A SYNOPSIS OF THE OTTOMAN LAND LAW
ACCORDING TO THE LAND CODE DATED 23
SHAWWAL 1274 H. (23.05.1858 A.D.) AND OTHER
RULES AFTERWARDS*

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INTRODUCTION
General Remarks about Ottoman Law

It is not easy to explain and to give a clear picture about Ottoman Law in general because the Ottoman Empire was a state spreading over six centuries during which it had gone through several economic, social, administrative stages of socio-economic change. During this period it had been introducing also introduced a lot of juridical regulations. Legal characteristics of the earlier centuries of the Empire were different compared to the latter periods, since the social and economic conditions were different too. Also scope of the territory were different in different periods. It may not be possible for me to give here a comprehensive presentation on all characteristics of the Ottoman Law. So, I would like to point out only some major characteristics from the point of view of their comparison with Islamic jurisprudence.

The Ottoman Empire was an Islamic nation and consequently the Ottoman Law was “Islamic”. It was based on the rules of the Qur'an, and Sunnah. All official acts and activities of the state were based on Islamic principles, and in accordance with Islamic Law.

Interpretations, comments and opinion of muslim scholars available in earlier sources and books on the Islamic jurisprudence, especially of Hanafite school of thought, were a base of the legal life in Ottoman Empire at the public as well as private level. The following, however, should be kept in view in this respect:

The legal relations as well as juridic conflicts, though, were tackled in accordance with the rules of Hanafite school of thought in Islamic jurisprudence. Yet these Hanafite rules, however, were not available in a codified form in a single book. Instead, they were widespread in Islamic jurisprudence books under different titles. The same is valid for rules related to land. For instance, the books on Islamic jurisprudence do not devote any separate chapter explaining Islamic land Law. They are either incorporated in chapters on taxes on occupied land or in the chapters on awkaf.

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Similiarly, characteristic of the freehold land (private land) are explained in the context of contracts, especially relating to leasing. The codification of fiqh rules (taqwin) by Muslim officially started only after 19th century in the Ottoman Empire.

The objective was to collect, coordinate and compile all fatwas, imperial edicts, decisions of local and central authorities (like, judges or Kadis, mayors etc.) as well as all the material in Islamic jurisprudence in order to facilitate a better use and practice of the legal system (It is a pity that even the codified rules are not available in any one book. They are lying in the state Archive Istanbul in an unclassified form).

The need for codification was felt when the Ottoman State grew in a unique Islamic state of the time spreading over three continents.

It was therefore, deemed necessary to collect the related rules and to classify and streamline them in a code in order to regulate human relations juridically and to direct the society to its main target.

Some of the popular general Codes were: (1) Code of Sultan Mohammed II, the Conquerer (15th century); (2) Code of Sultan Selim I; (3) Code of Sultan Sulaiman, the Magnificent (the Lawgiver), and (4) Introduction to Book of Budin written by Ebu Suud and issued in the same decade (in 16th century) and related tenancy of land. (In Ottoman usage the term “code” generally referred to a decree of the Sultan containing legal clauses on a particular topic, regulation etc.¹)

Besides, these original sources and rules, another law system also existed which is now called “conventional law” (Orfi hukuk) by modern researchers. This law also met various needs of the people and the rulers.

The features of this Orfi-Hukuk were as below:

The “Orfi hukuk” was composed of customs of people, and regulations of the Ottoman rulers (the Sultan and also other high ranking rulers, administrators). These rules and regulations put by the Ottoman rulers reflected peculiarities of local and national conditions in the Ottoman Empire, as well as of laws and traditions settled in the new conquered (occupied) territories (lands) etc. In other words, these were the consequences of the expanded Empire, its demographic nature etc.²

Elements of the Orfi hukuk were local or national customs (traditions), existing practice among people, fatwas and, of course, the main sources of the Islamic jurisprudence. (In addition to all of them, the land registration books (arazi tahrir

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defterleri) had a great because they consisted specific rules for administration of land.3

It may be asked as to what extent the orfi hukuk were in accordance with main sources of Islamic jurisprudence.

Before answering this question, I would like to point out some peculiarities of Islamic jurisprudence:

Some rules in the Islamic jurisprudence are compulsory to practice. The believers are neither allowed to change nor leave them (not to use). It will be a sin and crime if they do something against it. For example prayer, fasting, zakah etc.

On the other hand, there are some other rules left by the God and his Prophet (s.a.v.) to the discretion of muslim rulers i.e. the rulers are allowed to regulate these (of course, without violating the Islamic values system).

For instance, muslim rulers are allowed to regard some actions as a “crime” and to subject them for “punishment”, which were not mentioned in the Holy Qur'an and Sunnah. This right is called in the Islamic jurisprudence as tazir. (Muslim rulers, however, may not definitely intervene in rules and regulations for crimes and their punishments put by the Holy Qur'an which are called “hudud”).

Another example is the heritage law where some details (new rules) were added by independent judgements and rulers in Islamic states.

Regarding the land law in the Islamic jurisprudence, we found different sets of rules put by muslim rulers in different countries and periods. This is so because this is another area where only a few obligatory or compulsory rules exist and the rest has been left to discreetional regulations of the muslim rulers. In other words, there is no completely defined and compiled land law system in the Islamic jurisprudence. In different countries, various practices were developed and consequently resulted into different systems. We must also admit that, in the reality, the muslim jurists (scholars) are not unanimous on the issue of Land Law. There are several schools of thoughts 4. This was despite that for centuries, Ommiads as well as Abbassidens enacted various land laws, just as the ruler of Ottoman did in their period. A common characteristic of all these legal systems, however, was that these were based on or derived from either the main values of Islam or traditions of the Prophet.

I would like to mention here once again that though there were two sets of rules, one based on or derived from the main values of Islam and the earlier practice of Islam and the other based on traditions among the people in different periods, yet the later set of rules were not definitely against Islam in their spirit. In other words, there were no obvious violation of explicit injunctions of Islam in the second set of rules.

3 See: Barkan, pp. 299-300. The State Archive in Istanbul has thousands of such books (See: Uzuncarsili, pp. 499-500; Sertoglu, 281).

4 Barkan, pp. 142, 146, 249; CIN, 12.
Part I. The Ottoman Land Code dated 23 Shawwal 1274H (23.5.1858G)

Land Code

General Remarks:

a- The Ottoman land code dated 23 Shawwal 1274H (according to 23.5.1858G) (published in D.I. Vol.I, pp.165) had important place in agricultural economy of the Ottoman Empire and was a milestone in its history particularly in content of its land law. Its main characteristics can be summarized as follows:

b- The Ottoman Land Code dated 1858 had 132 articles and was divided into three chapters with an introduction and appendix. Thus it had modern law techniques and style. This was not observed in other laws issued earlier. His articles according to the subject were classified as follows:

| Articles from | 1 to 7 | were introductory (giving definitions, kinds of lands etc.) |
| Articles from | 8 to 90 | were about the crown lands. |
| Articles from | 91 to 102 | were about the lands abandoned. |
| Articles from | 103 to 105 | were about the dead lands. |
| Articles from | 106 to 132 | included miscellaneous articles and the appendix. |

c- The code was based on interpretations of the Hanafite schools of thought. It is known that Hanafite school of thought was official confession of the Ottoman turks. According to Ali Hayder Efendi, the commentator of the code was in whole conformity with the Islamic jurisprudence, and based on the Shayhul-Islam fatawas who was dignitary responsible for all matters connected with the canonic law and came next to the Grand Vizier in precedence, and as well as opinions of religious schools, etc.6

d- The code was a comprehensive regulation for the land of the Ottoman Empire, and therefore, replaced all other rules issued and practised before it. All other special rules related to the land law lost their validity after the announcement of this code. The code eliminated the labyrinth in the scope of land law and ended confusions and chaos in practice. It also facilitated its understanding and application.7

It was not based on or derived from other codes. It was an original code prepared on the basis of the Islamic jurisprudence as well as the agricultural situation and other conditions of the Ottoman Empire.

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5 On that code several interpretations and remarks were published. The most important sources are two: O.L. Barkan’s article (pp. 291-375) and Ali Haydar’s commentary [Durar al hukkam Sharh Magalla al Ahkam (Commentary of the Majalla al ahkam al adliyyah) (The civil code of Hanafite school prepared and implemented during last period of Ottoman Empire) (Translated from Turkish into Arabic), vol. 3, Beirut, Al-Nahda publication.]. Among new works, Cin’s book is advisable.

6 See for that: p. 20 and Barkan, 334.

7 Barkan, p. 334.
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Finally, the land Code of 1858 and other related codes, Laws, and emperial edicts must be read in the light of Mejelle which was complied in 1869 by the Ottoman Government from the Common Law and Islamic maxims (of the Hanafi School of Thought) and where the land Laws are silent, the Mejelle applies.

Other objectives of the code were:

1- to grant some facilities to poor farmers.\(^8\)

2- to grant farmers right to use the crown land with some additional rights (close to giving whole property rights).\(^9\) (Majority of the articles on the crown lands basically aimed at utilizing the crown lands while at the same time preventing these lands from becoming the freehold land.\(^10\) The crown land, however, was made very similar in its peculiarities to freehold land through various measures and codes introduced later on.\(^11\) It was prohibited for this land to leave it for there years continuously without ploughing and sowing.

3- to permit transmission of the crown land to inheritors of the actual beneficiar in wider scope.\(^12\)

4- to prohibit farmers to use crown lands to obtain debt obligations.\(^13\)

Before the land Code there was the progressive deprivation of the State of very valuable rights. One of the main objects of the Land Code was to put a stop to this process. An equally important object was to bring the persons who cultivate State lands into direct relations with their overlord. The Land Code, therefore, contains provisions which are designed to bring the State into direct relations with the cultivators of its lands.

It was generally accepted that this code was a reform code in the framework of land law during the Ottoman Period.\(^14\)

It had been altered and amended several times. Finally the Code of 12.5.1926 issued at the begin of Republican Period in Turkey made it invalid.\(^15\)

According to first Article of the Ottoman Land Code, the lands were divided into 5 groups. Majority of the Articles (8-90) were on the crown land (miri aradhi). Abandoned lands and dead lands were second in importances. On the other hand, the code didn’t describe the freehold land and their legal stands, except in one Article (Art.2) because the details about their sale, lease, pawn (rahn), unlawful arbitrariness (gask) and their distribution were already described in books of the Islamic ju-

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\(^8\) Barkan, p. 340.
\(^9\) Barkan, pp. 340, 343, 345.
\(^10\) Barkan, p. 343.
\(^12\) Barkan, p. 363.
\(^13\) Barkan, p. 345.
\(^14\) See: Barkan, p. 375.
\(^15\) Barkan, pp. 366, 371, 374.
risprudence. Therefore, the Code didn’t need to put new rules and legal situations for freehold lands. It defined it and divided it into four groups only (see Art.2)\textsuperscript{16}

**Kinds of Land according to the Code:**

**h-** The Land Code was designed primarily to regulate the status miri (state) lands and to provide proper title to holder to such lands.

**j-** “The right of possession and cultivation was granted to individuals; in other words, the possessor in this legal relationship (tasarruf) had, while he was in possession, the usufructus of the land. Although the possessor of the right could not transfer the property in the land to other persons, his right of usufructus was transferable under the Land Code.”\textsuperscript{17}

The Ottoman Code dated 1858 divided land in Otoman Empire into 5 types in the first Article and described each one of them thereafter.

1. **Freehold Land** (arazi-i memluke):

   It had the following characteristics:

   a- Lands in area of cities, villages, as well as lands which were close to these regions and did not exceed more than 500 square m. (half donum).

   b- The lands which were state owned lands and later on were acquired by private individuals legally through purchase or donation.

   c- Tithe lands (arazi-i ushriyye i.e. lands subject to the payment of tithes). In Islamic tradition in period of Khalifa Omar, the lands conquered by combat were distributed among the fighters and other Muslims after taking a fifth part of it for the state. Also the lands which were owned by Muslims before conquest were left in their lands.

   The Muslims to whom the land was distributed fell into three groups: They were either the fighters participating in that war or they were the earlier owners of the conquered land or they were other Muslims (Art.2). Income from this kind of land was a source of financial resources for Islamic countries for several years.\textsuperscript{18}

   It is worth mentioning here, that arazi-i oshriye in the concept of the Land Code of 1858 was different from its earlier character in the practice.

   d- Land subject to payment of the Haraj (arazi-i haradciyye): This was the land conquered by Muslims after the war. It was divided into three types according to the Land Code of 1858:

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\textsuperscript{17} For details of the right of %tasarruf see, Qureshi, Anwar lobal, Ottoman Land Laws. In : Fiscal System of Islam, Institute of Islamic Culture, pp. 214.

\textsuperscript{18} Barkan, pp.320; Karaman, p.69; Abadi, Abduh, Al-Milkiyye fi Shariat al-Islamiyya (Ownership in Islamic Jurisprudence) (Arabic), Part I 1394/1974, Maktaba al-Aqsa, p. 337.
lands conquered by muslims and but left in hands of their non-muslim owners.

lands transferred by the Islamic state to non-muslims who were allowed in the country by the Islamic State.

lands annexed to Islamic country by a peace treaty without war.\(^{19}\)

The haraj lands had two groups according to taxation: (a) The first was a land on which a tax was put on its products (amount ranging from one tenth to fifty percent). This kind was called as \textit{haraj mukassam}, (b) The second was land on which a fixed tax was put. This was called as \textit{haraj muvassaf}.

To groups of the freehold lands described in \(©\) and \(d\) became crown lands if their owner died without legal successor (Art.2).

The raqabhah of the freehold laud does not belong to the State and follow the Shariah laws as to their disposition. The Code confirms the principle of State ownership of the raqbah in respect of the classes of land except of waqlf land.

2. Crown Lands (State Owned Lands) (arazi-i miriyee):

\textit{Miri} Land is that land which, at the time of the Ottoman conquest of a country, was assigned to the Bait- Mal (treasury), or land which had been granted by the Sultan for purposes of cultivation on condition that ownership be retained by the Treasury. \textit{Miri} Lands are arable and meadows. This was also the land conquered by muslims after a war. Its owner was the State. It had 5 different types:

1-The conquered land which is not given to anyone for cultivation as mentioned under \(d\) below but the Islamic State owned and kept it for itself.

2-A land which was not known whether it was a land conquered by war or through a peace treaty.

3-Lands which were earlier a freehold land but later there were no claims on it or the lands which were not known to whom they belonged.

4-Lands where control and ownership (rakaba) belonged to the state but was cultivated by someone with the permission of the state.

5-Lands transferred to ownership of the state because their owner died without making a will or leaving any successor.\(^{20}\) It is worth mentioning here, that haraj lands in concept of the land code of 1858 were different from its earlier characterics in the practice.

The right of \textit{miri} in querell, depends on an ekspress grant by the State, and the miri holder (mutasarnif) is as holding land from the State under a lease of definit duration at a doubled rent (i.e. tapu payments and periodical \(ijare zemin\)).\(^{21}\)

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\(^{19}\) Karaman, p.69. Also see Qureshi, pp. 232; Aghnides, pp. 352.

\(^{20}\) See: Karaman, pp. 69-70 and others quoted there; Abadi, p. 338.

\(^{21}\) See Qureshi, pp.240.
3. Lands of Endowments (arazi-i mevkufe):

It had two different types:

1. The endowments lands which were founded by individuals on their freehold lands. Land code of 1858 was not applied to these lands. Its management depended on the conditions put by the founders themselves. This kind was recognized as a genuine endowment even in the concept of Islamic Law.

2. The endowment land which was founded by Sultans or others with permission of Sultans on state owned lands. On this kind is Land Code of 1858 applied to these lands as well. This kind of land was not recognized as endowment land in Islamic Law. It had further two sub-types (see Art.4).22

It is worthmentioning taht the raqaba of land Endowments does not belong to the State like such as the freehol land.

4. Public lands (arazi-i matruke):

These belonged to public. They are those lands which are left for the use of the public. They had two types:

1. Lands devoted to the public needs such as public gardens, squares, mosques, etc.

2. Lands devoted to local public needs such as plants or forests of a village.

This kind of land was a part of state owned land because no one else owned it.23

“It is perhaps not strictly accurate to classify matruk land as land differing in class from miri,mülk and mewat.A good case can be made for considering matruk land as belonging to miri class in the broder sensee”24

5. Dead Lands (uncultivated lands) (arazi-i mevat):

Dead lands are the lands which were not included in other types of lands. This type used to be far from the settled centers and remained uncultivated. (Like mountains,rocky places ,stony fields which are not in the possession of any one by tile deed or assignment to the public use).According to Prof. Barkan, dead lands were a kind of state owned lands, because no one owned them.25

Tenancy on the Lands:

Lands can also be classified according to the method of their leasing. According to this classification, lands were of following types:

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22 See also Qureshi, pp.241 . It is mention wort here that Artical 107 of the Land Code deals with the mineral rights and describes that Mineral rights and describes that minerals found on state land, by whomsoever it is possessed, belong to the Treasury.

23 Barkan, p. 335; Abadi, pp. 341-2.

24 See also Qreshi, pp. 242.

25 Barkan, p. 335; Abadi, pp. 342-3.; Qureshi, pp. 243.
1. First, all kinds of freehold land were the first group of land with respect to leasing. There was no controversy on the leasing nature of these lands. For example, the lands which were called as haradj lands or oshur lands could be hired by their owners though they were required to pay a certain amount (i.e. tax) to the State.

On the other hand, the land code of 1858 didn’t say anything about the rules which would be applied to leasing of these kinds of land. It was merely said that all the Islamic jurisprudence rules would apply to on these kinds of land appropriately.26

2. The Crown Land (state owned land):

The crown lands were another kind of land with respect to leasing contract. The state, being the owner, allowed the use of these lands under its ownership.

The crown lands in the concept of land code of 1858 had some differences from the crown lands which were practiced before the code (see pp.26), as well as some similarities to them with respect to the leasing rules:

The relation between the landholder (i.e. Ottoman Empire) and the actual user (possessor, beneficiary) was legally that of lessor and lessee.

Before the land code of 1858, crown lands were used by people with permission of Sipahis (i.e. owner of timar, zeamet; they were called, sometimes, multesim or muhassil,27 and were appointed by the central government). They had a lot of authorities which were, unfortunately, misused. According to new rules of the land code, the central government appointed a civil servant to give permission for using those lands to farmers on behalf of the state (Art.3). There were big differences between authorities and benefits in the two systems.

The permission was called as Tapu Senedi, and was granted against a recompense (Tapu) as before the introduction of the code.

The actual user could transfer the land to others with special permission of the civil servant only (with or without recompense) (Art.36).

The land was transferred to male as well as female successors of the actual user after his death. If he died without son or daughter, then it would be transferred to his father and if he is not in life then to his mother (Art.55). In case of his death without son, daughter, father or mother, the land was given to some one else through auction (Art.60).

If the farmer (the actual user) did not sow and plant the land for three years continuously without an acceptable excuse, then it was taken away from him (see Art.pp.71).28

3. The Endowment Land:

As mentioned above, it had two types:

26 Karaman, p. 73; Abadi, p. 338; Qureshi, pp. 233-236.
27 A timar was a fief with an annual revenue of less than 10,000 piaster.
A zeamet was a fief with a larger annual revenue.
Multesim = revenue farmer.
Muhassil = collector of taxes.
28 See also, Qureshi, pp. 236-241
a- The first was endowment founded by individuals according to special rules of Islamic Law about endowment. The land code of 1858 was not applied to this kind of land. Accordingly, it could be leased by the Endowment board and according to conditions put by the board.

b- The second was founded by Sultans, or others with permission of the Sultan on state owned lands. The land code of 1858 applied to this kind of land as well. The rules relating to Crown lands applied to this kind of land (see Art. Pp.8).

4. The public lands were not for leasing (Art.95), because they were devoted to public use (see also Art.pp.91).

Two exceptions are worth mentioning here:

a- A winter quarter for animals (kishlak) or summer camping ground (yaylak) were devoted for the use of a village(s) only. People of the village(s) were allowed to utilize its water and grass. They, however, had to pay a suitable tax on flocks when utilizing to summer pastures. It was a kind of rent paid for a kishlak and yaylak (Art.101).

b- If someone fulfilled a sea with the permission of public authorities, then it would belong to him (Art.132, and later on in Majalla, Art.1272). This means that the filled lands by individual became freehold lands. Accordingly such land could be subjected to lease contract as it was in the nature of private land and was not public land.

5. Dead land was not permitted to be leased because it can not owned or cultivated by any one. The dead land belonged to the state. The Land code of 1858 applied to this kind of land.

The state had right to permit some people who needed these lends to convert them into it farms to cultivate them. But if he left it for three years without planting and sowing after he had been given permission for this purpose, then the land (or permission) will be withdrawn from him and given to someone else.

Secondly, if someone converts a dead land into a farm without having permission, then he was required to give tapu senedi (i.e. permission to use) against a suitable recompense (tapu) (Art.103), like in case of hiring the crown lands.

Part II: Majalla al ahkam al adliyya:

A. General Remarks:

One of the important milestones in legislation of Ottoman Empire is no doubt the majalla al-ahkam al-adliyya. It is also one of the great events of codification in the world. Of course, it was at the same time a basic code for tenancy of land too. I’d like to present the following general information about Al-Majalla.

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See also Qureshi, pp. 241-2
See also ibid, pp. 242-3 and 246
See for details: Karaman, p. 76.; Qureshi, pp. 243-4.
It was officially prepared by a commission called “Majalla Cemiyeti” (The Majall Society). The Society was composed of senior high ranking scholars under Chairmanship of Ahmed Cevdet Pasha. It worked in separated subcommittees, each one was assigned to prepare a part of the Majall. Preparation of the Majallah from the
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The Majallah was the civil code of the Ottoman. It was valid in the Ottoman Empire until it was abolished by the civil code of 1926.

The Majalla consisted 1851 articles in 16 books (chapters). Majority of the Majalla were devoted to rules regulating the contracts in the light of Islamic Law (from the Article 101 to 1571). The articles 1572nd to 1851st related to justice, trial, judicial proceeding, affirmation, legal arguments, etc.

Rules relating to leasing contract appeared in the Majallah between 404-611 articles. The articles from 404 to 521 were general rules; from 522 to 533 were special rules about leasing of immovable; from 534 to 537 were about leasing of moveables; from 538 to 561 were about leasing of animals, from 562 to 581 were about leasing of manpower and finally 582 to 611 were about other legal matters pertaining to leasing contract.

Classification and expression of rules in the Majalla were so good and excellent that a great attention and consideration was paid to it, which is valid today too. This is reflected from the fact that the Academy Francaise awarded the Majalla and the Chairmen of Majalla Society a medal “legion d’honneur”.

The Majallah is most important milestone in codification of rules of the Islamic jurisprudence in the muslim world. It may not be misplaced to claim that muslim countries couldn’t codify of Islamic fiqh rules comprehensively like the Majalla until today in any school of thought in the Islamic jurisprudence as Majallah has done.

B. Brief comparison of the Majalla with the Ottoman Land Code dated 1858 according to the tenancy rules:

1- The Code was a special regulation about Land in the Ottoman Territory, while the Majalla was a general code relating to some juridical transactions, like buying/selling, guarantee, assignment of debt, etc. As well as consisted rules about leasing contract in general and tenancy of land in particular. In other word, the Majalla is a general Code pertaining to the civil Law issues including to lands(partly). Therefore, the Majalla applies where the land Code is silent.\(^{33}\)

\(^{33}\) For details see Qureshi, pp. 220.,230.
2- The Code was concerned about the state owned land as well as on the plands and not about the freehold lands while the Majalla directed itself to private land (including land of Endowments) and partly to the public land (in the context of partnership (şirkə) but did not address itself to state owned lands.

3- The Code, specifically in the Art.2, did not consist of any rules about the freehold land because they were described and explained in books on Islamic jurisprudence and consequently they would be applied to the freehold lands in practice.

The Code was modified and amended by several legislative actions but the Majalla remained unchanged and valid till 1926 when it was made invalid by the Turkish civil code adopted from Swiss civil code in the year of 1926.

Both the documents were important stages and milestones in the way to codification of the Islamic jurisprudence which were widespreaded in literature and documents under different titles as already mentioned above.

4- The Majalla didn’t classify the kinds of land but only described rules relating to different kinds of leasing contract though the Majalla did describe some rules about cultivation of dead lands (Art. 1270-1280) and public roads (Art.1213-1223) etc. The Code on the other hand, classified the land into five types as has been mentioned earlier.

The Code consisted of some rules about inheritance of state owned lands as well while the Majallah didn’t do that.

5- Finally, the code was practiced by Ottoman Empire in legal conflicts related to lands (aradhi) while Majalla was practiced in case of conflicts and disputes on other properties (emlak).

Part III Other Rules:

A. There were other rules related to tenancy of land which were valid in Ottoman Period besides as has been mentioned above. These were not in the form of comprehensive codes on the subject. They were only official rules on some specific aspects of Land Law or, in general, were in the nature of amendments, settlements, modifications of the Ottoman Land Code of 1858. I can cite the following codes and regulations of this kind:

The Land Code was modified by amendments as follows:

- Code 17 Muharram 1284H (1869G) as well as its annex of 10 zilhicce 1288H (1872G)
- Code of 22 1301H (January 1885G) (D.I.Vol.3)
- Provisory Code of 25 1328H (February 1912G)

34 Barkan, p. 337.
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Provisory Code of 1329H (March 30, 1913G)

The following regulations were issued in addition to Codes pointed above in Part I(A):

23 Rajab 1276H (1860G)
7 Rabiu'l Awwal 1279H (1863G) (D.I.Vol.1, p.244)
17 Muharram 1284H (1869G) (D.I.Vol.1, p.223)
27 Shaban 1286G (1870G) (D.I.Vol.1, p.238)
23 Ramadhan 1286H (1870H) (D.I.Vol.1, p.242)

B. Also two imperial edicts were issued:
8 Rabiu'l Awwal 1295H (1879G)
22 Shaban 1296H (1880G)\(^{36}\)

C. Judgments of the Court of Appeals:

There are a number of Regulations and judgments of the Court of appeals which define and interpret the provisions, especially articles 78.\(^{35}\)

\(^{35}\) For other related Laws see Qureshi, pp. 212-3 and 214/ fn. 11.

\(^{36}\) See Qureshi, pp. 219