exchange”). There are occasional shahādat al-khubarā‘ too, containing specialist reports, among others.

A typology of property and possessions

The most frequent type of farm estate recorded is the faddān, which could be translated as farm “land,” “plot of land” or “estate.” This is a general term for a variable surface which equals approximately the

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4 Viguera 2000.
5 Vidal 2004.
surface that can be ploughed in one day, as *fuddân* originally meant “yoke.” Some scholars estimate its surface as 5024 m², while in countries like Egypt and the Sudan the *fuddân* currently equals 4200 m².\(^6\) Other more generic terms are *maawâr* for “place” or “domain,” and *ard* for “land” or “parcel,” although they do not seem to be always totally equivalent.

The division of these rather large estates, that is, when a smaller parcel of land is separated, results in plots that become independent property and which are called *qatra*, “parcels of land.” These are considered the smallest unit of arable land which forms part of a larger estate. When an estate is divided into plots and sold, the terms *qasîma* or *qur’a*, “plot,” are used, but when it becomes an independent estate itself and is felt as such, the term *qatra*, “parcel of land” is used.

Some specific terms are used along with the generic ones above. They denote a rural estate with particular features, for example, *karm*, a very frequent term which in our corpus of documents may sometimes mean literally “vineyard,” but would certainly include other cultivations too. The term *karm* sometimes seems to mean the same as in Spanish *carmen*, a word to denote specifically a periurban pleasure property consisting of a house and a garden or farm area distinctive to the Naṣrid capital city.\(^7\)

As to the specification of whether an estate had irrigation water or not, the term *saqâr*, “irrigated,” is always used, although the documents seem to prefer the form *saqawi* in a general use which could be considered a Granadan dialectal form of Arabic. This is how it occurs whenever the word occurs vocalized, as in at least two documents (no. 3 and no. 15).\(^8\)

Other rural estates can be found as the object of possession among the various types of land, in particular *bi’r* (“well”), *‘yn* (“water fountain”), *masqa* (“drinking trough”), *sâhrij* (“pond” or “cistern”). Other water-related elements lie near these forms of property, such as *sâqiya* (“irrigation ditch”), *khandaq* (“ravine”), *majrâ* (“drainage ditch”), *majarr* (“torrent” or “seasonal watercourse”) and *wâdî* (“river”).

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\(^8\) For easier references, all the documents will be referred to by their number in Appendix II.
Water as added estate value

Notarial deeds and notarial documents on rural estates (sale, inheritance, division, renting, etc.) must describe and render detailed accounts of the object of the document: the exact location, boundaries, surface, cultivation, features, distribution, soil, etc.

However, the social setting caused many of these details to be left out, especially if they were secondary ones, so only indispensable facts like location, surface and boundaries were recorded. Even so, the most significant indication of the boundaries is not always registered and, more important, neither is the exact location and surface of the estate, the author of the notarial deeds or notary limiting himself to mentioning the municipality where it lies.

It is therefore extremely meaningful that documents never disregard or leave out water availability on an estate. Whenever it is the case, the estate is recorded as irrigation land. This shows the relevance that water had for land and for any related legal acts, so that explicit mention of water availability for irrigation is an indispensable part of the document.

Written record or explicit mention of water availability for the estate occurs in all kinds of documents, regardless of whether they are property sale, inheritance, division,\(^9\) renting or exchange.

In what follows, a number of documents are described showing this for every document typology mentioned and for every estate typology.

Sales certificates (‘aqd bay’)

This is one of the most frequent types of document.

The most common formula used for recording water availability may take two slightly different forms: a) *jami` al-faddān al-saqawī* and b) *jami` qatrat al-faddān al-saqawīyya*. The former could be translated as “the whole of the irrigated estate;” the latter could be “the whole of the irrigated parcel of land of the estate” and, as will be shown below, it occurs in a different type of document with a more logic concordance: *jami` qatrat al-faddān al-saqawī* (“the whole of the parcel of land of the irrigated estate”).

The documents of type ‘a’ are nos. 1, 3, 5, 6, 7, 13, 16, 18, 36 and 47.

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The documents of type 'b' are only nos. 9 and 2. In the last one, the notary revises the document and writes: "I mean, unirrigated" (bal ba’li) in an interlinear space which he adds over the words fâddân saqawî.

Certificates of inheritance division or sealed division documents (qismat tarika/tirka)

Like the sale documents, the formula used in this type of documents for water availability takes the same two forms. The documents containing the former (jami‘ al-fâddân al-saqawî, "the whole of the irrigated estate") are nos. 21, 25, 31, 32 and 48. The second form (jami‘ qaṭrat al-fâddân al-saqawîyya, "the whole of the irrigated parcel of land of the estate") occurs only in no. 32.

Certificates of division and of settlement of pro indiviso property (qismat mushâ‘)

The division and distribution of the land belonging to different owners includes explicit and detailed reference to all the possessions. These kinds of certificates usually contain references to irrigated estates, a common possession in the sphere of rural ownership.

Such is the case of doc. 20 (dated 2 Muḥarram 837/19 August 1433), which contains the certificate of division and settlement of pro indiviso property between two brothers. The pro indiviso property consisted of various estates and livestock, among which are several farm estates of which detail is always provided as to whether they are irrigated or otherwise, as follows:

- jami‘ al-fâddân al-saqawî;
- jami‘ al-mawdî‘ 'ayn al-saqawîyn [sic];
- jami‘ al-mawdî‘ al-saqawî

A similar case occurs in a certificate of judicial confession (i‘tirâf qudâ‘) in which an owner yields half her irrigated estate (fâddân saqawî) pro indiviso with her brother in exchange for the cancellation of a debt with the above mentioned brother (doc. 24).

Last will certificates (wašiya)

As with the division of pro indiviso property, the distribution of property in wills demands a record of all the possessions, and, when farmland is involved, that it be indicated whether the land has water available for irrigation or not.
This information is recorded in these kinds of documents as follows:

- *amlāk saqawīyya* ("irrigated property") in doc. 33, dated 16 Jumādā I 856/4 June 1452;
- *al-māʾ al-maʿālim lahu [...] tasqī minhu* ("the water that belongs to it... with which it [the estate] is irrigated") in the same doc. 33;
- *jamiʿ al-mawwaʿiʿ al-saqawī in the same doc. 33 and with the same date;
- *jamiʿ qaṭrat al-ard al-saqawīyya* ("the whole of the irrigated parcel of land of the estate/of the parcel of land of the irrigated estate") in doc. 34.

*Certificates of record of ownership (tamalluk/ʿaql tamlīk)*

Also known as *siḥḥat tamalluk* ("record of ownership") or *shahādat siḥḥat tamalluk* ("evidence of record of ownership") in technical legal terminology, these kinds of documents contain a common legal process for proving land ownership. The owner can thus prove his right of ownership based on an official certificate and documentary evidence.

Like in others above, water availability or estate classification as irrigated is explicitly recorded in these documents. Again, the formula is *fuddān saqawī*, which occurs in docs. 4, 15 and 46.

*Certificates of exchange (muʿawaḍa)*

While not as frequent as sales, divisions or wills, documents of certificates of exchange are also found in our corpus. They relate to a variety of farmland, ranging from an estate of arable land for whichever cultivation to a vineyard. Whatever it may be, the quality or availability of irrigation is recorded. The following can therefore be found:

- *qaṭra saqawīyya* ("an irrigated parcel of land") from a *karm* ("vineyard" or "carmen") in doc. 11 and
- *fuddān saqawī* in doc. 12.

*Certificates of lease (kirāʾ/ʿaql ʿjār)*

The last type of documents to record irrigated estates are, among others, certificates of lease. If the estate has water, it is explicitly recorded in the certificate by the following two formulae mentioned above:

- *jamiʿ al-fuddān al-saqawī* in doc. 30 and
- *jamiʿ qaṭrat al-fuddān al-saqawī* ("the whole of the parcel of land of the
irrigated estate,” unlike the model cited in 4.1., where the adjective saqawi was used for qatrat) in doc. 17.

Irrigation systems and irrigation rights

The water-land link

Irrigated estate ownership is usually linked to the irrigation water contained in it (as in a well or a fountain) or to any incoming water (from a river, a fountain, a well outside the property). Water is therefore linked to the land in transmission of land, both with and without payment (inheritance, donation), or even in the institution of pious foundations (hubus). The right to irrigation and use of water from fountains, wells, cisterns and other water sources are linked and transmitted with the land. In divisions, the water and the irrigation rights are divided too and are transmitted proportionally to the amount of land of each lot.

While both possessions (land and water) were transmitted together and it was not necessary to make explicit mention that water was transmitted too, the Arabic Naṣrid documents of Granada explicitly point out water transmission and irrigation rights, too. This was necessary, because Islamic law allows a separate treatment of water, that is, water or the irrigation rights of an estate can be sold, rented or yielded separately (without the land).

Thus, in division—as was often the case with inheritances—of an estate with one water source, like a well, fountain, pond, cistern or pool, all the resulting lots hold a right to water use even if the source lies only in one of them. This right was to be safeguarded because, as has been said, irrigation was highly valued and exceptionally influential to the estate value. A fair division therefore had to preserve the irrigation right.

Every lot into which an estate was divided would therefore share the water use for irrigation. Therefore, all the beneficiary parties were obliged towards the maintenance and repair of the water source.

This is distinctly shown in the division certificate recorded in a document of 4 Muḥarram 890/21 January 1485, which is a comparison of the above mentioned certificate of inheritance division (doc. 40). In this division, a vineyard or carmen (karm) on a farmstead at the edge of, or near, Baza (tawq madīnat Basta) is divided into three parts. A pond (or cistern) built on a flat area (rahba), probably a small open front yard in
view of its proximity to the house of the *carmen*, lies in one of them and is used to irrigate the whole estate. Although the pond lies in one of the three parts, the certificate of division explicitly states that the remaining two parties hold rights to benefit from and use it for irrigation, even if they do not have the right to go into the estate where the pond lies unless allowed to do so by the owner. It also states that the maintenance of the pond, whenever it is needed, will fall to all three parties.

A relevant case concerning the buyer of a vineyard in Aynadamar results from a similar division. The sale certificate states that the buyer also acquires a gallery leading to a well lying in the neighbouring vineyard. This vineyard's owner can use water only for irrigation, while the buyer can use water for whatever he decides besides irrigation (doc. 35, dated 2 Dhū 'l-qa‘dā 880/27 February 1476).

A document of 30 ("the last days of") Jumādā I 896/10 April 1491 regarding the sale of a plot of land of a famous vegetable garden owned by the sultan (known as "Iṣām’s orchard") also states that the sale includes the amount of irrigation water that belongs to him both by day and by night (doc. 42).

Whenever a plot of land was instituted as *hubus* ("inalienable pious foundation"), the water belonging to the transmitted plot of land had to be specified too. Water therefore also became an inalienable pious foundation forever.

Confirmation of this legal treatment can be found in a document (no. 33) containing a will of 16 Jumādā I 856/4 June 1452 in which the testator reserved, out of the third part for free disposition of his inheritance, a number of the irrigation estates lying in the village of Belicena (Balīsānā) for institution as *hubus* along with their corresponding irrigation water, and all the above to the benefit of the fortress of Archidona.

This document gives an accurate account of the amount of water and the irrigation rights, as well as of the water source, division method and surplus water: "This is the water from the village of Belicena, in particular one fourth of the total water amount of the village, which is to be used in turns all day on Tuesdays and all night on Wednesdays, every week, in summer and autumn, whenever the land needs irrigation." The surplus water quota is used for irrigation of the remaining testator’s estate in the farm.

Some rental agreements for irrigated land similarly demand that the link between land and water be kept. A document on renting an
estate includes the condition that the tenant use the estate’s water on the rented estate (doc. 30). With water being of such a high value, this was intended to prevent the tenant from diverting or using the water for other property or for sale or temporary yield to a third party.

Land and water dissociated: Land sale without its water and water exchange

As mentioned above, Islamic law also allowed water to be sold separately from land.

Although this is not very frequent, the documents contain one case in which this situation is stated explicitly. It is the agreement by which Abū Ja’far b. Saʿīd al-Ashkar sells Abū Iṣḥāq Ibrāhīm b. ‘Alī b. Najm an irrigated estate “without the right to irrigation” (faddān saquṭ min dīn sharb) (doc. 7).

A less extreme case is the one of an estate sold retaining only some water. One document contains a vineyard sale in which the owner sells half the fountain water—the fountain lying in the sold estate—and retains the other half for a different estate, and retains all the Friday night water for her other estate, from the ʿaṣr (“afternoon”) to Saturday’s sunrise (doc. 50).

Also relevant here is the case of water (irrigation quota) sold or exchanged without any accompanying land. This case occurs in an exchange agreement by which water quotas of Acequia Gorda (al-Saqiyya al-Kubra) owned by two people for different days (Thursday and Friday) are exchanged (doc. 41).

Wells and their ḥarīm

A relevant issue concerning water sources, especially in the case of wells (but also of channels and fountains) is that of the ḥarīm, the reserved part, or part for preferential use, which covers the surrounding area of a well or water source; this area belongs to the well owner and is for their exclusive use, while new wells cannot be excavated there which might damage the amount or quality of the water of the older well.

Among the documents studied, a shahādat al-khubārāʿ, an expert report (doc. 38) stands out, in which qualified witnesses (ahl al-baṣar wa-ʾl-maʿrifā) go to a vineyard or carmen (karm) owned by Muḥammad al-Ṣanāʿ, whose well lies in an adjoining, higher vineyard. The owner of the latter, al-Baṣṭ, only holds irrigation rights with regard to the well (that is, he is
not the owner or holds right for other uses), but has dug up a gallery
for water collection and deepened the well, so the water does not reach
the first gallery and the lower vineyard is left without water supply. The
experts state that the owner of the latter vineyard, al-Baṣṭī, must fill the
well which he deepened, and leave it as it was originally.

This document shows the possibility of selling water and land sepa-
rately, as mentioned above, because the well lies in a different estate.

By a most interesting and exceptional chance, a later document is
preserved in which the above parties raise a similar issue which might
result from the one described above. Barely four years after the for-
mer document, the owner of the first vineyard, Muḥammad al-Ṣanāʾ,
requested and bought from al-Baṣṭī a piece of land for digging a gallery
in order to collect more water on the lower part of his well, below al-
Baṣṭī’s *carmen* (doc. 39).

**Obligations**

As to the *harīm* and due obligations, it is also worth mentioning the
independence of water elements for land transmission, if the estate
where they lie does not hold the property right of the water element in
question.

This holds true in the documents studied here, as in the case of a
certificate of exchange of two estates (doc. 8). The exchange agreement
(*muʿāwada*) is between a Muslim, called Aḥmad b. Muḥammad Ḥaja
and a Christian by the name of Pedro de Andújar. They exchange a
vineyard or young vineyard (*ghars*)\(^{10}\) owned by the Christian for an estate
(*faddān*) owned by the Muslim in which a drinking trough (*masqā*) lies
which belongs to a third person called al-Ghāzī. The Christian, who
receives the estate, is aware of the existence of the trough and accepts
the obligations (*wa-qad ʿalīma al-nasrānī anna ʿalayhi masqā li-ʾl-Ghāzī*). The
notary must record the fact that the new estate owner is aware of the
existence of the trough and accepts it, because unawareness of this obli-
gation before the transaction could qualify as a redhibitory defect (i.e.
sufficient reason to nullify the exchange).

\(^{10}\) In this case *ghars* meaning vineyard, according to Corriente 1988: 195; Pezzi 1989:
657; Corriente 1997: 376.
Pious foundations (ḥubus) for the benefit of wells, fountains and other water sources

The importance of fountains and wells in Arab-Islamic civilization turned these elements into highly valued public institutions for the general benefit. They were therefore the object of donations and pious foundations for their maintenance. The documents studied thus show that some wills order that a part of the possessions be contributed for the institution of a pious foundation for the benefit of a well. This is the case of an irrigated plot of land in an estate (jamī‘ qaṭrat al-ārd al-saqawiyya), which is founded as ḥubus for the benefit of a rābi‘ta (“small hermitage”) of the village of Belicena and of the neighbouring well (doc. 34).

Water as boundary: property delimited by water elements

Another water-related issue which occurs frequently in documents is the use of water elements as delimitation and boundaries for an estate which is the object of notarial deeds. Water elements are unequivocal, appropriate references for setting the limits in relation to the four cardinal points. This holds for a variety of elements, the most frequent of which is the sāqiyya (“irrigation ditch”), others being manba‘ (“waterspring”), khandaq (“ravine”), majrā (“drainage ditch”), masqā (“drinking trough”) or wādī (“river”). As a rule, they delimit an irrigated estate (faddān saqawī), but they occur as the boundaries of unirrigated estates, vineyards, or of a parcel of an estate or vineyard, too. As mentioned above, the most frequent element is al-sāqiyya, the irrigation ditch, which is used as a reference for a variety of estates, usually irrigated ones (faddān saqawī) in documents 4, 6, 13, 18, 46 and 47.

The sāqiyya (“irrigation ditch”) is used for delimiting a different type of property too, like:

- an irrigated plot of land (qaṭrat al-faddān saqawīyya) in doc. 9
- a portion of land (qur‘a) in doc. 43
- a vineyard or carmen (karm) in doc. 32

It is also used for delimiting two irrigated estates (al-faddānayn al-saqawiy-yawm) in doc. 48 and, curiously, it can even delimit an unirrigated estate recorded just as faddān11 as in the docs. 28, 29 and 37.

11 While it is not explicitly referred to as unirrigated, it is assumed to be so, because
Besides irrigation ditches, other water elements serving as boundaries are:

- *al-manba*, “the waterspring,” delimits a *faddān saqawī* in doc. 32.
- *al-khandaq*, “the ravine,” delimits an irrigated *faddān* (the certificate marks it as irrigated at the beginning) in doc. 33, but also an unirrigated *faddān* in doc. 32.
- *al-majrā*, “the drainage ditch,” delimits a vineyard (*karm*) in doc. 32.
- *Masqā*, “drinking trough,” delimits a parcel of land of a vineyard (*qatrat al-karm*) as in doc. 32. It also delimits an estate (apparently, an unirrigated one, *faddān*) as in doc. 28.
- *al-wāḍī*, “the river,” delimits a *faddān saqawī* in doc. 16. It also delimits an estate (apparently, an unirrigated one, *faddān*) in doc. 28.
- *wāḍī Bīnatar*, “river Binatar,” delimits a *faddān* as in doc. 49.

Although rather peripheral to this paper, it is finally worth mentioning for comparison that water in towns was a determining factor for urban planning and was used as a boundary, too. Thus, a house (*jamī‘ al-dār*) is delimited on the east by the channel (*sharqi-hā al-q.na‘, sīc for qanda‘, or qinā‘ “the channels”) in a document for inheritance division (no. 32). An exchange document also identifies one of the parties, the Christian Pedro de Andújar, as living near a bath (*hammām*) (no. 8). Several sales agreements for houses and vegetable gardens (*janna*) delimit the property by a bath and an irrigation ditch (doc. 44).

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Irrigated estates are always recorded as having water availability. By contrast, the qualification of not being irrigated occurs only sometimes, as in doc. 23. Common practice does not specify water unavailability or unirrigated land, as in doc. 27. This is so even if the boundaries comprehend water elements, like a *masqā* or drinking trough for animals, and an irrigation ditch or a river, which apparently do not irrigate the property in question (doc. 28). Clear evidence if this is the occurrence of estates recorded as irrigated, and others left unspecified in one and the same document. The latter must no doubt lack water availability and be unirrigated, as was most of the farming property (doc. 31). By contrast, *karm* (“vineyard” or “carmen”) is left unspecified as to availability of water irrigation, even if the water rights and facilities are usually recorded (doc. 35).

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Water-related toponyms

Just as water elements are used for estate delimitation, they are also used for naming the areas.

Thus, we can find:

- Manhal Nublu(h), “watering place of the cloud” in doc. 32 (occurring in other sources as Qaryat Nublulh and Dār Nublulh);
- al-Khandaq al-Kabīr, “the great ravine” in doc. 33;
- al-Khandaq al-‘Amīq, “the deep ravine” in doc. 32;
- Khandaq al-Shajara, “ravine of the figtree” in doc. 20;
- Khandaq al-Ghadīr, “ravine of the pond” in doc. 26;
- al-Wādi al-Maliḥ, “river Maliḥ” in doc. 22;
- Wādī Ashkarūja, “river Asquerosa” in doc. 28;
- ‘Ayn al-Dam’, “fountain of the tears” or Aynadamar as it occurs in docs. 10, 14 and 19.

Conclusions

Since this paper is based on a limited number of documents, its conclusions are necessarily partial and provisional until the remaining documents in other collections are studied too, for example those in the collection of the cathedral, of the municipal archive of Granada\(^{13}\) or other sources translated from Arabic into Romance Spanish, like the one on water lawsuits.\(^{14}\) However, several conclusions can be listed based on the evidence of the treatment and occurrence of water in the documents studied thus far.

First, the occurrence of water in the corpus of Arabic Naṣrid documents selected shows the process of the application of Islamic law and its adaptation to the society and economy in which they were produced, namely the Naṣrid kingdom of Granada.

Additionally, the cases recorded in the documents on lawsuits over water management, irrigation rights, water linked to land, farming facilities or ownership, and property transmission all reveal a crucial fact: the function of documents as a system for establishing and controlling water rights. Further, water appears as a regulating element for property itself, land use and land value.

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\(^{13}\) Molina 1993; Molina & Jiménez 2004.

\(^{14}\) Álvarez de Morales 2001.
Water also has a considerable influence on: 1) property transmission with payment (sale, exchange) or without (inheritance, donation), 2) property division and 3) property leasing.

While water and property are usually linked in estate sales and transmissions, water is so important in itself that it becomes independent of the land which it irrigates. Thus, there are wells, troughs or collecting galleries, the ownership of which can be retained even if they lie in other people's estates who, in turn, are not allowed to use the water and are subject to the due obligations.

Appendix I

This appendix is the edition and translation of an unpublished Arabic document kept in the Fondo Antiguo of the University Library of Granada. The Arabic text is on the obverse, and the quotation '32. Luque' is overleaf. This is on the obverse in many other Arabic Nasrid documents of the fifteenth century along with two modern catalogue notation figures, probably by L. Seco de Lucena.

Concerning their documentary typography and contents, it is a certificate of ownership certifying the Christian Ighrāsiya Hirnandis' (Gracia Hernández) ownership of an irrigated estate which she bought from the Muslim Mufarrij.

It is probably just one case of many after Granada was taken by the Christians in 1492 in which Muslims sold their property to the Christians before migrating. The new Christian owners then supplied evidence of their ownership in fear of, or due to, property lawsuits, and turned to Muslim notaries for the notarial certificates required by Islamic law, of which this document is an example.

الحمد لله
ممن يعلم صحة تملك الفنادق السكنى الكائن بتميل إرملة خارج غرناطة قبليه الحطاب وجوهية إبر الفتح وشرقيه اجناس وغربىه ساقية بحقوقه وورمه وكافه منافعه ومراهقه للنصرانية إغراسيه هرناندز وإنه صار لها بالشراء الصحيح على يدي زوجها ١٥ النصراني غنالله ذي قرطبة من الحاج مفخر معفن الحاج النووي يعلم ذلك شهاده سمة استعماله ذي علم ما ذكر قيد على ذلك شهادته في التاسع والعشرين لشهر ربيع الآخر عام سعفالة
(توقيعات غير مقرورة)

Translation

Allah be praised.

Those who know the legal ownership of the irrigation estate lying in Sham'il Armilla on the outskirts of Granada, whose southern boundary is (the property of) al-Ḥaṭṭāb, whose northern boundary is (the property of) Abū 'l-ʻAlā, whose eastern boundary is that belonging to pious foundations and whose western boundary is an irrigation ditch, with all its rights and obligations and all its uses and benefits, (testify to) its ownership by Christian Gracia Hernández and to her gaining possession of it by valid purchase by way of her Christian husband Gonzalo de Córdoba from al-Ḥajj Mufarrij, a freedman of al-Ḥajj al-Nawwāl. (Those who hereby issue the present official certificate) know it all as official witnesses to the notarial deed for the sale between the two (aforementioned parties, Gra-cia Fernández and Mufarrij). Those who know what has been mentioned bear witness to it accordingly. The twenty-ninth day of the month Rabī' II of year 900 (= 27 January 1495).

(Illegible flourished signatures.)

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15 I would like to thank Amalia Zomeño for her help and wise advice on the interpretation of these two words, as well as for helping me to access the image of the original document. Any mistakes in the edition and interpretation of the text are my sole responsibility.
Appendix II

1. Aguirre 1980, 10 Sha’bān 899/16 May 1494.
5. Caja C 27 (18) R. 32967b, 29 Sha’bān 897/26 June 1492 (Seco de Lucena 1970: no. 84, Zomeño 2001b).
15. Caja C 27 (74) R. 33023, 29 (“last days of”) Sha’bān 890/10 September 1485 (edited in Seco de Lucena 1969: no. 4, see also Seco de Lucena 1970: no. 69, Zomeño 2001b).

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16 In this appendix I will provide the reader with all the references to find the documents in the University Library of Granada. The indication “caja,” Spanish for “box,” is retained in this appendix. Seco de Lucena 1961 refers to his edition and translation of the documents, and Seco de Lucena 1970 and Zomeño 2001b refer to their catalogue entries. As for Aguirre 1980, it refers to his edition and translation of doc. no. 1.
32. Caja C 69 (5-38), 15 Shawwāl 888/16 November 1483 (Seco de Lucena 1961: no. 47a, Zomeño 2001b).
34. Seco de Lucena 1961: no. 7c, 29 ("last days of") Jumādā Ⅱ 856/17 July 1452.
35. Seco de Lucena 1961: no. 32a, 2 Dhū ʿl-qaʿda 880/27 February 1476.
42. Seco de Lucena 1961: no. 65b, 30 (“last days of”) Jumādā I 896/10 April 1491.
43. Seco de Lucena 1961: no. 80a, 7 Jumādā I 897/7 March 1492.
44. Seco de Lucena 1961: no. 81a, 9 Jumādā II 897/8 April 1492.
45. Seco de Lucena 1961: no. 81b, 23 Jumādā II 897/22 April 1492.

Bibliography

لا يوجد نص يمكن قراءته بشكل طبيعي من الصورة المقدمة.