

A CATALOGUE
OF ARABIC-SCRIPT DOCUMENTS
FROM THE SAMARQAND MUSEUM

رقم ۵۰۰۰

شاد رخط

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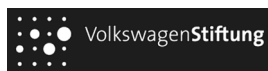
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INTERNATIONAL INSTITUTE
FOR CENTRAL ASIAN STUDIES



Thomas Welsford and Nouryaghti Tashev

**A CATALOGUE
OF ARABIC-SCRIPT DOCUMENTS
FROM THE SAMARQAND MUSEUM**

With the assistance of Masudxon Ismoilov and Hamidulla Aminov

**Under the direction of
Jürgen Paul, Shahin Mustafayev
and Bahrom Abdukhalimov**

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FOREWORD

The publication of this catalogue of documents from the Samarqand museum is the result of a joint project undertaken by IICAS (UNESCO institute category 2), the Institute of Oriental Studies at the Martin-Luther University in Halle (Germany), the al-Beruni Institute of Oriental Studies at the Uzbekistan Academy of Sciences and the Samarqand Museum of History, Archeology and Art. The successful preparation of this publication was made possible by the harmonious and well-coordinated work of scientists and experts from Uzbekistan, Great Britain and Germany, as well as the financial support of the VolkswagenStiftung.

The idea of the project was not accidental. Several years ago, during discussions about what might be the long-term plan for scientific activity of IICAS, it was decided to diversify and expand the institute's traditional research areas by going beyond those archeological projects which had played a key role in the institute's activities since its foundation in 1995. It became clear that studies and publications of Central Asia's manuscript heritage must henceforth become one of IICAS' main priorities.

One of the first steps in this direction was the initiation of a project in collaboration with the Turkish society of archivists, the aim of which was to study and publish some of those documents in the Ottoman archives in Istanbul which relate to the history of Central Asia from the 18th to the beginning of the 20th centuries. It has long been recognized that this historical period is in need of more detailed study, and the publication of these Ottoman sources, most of which were either little-known or wholly unknown to experts, should make a significant contribution to the study of early modern and modern Central Asian history. The project resulted in a three-volume publication entitled *History of Central Asia in Ottoman Documents*, containing photographic reproductions and translations of almost 300 Ottoman-language texts.

The next step in the development of IICAS' activities in studying and publishing the manuscript heritage of Central Asia was the cooperation with such world-known centers of oriental studies as Germany's Martin-Luther University and the al-Beruni Institute in Tashkent, which resulted in the inception of the present project. As is well known, from the time of the Arab conquests onwards Mawarannahr was one of the cultural and intellectual centers of the medieval Muslim world. The powerful states of the Samanids, Qarakhanids, Seljuks, Chagataids, the Golden Horde, Timurids and Shibanids flourished during that long period when the Central Asian part of the Great Silk Road was still active with intense international trade and cultural exchange. This enhanced the overall development of the nations in the region. This era is captured in majestic architectural and historical monuments built in the Middle Ages. At the same time another, no less important attestation to the region's cultural efflorescence is the vast written heritage, preserved in thousands of manuscripts and documents that are stored in various public and private collections. The richest such collections of manuscripts are today located in Uzbekistan, with the repository of the al-Beruni Institute of Oriental Studies in particular being renowned worldwide for its rich holdings.

There also, however, exist a number of other valuable manuscript and document collections in the regions: in Samarqand, Bukhara and Khiva, and in other smaller towns and villages. These collections are less known and are only partially studied. Reference to such local collections is very important since they often contain materials offering a perspective on poorly-studied periods of local history, for which the more famous narrative chronicles give little information. Such documents are of particular value for studying the periods immediately prior to and during the establishment of Russian colonial

rule in Central Asia. By drawing on under-tapped documentary sources, scholars can begin to identify the characteristics of legal and economic standards in the operations of the local community in pre-colonial and colonial periods, and thus better understand the process of gradual impact of the new trends coming from the metropolis, the breakage of the old relations, and the features of the daily life of the local community. With this aim in mind, the joint international project on the introduction into scientific literature of the documentary sources from the collection of the Samarqand museum was designed and implemented. The museum's collection consists of about 2000 items in Persian-Tajik, Turkic (Uzbek), Arabic, and Russian languages.

We consider the successful implementation of this project not only a contribution to the historical study of Central Asia but also a tribute to Samarqand – this ancient and beautiful city where IICAS was founded and continues its activities.

Shahin Mustafayev

FOREWORD

Documents are a fundamental source for studying social history. This is true for any region in the world and for any period, and of course also for the history of Muslim Central Asia. Not all documents have the same value for social history, though; decrees issued by rulers, state correspondence and other types of documents closely related to the administration and outward relations of an empire or a smaller state tend to yield information for other contexts than do documents stemming from legal practice: deeds of sale, endowment deeds, marriage contracts, manumission of slaves, rental of arable lands, receipts of payments and so forth are evidently much closer to the daily life of larger parts of the population. In the Muslim world, such transactions were regularly documented at the qādī's court, and therefore it is no surprise that a very large part of the documents described in this catalogue originated there. Another large part comes from another branch of the Muslim legal system, it is legal opinions and expertises written by muftīs. Documents issued by rulers or the central bureaucracy in general are a smaller part in the Samarqand collection, but are more important elsewhere, most notably in the so-called Qushbegi archive which is by far the biggest collection in Muslim Central Asia and is now kept at the Central State Archive of Uzbekistan.

It is a frequently repeated complaint that the study of the social history of the Near and Middle East – including Muslim Central Asia – is hampered by the lack of documents; sometimes the Ottoman Empire is excluded. This complaint has to be qualified in at least two respects. First, there are many more documents than was thought a generation or so ago, at least for the history of Muslim Central Asia. New documents come to light and are published; a good example is the “Catalogue of Central Asian Privileges and Appointment Deeds” from the holdings of the Institute of Oriental Studies, Republic of Uzbekistan.* Second, documents are lacking most of all for earlier periods; beginning with the 19th century, documents are so dense that the problem is rather the richness, not the dearth of the sources. Muslim Central Asia arguably has the most important collections of documents in the Muslim world outside the Ottoman Empire, and researchers have only just begun to make use of them. The difference is that we cannot hope for even remotely so rich archival sources for earlier periods; whereas Ottoman documentation is very full for the 16th century and gets sketchier in the 18th, Central Asian archives do not offer the same picture due to the discontinuity of Central Asian history with its dynastic changes and above all its break in the mid-18th century.

Most of the documents extant in Muslim Central Asia relate to the late 19th and the early 20th century (but the quantity of documents extant from earlier periods, from the 16th century onward, is far from negligible, above all royal privileges and appointment deeds, but also endowment deeds). They are therefore an indispensable source for the history of the colonial period of the region. In this respect, there are basically two types of archival documents – documents produced by the colonial administration, mostly in Russian, and documents produced by within the legal system, mostly in Persian or Turki (with only a small percentage of Arabic documents) in the Arabic script. There also are bilingual documents (Russian on the one side and most frequently Turki on the other), written within the colonial administration as well. Until now, the history of Central Asia under Russian rule

*Urunbaev, A., Dzshuraeva, G., and Gulomov, S., *Katalog sredneaziatskikh zhalovannykh gramot iz fonda Instituta vostokovedeniia im. Abu Raikhana Beruni Akademii nauk Respubliki Uzbekistan* (Halle, Germany: Mitteilungen des SFB/10 no. 23, 2007)

has mostly been written on the basis of Russian sources, sometimes of Russian sources alone. Some of the most important questions of colonial rule, however, cannot be adequately addressed without consulting Arabic-script documents as well, such as the system of landholding, the history of the pious foundations (waqf), and the history of notable (and less notable) families, the history of the Muslim legal system and its relation to imperial Russian law and the customary legal system, and many other questions. It is to be hoped that the publication of this catalogue helps to get more studies under way which are using Persian and Turki documents as well as Russian ones.

Moreover, the changes brought about by the arriving Russians in the regions under direct Russian control as well as in the vassal states of Khiva and Bukhara can be assessed only with a solid basis in the Arabic-script documents: no other type of source material could offer such detailed information about some aspects of social life. Travel and intelligence reports written by European visitors and other narrative sources are certainly important in this respect as well, but I believe the basis must be the archival material produced in Central Asia.

Most archives provide their users with registers and card catalogues in order to help them to find the documents they need for their research. Not many archives or libraries publish catalogues of documents, and considering the sheer volume of documents extant in the archives and libraries of Muslim Central Asia, it is quite out of the question to even think of publishing catalogues of them all if a catalogue is anything like the one presented here. The publication of this catalogue is nevertheless highly justified: Central Asian archives and libraries have not been used so self-evidently as the Ottoman archives have. Therefore there seems to be a need to make the richness of the Central Asian archival resources more visible in the scholarly world, and thus, the publication of this catalogue is not meant to be a forerunner of many other catalogue volumes to come, but as a call to use the archives more readily. It offers a sample of what Central Asian documentary sources look like: it is to be hoped that, together with the reproductions published online, it will make academic teaching on Central Asian history easier and more profitable because it will enable teachers to introduce their students to this fascinating world.

The catalogue also introduces a new way of organising the material, in that it tries to reconstruct, at least partly, some of the private archives from where the documents held in the Samarqand Museum once hailed. It also shows an important step away from the focus on the interesting single piece towards the study of documents which are extant in great numbers, the bulk documents which cannot attract scholarly attention as individual texts, but are the bread and butter of social history.

It is for this achievement that we have to thank the editors of this catalogue for their painstaking work, and the partner organisations for their support, but most of all the generous sponsors of the project behind the catalogue, VolkswagenStiftung.

Jürgen Paul

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Finally, we note that our collaboration with Masudxon and Hamidulla has been a happy one: and we very much hope to work together again in the future.

Thomas Welsford and Nouryaghdi Tashev

9 October 2011

INTRODUCTION

The present volume is a catalogue of 748 handwritten documents currently held in the Samarqand Museum of the History of the Culture and Art of the Peoples of Uzbekistan, a branch of the Samarqand State United Historical-Architectural and Art Reserve Museum, Uzbekistan. The volume represents the fruits of a collaborative project between the museum, the UNESCO-affiliated International Institute for Central Asian Studies (IICAS) in Samarqand, the Martin-Luther-University in Halle, Germany, and the Abu Rayhan al-Biruni Institute for Oriental Studies in Tashkent. The project has been substantially funded by the German VolkswagenStiftung, and was initiated in May 2009.

The catalogue has been produced to complement an online digital archive of photographed document images produced by IICAS and maintained on the IICAS website www.unesco-iicas.org. In this introduction, we briefly lay out the principles according to which we have compiled the present volume, so that readers may have an idea how most easily to draw upon the resources contained within.

1: An Overview of Contents

The 748 handwritten items here described comprise the larger part of the Samarqand Museum's collection of documents. An unpublished museum checklist records that this collection contains a total of 1140 items. Of these, 35 were missing when we photographed the collection in June and July 2009. Of the remaining 1105 items which we were able to inspect, 357 are omitted from the present volume. Approximately 330 of these are identifiably of Khwārazmian provenance, and are the subject of ongoing research by Florian Schwarz, of the Austrian Academy of Sciences in Vienna;¹ as such, they are beyond the remit of the present study. Excluded also are *inter alia* 2 documents written in Hebrew script;² 2 Russian-language telegrams and a Russian visa;³ a Persian-language document produced in Tiflis;⁴ 6 calligraphic samples;⁵ and a lithographed snakes-and-ladders board from the Indian sub-continent.⁶ Readers regretting the omission of such items from the catalogue are directed to the IICAS web resource, where they will find digital images of these and all other documents currently held within the collection, regardless of whether these receive description in the present volume.

Contained within the 748 document entries are descriptions of 848 *texts*. This disparity in numbers requires some brief explanation. If we regard a document as a material entity – one or more pieces of paper or (extremely rarely in the present context) parchment inscribed with writing or some other system of signs – we may conceive of a 'text' instead in semiotic terms, as a self-contained set of verbal or non-verbal signifiers. As our materials demonstrate, the

¹ For the preliminary results of this work, see F. Schwarz, 'Bargeldstiftungen im Chanat von Chiva, 1840-1922', in *Der Islam* 80.1 (2003), pp. 79-93.

² Collection series nos. 893 and 894.

³ Collection series nos. 534 and 764, and collection series no. 800.

⁴ Collection series no. 1139.

⁵ Collection series nos. 413, 679, 1003, 1048, 1050 and 1070.

⁶ Collection series no. 376.

upshot of some *original* text in a document may often be confirmed, altered or revoked by the subsequent addition to the document of one or more *additional* texts. This is particularly common, of course, in the case of legal materials, where a document's function in confirming some allocation of utility – ownership, for instance, or credit – might often require it to be amended should such utility then be *re-allocated*, such as by sale, in the former instance, or receipt, in the latter.

On the basis of our 848 textual descriptions, we may offer a few observations about the contours of the materials under discussion. 738 of our 848 texts, or 87.0% of the total number, are composed partly or wholly in Persian. 88 texts, or 10.3%, are composed partly or wholly in Turki; 49, or 5.9%, are composed partly or wholly in Arabic; and 4, or 0.5%, are composed partly or wholly in Russian. Of the total number of texts under discussion, meanwhile, 550 are dated by their authors to some degree of precision. Of these clearly dated texts, the earliest was composed between 12 December 1586 and 1 December 1587, and the latest was composed between 4 July and 1 August 1924. Just one such clearly dated text was produced in the 16th century: 5 were produced in the 17th century, 20 were produced in the 18th century, 310 were produced in the 19th century and 214 were produced after 1900. 124 texts, comprising 22.5% of all clearly dated items, were composed in the period before the Russian conquest of Samarqand in 1868; the remaining 426, or 77.5%, were composed thereafter. 488 texts, or 88.8%, were produced in the 50 years before or after the events of 1868; and 75 texts, or fully 13.5% of all clearly dated items, were produced in the years 1906-1909, the period for which we have the densest body of documentation.

Very approximately divided by subject matter, the 848 texts include 147 property sale documents, 87 solicited legal opinions, 61 conferrals of privilege or authority, 59 claims for legal restitution, 57 prayers or prayer amulets, 56 sets of instructions (i.e. from a senior to a junior), 51 marriage documents, 43 hereditary transfers of estate, 42 cessations acknowledgements of claim, 36 private letters, 26 conferrals of powers of attorney, 25 mortgage documents, 19 judicial rulings, 19 *waqf* endowment documents, 17 acknowledgements of debt, 14 acknowledgements of receipt, 13 appeals (i.e. from a junior to a senior), 11 rebuttals of claim, 11 police reports, 6 abstentions from claim, 5 property rental documents, 4 judicial summonses, 2 property exchange documents, 2 conferrals of guardianship, a collection of verses, a verse-form narrative, a mixed prose- and verse-form narrative, a property conversion document, an excuse for non-attendance at court, an amicable settlement of contention, an acknowledgement of wrongdoing, a divorce document, an employer's letter of recommendation, a list of properties in Samarqand, a list of Samarqandi shrines, two spiritual genealogies, a genealogical charter narrative, an astronomical calendar and an as-yet unrealised prediction of imminent apocalypse.

As is clear from the above list, our texts are heavily clustered into particular groups. 179 texts, or 21.1% of the total, are notarised declarations of property transactions, and at least 267, or 31.7%, are notarised procedural statements detailing the mechanics of legal contention and resolution. Some 421 texts, or 49.6%, relate to matters which fell under the purview of the *qāḍī*, and of these almost all are duly notarised with a *qāḍī*'s stamp; the afore-mentioned 87 solicited legal opinions and 59 claims for restitution, together comprising 17.2% of all texts, were meanwhile produced and notarised under the auspices of a *mufī*. Of the 276 texts produced outside the domain of the Islamic legal system, the 61 conferrals of privilege or

authority and 47 of the 56 sets of instructions, together constituting 12.7% of the total, are communications from a pre-Russian chancellery court; subtracting also 9 non-chancellery sets of instructions and the 11 Tsarist-era police reports and the itemised list of Samarqandi properties, we are left with just 153 texts, or 18.5% of the total, to which can be ascribed a broadly ‘private’, rather than bureaucratic function.

Given this clustering of material – the particular prevalence, for instance, of texts detailing instances of transaction or legal contestation – it might be observed that the items herein described give only a very partial picture of life during the decades before and after the Russian invasion: taken together, our texts perhaps speak more articulately about the economic dictates of self-interest than they do about oft-remarked sociological patterns of consensus, solidarity and deference. While acknowledging this inevitable weighting of material – tacitly accepted social dynamics, after all, rarely require notarisation –, we suggest that a careful reading of the texts herein described – and an equally careful consideration of the logic behind their composition, acquisition and preservation – may nevertheless yield an invaluable set of perspectives on changing social, legal and cultural practices in a Central Asia on the cusp of modernity.

2: The Colonial Presence

Many of the most visible changes in practice which we find attested in our documents are those which were brought about in the wake of the Russian conquest. In their subject matter and their conventionalised bureaucratic vocabularies, the colonial-era contents of the present volume attest to many of the ways in which administrative and legal practice was reshaped under Russian rule. This process of administrative and legal reshaping has recently been the subject of several excellent studies, particularly by Paolo Sartori and Alexander Morrison; readers are warmly directed to these works, which they will find listed in the Bibliography. But our documents do not simply *attest* to tsarist-era alterations in practice: they also *manifest* them. In the decades after the establishment of Russian authority, notarial practices themselves underwent extensive change. To make this observation is not to suggest that notarial practices *before* the imposition of colonial rule were static and unchanging: an examination of document nos. 66 and 84, for instance, suggests that at some point in the mid-19th century the format for registering marriages in Manghit Bukhara substantially altered. But the comparison of tsarist-era materials with those produced before the conquest indicates a striking acceleration of notarial change in the decades after the establishment of Russian rule. It is scarcely a novelty, of course, to observe that tsarist-era documents follow somewhat different conventions from those produced in the pre-tsarist period: but the pace and dynamics of this shift perhaps bear further study. It has widely been noted, for instance, that under Russian rule documents produced in Samarqand and elsewhere came increasingly to be composed in Turki, rather than in Persian as before: our documents suggest, however, that this shift began to take place only after a substantial delay. The earliest Samarqandi item in the collection to be composed in Turki was produced in November 1900,⁷ and until approximately 1910 composition in Persian appears to have remained the norm.⁸ In fact, we

⁷ Document no. 471.

⁸ A striking contrast thus emerges here between Islamic legal documents, of the sort encountered in the present volume, and petitions to the Russian authorities, which from the early years of tsarist administration were often composed in Turki, presumably for the benefit of Tatar administrative intermediaries. We are grateful to Alexander Morrison for this observation.

repeatedly encounter the use of Turki in Samarqandi documents dating from before 1900, but this is without exception for what we might term notarial rather than compositional purposes. From 1883 onwards,⁹ a substantial number of our Samarqandi materials are appended in a different hand with Turki-language notarial additions, these (i) dating the item in question according to the Julian calendar and (ii) noting the number with which the transaction/undertaking therein notarised was recorded in the *qāḍī*'s register of transactions. For approximately the last two decades of the 19th century, therefore, the *notarisation* of documents in the Samarqand region appears to have been a substantially Turcophone activity, even as the *composition* of documents appeared to have remained a Persophone one.

From 1892 onwards, *qāḍī* documents produced in the Samarqand region began regularly to be affixed with Russian-language courthouse stamps to complement the *qāḍī*'s own personal Arabic-script seals;¹⁰ from 1899, meanwhile, we begin to encounter amongst our items another notarial innovation, namely the affixation of Russian-language stamps onto *qāḍī* documents to denote the due payment of legal and notarial fees.¹¹ From 1899 also we begin to witness a significant change in the compositional structure of many of our documents. Prior to this change, it was conventional practice in declarations of sale, mortgage and rent simply for the vendor party to state and confirm the terms of transaction: within the revised format, by contrast, it became conventional for the purchaser party also to state his acceptance of the transactional terms, and for the *qāḍī* and witnesses each to confirm that these terms were valid.¹² The context behind this change in notarial regime presently remains obscure: what is clear is that this was just one of a number of incremental shifts in compositional and notarial production in the decades after 1868. In the notes to our document entries, we have attempted to draw attention to some of these shifts: but it has been beyond the scope of the present volume to accord them the synoptic attention which they perhaps deserve. Contained within our documents is a rich story about the changing logic of cultural production in the wake of the Russian conquest: we hope that the materials herein assembled will one day help enable this story to be told.

3: The Arrangement of Material

In view of the large number of documents herein under discussion, it has been our priority to arrange the sequence of descriptions in as lucid a fashion as possible. The present order of entries – relating to what we henceforth term *document numbers* – thus differs from the set of *collection series numbers* under which the documents are held in the Samarqand Museum.

The logic behind the museum's ordering of documents is somewhat opaque: while items sharing close commonalities are sometimes accorded sequential collection series numbers, they are often instead held far apart, and taking the collection as a whole it is difficult to discern more than a loose correlation between commonalities and sequentiality. The apparent absence of any synoptic arrangement suggests that the museum authorities have done little to

⁹ The earliest item to demonstrate the practice is document no. 450.

¹⁰ For the earliest instance of this practice, see document no. 456.

¹¹ For the earliest reliably attested instance of this practice, see document no. 470.

¹² Again, the earliest item to demonstrate this revised format is document no. 470. The shift in practice here appears to reflect the application of article 236 of the Russian Statutory Law: see *Polozhenie ob upravlenii Turkestanskogo kraia*, reprinted in M.G. Masevich (ed.), *Materialy po istorii politicheskogo stroia Kazakhstana* (Alma-Ata: Izdatel'stvo Akademii Nauk Kazakhskoi SSR, 1976), 352-379 [p. 371]. The editors are grateful to Paolo Sartori for this reference.

systematize the ordering of materials, and that items are grouped largely as they were at the time of acquisition. (We emphasize *largely*: the frequent appearance of ‘outlier’ documents amongst sequential runs of otherwise mutually related items suggests that subsequent to acquisition some groups of holdings may have got contaminated with other materials.) Although collection series numbers will occasionally provide circumstantial assistance in our attempts to discern patterns of arrangement, we generally accord them little taxonomical salience in the present disposition of material: readers wishing to reconstruct the museum’s own sequence of holdings when consulting catalogue entries are thus directed instead to the Concordance of Items.

In formulating the sequence of entries presented here, we have unsurprisingly opted to arrange our materials chronologically. In adopting a chronological arrangement, however, we have done so within certain parameters: readers consulting the Chronological Conspectus of Dated Texts will observe a strong, but by no means perfect correlation between catalogue entry number and date of composition. While, *ceteris paribus*, the entry for a document of later date will follow after the entry for an earlier item, we have decided that certain further considerations should exercise precedence over chronology in determining sequence. The first of these considerations relates to *place*, and the second relates to what we might term *the logic of private collections*.

(i) Place

Even leaving aside the approximately 330 items of Khwārazmian origin, the documents presently held in the Samarqand Museum are of notably diverse provenance, comprising items from across the former territories of the Bukharan emirate and the khanate of Khūqand. Geographically and politically, these territories varied widely; widespread constraints to human mobility – at least amongst the non-elite population – meant that socially and culturally these territories often varied too, with locally engrained practices differing from place to place. The documents described in the present volume richly attest to the widely variegated patterns of local practice in Central Asia during the decades before and after the Russian conquest.

As we shall see, a document produced in one regional environment is generally likely to tell a story bearing somewhat greater affinity to that transpiring from a second document produced nearby than that from a document of distant provenance. Most obviously, of course, two documents of similar regional origin are more likely to share a common subject matter, informed as they are by people’s shared experience of a common territorial frame of reference. As well as elements of ‘content’, they are more likely to share common elements of what we might term ‘form’. Documents produced in a common regional environment will often have been produced also within a common *institutional* environment, at the hands either of a common agent or of multiple agents who have commonly adopted a locally specific set of institutionalised notarial conventions. Such documents accordingly often share commonalities of construction, layout and wording which distinguish them from other items produced elsewhere. Both the story *in*, and the story *of* a particular document will thus tend to resonate more when this item is set alongside others of similar origin than when it is juxtaposed against items of more distant provenance.

In order to amplify some of the shared narrative threads and structural resonances which we find amongst documents of common origin, we have divided up our entries into groups relating to 5 territorial zones. These are as follows:

- (a) Bukhara and environs (entries 1 – 402),
- (b) Samarqand and environs (entries 403 – 649),
- (c) Khujand and environs (entries 650 – 657),
- (d) Tashkent and environs (entries 658 – 665),

and

(e) Khūqand and environs (entries 666 – 669);
entries 670 – 748, meanwhile, relate to documents of unclear provenance.

In conceptualizing these 5 territorial zones, we postulate the existence of 5 centres of social and cultural gravity, within which populations shared commonalities of experience and practice distinct from those further afield. The spaces between these zones might on occasion be congruent with lines of political demarcation: from 1868 onwards, for instance, the territory which we term ‘Samarqand and environs’ was subject to direct Russian administration, whereas the lands contained in ‘Bukhara and environs’ retained nominal autonomy as a protectorate. Such instances of congruence do not mean, however, that our postulated centres of gravity were necessarily in any way co-extensive with political entities: as we see from documents 658 – 659 and 661, for instance, in the late 18th century the territory of Tashkent and environs was sequentially subject first to Bukhara and then to Khūqand. Such a shift in authority may have been a critical episode in Tashkent’s political history, but it seems to have done little to alter the dynamics of local practice: to judge from the form and content of our documents, practices in Tashkent after the Khūqandi conquest remained as ‘Tashkenti’ as they had been before.

Our actual choice of territorial units here may seem somewhat counter-intuitive. We place documents 156 – 187, for instance, into the group of items relating to ‘Bukhara and environs’, although they in fact were produced in, and relate to Nasaf, a region centred on that substantial eponymous settlement located approximately halfway between Bukhara and Samarqand. By contrast, we accord to documents 650 – 657, of Khujandi provenance, their own distinct grouping: this although the eponymous settlement of Khujand in the 19th century was probably somewhat smaller than Nasaf was. This reflects the fact that our Khujandi documents display a highly distinct range of commonalities in form and content which are to be found nowhere else amongst the collection: the prevalence of such locally specific features suggests that Khujand, notwithstanding its limited size, constituted a centre of social and cultural gravity in a way that Nasaf did not. Telling in this context, for instance, is the terminology with which the authors of our documents refer respectively to the two territories. The zone around Khujand is invariably identified, when explicitly referred to at all, as ‘Khujand *wilāyat*’; several references by contrast to ‘Nasaf *wilāyat*, Bukhara’ suggest that Nasaf, unlike Khujand, might be formally conceptualised by members of its own population as a subsidiary unit of a larger entity. Telling also are the back-stories which we can reconstruct for some of the legal functionaries whom we encounter in documents respectively of Khujandi and Nasafi provenance: at least 3 of the *qādīs* mentioned in Nasafi documents 156 – 187 are known to have held posts in the city of Bukhara itself, whereas in our Khujandi documents we have failed to identify a single *qādī* whose activities we can trace outside the Khujand region. Limited data sets here preclude robust statistical conclusions, but the impression which accrues is that Nasaf at the turn of the 20th century was substantially more closely integrated into the workings of its territorial neighbours than Khujand was. This may in turn explain why the semantic construction of our Nasafi materials more generally resembles that of documents found elsewhere. The only verbal construction which we can recognise as strongly (though not uniquely) characteristic of Nasafi composition is a formula denoting the eponymous unit of currency as *tangah-yi rā’ijah-yi maḍrūbah*

bih darb; this aside, most formulations are frequently to be encountered also in documents of either Bukharan or Samarqandi origin. Our Khujandi documents, by contrast, convey a strong sense of semantic specificity: unlike legal materials produced elsewhere, for instance, they rarely identify the courthouse at which they have been notarised, and when delimiting the territory of a property under transaction they frequently omit reference to its northern line of demarcation. Such particularities in wording may have been of little instrumental consequence, of course: iterated over time, however, they suggest how social practices in Khujand – both inside and outside the courthouse – may have acquired their own internal logic in contradistinction to practices elsewhere.

Of course, we should be wary here of exaggerating the extent and significance of localised notarial variation. While discerning local variations in timbre, we should remember that our texts were composed according principally to a ‘universal’ Islamicate notarial grammar, which scribes from all 5 of our postulated territorial zones continued conscientiously to follow for the duration of the period herein under study: for the intellectual historian, at least, our materials are notable perhaps principally for their ongoing conformity to what we might term ‘aterritorial’ generic convention. In according organisational salience to regional variations amongst our items, therefore, we appeal more perhaps to the interest of the social historian: by tracing the tacit local normalisation of variant notarial practices, we begin to discern how people’s norm-governed behaviour might be informed by their experience of living and working in a particular place.

(ii) The Logic of Private Collections

The second set of parameters constraining our chronological arrangement of material relates to our concern to preserve the structural integrity of *private collections*. A number of collections of documents together relate to the activities of particular individuals or parties, and together tell a story about these people’s fortunes. In order to render such stories as clearly as possible, we have arranged the contents of particular collections sequentially together. Such collections of documents are situated within our territorial groupings according to chronological order: their position within this order is determined by the date of their *earliest constituent item*, and their internal contents are in turn arranged chronologically. The necessary disadvantage of this arrangement is that the last item in a self-contained such group may sometimes be of a later date than the following item in the catalogue: what we gain in enhanced clarity of miniature biographical narrative, we lose in an obscured sense of synoptic chronological sequence. Readers wishing to identify materials of mutually contemporaneous origin are accordingly directed as before to the Chronological Conspectus of Dated Texts.

It might here be asked, of course, what we construe as a ‘private collection’ and what not. If defined simply as ‘those groups of documents which together relate to the activities of particular individuals or parties’, the category of private collections could reasonably contain within it, say, all documents commonly notarised by a particular legal functionary. But this is not quite what we mean: readers wishing to find all documents notarised by a particular *qāḍī*, say, should simply consult the respective *qāḍī*’s entry in the index of persons. In speaking of a ‘private collection’ we speak more particularly of a group of documents which appear to have been preserved together subsequent to notarisation. They may have been preserved together either by their *stipulated beneficiary* – the named purchaser in a vendor’s declaration of sale, for instance – or by some *further party* who has acquired them through some subsequent transaction, whether by resale, inheritance or otherwise. Crucially, the collector will generally have preserved these documents not simply because they together relate to his or her interests

but also because s/he *derived advantage from their continued existence*. Conceived thus as archived instruments of utility, sanctioning the behaviour of the bearer while constraining the behaviour of others, private collections are significantly less likely to relate to the activities of particular *legal functionaries* than to those of particular *legal protagonists*.

There are certain exceptions here. Documents 274 – 293, substantially comprising items held in the museum as collection series numbers 401 – 412, constitute a collection of marriage warrant notes addressed to the *imām* of Bukhara's Chār-Bāgh-i Bāqī Khān quarter, and it is evident that they were together collected by the functionary himself. Similarly, documents 440 – 444 constitute a collection of items, arranged in the museum under contiguous collection series numbers, which were together produced at the courthouse of Anhār, near Samarqand, between 31 October and 28 November 1875. They relate to a variety of unrelated protagonists, but are commonly notarised by a certain Qādī Mullā Ūrūn Bāy b. 'Āshūr Muḥammad; in the absence of further information, this salient common feature suggests that Qādī Mullā Ūrūn Bāy may have had some hand in preserving the collection. In both instances, it is unclear why the named functionary should thus have amassed and preserved the materials in question: the circumstances behind the maintenance of such 'institutional' documentary collections require substantial further research.

Into a further, somewhat different category of 'problematic' private collections we can place documents 204 – 212. These are a group of items held largely sequentially in the museum under collection series numbers 73 – 88 and commonly notarised in Bukhara's Janūbī-Rūd district between 11 March 1881 and 2 January 1917. Unlike the case with documents 274 – 293 and 440 – 444, documents 204 – 212 commonly relate to the activities not of a single legal functionary but of a sort of repertory cast of protagonists, who repeatedly reappear as walk-on characters in documents detailing one another's transactions. While these individuals are clearly enmeshed in a thick network of social relations, the nature of these relationships remains obscure: and we struggle to ascertain who may have had greatest means and motive to acquire and preserve the collection's constituent items. The knowledge that we are dealing with a private collection may inform our reading of certain documents, but it does not always allow us to identify the collector.

In other instances, however, the mechanics of a collection may be reasonably transparent. A good example here is documents 449 – 510, commonly relating to the activities of several generations in a wealthy Samarqandi family from 25 April 1880 to November 1919. As one of the present editors has attempted to demonstrate in a recent essay, although the documents relate to a number of stipulated beneficiaries within the family, it is clear that they were commonly amassed and preserved by a single individual called Birdī Murād Bāy b. Tīlaw Bāy, who in a series of unidentified transactions over the course of his career evidently bought out many of the holdings of his kinsmen.¹³ By attending to the process whereby such a private collection was actually assembled, we can complement those insights accruing directly from the semantic contents of our documents with a variety of meta-textual inferences about those further activities of our protagonists *for which our extant documents individually offer no explicit attestation*: we can begin to elicit from our documents information from not only what is written down, but also what is not. In thus attempting with our arrangement of material to preserve the structural integrity of private collections, we have attempted to render our documents as articulate as they can be.

¹³ T. Welsford, 'Fathers and Sons: Re-Readings in a Samarqandi Private Archive', in P. Sartori (ed.), *Explorations in the Social History of Modern Central Asia (19th – early 20th centuries)* (Leiden and Boston: Brill, 2012) (forthcoming).

4: The Format of Entries

The 748 document entries in the present volume follow a common template. To illustrate the anatomy of this template, we here offer an annotated sample entry.

78	_____ (A) Document no.
<p><i>tpq</i> Rabī‘ I 1278 (6 September – 5 October 1861): reported declaration of sale</p>	<p>_____ (B) Date of text, and frame of speech act</p> <p>_____ (C) Collection series number</p>
633: KP 5991/354	
<p>On the above date Šūfī Ḥusayn b. Abū Ṭālib declared as a competent agent that he has sold^a to Iṣhān Dhakariyā Khwājah Ṣadr b. Iṣhān ‘Abdallāh Khwājah¹, through this latter’s attorney^b Fāḍil Bāy b. Mullā Fath-Allāh, approximately 6 <i>tanābs</i> of <i>milk</i> land located in the rural settlement of Safkardah, in Bukhara’s Shimālī-Rūd. The property abuts in the west onto <i>mamlakah</i> land in the possession of ‘Ālim Bāy b. Mu’min Bāy, in the north onto land belonging to ‘Ābid Bāy b. Rāziq Bāy, in the east onto land belonging to the vendor, and in the south onto the embankment of a common canal; the sale, for 10 <i>ashrafi</i>^c, was completed, with each party to the transaction receiving what was due.</p>	<p>_____ (D) Paraphrase of text</p>
<p>Stamp: Mullā ‘Abd al-Majīd b. Muḥammad Bāqī A‘lam Ra’īs, 1275</p>	<p>_____ (E) Stamp(s)</p>
<p>[xxx]</p>	<p>_____ (F) <i>Fiqh</i> citations</p>
<p>Witnesses: Arbāb Ṣādiq; Fuḍayl Bāy; Karīm Bāy; Muḥammad Salīm; Arbāb Fuḍayl; and others.</p>	<p>_____ (G) Witness(es) to the document</p>
<p>¹ c/w docs. 75 and 77, where Dhakariyā Khwājah’s father is identified instead as Muḥammad Yūsuf Khwājah. There is however a space before Iṣhān ‘Abdallāh Khwājah’s name, suggesting that this latter may instead have been Dhakariyā Khwājah’s grandfather.</p>	<p>_____ (H) ¹, ff: prosopographical and other information; ^a, ff: transliterated phrases of note</p>
<p>210 x 350; 12 lines. Persian.</p>	<p>_____ (I) Technical observations: document dimensions, number of lines, language(s) of composition</p>

(A) Document no.

By ‘document number’, we refer to the entry number in the catalogue which we have accorded to any particular item; this is in contradistinction to the item’s ‘collection series number’, which we provide in section (C) of the entry template, and which is discussed further below.

- (i) Generally speaking, each document is accorded a distinct document number. The only exceptions here relate to those rare occasions where multiple documents are held in the museum under a single collection series number. In such instances we accord to each constituent document a discrete entry: instead of arranging each such entry under a discrete document number, however, *we group all constituent documents under*

- a single such number, with constituent entries arranged chronologically as [xxx].1, [xxx].2, etc. Document entry no. 446, for instance, relates to a compilation of five documents together held under collection series no. 1111, and commonly detailing the administration of the Mīrzā Ulugh Bīk *madrasah* in Samarqand: of these documents, no. 446.1, dating from September-October 1879, is the earliest, and no. 446.5, undated but on the basis of its contents evidently composed in late 1915, is the latest.
- (ii) Should a single document contain multiple *texts*, these are again accorded discrete entries in the format of the above template. These entries are similarly grouped under a single document number: any appended texts are accorded a subsidiary entry immediately following that for the original text, again regardless of the date when these later texts were added. To distinguish the constituent texts in a single document, we likewise accord each text a subsidiary document number. This subsidiary document number takes one of 2 forms, according to the fashion in which the additional text is appended to the document.
- a. Should an additional text have been appended *to the opposite side of the document from the original text*, we term the original text ‘a’ and the additional one ‘b’.
 - b. Should the additional text(s) have been appended *to a side of the document which already had writing on it*, we term the original text ‘i’ and the additional one(s) ‘ii’, etc.

It is not uncommon to encounter both sorts of additional text in a single document: should an additional text or texts have been appended to a document’s reverse side, for instance, we term these ‘b.i’, ‘b.ii’, etc.

(B) *Date of text, and frame of speech act*

We here provide an actual or estimated date of the text’s composition, and briefly characterize the manner in which it is framed as a communicational instrument. Both of these descriptive domains require some further discussion.

- (i) We provide details about a text’s date of composition or notarisation in section (B) of the entry template only if the text in question is what we term a *dated text*. By a ‘dated text’, we mean a text which contains *explicit reference to the date either of its composition or of the circumstances necessitating its production*. A dated text’s date of composition can generally be established to within one of two degrees of exactitude.
- a. Some texts, including notably among them most conferrals of privilege or authority, certain sets of instructions and certain declarations of property transaction, explicitly identify their actual *date of composition*. In such instances, *we render this date directly*.
 - b. Certain other texts, notably including other kinds of transactional declaration, identify not the date of composition itself but the *date of the transaction or undertaking therein notarised*. It may very well be that the date of transaction and the date of composition are identical,

but we cannot be sure that this is the case: all we can be certain of in such instances is that the text was not composed/notarised *before* the stated date. Accordingly, in such instances we render the stated date *not as the date of composition but as a compositional terminus post quem* (abbreviated to *tpq*).

When providing details about a dated text's actual or estimated date of composition, we do so in two formats: we present the date (i) *in the form in which it originally appears* and (ii) *as it appears when converted into the Gregorian calendar*. Generally speaking, texts composed in environments not subject to Russian rule are dated according to the Hijrī calendar¹⁴; materials produced under Russian administration may similarly be dated according the Hijrī system, but may alternatively or additionally be dated according to the Julian calendar (until February 1918) or the Gregorian calendar (in the years thereafter). Should a text be dated according to both the Hijrī and the Julian calendar, there will not infrequently be a disparity between the Gregorian rendering of the two dates: in such instances, we take the rendering of the Hijrī date as the determining variant.

If a text does not contain explicit reference to the date of its composition or necessitation, we term it a *non-dated text*. In such instances, we give the acronym *n/d* in place of a date in section (B) of the entry template. Often, however, circumstantial evidence allows us at least to delimit a non-dated item's date of composition. Where such information obtains, we give it as a footnote to the text's *n/d* status; we may also be guided by such information when determining the document's position in the chronological arrangement of catalogue entries. Information of this nature may include the following:

- a. A non-dated text may sometimes have *a dated item appended to it*. This is particularly common in the case of non-dated claims for restitution¹⁵, which frequently have appended to them dated statements outlining the circumstances whereby contention is subsequently resolved. In such circumstances we cannot of course tell how much time has elapsed between the composition and the resolution of the claim: we can be sure, however, that the claim for restitution cannot have been composed after the complaint was resolved. Accordingly, in such instances we can offer as the *terminus ante quem* (abbreviated to *taq*) of a non-dated text's date of composition the date of the later text's production.
- b. A non-dated text may feature the *dated seal of one or more legal functionary/ies*. This allows us to ascertain for the text a compositional *terminus post quem*. (Some caution is required here, however, since a seal might remain in use for several decades after the date of its production: the *terminus post quem* may thus substantially pre-date the actual date of composition.)
- c. A non-dated text may feature *prosopographic information* pertinent to its date of composition. Such prosopographic information may take a variety of forms. It might comprise, for instance, the *non-dated seal of one or more legal functionary/ies*: despite offering little direct clue to the date of

¹⁴ Document no. 115 is here unique in being dated also according to the pre-Islamic Persian solar calendar.

¹⁵ It should be noted in what follows that we apply the term 'restitution' rather more widely than it is conventionally defined in western legal literature: thus e.g. A. Burrows, *The Law of Restitution* (Oxford: OUP, 1992; 3rd edition 2011), p. 4: '[...] *the law of restitution is the law based on the principle of reversing a defendant's unjust enrichment at the claimant's expense*' (original italics and bold.) While many of the plaintiffs' claims as preserved in the collection would indeed come under the remit of western laws of restitution, many others would come under the remit instead of laws of *compensation*.

- composition, such an item or items may allow us to situate the text within the career of an individual or individuals whose professional activities can be approximately dated on the basis of other, dated materials.
- (ii) In characterizing the ways in which our texts function as ‘speech acts’, we are consciously deviating from the more common practice, widely used by students of diplomatics such as Heribert Busse,¹⁶ of categorizing documents by *genre*. By ‘genre’, of course, we refer to that variety of notarial forms – the *iqrār*, the *waqf-nāmah*, the *riwāyah*, the *tīl-khaṭṭ* – within which a range of conventionalised practices exercise operative influence in the composition of a text; readers wishing to find documents roughly characterised according to such forms – and it is worth noting that the attribution of genre is always a somewhat approximate science, with a multiplicity of closely-related genre types to choose from – are directed to the Conspectus of Document Genre Types at the end of the volume.

Attention to genre of course has the great merit of reminding us that an author is rarely a free agent when drafting a text: it reminds us also that a document’s wording is likely to be as reflective of wider social practices as it is of the immediate circumstances of composition. For the purpose of our entries, however, the taxonomy of genre suffers from two shortcomings. The first is that the ‘genre’ of a document may give little clue to its contents. Included within the genre of *iqrār* – or ‘declaration of transaction’ –, for instance, may be documents notarising the *sale* of property, on one hand, and the *mortgage* of property, on the other: to identify an item as an *iqrār* document is thus to say little about the item’s substance. The second shortcoming of the taxonomy of genre is that it is sometimes insufficiently fine-grained to convey the variegations and commonalities of notarial practice which we find manifested in our documents. This is again particularly the case with *iqrār* items. Document nos. 2 and 479, for instance, can both be characterised as declarations of sale conforming to the *iqrār* genre: but they are *framed* in very different ways. In the former instance the vendor is introduced in the third person by an anonymous narrator, while in the latter it is the vendor as narrator who introduces himself: where the former document is thus framed as a *reported* declaration of sale, the latter can be termed a *statement* of declaration of sale. It might be objected, of course, that the distinction here is so slight as to warrant little attention; once we observe, however, that from 1899 onwards Samarqandi declarations of sale *conventionally adopt the latter notarial model in place of the former*, we begin to see the change as part of that wider, and more substantial process of notarial reform which took place over the decades following the Russian conquest. By thus considering how each textual speech act is framed, we attempt to illustrate some of those dynamics of notarial practice which remain obscured within the conventional terminology of genre.

(C) Collection series number

We here reproduce the reference number under which the document is held in the Samarqand Kraevedcheskii Museum. It is this, *not the document number*, which determines the location of the document’s photographic reproduction on the IICAS

¹⁶ See e.g. H. Busse, ‘Persische Diplomatik im Überblick: Ergebnisse und Probleme’, in *Der Islam* 37 (1961), pp. 202-245.

website; when collating images on the website against document entries, readers are directed as before to the Concordance of Items.

(D) Paraphrase of text

We here attempt to communicate both the ‘substance’ of the text and some of the particularities of its semantic formulation. Constraints of space and considerations of clarity together usually preclude our here offering a full translation, and instead we offer a textual paraphrase: we hope that most readers regretting the absence of a full word-for-word rendering of materials will be capable of making their own translations from the images on the IICAS website.

In determining the wording of our textual paraphrases, we have attempted to steer a line between lucidity, on the one hand, and fidelity to the original wording, on the other. In the interests of lucidity we particularly omit (a) protracted reverential epithets accorded to the addressee in *‘arīdah*-type appeals and elsewhere, (b) programmatic niceties prefacing matters of import in private letters, and (c) itemised lists of household articles under bequest in inheritance documents. Descriptions of the lengthy contents of (a) verse- or mixed prose/verse-narratives and (b) prayers or prayer amulets tend also to be highly abbreviated.

We prioritise fidelity to a text’s original wording, meanwhile, in instances where the wording (a) features items of what we might term ‘technical’ vocabulary relating to some field of learned social practice – ranging from fiscal administration, on the one hand, to agriculture, on the other – or (b) is semantically or syntactically reflective either of some conventional notarial usage or of a deviation therefrom. In such instances, we attempt to ensure that the wording of the English-language paraphrase is broadly ‘mimetic’ of the wording in the original text. We attempt to achieve this through a combination of three approaches.

- (i) Where we encounter in a document a word which we might identify as a *name*, we render this name *directly in transliterated form*. Within the category of ‘names’ we include not just personal names and place names, but also a variety of other words of similarly bounded referential force: these include, for instance, terms denoting *particular units of currency*, *particular administrative offices* and *particular fiscal categories of land*. With the exception of personal names and place names, in our textual paraphrase we render transliterated words falling into this category in *italics*.
- (ii) Where we encounter in a document a *non-onomastic term or formulation both frequently encountered elsewhere amongst our documents and of stable referential force*, we accord to this latter as close an English equivalent as possible; in order to ensure stability of representation, this same equivalent is offered each time the term in question appears amongst the documents. Readers wishing to identify which native-language terms or formulations are thus denoted by which elements of English vocabulary are directed to the Glossary at the end of the volume.
- (iii) Where we encounter in a document a *non-onomastic term or formulation infrequently encountered elsewhere amongst our documents or of unstable*

referential force, we similarly accord to this latter as close an English equivalent as possible; in such instances, however, we then offer reference to a *transliterated rendering of said term or formulation* (for which see section (G) below), so as to allow comparisons of usage from one document to another.

(E) Stamp(s)

We here provide information about the stamps which we find appended to the text. The information which we provide is somewhat abbreviated; in contradistinction to the practice in other catalogues, we omit reference to a stamp's shape, dimensions and ornamentation, trusting that interested readers will be capable of discerning such information from the images on the IICAS website. Our priority has instead been to highlight whatever chronological, prosopographical and topographical data we can glean from a stamp's impress. The nature of this data varies according to the nature of the stamp in question.

- (i) The majority of the stamps encountered in our materials are composed in the Arabic script, and pertain to particular individuals. The individual named therein is generally a legal functionary – most often a *qāḍī* or a *muftī* – who will have affixed his stamp to confirm the execution of his notarial duties: particularly in documents of Samarqandi provenance produced in the years after the Russian conquest, however, he may alternatively be a legal protagonist or a witness, confirming by the impress of his stamp his assent towards the wording of the document. Irrespective of the named party's institutional status, we attempt to identify in all such instances the person's *name and titulature*, and – where applicable – the stamp's *stated date of issue*. We omit reference to programmatic pieties and any other verbal curlicues contained within the stamp.
- (ii) A minority of stamps are composed in Russian. They are undated, and identify the courthouse in which the document has been notarised. In such instances we reproduce the *full contents of the stamp*, giving the original Russian in transliterated form. Frequently in our documents a Russian-language courthouse stamp will be accompanied by the Arabic-script signature of whichever functionary has affixed the image: in such instances, we give his name in parenthesis.

We accord to stamps a distinct section of the entry template in that substantial majority of instances where said stamp(s) is/are affixed *discretely to the document*, generally in empty space below the end of the handwritten text. In some instances, however – particularly again in documents of Samarqandi provenance produced in the years after the Russian conquest –, a functionary or (more commonly) a protagonist or witness may have affixed his stamp *within the body of the text itself*, as it were in apposition to the text's further contents. To convey a stamp's being embedded thus within the text, we outline its contents *not in section (E) but in section (D) of the entry template*, namely within the textual paraphrase.

(F) Fiqh citations

We here give in transliteration the wording of any Arabic-language *fiqh* citations adduced in support of the text's upshot, together with an identification of the source in instances when this is mentioned. On a very few occasions, the citations thus adduced extend onto the second side of a document: in such instances, constraints of space require that we simply identify the source of citations, without reproducing said texts in full.

(G) Witness(es) to the document

We here list the names of people identified as witnesses to the notarisation of a transaction or undertaking. Analogously to the case of section (E), we accord to witnesses a distinct section of the entry template only in those instances where said witnesses are identified outside the body of the text itself: *if they are mentioned within the body of the text, they are instead listed in section (D) of the template.*

(H) ¹, ff: prosopographical and other information; ^a, ff: transliterated phrases of note

Within this section of the template we provide two classes of information.

- (i) Entries listed *numerically*, as ¹, ², etc, constitute what we might term *footnotes*. They offer chronological, prosopographical and topographical glosses on the contents of the text, sometimes with citations of other primary and secondary material; they also highlight particularities in wording and form. Should a notable person, place, item of terminology or lexical/formal variant appear *more than once* in the documents, we provide a footnote on the occasion of *its earliest appearance* within the catalogue: this can be determined with reference to its earliest index entry.
- (ii) Entries listed *alphabetically*, as ^a, ^b, etc, are *terms and formulae of note encountered within the text*, reproduced directly in transliterated form; should we deem a particular such instance of usage to merit comment, we render it in turn the subject of a numerically ordered footnote.

(I) Technical observations: document dimensions, number of lines, language(s) of composition

Within this section we offer some brief curatorial observations about the format of our materials.

- (i) We give the width and length of each document to the nearest millimetre. This necessarily involves some degree of imprecision, in that our documents are rarely of absolutely even proportion; in general, therefore, we give their *maximal dimensions*, though the degree to which these correlate with *average dimensions* unfortunately somewhat varies. Should a document contain multiple texts, subsidiary entries for additional items omit mention of said dimensions: in such instances, readers are directed back to the original entry.

- (ii) We give the number of lines of each text. When determining how many lines a text contains, we exclude (a) discrete signatures; (b) discrete lists of witnesses; (c) citations of Arabic-language *fiqh* materials; and (d) subsequently appended notarial comments. In some instances, particularly among documents of Samarqandi provenance produced in the years after the Russian conquest, a text may contain a series of antiphonal statements by multiple parties; in such cases, we count the number of lines contained in each constituent utterance, giving the text's total line length in the format $(x+y+z)$. In some other instances, notably for example document no. 644, a list of shrines located in the Samarqand region, a proliferation of glossed para-texts makes it difficult what to count as a 'line' and what not; in such cases, we exclude para-texts from consideration.
- (iii) We identify the language in which each text is composed. In the majority of instances, we identify just a single language of composition. For the purposes of identification, we thus generally leave aside the fact that
- a. numerous items composed in Persian or Turki contain embedded within them conventionalised Arabic-language formulae;
 - b. numerous items composed in Persian or Turki contain citations of Arabic-language *fiqh* materials;
- and
- c. numerous Persian-language documents of Samarqandi provenance produced in the years after the Russian conquest are appended with Turki-language notarial additions.

We convey the presence of conventionalised Arabic-language formulae within the body of the text by rendering these in transliterated form in section (*H*) of the entry template; for the treatment of *fiqh* citations, meanwhile, see section (*F*) above. Should a text be appended with a Turki-language notarial addition, *we note this immediately following section (C)*.

5: A Note on Conventions

(i) Transliteration and Orthography

The present volume contains material transliterated from a number of languages. Modern Uzbek is transliterated from the Cyrillic into Uzbekistan's post-1995 modified Latin alphabet. The transliteration schemes for (i) material written in other Islamicate languages (i.e. Arabic, Persian and Turki) and (ii) material written in Russian are meanwhile respectively as follows:

(i) ¹⁷		(ii)	
ا	ʾ	а	a
آ	a	б	b
ب	b	в	v
پ	p	г	g
ت	t	д	d
ث	th	е	e/ye
ج	j	ё	yo
چ	ch	ж	zh
ح	ḥ	з	z
خ	kh	и	i
د	d	й	i
ذ	dh	к	k
ر	r	л	l
ز	z	м	m
ژ	zh	н	n
س	s	о	o
ش	sh	п	p
ص	ṣ	р	r
ض	ḍ	с	s
ط	ṭ	т	t
ظ	ẓ	у	u
ع	ʿ	ф	f
غ	gh	х	kh
ف	f	ц	ts
ق	q	ч	ch
ك	k	ш	sh
گ	g	щ	shch
م	m	ъ	ʾ
ن	n	ь	ʾ
و	ū/w	ы	y
ه	h	э	e
ی	ī/y	ю	iu
		я	ia

¹⁷ In adopting the present transliteration scheme, we are effectively treating words of Persian and Turki provenance as though they were elements of standardized Arabic. The disadvantage of this approach is of course that it sacrifices phonetic fidelity: it both (a) implies the existence of phonetic distinctions which are inoperative in Persian and Turki, such as between *t* and *ṭ*, or between *s* and *ṣ*, and (b) obscures the phonetic variety of Persian and Turki vowels and diphthongs. But 'phonetic fidelity' is often so elusive a goal as to render its pursuit largely quixotic: variations in accent make it likely, for instance, that the pronunciation of particular phonemes will vary from one district to the next, and that the faithful representation of phonemic values in one milieu will come at the price of their misrepresentation in another. Instead of aiming for phonetic fidelity, therefore, we have aspired to the more achievable goal of coherently conveying our materials' *orthography*.

We make a very few exceptions to the application of these schemes. Most notably, we render a number of well-known place names in their most conventionally familiar format; we thus give ‘Bukhara’ rather than ‘Bukhārā’, for instance, or ‘Tashkent’ in place of ‘Tāshkand’. We also modify the vowellation of Tsarist-era Russian, when appropriate, so that it reads as it would after the script change of 1917; thus we give ‘narodnogo’, for instance, in place of ‘narodnago’.

In the rendering of Arabic-script material, we furthermore

- (i) give the diphthong forms *aw* and *ay*, and the reduplicated form *īy* (rather than *īyy*);
- (ii) give orthographic value to phonetic elisions (in place of ‘*wa al-ḥukm*’, for instance, we give ‘*wa ’l-ḥukm*’);
- (iii) denote the *tā marbūṭah* with a terminal ‘h’ (in place of ‘*shar ’īya*’, for instance, we give ‘*shar ’īyah*’);
- (iv) give the *hamzah* only in those relatively rare instances where it is employed by our authors (giving ‘*tārīkh*’, for instance, if the *hamzah* is omitted, and ‘*ta ’rīkh*’ if it is included);

and

- (v) render Arabic words without terminal vowellation (giving the 3rd-person past-tense verb form ‘*qāl*’, for instance, in place of ‘*qāla*’).

Not infrequently, Arabic-language material is incorrectly rendered within the documents; repeatedly, for instance (see e.g. document nos. 495.i and 566), the plural form of ‘legal respondent’ is given not as ‘*mudda ’ā ’alayhim*’ but as ‘*mudda ’ā ’alayhi-lār*’. The frequency of incidence of grammatical mistakes both in Arabic and in other languages unfortunately precludes our noting more than a very few instances in the course of our catalogue entries; readers interested in this phenomenon are directed to an excellent recent discussion of the subject.¹⁸

Persian- and Turki-language texts frequently also omit conjunctions in places where we might expect to find them: in such instances, we similarly omit said word(s). In doc. 469a, we thus read ‘*hasht hazār dū ṣad bīst panj šūm*’, rather than ‘*hasht hazār ū dū ṣad ū bīst ū panj šūm*’.

There is frequent variation amongst our documents in the rendering of personal and place names. We attempt to reproduce such variation in our transliteration of such words: see for instance the variants on ‘Qishlāq-i Ḥamīd’ in entries 1-23. When vowelling less familiar place names we tend, where possible, to follow the vowellation as adopted in other published works; in instances where such literature offers no guidance, we have sometimes had to guess how to render vowel quantities.

¹⁸ B.M. Babadzhanov and S.A. Mukhammadaminov (eds.), *Sobranie fetv po obosnovaniuu zikra dzhakhr i sama* (Almaty: Daik-Press, 2008), pp. 79-80.

(ii) Abbreviations and Symbols

In our document entries we adopt the following conventions:

n/d: non-dated item

tpq: *terminus post quem*

taq: *terminus ante quem*

b.: son of

bint: daughter of (*NB*: we use this Arabic wording regardless of the term employed in the original document)

[xxx]: illegible word or words

[–]: word or words omitted from text

DOCUMENT ENTRIES

BUKHARA AND ENVIRONS

1 – 23: documents relating to the line of ‘Ādil Bī Jalāyir and the settlement of Qishlāq-i Ḥamīd*

1

8 Dhu’l-Ḥijjah 1022 (19 January 1614): statement of confirmation of privileges

275: KP 5991/27

Imām Qulī Khān^{1a} informs Shāh Bābā Dīwān-Bīgī² and the *arbāb*³ of Hazārah, in Nawqā⁴, that Qishlāq-i Ḥamīd has long been the *milk* of ‘Arab Mīrzā-Bāshī: and that he, the khan, has now reconfirmed this holding. Shāh Bābā should recognise that said *milk* belongs to ‘Arab Mīrzā-Bāshī alone, and that it is immune from fiscal burdens; accordingly, he should not interfere with the property. Nor should he act counter to this royal ruling^b.

Stamp: Imām Qulī Bahādur Khān

¹ Imām Qulī Khān b. Dīn Muḥammad: ruler of Bukhara, 1020-51/1611-41.

² For the office of *dīwān-bīgī*, see Khwājah Samandar Tirmidhī, *Dastūr al-mulūk*, MS IOSASU 1437 (published in reproduction with notes and translation by M.A. Salakhedinova (Moscow: Nauka, 1971), p. 39; Mīrzā Badī‘ Dīwān, *Majma‘ al-arqām*, MS Firdawsī Public Library, Dushanbe, 649 (published in reproduction with translation and notes by A.B. Vil’danova (Moscow: Nauka, 1981), p. 114; and Y. Bregel, *The Administration of Bukhara under the Manghīts and some Tashkent Manuscripts* (Bloomington, Indiana: Papers on Inner Asia, no. 34, 2000), p. 21.

³ For the office of *arbāb*, see Mīrzā Badī‘ Dīwān, *Majma‘ al-arqām*, p. 113.

⁴ B. A. Akhmedov, in his notes to Ḥāfīz-i Tanīsh, *Abdullanoma (Sharaf-nāmah-yi shāhī)*, vol. 1 (Tashkent: Sharq, 1999), p. 397, n. 990, states that Nawqā was a settlement located 50 miles east of Samarqand, in what is today G’allaorol tuman, Jizzakh viloyat: this, however, conflicts with what we find in the present collection of documents, in which Nawqā is instead identified with the region of Miyānkāl. i.e. to the west of Samarqand rather than to its east.

^a Abu’l-Ghāzī Imām Qulī Bahādur Khān; ^b ḥukm-i ‘ālī

166 x 258; 7 lines. Persian.

* There is some variation in the orthography of this name. In most documents it is encountered as Qishlāq-i Ḥamīd, but in several it appears instead as Qishlāq-i Ḥamīd or Qishlāq-i Aḥmīd.

tpq 3 Shawwāl 1030 (21 August 1621): reported declaration of sale

720: KP 5991/441

On the above date [Imām Qulī Khān] b. Dīn Muḥammad Khān^a declared and acknowledged^b that, through his attorney Mīrzā Ṣāliḥ, he has sold^c various properties to Nadir Bīk b. Nawrūz Qūsh-Bīgī¹, acting as attorney^d to Raḥīm Bīk Parwānachī² b. ‘Arab Bī.

(i) The first of these properties comprises a number of villages containing fertile agricultural land^{e(3)}, and located in Hazārah, Nawqā *wilāyat*. One of said villages, containing a plot of agricultural land planted with both fruiting and non-fruiting trees^f, and known as Qishlāq-i Ḥamīd, abuts in the west^{g(4)} partly onto the shrine to Ḥasan Atā, and partly onto lands [belonging to the tribe of?]⁵ Qārlūq, in the north partly onto land belonging to Muḥammad Amīn Yābū and Pāyam Yābū b. ‘Abdallāh, and partly onto lands belonging to the shrine of ‘Abdallāh Anṣārī, in the east partly onto lands belonging to the village of Ūngūt, partly onto the embankment of the Sulṭānī canal^{h(6)}, and partly onto lands belonging to [the settlement of?] Mangarān, and in the south partly onto [xxx] Tarkhān, and partly onto lands belonging to Ṣadr Yābū. (ii) The second property comprises an expanse of *qurūq*⁷ land, and abuts in the west partly onto [xxx] quarter, partly onto a reed-bedⁱ and partly onto lands belonging to Allāh Qulī Qarāwul⁸, in the north onto the embankment of the familiar Āq Sū canal, in the east onto a mill and in the south onto a mill belonging to Jān Sa‘īd Bāy b. ‘Abdallāh. (iii) The third property comprises [xxx], and abuts in the west onto the Nāwundāk drainage ditch^j, in the north onto a road [xxx], in the east partly onto a public thoroughfare leading to Nāwandāk and partly onto lands belonging to [xxx] Ṣūfī b. ‘Abdallāh, and in the south onto the Shāhābād canal.

The sale is for 15000 *tangah*^k.

Stamps: [xxx]

¹ For the office of *qush-bigi*, see Bregel, *The Administration of Bukhara under the Manghīts*, pp. 8-12.

² For the office of *parwānachī*, see *ibid.*, p. 21.

³ For a similar formula, → doc. 410.ii.

⁴ Of the six documents which use this formula in place of the more common *gharban*, three (docs. 2, 3 and 9) relate to the settlement of Qishlāq-i Ḥamīd. → also the Khujand documents, below.

⁵ It is unclear whether reference is to the name of a settlement or to that of a tribe to whom a settlement belongs. For *Qārlūq* as a tribal grouping see Akhmedov, ‘O roli pis’mennykh pamiatnikov v izuchenii etnogeneza uzbekskogo naroda’, in *Obshchestvennye nauki v Uzbekistane* 1981.12, pp. 44-50 [p. 49], and W. Holzwarth, ‘The Uzbek State as Reflected in Eighteenth Century Bukharan Sources’, in *Asiatische Studien* 60.2 (2006), pp. 312-353 [329-330].

⁶ Although *jūy* is the commoner term for ‘canal’ amongst our documents, *nahr* is conventional in earlier texts, particularly those from the 17th and 18th centuries.

^a khāqān bin al-khāqān bin al-khāqān [...] walad-i sharīf-i [...] Abu’l-Ghāzī Dīn Muḥammad Bahādur Khān; ^b iqrār-i ṣāliḥ wa i’tirāf-i mu’tabar-i ṣarīḥ-i sharīṭ; ^c bay‘-i bātt-i batāt-i nāfidh-i sharīṭ; ^d wakīl bi’l-shirā; ^e mushtamilah [...] bar arāḍī-yi kathīrah-yi qābilah-yi zirā‘ah wa ṣāliḥah-yi ḥirāthah³; ^f yak qit‘ah zamīn-i mazrū‘, kih mushtamil ast bar ashjār-i muthmirah wa ghayr-i muthmirah; ^g ḥadd-i gharbī-yi ān⁴; ^h ḥarīm-i nahr-i sulṭānī⁶; ⁱ lūkh-zār; ^j sā-yi Nāwundāk; ^k tangah-yi pākizah-yi nuqrah-yi sarah-yi maskūkah-yi yak-mithqālī

<p>→ docs. 2, 3, 4, 6, 9, 24 and 80 (an unusually late encounter) and 677 (n/d). It is unclear whether the word <i>ṣulṭānī</i> refers to the <i>name</i> of the canal or its legal <i>status</i>.</p> <p>⁷In Mongol-era sources, a <i>qurūq</i> is generally understood to be a religious enclosure; by the 16th century at the latest, it was understood more frequently as a self-contained hunting reserve, which in times of need might serve as a military congregation ground. See D. DeWeese, <i>Islamization and Native Religion in the Golden Horde</i> (University Park: Pennsylvania State University Press, 1994), p. 182; S.V. Dmitriev, ‘Sredneaziatskie kuruki v epokhu Shibanidov (po materialam XVI v.)’, in <i>Tiurkologicheskii sbornik</i> 2005, pp. 143-158.</p> <p>⁸For the office of <i>qarāwul</i>, see Mīrzā Badī‘ Dīwān, <i>Majma‘ al-arqām</i>, pp. 99-100.</p>	
365 x 1530; 38 lines. Persian.	

3

tpq Šafar 1143 (16 August – 14 September 1730): reported sale¹

181: KP 791/59

<p>On the above date Shākir Bīk b. Qalandar Tūqsābah² sold^a to Ādar Bāy Tūqsābah, Jānī Bīk and Birdī Bīk a plot of rain-fed land^b located in Nawqā³ <i>wilāyat</i> and known as Qishlāq-i Hāmid (<i>sic</i>), abutting in the west entirely onto the Nawandūk⁴ creek, in the north onto the Kākh road, in the east onto the Nawandūk road and in the south onto the famed Shāhābād canal^{c,d(5)}; the sale was for 30 <i>ashrafi</i>^{e(6,7,8)}.</p> <p>The vendor acknowledges that any subsequent claim on the transacted land will be void and inadmissible.</p>

Stamps: (i) Qāḍī Khāl Muḥammad b. Qāḍī Ādīnah Bāqī; (ii) Shākir Bīk b. Qalandar Bīk; (iii) Šādiq Bīk b. Shākir Bīk

<p>¹ The document is unusual amongst the sale documents within the collection, in that it constitutes an <i>‘aqd</i> rather than an <i>iqrār</i>, whether related by an anonymous scribe (→ doc. 2 above, and etc) or by the <i>muqirr</i> himself (→ doc. 479 below). → similarly docs. 34 and 652 below.</p> <p>² <i>Tūqsābah</i>: “commander of detachment which had a banner [...]; he was close by rank to pānšadbāshī and corresponded to Russian lieutenant colonel”: T.K. Beisembiev, <i>Annotated Indices to the Kokand Chronicles</i> (Tokyo: Research Institute for Languages and Cultures of Asia and Africa, 2008), p. 750. See also Mīrzā Badī‘ Dīwān, <i>Majma‘ al-arqām</i>, p. 98, and Bregel, <i>The Administration of Bukhara under the Manghīts</i>, p. 22, n. 78.</p> <p>³ The syntax of this part of the text is somewhat unclear.</p> <p>⁴ A settlement located some 25 km northwest of Kattaqurghan and 15 km northwest of Payshanbe.</p>	<p>^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b zamīn-i lalmīyah; ^c nahr-i Shāhābād-i mashhūr; ^d fawāṣil dar kull-i ḥudūd ‘alāmāt zāhirah ast⁵; ^e ashrafi⁶-yi Abu’l-Fayḍ-Khānī⁷-yi yak-mithqālī⁸</p>
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⁵ This phrase signifies that the delimitation of the aforementioned property is complete. It is a conventional formula, appearing 8 times in the present collection (docs. 3, 6, 9, 28, 34, 38, 42, and 415), as well as in e.g. O.D. Chekhovich and A.K. Arends, *Dokumenty k istorii agrarnykh otnoshenii v Bukharskom khanstve XVII-XIX vv. Vol.1* (Tashkent: Fan, 1954), p. 30 [doc. 7], and etc; for close variations, → (i) docs. 24 and 653 (an unusual late instance of use), and (ii) 27. From ca. 1840, the formula would commonly be replaced with *fawāsil fi'l-kull ma 'lūm[ah] ast*: for discussion of this latter formula, → doc. 68⁽²⁾.

⁶ The *ashrafi* (or *ashrafi-yi tilā*, or *tilā*) was initially a gold coin valued at c. 4.8 grammes of gold (→ ⁽⁸⁾ below) and later increasingly a unit of currency valued at 19 (→ doc. 73b) or 20 (→ doc. 112) silver *tangah*.

⁷ Abu'l-Fayḍ Khān b. Subhān Qulī, ruler of Bukhara 1123-60/1711-47.

⁸ The *mithqāl* was a unit of weight equivalent to c. 4.8 grammes: see R.G. Mukminova, *K istorii agrarnykh otnoshenii v Uzbekistane XVI v. Po materialam «Vakf-name»* (Tashkent: Fan, 1966), p. 321, and E.A. Davidovich, *Materialy po metrologii srednevekovoi Srednei Azii* (Moscow: Nauka, 1970), pp. 94-95. There are 25 references amongst our documents to *ashrafi* (or *ashrafi-yi tilā*, or *tilā*) coins weighing 1 *mithqāl*: → docs. 3, 9, 10, 11, 12, 13, 24, 27, 34, 38, 42, 73a, 76, 77, 98, 99a, 103, 104, 105, 106, 412, 413, 426, 428 and 652. Of these, all but docs. 27 and 413 explicitly note that the coins are *aḥmar* (=gold). There are additionally 3 further references to *ashrafi* or *tilā* coins which make no allusion to their weight but which specify that they are *aḥmar*: → docs. 73b, 653 and 655. This last, dating from 1285/1868-69, is the last document of identifiable date to refer specifically to gold coinage: it thereafter becomes conventional to refer to *ashrafi* coins according to their worth in *tangah*.

192 x 257; 12 lines. Persian.

4

n/d¹: statement of conferral of privileges

277: KP 5991/29

Muḥammad Dāniyāl Bī Atālīq^{2a} states that Qishlāq-i Ḥamīd, in Nawqā, is the hereditary property^b of Shākir Bīk. In return for a levy of manpower^c for the upkeep of the nearby canal^d, Shākir Bīk should keep for himself the corresponding irrigation fees^e in accordance with traditional practice^f. People should make no further demands on him^g, they should particularly not interfere on account of the *qūsh pulī* tax³. Nor should people act contrary to this ruling.

Stamp: Dāniyāl Muḥammad Bī b. Khudāyār Atālīq	
<p>¹ 1172-99, the years of Muḥammad Dāniyāl Bī Atālīq's rule.</p> <p>² Dāniyāl Bī Atālīq b. Khudāyār Atālīq, ruler of Bukhara 1172-99/1758-85. For the office of <i>atālīq</i>, see R.D. McChesney, 'Waḳf at Balkh: A Study of the Endowments at the Shrine of 'Alī ibn Abī Abī Ṭālib' (1973 Princeton Ph.D. thesis), p. 33 ff., and Bregel, <i>The Administration of Bukhara under the Manghīts</i>, pp. 12-14.</p> <p>³ For this tax category, see N.A. Kisliakov, <i>Patriarkhal'no-feodal'nye otnosheniia sredi osedlogo sel'skogo naseleniia Bukharskogo khanstva v kontse XIX – nachale XX veka</i> (Moscow-Leningrad: Izd-vo AN, 1962), p. 102.</p>	<p>^a 'umdat al-umarā Muḥammad Dāniyāl Bī Atālīq; ^b milk-i mawrūthī; ^c ḥashar; ^d nahr-i khūd; ^e mīrābānah; ^f muwāfiq-i ta'āmul; ^g az hīch wajh min al-wujūh ṭalab wa ṭalabah na-dārand</p>
101 x 172; 6 lines. Persian.	

5

tpq 1205 (10 September 1790 – 31 August 1791): reported adjustment to the terms of a *waḳf* endowment

1084: KP 1618

<p>The speakers [i.e. the <i>qādī</i> and his assistant¹] state that on the above date they presented for inspection an endowment deed^a attesting to the conversion into <i>waḳf</i> of 3.5 <i>juft-i gāw</i>² of land to the benefit of the descendents of Buzurg Khwājah b. Bābā Khwājah, and that they have made some adjustments^b to the outline of the endowed property. Many people have observed^c that the land in question has been endowed to the benefit of Buzurg Khwājah's descendents for a long time^d; accordingly, the speakers have checked the lands under endowment^e. The lands comprise two plots. (i) The first of these abuts in the west onto a courtyard property belonging to Ḥasan Atā, in the north onto the stream of a common canal, in the east onto land belonging to Muḥammad Nazar Qūrchī-Bāshī³ b. Jānī Bīk Tūqṣābah and in the south partly onto land belonging to Yūllī Bīk⁴ b. Birdī Bīk Dādkhwāh⁵ and partly onto land belonging to Jahāngīr Qūrchī-Bāshī b. 'Ādil Bāy Dādkhwāh. (ii) The second abuts in the west onto the embankment of a common canal, in the north onto land belonging to Khāliq Nazar b. Īsh Ḥāfiḏ, in the east partly onto an area of higher ground and partly onto land belonging to the afore-mentioned Khāliq Nazar, and in the south onto land belonging to Nūr Bāy b. Shādmān. Both plots are located in the rural settlement^{f(6)} of Qishlāq-i Ḥamīd, a subsidiary settlement of Nawqā⁷. Having demarcated the territory under endowment^g, the speakers have placed it under the charge of Tursūn Khwājah, the most proper^h of Buzurg Khwājah's sons, whom they have appointed as <i>mutawallī</i>.</p>
<p>Stamps: (i) [xxx] b. Muḥammad Rāfi', 1204; (ii) Qādī 'Ināyat-Allāh⁸ b. Khwājah Raḥmat-Allāh</p>
<p>Witnesses: Mullā 'Awaḍ Muḥammad; Mullā Badal; Mullā Muḥammad Nazīr; Mullā 'Abd al-Ghafūr; Mullā [xxx] Qul; Būrān Arbāb; Ḥayit Bāy Jībāchi⁹; [Jawshī?] Ḥāfiḏ; Urūs Bāy Mīrgān; Amān Khwājah; Ūzbīk Khwājah; Tāsh Arbāb; Bāy Nazar; Niyāz Muḥammad Shūr; Mullā Īsh Muḥammad; Muḥammad Nazar; Barāt Jalāyir.</p>

<p>¹ Prior to the Russian conquest, <i>sharī'ah</i> court personnel exercised responsibility for land assessments. See P. Sartori, 'Colonial Legislation Meets <i>Sharī'ah</i>: Muslims' Land Rights in Russian Turkestan', in <i>Central Asian Survey</i> 29.1 (2010), pp. 43-60 [p. 50].</p> <p>² 1 <i>juft-i gāw</i> of land was the equivalent of 50 <i>tanābs</i> (for which → doc. 9⁽²⁾): see Davidovich, <i>Materialy po metrologii srednevekovoi Srednei Azii</i>, pp. 122-123. The measurement appears only among the earlier documents in the collection: → docs. 5, 6, 15a, 25 and 414.</p> <p>³ Son of that previous purchaser identified in doc. 3.</p> <p>⁴ Son of the Birdī Bīk encountered as purchaser in doc. 3.</p> <p>⁵ For the office of <i>dādkhwāh</i>, see Mīrzā Badī' Dīwān, <i>Majma' al-arqām</i>, p. 97, and Bregel, <i>The Administration of Bukhara under the Manghīts</i>, p. 22.</p> <p>⁶ The term refers to a rural, rather than an urban settlement: see e.g. Mukminova, <i>K istorii agrarnykh otnoshenii v Uzbekistane</i>, p. 326.</p> <p>⁷ The ordering of this information is unusual. In later documents, at least, it is conventional for a property's more general location to be specified before the topography of its boundaries.</p> <p>⁸ ≈ that individual of the same name attested in Jumādā II 1220 (27 August – 24 September 1805): to have endowed as <i>waqf</i> a property in Sawghānjī, Āfarīnkint? → doc. 416.</p> <p>⁹ For the office of <i>jībāchī</i>, see Mīrzā Badī' Dīwān, <i>Majma' al-arqām</i>, p. 114 and elsewhere.</p>	<p>^a waqf-nāmah; ^b taṭbīq kardīm; ^c jamā'ah-yi kathīrah bih īn ma'nā khabar dādand; ^d az qadīm al-ayyām; ^e zamīn-i waqf-i madhkūr-rā taḥqīq kardīm; ^f mawḍi'⁶; ^g zamīn-i waqf-rā judā kardah; ^h aṣaḥḥ</p>
<p>140 x 210; 13 lines. Persian.</p>	

6

tpq Ramaḍān 1214 (27 January – 25 February 1800): reported declaration of sale

176: KP 3791/55

<p>On the above date Khwājah Naẓar Tūqsābah b. Jān Bīk Tūqsābah¹ declared as a competent agent^{a(2)} that he has sold^b to Jahāngīr Qūrchī-Bāshī b. 'Ādil Bāy Dādkhwāh 1 <i>juft-i gāw</i> of land together with 1/6 of the jointly-owned rights to a watermill^c, all of which is <i>milk-i ḥurr-i khālīš</i>. The land comprises 2 plots located in the rural settlement of Qishlāq-i Aḥmīd (<i>sic</i>), in the vicinity of Nawqā, in Miyānkāl <i>wilāyat</i>³. (i) The first plot is seeded with 5 <i>mann</i>⁴ of grain^{d(5)} (as reckoned by Bukharan measures^{e(6)}), and abuts in the west onto a pool^f belonging to Allāh Qul Qarāwul-Bīgī, in the north and east onto land belonging to the purchaser, and in the south onto the embankment of the city canal. (ii) The second plot is seeded with 3 <i>mann</i> of grain, and abuts in the west onto a common canal, in the north onto the embankment of the afore-mentioned city canal, in the east onto land belonging to the purchaser and in the south onto a public thoroughfare. The sale, for 59 <i>ashrafi</i>^g, was completed, with each party to the transaction receiving what was due^{h(7)}.</p>
<p>Document torn: no stamp.</p>

Witnesses: Būtah Dīwān-Bīgī; Īshān Tursūn Khwājah; Ḥabībī Khwājah; Yangī Bahādur Chuhrah-Aqāsī ⁸ ; [Qūzī?] Bīk; Barāt Bahādur; Kildī Bīk.	
<p>¹ ≈ Muḥammad Naẓar Qūrchī-Bāshī b. Jānī Bīk Tūqsābah encountered in doc. 5.</p> <p>² The formulation is highly conventional, and its rendering thus will henceforth be assumed unless stated otherwise.</p> <p>³ ‘Nawqā, in Miyānkāl <i>wilāyat</i>’: for discussion, → doc. 1.</p> <p>⁴ For the value of the <i>mann</i> as a unit of weight, see Davidovich, <i>Materialy po metrologii srednevekovoi Srednei Azii</i>, pp. 85-94.</p> <p>⁵ The editors are grateful to Ikromjon Azizov for explaining this reference.</p> <p>⁶ For the specificity of Bukharan measures and their distinctiveness from other regional scales of measurement, → also docs. 60b.i, 90, 249, 250, 378 and 431a.</p> <p>⁷ A highly conventional formula, which will henceforth be taken for granted.</p> <p>⁸ For the office of <i>chuhrah-āqāsī</i>, see U. Berndt, ‘Organisation eines Feldzugs nach einer mittelasiatischen Quelle’, in <i>Asiatische Studien</i> 58.1 (2004), pp. 1-13 [p. 4], and Mīrzā Badī‘ Dīwān, <i>Majma‘ al-arqām</i>, p. 116.</p>	<p>^a ḥāl jawāz iqrārihi²; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c ma‘ suds-i mushā‘-i yak ḥajar tāḥūnah-yi dā‘irah dar baṭn-i nahr-i kadhā; ^d panj mann tukhm-i gandum-i zamīn ast⁵; ^e bih sang-i wilāyat-i madhkurah; ^f jar; ^g ashrafi-yi jayyid-i aḥmar-i yak-mithqālī-yi bukhārī al-ḍarb-i rā‘ijāt al-waqt; ^h ma‘ al-taqābuḍ fi‘l-badalayn⁷</p>
220 x 293; 16 lines. Persian.	

7

1216 (14 May 1801 – 3 May 1802): statement of conferral of privileges

279: KP 5991/31

Amīr Ḥaydar ¹ states that a royal ruling was issued ^a stating that Qishlāq-i Ḥamīd, a subsidiary settlement of Hazārah, Nawqā, has been converted to <i>milk</i> ² by dint of the yielding of two-thirds ^b and in keeping with former decrees ^c . The ‘ <i>āmils</i> ³ and <i>dārūghahs</i> ⁴ should refrain from making demands for <i>kharāj</i> ; nor should they disobey the present order.	
Stamp: Abu’l-Faṭḥ Muḥammad Mīr Ḥaydar Bahādur Khān	
<p>¹ Amīr Ḥaydar b. Shāh Murād, ruler of Bukhara 1215-42/1800-26. For a collection of similar documents issued by Amīr Ḥaydar, see M.A. Abduraimov, <i>Voprosy feodal’nogo zemlevladieniia i feodal’noi renty v pis’makh emira Khaidara</i> (Tashkent: Fan, 1961), pp. 81-108.</p> <p>² i.e. <i>milk-i ḥurr-i khālīš</i>? (→ docs. 34 and 411.) For the mechanics of this conversion, see Chekhovich and Arends, <i>Dokumenty k istorii agrarnykh otnoshenii v Bukharskom khanstve XVII-XIX vv.</i>, pp. 14-23 [doc. 5]; Schwarz, ‘Contested grounds’, p. 35.</p>	<p>^a ḥukm-i ‘ālī šādir shud; ^b bih mawjib-i thuluthān; ^c aḥkām-i sābiq</p>

<p>³ Rendered by Schwarz, 'Contested grounds', p. 40, as 'tax agents'.</p> <p>⁴ The term appears to have a number of meanings. Vil'danova, in the notes to her edition to Mīrzā Badī' Dīwān's <i>Majma' al-arqām</i>, identifies the <i>dārūghah</i> as the military commander of a city (p. 113); Schwarz, 'Contested grounds', p. 40, renders the term instead simply as 'prefect'. For further discussion, see A.K.S. Lambton, 'DĀRŪGHA', in <i>EP</i>.ii (1965), pp. 162-163.</p>	
129 x 213; 7 lines. Persian.	

8

n/d¹: solicited legal opinion

50: KP 1124

<p>Jahāngīr Bīk Ishik-Aqā-Bāshī builds a water-mill^a along a shared body of water, with the permission and satisfaction of his fellow owners, namely Yūllī Bīk Qarāwul-Bīgī, Iskandar Bīk Qarāwul-Bīgī, Pīr Naẓar Bīk Mīrzā-Bāshī, Īsh Naẓar Jibāchī and 'Āshūr Bīk Mīrzā-Bāshī. (i) Given that the mill lies beyond the stretches of water belonging to his fellow owners, is it not the case that this is an unobjectionable thing to do, and that any opposition is unjustified^b? (ii) If, having initially approved the project, the afore-mentioned fellow-owners subsequently pretend that they never gave consent for construction, is it not the case that their claim for restitution is void and inadmissible?</p> <p>Answer: yes.</p>	
<p>Stamps: (i) Muḥammad Qurbān² b. Muḥammad Salīm al-Muftī, 1230; (ii) Muḥammad Khwājah A'lam b. Pādīshāh Khwājah 'Alawī al-Muftī</p>	
<p>Citations: (i) <i>wa mana' kull minhum ay al-shurakā' min naṣīb raḥā 'alā mā' mushtarak wa naḥwuhu ka'l-dāliyah wa'l-sāniyah wa'l-jisr wa'l-qanṭarah illā bi-riḍāhum kamā fī'l-Mabsūṭ³</i> (Jāmi' al-rumūz⁴); (ii) <i>al-ḥaqq yubṭal wa yasqūṭ bi'l-riḍā</i> (Qā'idī⁵); (iii) <i>wa'l-sāqīṭ lā ya'ūd</i> (Sharḥ-i Wiqāyah⁶); (iv) <i>al-milk lā yubṭal bi'l-tark wa'l-ḥaqq</i> (Ashbāh⁷); (v) <i>al-ḥaqq matā thabat wa istaqarr lā yasqūṭ illā bi-isqāṭ ṣāhibihi</i> (Hidāyah⁸); (vi) <i>al-mukhāṣamat wa'l-muzāhamat bilā sabab shar'ī lā yajūz</i> (Qāḍī Khān⁹); (vii) <i>wa lays li-aḥad min al-shurakā' an yakrā minhu nahran illā bi-riḍā al-ākharīn wa kadhā lays li-aḥad min al-shurakā' an yunṣīb al-raḥā, illā an yakūn mawḍi' al-raḥā fī arḍihi [xxx] wa lā yaḍurr bi'l-nahr wa lā bi'l-mā'</i> (Bazzāziyah¹⁰); (viii) <i>ammā al-anhār al-mamlūkah wa hiya al-murādah bi-qawlihi dakhāl fī'l-maqāsim fa-laysa li-aḥad an yakrā minhu nahran aw yunsāb 'alayhi raḥan bi-ghayr idhn al-mālik sawā' akhrabahu aw lā li-annahu ikhtaṣṣ bi-mālikihi</i> (Barjandī¹¹).</p>	
<p>¹ <i>tpq</i> 1230/December 1814-December 1815.</p> <p>² For his stamp see also G. Kurbanov, <i>Materialy po sredneaziatskoi sfragistike. Bukhara. XIX – nachalo XX vv.</i> (Tashkent: Gafur Gulyam, 2006), p. 95.</p> <p>³ 2 Ḥanafī works of this name are known: one was composed by Abū 'Abdallāh Muḥammad b. al-Ḥasan b. al-Farqad al-Shaybānī (749-805), and the other was composed by</p>	<p>^a naṣb-i raḥā; ^b muzāhamat-i aḥadī bih rū-yi muwajjah-yi shar'ī lā yajūz bāshad</p>

Shams al-A'imma Muḥammad b. Aḥmad al-Sarakhsī (1009-90) as a 30-volume commentary to the *al-Kāfī* of Ḥākīm al-Shahīd Muḥammad b. Muḥammad b. Aḥmad b. 'Abdallāh al-Marwāzī (d. 334/945) (→ doc. 102⁽³⁾): see C. Brockelmann, *Geschichte der arabischen Literatur* (Leiden: Brill, 1943; repub. 1996), 5 volumes (vols. G.I-II and S.I-III) (henceforth *GAL*) I.373, pp. 460-61.

⁴ A work by Shams al-Dīn Muḥammad b. Ḥusām al-Dīn al-Khurāsānī al-Kuhistānī, a native of Kuhistān who served as *muftī* in Bukhara under 'Ubayd-Allāh Khān (1534-39); the date of his death is variously recorded as 950/1544, 953/1547 and 962/1554. The work comprises a 4-part commentary on the *Mukhtaṣar al-Wiqāyah* (→ doc. 90a⁽³⁾), and has been variously published in India, Istanbul and Kazan: see Brockelmann, *GAL* I.378, p. 469.

⁵ [=Otherwise known as the *Fatāwā-yi Khujandī*]: a work composed partly in Persian by Shams al-Dīn Abū 'Abdallāh Muḥammad b. 'Alī ('Umar) b. Abu'l-Qāsim b. Abū 'l-Rajā' al-Qā'idī al-Khujandī (13th century), comprising *fatwās* by 'ulamās of the 11th and 12th centuries: see Brockelmann, *GAL* suppl. II.954.

⁶ A work by 'Alā' al-Dīn 'Alī b. Majd al-Dīn Muḥammad b. Mas'ūd al-Hirawī al-Biṣṭāmī (d. 876/1470): see Brockelmann, *GAL* suppl. I.647, II.329.

⁷ [= an abbreviation for the full title, *Kitāb al-ashbāh wa'l-nazā'ir li-Jalāl al-Dīn Abī Afḍal 'Abd al-Raḥmān*]: a Ḥanafī work by Zayn al-Dīn (=Zayn al-'Ābidīn) b. Ibrāhīm b. Muḥammad b. Nujaym al-Miṣrī (1519-1563). The work has been printed on several occasions, and has been the subject of numerous commentaries. See Brockelmann, *GAL* II.310, p. 401.

⁸ A work by Burhān al-Dīn al-Marghīnānī (1123-97), widely published and translated: see Brockelmann, *GAL* I.376-378, pp. 466-470.

⁹ [=Otherwise known as *Imām Qāḍī Khān, Fatāwā-yi khānīyah* or *al-Khānīyah*]: a work by Fakhr al-Dīn Qāḍī Khān Ḥasan b. Maṣṣūr b. Maḥmūd al-Uzjandī (d. 592/1196). The work has been published in an edition alongside the *Fatāwā-yi Sirājīyah* and the *Fatāwā-yi 'Ālamgīrī*. See Brockelmann, *GAL* I.376, p. 465.

¹⁰ [Otherwise known as *Jāmi' al-wajīz* or the *Fatāwā-yi Kardarī*]: a collection of *fatwās* and *wāqī'āts* by Muḥammad b. Muḥammad al-Kardarī al-Bazzāzī al-Khwārazmī (d. 827/1424). The work was published in Kazan, Bulaq and Cairo. See Brockelmann, *GAL* II.225, p. 291.

¹¹ A work by 'Abd al-'Alī b. Muḥammad b. Ḥusayn al-Barjandī al-Ḥanafī (d. 935/1529) – for whom see Brockelmann, *GAL* suppl. I.591 –, comprising a commentary on the second volume of the *Mukhtaṣar al-Wiqāyah* (→ doc. 90a⁽³⁾). The commentary was begun by Qāsim b. Quṭlubughā (1399-1474), who left it incomplete at the time of his death; al-Barjandī then completed it in 932/1527. The work has long been renowned in Mā warā' al-nahr: see Brockelmann, *GAL* II.82, pp. 99-100.

342 x 215; 6 lines. Persian.

tpq Rabī' I 1232 (19 January – 17 February 1817): reported declaration of sale

183: KP 3791/59

On the above date Pīr Muḥammad b. Nadir Bāy, acting on his own behalf and as attorney to Yār Muḥammad, 'Ashūr Kal, Umsūm and Qarṣāq, children of Īr Nazar Ṣūfī, declared as a competent agent that he has sold^a to Jahāngīr Īshīk-Aqā-Bāshī, through this latter's attorney^b Sultān Murād b. Birdī 'Alī Chuhrah-Āqāsī, 1/6 of a jointly-owned ancestral plot of rain-fed land^c located in the rural settlement of Turkmān Yirī, a subsidiary settlement of Khaṭīrchī, Miyānkāl. The property abuts in the west flush against a designated public thoroughfare running from Ūshūn and the west of Sāqī Tipah towards Ūch Qarā, in the north partly onto Tāsh Tipah, partly onto *mamlakah-yi pādishāhī* land^d, which in turn abuts partly onto a designated hill^e and partly onto [the slag heaps?^e], in the east onto a public thoroughfare and in the south flush against the embankment of the Shāhābād canal^f. The sale, for 27 *ashrafi*^g, was completed, with each party to the transaction receiving what was due.

It should further be noted^h that to the south of the transacted property there lies a plot of approximately four *ṭanābs*² of *milk* land belonging to the afore-mentioned vendor; this is not included within the terms of the saleⁱ.

Stamps: (i) Qāḍī Muḥammad [xxx] b. Sa'd-Allāh, 1231; (ii) [xxx] al-Muftī b. [xxx] Nazar Ṣūfī, 1200

Witnesses: Mullā Taghāy Murād; Mullā Shukr; Khwājah Muḥammad; Ustā Qazāq; Dūst Bīk; Nūr Muḥammad Āqsaqāl; Khidhr Āqsaqāl; Rajab Mīrgān; Mullā Qurbān; Ūrāz Bāy; Qūybāqar; Būtah Bāy; Taghāy Bāy; Khwājah Murād; Yitmān; and others.

¹ For the status of *mamlakah-yi pādishāhī* land, see A.A. Semenov, 'Ocherk pozemel'no-podatnogo i nalogovogo ustroistva b. Bukharskogo khanstva', in *Trudy Sredneaziatskogo gosudarstvennogo universiteta* II.1 (Tashkent: Izdatel'stvo Gosudarstvennogo Sredneaziatskogo Universiteta, 1929), pp. 36-41.

² A *ṭanāb* of land was conventionally reckoned as 60 x 60 *gaz* (→ doc. 60b.i): see Davidovich, *Materialy po metrologii srednevekovoi Srednei Azii*, pp. 125-30.

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b wakīl bih shirā'; ^c suds-i mushā'-i zamīn-i lalmī-kārī; ^d ūrt-i mu'ayyan; ^e mūl-hā-yi angisht; ^f ḥarīm-i nahr-i Shāhābād; ^g ashrafi-yi jayyid-i aḥmar-i a'lā-yi yak-mithqālī-yi bukhārī al-ḍarb; ^h makhfī na-mānad; ⁱ dākhil dar bay' nīst

350 x 594; 16 lines. Persian.

n/d¹: claim for restitution

41: KP 1115

Jahāngīr Īshīk-Aqā-Bāshī b. 'Ādil Bāy Dādkhwāh presents a claim against 'Abd al-Khāliq. He states that the respondent purchased from 'Ālim Khwājah b. Mallah Khwājah $\frac{1}{4}$ *ṭanāb* of *milk* land located in Chahār-Bāgh-i Bāqī Khān quarter², outside Bukhara's old citadel, and abutting in the west onto land belonging to Mullā Bāltah b. 'Abdallāh, in the north onto land belonging to 'Ināyat Khwājah b. Bābā Khwājah, in the east onto land belonging to Mullā 'Abd al-Khāliq b. 'Abd al-Ghaffār, and in the south onto a courtyard property belonging to Jahāngīr Īshīk-Aqā-Bāshī b. 'Ādil Bāy Dādkhwāh; the sale was for 13 *ashrafi*^a.

The property under transaction adjoins a courtyard property belonging to the plaintiff, which abuts in the west onto the afore-mentioned Mullā Bāltah's property, in the north onto the above-delineated plot of land, in the east onto a courtyard property belonging to 'Azīm, Ghafūr and Sharīf, sons of 'Ātūr, and in the south partly onto a courtyard property jointly belonging to Mīrzā Bīk and Muḥammad Raḥīm Bīk, sons of Mullā Sa'd-Allāh and partly onto a reservoir belonging to Paṛī-khān. As owner of the adjoining property^b, Jahāngīr should accordingly have had the right of pre-emption³ [i.e. first right of refusal]. The respondent should therefore hand the land over to the plaintiff, in return for the sum of money which he paid for it.

Stamp: Šābir Birdī b. Khūshḥāl al-Ḥanafī, 1235

Citation (side b): *idda 'ā maḥdūdān fa inkar al-mudda 'ā 'alayhi an yakūn dhālik fī yadihi fa-ṭalabahu al-mudda 'ī yumnahū yuḥallif al-Qāḍī 'alā dhālik ḥattā yuqirr* (Khizānat al-muftīyin⁴).

¹ *tpq* 1235/October 1819-October 1820.

² For the location of this neighbourhood, see Sukhareva, *Bukhara: XIX – nachalo XX v.* (Moscow: Nauka, 1966), p. 32; also A.R. Mukhammadzhanov, K. Ubaidullaev, O.D. Chekhovich and K.Z. Khakimova, *Naselennye punkty Bukharskogo emirata* (Tashkent: Universitet, 2001), p. 179, where it is identified simply as Bāqī Khān quarter. For ongoing variation between these 2 forms, → docs. 274-299. By the time of writing, Jahāngīr Īshīk-Aqā-Bāshī had evidently extended his holdings beyond the confines of Qishlāq-i Ḥamīd.

³ For discussion of the right to pre-emption in Islamic law, see K.K. Palen, *Otchet po revizii Turkestanskogo kraia, proizvedennoi po VYSOCHAISHEMU Povelenniu*, vol. 19: *Pravovoi byt' tuzemnogo naseleniia* (St Petersburg: Senatskaia tipografiia, 1910), pp. 70-75.

⁴ A work composed in 740/1340 by Ḥusayn b. Muḥammad b. Ḥusayn al-Ḥanafī al-Sam'ānī al-Samarqāndī al-Faryūmadī (d. ca.746/1345).

^a ashrafi-yi jayyid-i aḥmar-i a'lā-yi yak-mithqālī-yi bukhārī; ^b shafī'

217 x 249; 16 lines. Persian.

11

tpq Muḥarram 1239 (7 September – 6 October 1823): hereditary transfer of estate

286: KP 5991/38

On the above date the unencumbered estate lands^a of the late Jahāngīr Bī b. 'Ādil Dādkhwāh was divided according to the divine laws of inheritance^b between his four widows (Chūlpān Āy, Khwājah Bībī, Jān Bībī, Nūr Jān), his six sons (Muḥammad Amīn Mīrākhūr¹, Birdī Murād Bīk Panjāh-Bāshī², Muḥammad Raḥīm Bīk, Quwwat Bīk, Muḥammad Yūsuf Bīk and the pre-adult Muḥammad Yār Bīk); and his ten daughters (Sūnah Āy, Bībī Āy, Gawhar Āy, Ūghūl Āy, Ūzbīk Āy, Māhlār Āy, 'Izzat Āy, and the pre-adult 'Azīz Āy, Ūghūl Āyīm and Tūman Āy).

Following the confirmation of the legality of the division^c, Jān Bībī and her daughters Ūghūl Āy and Tūman Āy received as their share a plot of 35 *tanābs* of *milk* land located in the rural settlement of Qishlāq-i Ḥamīd, a subsidiary settlement of Panjshanbah³, Miyānkāl. The plot abuts in the west onto a public thoroughfare, in the north partly onto designated *waqf* land presently rented out to Nūr ‘Alī b. Jum‘ah Bāy, and partly onto land belonging to Īsh Naẓar Bīk Qarāwul b. Jānī Bīk Tūqsābah, in the east partly onto a public thoroughfare and partly onto the embankment of a common canal, and in the south onto land belonging to Rasūl Birdī Pahlawān b. Dawlat Bāy Yasāwul⁴. Jān Bībī and her daughters additionally received 13 *ashraft*^d. Muḥammad Amīn Mīrākhūr accepted and took possession of the afore-mentioned share in his capacity as guardian^d to Ūghūl Āy and Tūman Āy, and attorney^e to Jān Bībī.

Stamp: Qāḍī Tāsh Muḥammad [xxx]⁵

¹ For discussion of the office of *mīrākhūr*, see *Dastūr al-mulūk*, p. 43, and Mīrzā Badī‘ Dīwān, *Majma‘ al-arqām*, p. 114 and elsewhere.

² *Panjāh-bāshī*: a Persian calque on *illik-bāshī*, the more frequently encountered Turkic form, for which → doc. 454 and elsewhere.

³ Here and increasingly henceforth (see docs. 17, 18 and 23 below) it is Panjshanbah rather than Nawqā which is identified as Qishlāq-i Ḥamīd’s closest larger settlement. The reason for this shift is unclear, but given that a settlement in this area called Panjshanbah is already familiar to us from the mid-17th century (→ doc. 24, below), it is presumably not a case of Nawqā’s’ simply acquiring a new name.

⁴ For discussion of the office of *yasāwul*, see *Dastūr al-mulūk*, p. 90 and Mīrzā Badī‘ Dīwān, *Majma‘ al-arqām*, p. 116 and elsewhere.

⁵ Attested active from 1230/1814-15 (see Kurbanov, *Materialy po sredneaziatskoi sfragistike*, p. 72), to ca. Muḥarram 1239/September-October 1823 (→ doc. 11).

^a arāḍī-yi matrūkah-yi fāriḡhah; ^b ‘alā farā’id Allāh ta‘ālā; ^b ba’d taḡaqquq sharāyit ṣiḡḡhat al-qismah; ^c ashrafi-yi jayyid-i aḡmar-i yak-mithqālī-yi bukhārīyat al-ḡarb-i rā’ijah; ^d waṣāyatan shar‘īyatan; ^e wakālatan shar‘īyatan

215 x 260; 13 lines. Persian.

12

tpq Jumādā I 1241 (12 December 1825 – 10 January 1826): reported declaration of sale

173: KP 3791/53

On the above date Muḥammad Yār Bīk b. Īr Naẓar Bī, attesting to his own name and ancestry^a and speaking as a competent agent, declared that he has sold^b to Muḥammad Amīn Mīrākhūr b. Jahāngīr a granary located in the rural settlement of Kākh, Panjshanbah, which comprises *milk-i ḡurr-i khālīṣ* and whose outline does not need to be described^c; the sale, for 8 *ashraft*^d, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Qādī Muḥammad Rāziq Khwājah b. Muḥammad Ṣādiq Khwājah Shaykh al-Islām; (ii) Qādī Muḥammad Ṣiddīq Khwājah b. Shāh Khwājah, 1245 [a re-stamp?]

Witnesses: Mullā ‘Abd al-Ghaffār Makhdūm; Shād Bīk Chuhrah-Aqā-Bāshī; Bābā Qul Āqsaqāl; Iskandar [Mīr-i Kalān?]; ‘Abd al-Raḥmān.

^a mukhbir bih ism wa nasab-i khūd; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c kih mustaghni az taḥdīd ast; ^d ashrafi-yi jayyid-i aḥmar-i a‘lā-yi yak-mithqālī-yi bukhārī al-ḍarb

162 x 221; 9 lines. Persian.

13

tpq Rajab 1244 (7 January – 5 February 1829): reported declaration of sale

180: KP 3791/59

On the above date Muḥammad Amīn Bīk b. Jahāngīr Bī declared as a competent agent that he has sold^a to Mastūrah Āy bint Ghā’ib Nazar Tūqsābah 2 plots of land in the rural settlement of Qishlāq-i Ḥamīd, a subsidiary settlement of Nawqā, Miyānkāl. (i) The first plot measures 8 *tanābs*, and abuts in the west onto land belonging to Birdī Murād Mīrzā-Bāshī b. Jahāngīr Bī, in the north onto the embankment of a common canal, in the east onto land belonging to Qazāq Bāy b. Qūsh Muḥammad and in the south onto a public thoroughfare. (ii) The second plots measures 20 *tanābs*, and abuts in the west, north and south onto a designated canal^{b(1)}, and in the east onto a public thoroughfare; the sale, for 88 *ashrafi*^c, was completed, with each party to the transaction receiving what was due.

Stamp: Muḥammad Sharīf Khwājah Qādī-yi ‘askar b. Īshān ‘Abd al-Aḥad Khwājah

¹ An uncommon term amongst our documents, encountered also only in doc. 243. For further instances, see e.g. Chekhovich, *Bukharskie dokumenty XIV v.* (Tashkent: Fan, 1965), pp. 128-130.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b afdaq¹; ^c ashrafi-yi jayyid-i aḥmar-i a‘lā-yi yak-mithqālī-yi bukhārī al-ḍarb-i rā’ijah

167 x 213; 11 lines. Persian.

14

Dhu’l-Qa‘dah 1246 (13 April – 12 May 1831): statement of conferral of privileges

274: KP 5991/26

[Amīr Naṣr-Allāh¹] states that a royal ruling has been issued^a to the effect that he has allocated the rental revenues from the large villages of Kallah-Zār (24 *ashrafi*), Qum-Kint (80 *ashrafi*) and Pattah-Zār² (85 *ashrafi*) as the *tankhwāh*³ allotted to 23 recipients, among these Muḥammad Amīn Īshīk-Aqā-Bāshī Jalāyir b. Jahāngīr, each of whom receives 8 *ashrafi* apiece. The speaker instructs the *dārūghahs* and *‘āmil*s to recognize said recipients’ title to the afore-mentioned land, and refrain from claims thereon.

Stamp: al-ḥukm bi’l-‘adl⁴

<p>¹ Amīr Naṣr-Allāh b. Amīr Ḥaydar, ruler of Bukhara 1242-77/1827-60: see the use of formula (^a) and the typology of the seal (→⁴) below.</p> <p>² Kallah-Zār and Qum-Kint are both located in Shimālī-Rūd.</p> <p>³ A yield of income from a particular agricultural/mercantile resource: see e.g. Semenov, <i>Izdaniia Turkestanskogo vostochnogo instituta. Uchebnaia seriia. 1. Teksty. 2. Obraztsy tadjikskikh ofitsiial'nykh dokumentov</i> (Tashkent: n/p, 1923), pp. 30-31, I.P. Petrushevskii, <i>Ocherki po istorii feodal'nykh otnoshenii v Azerbaidzhane i Armenii v XVI – nachale XIX vv.</i> (Leningrad: Nauka, 1949), p. 197ff, P.P. Ivanov, <i>Khoziaistvodzhuibarskikh sheikhov. K istorii feodal'nogo zemlevladieniia v Srednei Azii XVI-XVIII vv.</i> (Moscow-Leningrad: Nauka, 1954), p. 27, Kisliakov, <i>Patriarkhal'no-feodal'nye otnosheniia sredi osedlogo sel'skogo naseleniia Bukharskogo khanstva</i>, p. 79, B.A. Akhmedov, 'Ikta v Srednei Azii v XVI – nachale XVIII v.', in <i>Formy feodal'noi zemel'noi sobstvennosti i vladieniia na Blizhnom i Srednem Vostoke – Bartol'dovskie chetniia 1975 g.</i> (Moscow: Nauka, 1979), pp. 15-24 [pp. 17-18], and Kh. Turaev, <i>Regesty aktov po istorii instituta tankha v zapadnoi Bukhare</i> (Tashkent: Uzbekiston, 1991), pp. 3-4.</p> <p>⁴ For the use of this seal type as an alternative to the <i>amīr</i>'s own personal seal, see Semenov, <i>Izdaniia Turkestanskogo vostochnogo instituta</i>, documents no. 2-5, pp. 5-6, Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i>, pp. 55-59, and A. Urunbaev, G. Dzhuraeva and S. Gulomov (eds.), <i>Katalog sredneaziatskikh zhalovannykh gramot iz fonda Instituta vostokovedeniia im. Abu Raikhana Beruni Akademii nauk Respubliki Uzbekistan</i> (Halle: Mitteilungen des SFB 10/23, 2007), document no. 93, p. 55.</p>	<p>^a ḥukm-i 'ālī ṣādir shud</p>
<p>116 x 190; 9 lines. Persian.</p>	

15a, n/d¹: claim for restitution

42: KP 1116

Imām Naẓar Bāy presents a claim against Muḥammad Amīn Īshīk-Aqā-Bāshī b. Jahāngīr Īshīk-Aqā-Bāshī, living at the time in Mīrakān quarter, Bukhara². The plaintiff claims that Nūr Bāy b. Būrān Bāy Yasāwul sold^a him 30 *juft-i gāw* of rain-fed^b land located in the rural settlement of Turkmān Yirī, in Khaṭīrchī (entirely enclosed by property of Bīk Murād Jībāchī b. Birdī 'Alī Chuhrah-Āqāsī), for 21 *ashrafī* and 10 *tangah*, and that he spent the next 17 years cultivating the land and living off its produce: but the respondent has violently seized said property, and now refuses to give it back.

Stamp: Muḥammad Shādmān Khwājah Muftī b. ‘Ubayd-Allāh Khwājah, 1249	
Citation: <i>wa li’l-mālik an yastaridd milkahu min man qabiḍahu bi-ghayr ḥaqq</i> (Fuṣūl Ustrūshanī ³)	
<p>¹ <i>taq</i> Rabī‘ I 1249 (July-August 1833): → 15b. ² Located in the south of the city, towards the Shaykh Jalāl gate: see Sukhareva, <i>Kvartal’naia obshchina pozdnefeodal’nogo goroda Bukhary</i> (Moscow: Nauka, 1976), p. 98. ³ [Otherwise known as <i>Kitāb al-fuṣūl</i> or <i>Fuṣūl al-Ustrūshanī</i>]: a work by Muḥammad b. Maḥmūd b. al-Ḥusayn b. Aḥmad al-Ustrūshanī (active <i>ca.</i> 1180-1240). An edition of the work was published in Tashkent in 2010. See Brockelmann, <i>GAL</i> I.380, p. 473.</p>	<p>^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b lalmī-kārī</p>
243 x 201; 10 lines. Persian.	

15b, *tpq* Rabī‘ I 1249 (19 July – 17 August 1833): reported declaration of cessation of claim

On the above date the afore-mentioned plaintiff declared as a competent agent that he has received from the respondent 30 <i>manns</i> of barley, in return for which he has dropped his claim; any future such claim will be void.
Stamps: (i) Qāḍī Muḥammad ‘Aẓīm b. Mullā Mīr Ibrāhīm 1245; (ii) Qābil Bī Āq [...]
Witnesses: Mullā [Ishmān?] Mīrākhūr; Khudā Naẓar [Aghāliq?]; Khalīl Āqsaqāl.
8 lines. Persian.

16

Rabī‘ I 1255 (15 May – 13 June 1839): statement of conferral of privileges

807: KP 5991/505

The speaker ¹ states that a royal ruling was issued ^a to the effect that, in response to a request by Tīlaw Qābil Bī, he has granted 300 <i>tanābs</i> of <i>mamlakah</i> land in the village of Sāmjan ² as <i>tankhwāh</i> to Muḥammad Amīn Īshīk-Aghā-Bāshī Jalāyir; people should be aware that the afore-mentioned recipient henceforth has the right to keep for himself the produce accruing from said land ^{b(3)} , and should refrain from interfering.	
No stamp.	
<p>¹ Identified uncertain. An earlier curator of the collection identifies him as Amīr Naṣr-Allāh (see digital reproduction), and the chronology, together with formula (°), would certainly permit this identification. But the spatial layout of the document differs from the conventional royal format. ² Sāmjan is conventionally identified not as a village but as a <i>tūmān</i>: see Ivanov, <i>Khoziaistvo dzhuibarskikh sheikhov</i>, pp. 304-305, plus docs. 88 and 242 below. ³ In referring to the land in question as <i>makhṣūṣ</i>, the speaker here plainly does not conceive of it as the recipient’s private property.</p>	<p>^a ḥukm-i ‘ālī ṣādir shud; ^b arāḍī-yi qaryah-i madhkurah-rā makhṣūṣ-i īshīk-aghā-bāshī-yi madhkur dānistah³</p>
98 x 172; 6 lines. Persian.	

tpq Rajab 1261 (6 July – 4 August 1845): reported declaration of sale

182: KP 3791/59

On the above date Muḥammad Yūsuf Bīk b. Jahāngīr Bīk Bī declared as a competent agent that he has sold^a to Mastūrah Āy bint Ghā'ib Nazar Tūqsābah, through her attorney Muḥammad Šādiq Bīk b. Muḥammad Amīn Bīk, two *tanābs* of land located in the rural settlement of Qishlāq-i Ḥamīd, Panjshanbah *tūmān*¹, Miyānkāl, Bukhara. The property abuts in the west onto land belonging to Jiyan b. Īgam Birdī, in the north and east onto the embankment of a common canal and in the south onto land belonging to Ātah Bīk b. Pīr Nazar Qarāwul-Bīgī; the sale, for 10 *ashrafi* and 6 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mīrzā 'Ināyat-Allāh Mawlawī² b. Mīrzā Ni'mat-Allāh Mīrasadī³, 1260

Witnesses: Yūldāsh Bīk; Muḥammad Ḥakīm; Niyāz 'Alī Yūz-Bāshī; 'Abd al-Jabbār Bīk

¹ c/w docs. 18 and 23, below, where Panjshanbah is instead accorded *wilāyat* status.

² Attested active from 1260/January 1844-January 1845 (→ docs. 17 and 18; also Kurbanov, *Materialy po sredneaziatskoi sfragistike*, p. 67, reading the stamp as Qāḍī Mīr 'Ināyat-Allāh) to Shawwāl 1273/May-June 1857 (→ doc. 99b). He was father of Pārsā Khwājah, who was appointed to the positions of *mufī-yi 'askar* and *šadr* and who in turn was father of Muḥammad Baqā Khwājah, husband of the foster-sister of Muḥammad Sharīf-Jān Makhdūm, known as Šadr-i Ḍiyā': see Muḥammad-Šarīf-i Šadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, tr. R. Shukurov, English-language edition edited by Edward A. Allworth (Leiden/Boston: Brill, 2004), p. 108.

³ For the office of *mīrasad*, see Bregel, *The Administration of Bukhara under the Manghīts*, p. 24.

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b tangah-gī-yi rā'ijah bih ḍarb

181 x 247; 12 lines. Persian. Document reproduced at back of volume.

tpq Rabī' II 1262 (29 March – 26 April 1846): reported registration of power of attorney¹

179: KP 3791/58

On the above date Yūldāsh Qarāwul-Bīgī b. Khwājah Nazar Īshīk-Aqā-Bāshī was registered before Bukhara's courthouse^{2a} as attorney^b to Mastūrah Āy bint Ghā'ib Nazar Tūqsābah; the registration was witnessed³ by Mullā Ḥakīm b. Mullā Raḥīm and 'Umar Panjāh-Bāshī b. Mullā Bīk Murād.

Said attorney should buy from Muḥammad Amīn b. Jahāngīr 90 *tanābs* of land located in Qishlāq-i Ḥamīd, a subsidiary settlement in Panjshanbah *wilāyat*, for 180 *ashrafi*.

Stamp: Qāḍī Mīrzā 'Ināyat-Allāh Mawlawī b. Mīrzā Ni'mat-Allāh Mīrasadī, 1260

<p>¹ The collection contains seven conferrals of power of attorney framed in this fashion: → also docs. 270, 477, 549, 550, 551 and 559. Doc. 18 is substantially earlier than any of the others; the next earliest is doc. 270, dating from 23 Šafar 1310 (Friday 16 September 1892). Conferrals of power of attorney are much more common amongst documents of Samarqandi than amongst those of Bukharan provenance.</p> <p>² The earliest explicit reference amongst our Bukharan documents to the Bukharan <i>dār al-qaḍā</i>. The formulation here adopted (^a) differs from what in later documents (→ doc. 76, and thereafter) will be conventional practice.</p> <p>³ Witnesses are noted and identified only in reported registrations of power of attorney; they do not appear in reported <i>iqrār</i>-type <i>declarations</i> of conferral of power of attorney, for which → doc. 363.</p>	<p>^a <i>dār al-qaḍā-yi Bukhārā-yi sharīf</i>; ^b <i>thābit shud wakīl-i muṭlaq-i ‘āmm-i shar‘ī</i></p>
<p>168 x 213; 7 lines. Persian.</p>	

19

Jumādā I 1270 (30 January – 28 February 1854): statement of conferral of appointment

264: KP 5991/16

<p>Amīr Naṣr-Allāh^a states that he has appointed Muḥammad Šādiq Bīk b. Muḥammad Amīn Bīk Jalāyir to office of <i>mīrzā-bāshī</i>, which is senior to that of <i>chuhrah-āqāsī</i>^{b(1)}, in Bukhara. He orders the local population to recognise this individual as the appointee to said office, and to honour him appropriately.</p>	
<p>Stamp (side b): Amīr Naṣr-Allāh b. Sayyid Mīr Ḥaydar, 1255</p>	
<p>¹ For a similar formula, see Bregel, <i>The Administration of Bukhara under the Manghits</i>, p. 23, citing a passage in the <i>Tuḥfat al-khānī</i>. For general observations about the hierchical precedence of offices at the Manghit court, note e.g. Meer Izzut-Oollah, <i>Travels in Central Asia by Meer Izzut-Oollah in the years 1812-13</i> (Calcutta: The Foreign Department Press, 1872), p. 73, relating how <i>dārūghahs</i> ‘take their place on the right of the King, the Khajuh-i-Kulan being at their head: this office is always conferred on a Syud, and the incumbent is provided with a raised seat of musnud [...] Next in order comes the Shaikh Ool Islam, who is always chosen for his learning: he is generally a Syud or one of the nobles. The Kazee-i-Kulan and the Kazee-i-Uskur follow in rank, and below them the Meer-i-Usud, which office is always conferred on some illiterate Syud. After these is the Mooftee, then the Raees, and then all the Professors of Colleges according to their rank.’</p>	<p>^a ‘Abdallāh Sayyid Mīr Naṣr-Allāh Bahādur Sulṭān; ^b <i>kih muqaddam bar chuhrah-āqāsī ast</i>¹</p>
<p>202 x 332; 8 lines. Persian.</p>	

20

1276 (31 July 1859 – 19 July 1860): instructions

266: KP 5991/18

[Amīr Naṣr-Allāh¹] informs Mullā ‘Abd al-Ḥamīd Ṣadr Ra’īs^{2,3} that Ārtuq Bāy, from the rural settlement of Rūgh-Dūz, Shimālī-Rūd, has presented a request, saying that he is in a sore state of need and that, in order to pay off his debt of 400 *tangah*, he would like to sell his 4 *tanābs* of land: but that ‘Abd al-‘Azīz and Fayḍī, jointly exercising a neighbour’s right of pre-emption^{a(4)}, will not allow him to do so. The addressee should thus accompany Muḥammad Ṣādiq Bīk Mīrzā-Bāshī Yasāwul Jalāyir⁵ to go and investigate the matter, and help the plaintiff sell his property; if the situation is other than described, he should consult the *amīr*. In any case, having established the facts of the matter, he should report back to court.

Stamp (side b): al-ḥukm bi’l-‘adl, 1256

¹ For the use of the seal type encountered here as an alternative to the *amīr*’s own personal seal, → doc. 14⁽⁴⁾.

² Encountered also in doc. 109b below.

³ For discussion of the term, *ra’īs*, which in Manghit Bukhara was equivalent to *muḥtasib* (for which → doc. 43 and elsewhere) see Mīrzā Badī’ Dīwān, *Majma’ al-arqām*, p. 115 and elsewhere.

⁴ The meaning of this word is unclear: we here read it as a variation on *shuf’atan*.

⁵ Son of Muḥammad Amīn Bī[k] Jalāyir: → docs. 17 and 19, above.

^a shufatan⁴

117 x 200; 11 lines. Persian.

21

Rabī’ I 1279 (27 August – 25 September 1862): statement of conferral of privileges

949: KP 1237

[Amīr Muẓaffar al-Dīn¹] states that a royal ruling was issued^a, to the effect that he has granted^b to ‘Abd al-Karīm Chuhrah-Āqāsī Yasāwul Jalāyir² as *tankhwāh* a water mill on the Shādkām river which was damaged by Iskandar Jībāchī Yasāwul Ālchīn; other people should recognise that said mill [temporarily] belongs to the recipient and to him alone, and refrain from interfering.

Stamp (side b): al-ḥukm bi’l-‘adl, 1277

¹ Amīr Muẓaffar al-Dīn, b. Amīr Naṣr-Allāh, ruler of Bukhara, 1277-1303/1860-86. For the use of the seal type encountered here as an alternative to the *amīr*’s own personal seal, → doc. 14⁽⁴⁾.

² Son of Muḥammad Amīn Bī[k] Jalāyir: → doc. 23.

^a ḥukm-i ‘ālī ṣādir shud; ^b marḥamat wa mihribānī namūdīm

125 x 205; 6 lines. Persian.

Dhu'l-Ḥijjah 1283 (6 April – 4 May 1867): statement of conferral of appointment

184: KP 3791/60

Amīr Muẓaffar ^a states that he has done Khudāyār Chuhrah-Āqāsī Jalāyir ¹ the honour of promoting him ^b to the position of <i>mīrzā-bāshī</i> of Bukhara, and orders the local population to recognise said appointee as office-holder, and to honour him appropriately.	
Stamp (side b): Amīr Muẓaffar b. Sayyid Amīr Naṣr-Allāh	
¹ Although we lack direct information about Khudāyār Chuhrah-Āqāsī Jalāyir's ancestry, circumstantial evidence would suggest that he was a relative of 'Ādil Bāy Dādkhwāh: note (i) mention of his Jalāyirid affiliation, and (ii) the present documents's following directly in the collection sequence after docs. 18, 13, 3, 17 and 9 (collection reference nos. 179-183), these latter all relating to the 'Ādil Bāy Dādkhwāh line.	^a 'Abdallāh Sayyid Amīr Muẓaffar Bahādur Sulṭān; ^b marḥamat farmūdah sar-afrazī bakhshīdīm
216 x 416; 10 lines. Persian.	

tpq Jumādā II 1284 (30 September – 28 October 1867): reported declaration of sale

168: KP 3791/48

On the above date Raḥmān Birdī Bīk b. Bīk Murād Qarāwul-Bīgī declared before the Nasaf <i>wilāyat</i> courthouse ¹ that he has sold ^a to 'Abd al-Karīm Bīk Chuhrah-Āqāsī b. Muḥammad Amīn Bī approximately 2½ <i>tanābs</i> of land located in the rural settlement of Qishlāq-i Ḥāmid (<i>sic</i>), Panjshanbah <i>wilāyat</i> . The property abuts in the west onto land belonging to Chūchuk Āy bint Bābā Bīk, in the north onto the embankment of a common canal, in the east onto <i>milk</i> land belonging to Qārī Bīk b. Pīr Naẓar Bīk Qarāwul-Bīgī, and in the south onto <i>milk</i> land belonging to Bābā Murād b. Yūldāsh Bāy. The sale, for 200 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged ⁽²⁾ .	
Stamp: Qāḍī Mīr Ḥamīd al-Dīn Ṣadr b. Qāḍī Mullā Mīr Khūrd al-Bukhārī al-Ḥusaynī, 1284	
¹ A rare instance of Nasaf's courthouse transacting business relating to interests outside the immediate Nasaf region (c/w docs. 156-187). ² A highly conventional formulation, encountered particularly in documents detailing mortgage transactions; its rendering thus will henceforth be assumed.	^a bay'-i bātt-i qaṭ'ī; ^b tangah-yi nuqrah-yi sarah-yi wazn-i sab'ah-yi rā'ijah bih ḍarb; ^c al-idhn bi'l-intifā' fī'l-kull ²
198 x 290; 11 lines. Persian.	

tpq 1 Jumādā I 1065 (9 March 1655): reported declaration of sale

272: KP 5991/24

<p>[Lengthy preamble.] On the above date Ḥadrat-i ‘Ālim Shaykh declared that he has sold^a to Khudāyār Bīk¹ b. Muḥammad Yār Bī Atālīq approximately 500 <i>ṭanābs</i> of good arable land located in the rural settlement of Dīhah-yi Rāz, in Bukhara’s Khutfar <i>tūmān</i>². The property abuts in the west onto the embankment of the old common canal^b which is now dried up, in the north onto the embankment of Khutfar <i>tūmān</i>’s common canal⁽³⁾, in the east onto the embankment of the common canal of the rural settlement of Panjshanbah^d and in the south onto <i>mamlakah-yi pādishāhī</i> land presently in the possession of the Mīr Bāqī mosque⁽⁴⁾. The sale, for 30 000 old <i>tangah</i>^f, was completed, with each party to the transaction receiving what was due^g.</p> <p>The vendor additionally declared that the afore-mentioned property now belongs to the purchaser alone, and that he himself has no right of entry; if he thereafter makes any claim on the property, it will be void and inadmissible.</p>	
<p>Stamps: (i) Qāḍī Muḥammad [xxx] (ii) Qāḍī Muḥammad Mu’īn b. Qāḍī ‘Abd al-[xxx] al-Ḥusaynī, 1065</p>	
<p>¹ For this figure, → also doc. 411. ² = The territory of present-day Zandaninskii Raion, Bukhara: see Chekhovich and Arends, <i>Dokumenty k istorii agrarnykh otnoshenii v Bukharskom khanstve</i>, p. 246. ³ As with <i>nahr</i> (→ doc. 2⁽⁴⁾ above), so is <i>rūd</i> a less commonly encountered term for canal than <i>jūy</i>. ⁴ For this closing formula → also doc. 653.</p>	<p>^a bay‘-i bāt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b nahr-i ‘āmm-i qadīm [wa] kuhnah; ^c ḥarīm-i rūd-i³ ‘āmm-i tūmān-i madhkūr; ^d ḥarīm-i nahr-i ‘āmm-i mawḍī‘-i Panjshanbah; ^e fawāsil dar kull-i ḥudūd ‘alāmāt zāhirah wa amārāt bāhirah ast⁴; ^f tangah-yi nuqrah-yi sarah-yi yak-mithqālī-yi kuhnah-yi dah-shash bā-hasht nakhūd kamī mablagh-i yak hazār pān-ṣad tangah-yi mawṣūfah; ^g ma‘ al-taqābuḍ al-ṣaḥīḥ fi’l-badalayn</p>
<p>246 x 631; 27 lines. Persian.</p>	

1153 (29 March 1740 – 17 March 1741): statement of conferral of privileges

273: KP 5991/25

<p>Muḥammad Ḥakīm Bī Atālīq^{1a} states that a plot of approximately 2 <i>juft-i gāw</i> of land located in Chaghatāy³, Farāḥīn⁴, which was long^b the property of ‘Awaḍ, Khwājah Qul and Ḥājji, is now the acquisition^c of Dūst Bī Majāl and ‘Ādil Chuhrah-Āqāsī. He instructs the <i>arbābs</i> and <i>kad-khudās</i> of Farāḥīn <i>wilāyat</i> to recognize it as such, and the tenants of the property in question duly^d to yield up their produce.</p>	
<p>No stamp.</p>	
<p>¹ Muḥammad Ḥakīm Bī Atālīq: contemporary of Abu’l-Fayḍ Khān, ruler of Bukhara 1123-60, and father of Muḥammad Raḥīm Bī. Interestingly, the spatial layout of the document is that of a royal communication, notwithstanding the fact that Abu’l-Fayḍ was still alive at the time: this perhaps speaks of Muḥammad Ḥakīm Bī’s own aspirations to regnal authority.</p>	<p>^a ‘umdat al-umarā² Muḥammad Ḥakīm Bī Atālīq; ^b az qadīm al-ayyām; ^c zar-kharīd; ^d az qarār-i wāqī‘</p>

² A conventional honorific for this individual: for further instances of its use see A. von Kügelgen, *Die Legitimierung der mittelasiatischen Mangiten-dynastie* (Istanbul: Beirut Texts and Studies 86, 2002), p. 90.

³ A settlement of this name is noted in Chekhovich and Arends, *Dokumenty k istorii agrarnykh otnoshenii v Bukharskom khanstve*, pp. 31 [doc. 7] and 133 [doc. 27].

⁴ For Farāhīn, note J.L. Bacqué-Grammont, 'Une liste ottomane de princes et d'apanages Abu'l-Khayrides', in *Cahiers du Monde Russe et Soviétique* 11 (1970), pp. 423-453 [p. 430].

116 x 190; 9 lines. Persian.

26

1160 (13 January 1747 – 1 January 1748): statement of conferral of privileges

276: KP 5991/28

Abu'l-Fayḍ Khān^a informs Sayyid Qāsim Qarāwul-Bīgī that he is pleased with Āydar Bāy Tūqsābah, and has decided to favour him with certain privileges^b. Āydar Bāy should accordingly present himself, together with 36 of his kinsmen and tribesmen, before Bihbūd Khān, in readiness for instructions^c. The addressee is instructed to ensure that the necessary arrangements are in place.

Stamp: Abu'l-Fayḍ Muḥammad Bahādur Khān

^a Abu'l-Muzaffār wa'l-Manṣūr Sayyid Abu'l-Fayḍ Muḥammad Bahādur Khān; ^b az makārim wa ashfāq-i khāqānī sar-afraz būdah; ^c farmān-i kirāmī wa 'ināyat-nāmāh-yi nāmī

201 x 260; 7 lines. Persian.

27 – 28: documents relating to Shaykh Khudāyḍād

27

tpq Rabī' I 1185 (14 June – 13 July 1771): reported declaration of sale, and reported dissolution of sale

626: KP 5991/347

On the above date Kūhkan Bīk b. 'Abdallāh declared as a competent agent that he has sold^a to Ḥaḍrat-i Īshān Shaykh Khudāyḍād b. Tāsh Muḥammad 'Azīzān a plot comprising approximately 4 *tanābs* of land and located in the rural settlement of Gūrbah, a subsidiary settlement in Bukhara's Shāfirkām *tūmān*, abutting in the west onto a public thoroughfare, in the north onto the embankment of a common canal^{b(1)}, in the east onto designated *waqf* land and in the south onto land belonging to Ādīnah Muḥammad Bīk b. the late Abūdī Bakāwul^{c(2)}; the sale was for 4 *ashraftī*^d.

Immediately afterwards, the vendor returned the purchaser's money as a pious act^e.

Stamp: Qāḍī 'Abdallāh b. Qāḍī [Būdāq?], 1160

Witnesses: Luṭf-Allāh Khwājah; Fakhr al-Dīn Khwājah; Shaykh Awliyā; Shaykh Ṣafā; ‘Abd al-Mu’min Khwājah; Mullā Bāltū; Ādīnah Qulī Bīk; Badal Muḥammad; [Jahran?] Bīk; ‘Ashūr Muḥammad; Mullā Ḥājjī Bāqī; ‘Awaḍ Birdī	
¹ Unusually amongst our documents, the adjective here is rendered in feminine form.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b ḥarīm-i jūy-i ‘āmmah ¹ ; ^c fawāṣil dar kull-i ḥudūd bāhirah, wa amārāt zāhirah ast ² ; ^d ashrafi-yi yak-mithqālī; ^e bā’i‘-i madhkūr thaman-i zamīn-i madhkūr-rā bih khidmat-i mushtarī nadhr fī sabīl Allāh wa taṣadduq li-mardāt Allāh kard
² An unusual variant closing formula – c/w doc. 3(5) – encountered nowhere else amongst our documents.	
240 x 213; 10 lines. Persian.	

28

tpq Jumādā I 1218 (19 August – 17 September 1803): reported declaration of sale

632: KP 5991/353

On the above date Arbāb Ṭarīq b. Arbāb Laṭīf declared as a competent agent that he has sold ^a to Īshān Mullā Khudāyād b. Mullā Tāsh Muḥammad ‘Azīzān half of a jointly-owned plot of 24 <i>tanābs</i> of jointly-owned land located in the rural settlement of Safkardah ¹ , in Bukhara’s Pāy-Rūd. The property abuts in the west and north onto a private canal ^{2b} , in the east onto land belonging to Ibrāhīm Khwājah b. Ismā‘īl Khwājah, and in the south partly onto land belonging to Mullā Tāsh Muḥammad b. Mullā ‘Abdallāh and partly onto land belonging to the purchaser. The sale, for 37 <i>ashrafi</i> ^b , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī al-quḍāt Mīr Abū Naṣr Khwājah ³ b. Mīr Raḥmat-Allāh Khwājah al-Ḥusaynī, 1218	
Witnesses: Arbāb Rajab Bāqī; Sharīf Bābā; Arbāb Khāl Jān; Muḥammad Sharīf; Niyāz Manglī; Ḥājjī Muḥammad; Mīrzā Muḥammad; Tāsh Muḥammad; Nafas Muḥammad; Īsh Muḥammad; Arbāb ‘Abdallāh; Muḥammad Bāqī.	
¹ See Mukhammadzhanov <i>et al.</i> , <i>Naseleanye punkty Bukharskogo emirata</i> , p. 117, locating the settlement in Shimālī-Rūd <i>tūmān</i> ; thus also (with orthographic variation) docs. 76, 77, 78, 80 and 87.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b jūy-i khāṣṣ; ^c ashrafi-yi rā’ijah-yi pādishāhī, kih niṣf-i ān hizhdah (<i>sic</i>) ashrafi-yi mawṣūf wa nuh tangah-yi wazn-i sab‘ah mī-shawad
² One of only three references to a ‘private’ canal in our documents; → also just docs. 28 and 369.	
³ Attested active from <i>ca.</i> Jumādā I 1281/August-September 1803 (→ doc. 28) to 1224/1809-10 (see Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i> , p. 65).	
140 x 230; 13 lines. Persian.	

n/d¹: solicited legal opinion

1: KP 1075

(i) Şaftiyah Bānū and Shāh Bānū sell 2.5 *tanābs* of *milk* land to Raḥmān Qul for 53 *ashraft*; and Sayyid Bīk, Fāḍil Bīk, Muḥammad Bīk and Zīnat-Dūr Bīgim, whose land abuts onto the property under transaction, claim the right of compulsory purchase. Are they entitled to override the sale and purchase the property themselves at the afore-mentioned price?
(ii) And if said property has been exchanged for a Qur'an or some other book, are the neighbours entitled again to override the sale by returning to Raḥmān Qul whatever he gave for the purchase?

Answer: yes.

Stamps: (i) Muḥammad Umīd b. Mīrzā ‘Abd al-Nabī al-Bukhārī; (ii) Mīr Muḥammad Shākīr b. Mīr Muḥammad Bāqī al-Ḥusaynī; (iii) Qāḍī [xxx]; (iv) ‘Aṭā-Allāh b. Muḥammad [xxx]; (v) Mīr Yūsuf b. Mīr Ma‘šūm Khwājah al-Ḥusaynī, 1186

Citation: *wa dakhāl fīhi mā wuhib bi-‘iwāḍ, fa-annahū ishtarā intihā* (Jāmi‘ al-rumūz).

¹ *tpq* 1186 (4 April 1772 – 24 March 1773).

168 x 209; 7 lines. Persian.

tpq Dhu'l-Ḥijjah 1191 (31 December 1777 – 29 January 1778): reported declaration of cessation of claim

188: KP 3791/64

On the above date Maydah Bībīsh and Mastūrah Bībīsh, daughters of Muḥammad Yār Bīk, declared as competent agents that they have received from Farhād Bīk and Khudāyār Bīk, sons of Parḥat¹ Bīk, 1 *tanāb* of *milk* of known dimensions^a located in the rural settlement of Bīdī in Bukhara's Kharqān-Rūd *tūmān*², and that in return they have dropped both in whole and in part^b their former claim for a share of their late father's estate; any subsequent claim will be void.

Stamp: Qāḍī Mīr ‘Abd al-Raḥmān b. Qāḍī Muḥammad Shākīr Khwājah

Witnesses: Arbāb Bāqī; Ibrāhīm Bīk; Arbāb Niyāz; ‘Abd al-Jamīl; ‘Abdallāh Khwājah; Nī‘mat; ‘Ashūr Bāy; Jum‘ah Qul; Khudāy Birdī; and others.

¹ *Sic*: a variant rendering of Farhād.

² Otherwise known as Ghijduwān: see Schwarz, ‘Bukhara and Its Hinterland: the Oasis of Bukhara in the Sixteenth Century in the Light of the Juybari Codex’, in A. Petruccioli (ed.), *Bukhara: The Myth and the Architecture* (Cambridge, MA: Aga Khan Program for Islamic Architecture at Harvard University and the Massachusetts Institute of Technology, 1999), pp. 79-92 [p. 82].

^a ma‘lūm al-ḥudūd; ^b kullīyatan wa juz‘īyatan

107 x 170; 9 lines. Persian.

31

1195 (28 December 1780 – 16 December 1781): appeal for assistance

366: KP 5991/116

A student writes to the *amīr*, praising the concern which he has already displayed on behalf of students such as himself, and hoping that he might henceforth increase the students' stipend. The speaker concludes by pledging his intention to devote the rest of his life to the *amīr*'s service.

Stamps: (i) Fayḍ-Allāh b. Mullā Muḥammad 'Awaḍ, 1195 (x 37); (ii) Sayyid Ismā'īl b. Sayyid 'Awaḍ, 1178 (x 3)

Side b: some scraps of verse

130 x 208; 10 lines. Persian.

32

n/d¹: solicited legal opinion²

5: KP 1079

Mullā Khān Kildī Bīk gave 18 metres of brocaded cloth^a and a linen garment^b, his own property, to Raḥīm Khān, and instructed him to go to Khūqand and sell the cloth for 220 *ashrafi* and the garment for 30 *ashrafi*. Disregarding these instructions, Raḥīm Khān sold the items not for the stipulated sum but for 200 and 23 *ashrafi* respectively. Given that Raḥīm Khān is liable for the value of the afore-mentioned goods, should the authorities not seize Raḥīm Khān's own assets to compensate for the loss^c?

Answer: yes.

Stamps: (i) Mīr Abū Naṣr b. Mīr Raḥmat-Allāh Khwājah al-Ḥusaynī; (ii) Mīr 'Abd al-Raḥmān al-Muftī b. 'Abd al-Rasūl; (iii) 'Ināyat-i ān b. Ṣāliḥ A 'lam [xxx]; (iv) Muḥammad 'Aṭā-Allāh Khwājah³ b. Muḥammad Hādī Khwājah 'Alawī Shaykh al-Islām; (v) Tursūn Bāqī b. Mullā 'Abd al-Raḥīm, 1203; (vi) Muḥammad b. [xxx] (vii) Qāḍī Muḥammad al-Muftī b. Raḥmat-Allāh Khwājah al-Ḥusaynī

Citations: (i) *min mustahlik 'aynan li-insān bi-ghayr haqq yazman* (Kāfūrī⁴); (ii) *aḍiman bi'l-khilāf* (Hidāyah); (iii) *idrār haqq kabīr; wa ihlāl haqq kabīr; aw sutūr ṣaiat haqq [xxx] al-bay' wa'l-taslīm istihlāk* (Fuṣūl).

¹ *tpq* 1203 (2 October 1788 – 22 September 1789).

² Bukharan: Mīr Abū Naṣr b. Mīr Raḥmat-Allāh Khwājah al-Ḥusaynī → doc. 28. For similar enquiries about an appointee's disregarding the instructions of his client, → docs. 503 and 544.

³ Muḥammad 'Aṭā-Allāh Khwājah Shaykh al-Islām (d. 1209/29 July 1794 – 17 July 1795) was a member of an eminent family of jurists, and is the subject of a biographical work by Ākhūnd Qāḍī Mīr Abu'l-Barakāt (otherwise known as Pādshāh Khwājah 'Azīz Mīrakānī), described in J. Paul (ed.), *Katalog sufiiskikh proizvedenii XVIII – XX vv. iz sobranii Instituta vostokovedeniia im. Abu Raikhana al-Biruni Akademii nauk Respubliki Uzbekistan* (Stuttgart: Franz Steiner Verlag, 2002), pp. 110-113. See also von Kügelgen, *Die Legitimierung der mittleasiatischen Mangitendynastie*, pp. 246, 248. For Muḥammad 'Aṭā-Allāh Khwājah's son Muḥammad Sharīf Khwājah (d. 1260/22 January 1844 – 9 January 1845 or 1261/10 January – 29 December 1845), → 67⁽¹⁾.

⁴ [=Otherwise known as the *Fatāwā-yi Kāfūrīyah*]: a compilation of *fatwās* by Muḥammad b. Ḥājī Muḥammad b. al-Ḥasan al-Samarqandī.

^a kimkhāb; ^b fūtah; ^c thubūt-i qīmat-i amwāl-i madhkūrah

300 x 238; 11 lines. Persian.

n/d¹: solicited legal opinion²

49: KP 1123

Does the passing of 33 years – i.e. a generation^a – render invalid a claim for restitution^b? (ii) [Būtah?] Bīk issued a claim for restitution against Khāl Muḥammad, asserting *waqf* status for ½ of the Qūsh Ḥawḍ³, whereas in fact this is the shared ancestral property^d of Khāl Muḥammad Bīk and ‘Ādil Bāy, sons of [–...–] and Ādīnah Qulī Bīk. Following the confirmation of witness testimony^e, [a ruling was made in the plaintiff’s favour^f]. But both the claim and the ruling were void. [–...–] because Khāl Muḥammad possesses ¼ of the property, and confirmation of the validity of the claim and ruling [–...–] shared between four people?

No answer.

Stamps: (i) Mīr Abū Naṣr b. Mīr Raḥmat-Allāh Khwājah al-Ḥusaynī; (ii) Tursūn Bāqī b. Mullā ‘Abd al-Raḥīm, 1203

Citations: (i) *ba‘d al-qarn lā yusma‘ wa ‘alayhi al-fatwā* (Shāfī); (ii) *arḍ fī yad rajulayn idda ‘ā rajul ‘alā aḥadhimā jamī‘ hādhihi al-arḍ annahā milk al-mudda ‘ī wa ḥaqquhu, wa fī yad hadhā al-mudda ‘ā ‘alayhi bi-ghayr ḥaqq; fa-unkir fa-aqām al-mudda ‘ī al-bayyinah ‘alā mā idda ‘ā, wa qaḍā al-qāḍī bi-dhālik wa a ‘tāhu al-sijill yakūn hādhihi qaḍā’ ‘alā al-ḥāḍir wa ‘l-ghā’ib am ‘alā al-ḥāḍir waḥdahu idhā thabat hādihā al-ḥāl ‘ind al-qāḍī ḡahar anna al-qaḍā’ a kān bātilan* (Jawāhir⁴).

¹ *tpq* 1203 (2 October 1788 – 20 September 1789).

² Bukharan: Mīr Abū Naṣr b. Mīr Raḥmat-Allāh Khwājah al-Ḥusaynī → doc. 28.

³ Thus perhaps to be distinguished from the eponymous settlements located in Samarqand (→ docs. 413, 415) and Khujand (→ doc. 657).

⁴ A work by Rukn al-Dīn Abū Bakr Muḥammad b. Abu’l-Mafākhir b. ‘Abd al-Raḥīm b. Naṣr al-Kirmānī (d. 577/1182). The work comprises an edited compilation of *fatwās* issued by the author’s master Rukn al-Dīn Abu’l-Faḍl ‘Abd al-Raḥīm b. Muḥammad al-Kirmānī (1064-1148); in composing the work, the author consulted extensively with Qāḍī al-quḍāt Jalāl al-Dīn Muṭahhar b. al-Ḥusayn b. Sa‘d ‘Alī b. Bundār Yazdī (d. 591/1194). The work has not been published, but circulated widely in manuscript: a copy commissioned in 889/1484-85 by the eminent Timurid *qāḍī* Ikhtiyār al-Dīn b. Ghiyāth al-Dīn al-Hirawī is held, together with 3 other mss., in the Biruni Oriental Institute, Tashkent. See Brockelmann, *GAL* suppl. II.641.

^a *kih* ‘ibārat ast az qarn; ^b *mustawjib-i butlān-i da‘wā bāshad*; ^c *da‘wā-yi waqfiyah*; ^d *mushtarak [...]* arbā‘an bih ṭarīq-i irth min mūrithihim; ^e *al-ithbāt bi’l-bayyinah*; ^f *maḥkūm [-]* bih niṣf shudah

382 x 228; 5 lines. Persian. Paper torn.

n/d¹: reported sale and conversion of land²

45: KP 1119

Muḥammad Ūtkūr Bī Šūfī b. Shāh Muḥammad Tūpchī-Bāshī has sold^a to Bahādur Bī approximately 1½ [*tanābs?*] and 80 cubits^b of *mamlakah* land comprising (i) a plot located in the rural settlement of Chahār-Bāgh-i Bāqī Khān, known as Shahr-Ārā, outside the old citadel of Bukhara, and abutting in the east partly onto a courtyard property belonging to the heirs of Bāy Murād Dādkhwāh and partly onto a reservoir belonging to Bīk Muḥammad Parī-khān, and in the south onto a public thoroughfare³, and (ii) a plot located in the rural settlement of Juzmandūman⁴, in Bukhara's Rūd-i Shahr *tūmān*, and abutting in the west, north, east and south onto *mamlakah* land. The sale was for [price lost]^{5c}.

It is related that the land thus purchased has then been converted into *milk-i kharāj* land⁶, the attorney of the *amīr*^d accepting the second of the afore-mentioned properties in lieu of the *kharāj* hitherto levied on the first of them. There then follows an excursus on various categories of land. *Mamlakah* land comes under the jurisdiction of the treasury^{7e}; of the two kinds of *milk*, *ḥurr* and *ghayr-i ḥurr*, the former unlike the latter is immune from *kharāj*. A landowner can convert *milk* land subject to *kharāj* assessment into *milk-i ḥurr* land by yielding two thirds of the property to the treasury, the remaining third enjoying immunity from *kharāj*.

Stamps: (i) Qāḍī al-quḍāt Qāḍī Ākhūnd Mīr Jān b. Muḥammad Mu'ayyan, 1203; (ii) Sayyid [xxx] b. [xxx]; (iii) Qāḍī Mīr Muḥammad Fuḍayl b. Mīr Muḥammad Amīn, [date unclear]

¹ *tpq* 1203 (2 October 1788 – 20 September 1789).

² Unusually for a document recording the circumstances of sale, the document is not framed as a reported declaration; → also doc. 3(!) above. For other instances of land conversion, → docs. 7 and 411.

³ Only two co-ordinates are here given.

⁴ i.e. Juzmandūn: see e.g. Ivanov, *Khoziaistvo dzhuibarskikhsheikhov*, pp. 174-188; R.D. McChesney, 'Bukhara's Suburban Villages: Juzmandun in the Sixteenth Century', in A. Petruccioli (ed.), *Bukhara: The Myth and the Architecture* (Cambridge, MA: Aga Khan Program for Islamic Architecture at Harvard University and the Massachusetts Institute of Technology, 1999), pp. 93-120.

⁵ For discussion of currency revaluations (in a somewhat earlier period), see e.g. Davidovich, *Istoriia monetnogo dela Srednei Azii XVII-XVIII vv.* (Dushanbe: Izdatel'stvo Akademii Nauk Tadzhikskoi SSR, 1964), pp. 135-142.

⁶ → docs. 7 and 411.

⁷ On this point see Schwarz, 'Contested grounds', p. 36.

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b dhar'; ^c [xxx] aḥmar-i a'lā-yi yak-mithqālī-yi bukhārī al-ḍarb, niṣf-i ū qadīm al-ḍarb, wa niṣf-i ū jadīd al-ḍarb; ^d ḥaḍrat kih khalīfah-yi 'aṣr būdand; ^e arḍ-i mamlakah ḥukm-i bayt al-māl dārad

268 x 259; 13 lines. Persian. The document is incomplete, with the right-hand part torn away.

n/d¹: solicited legal opinion²

502: KP 5991/246

Are three students entitled to the full resources of the *madrakah* located by the shrine to Ḥaḍrat-i Chahār Bakr³, which was endowed to further the studies of people such as themselves? Mullā Mīr Muḥammad, Mullā Qurbān and Mullā Khwājah ‘Abdallāh have long devoted themselves to the study of the religious sciences at said *madrakah*. Are they not deserving of the stipend^{a(4)} which is provided and stipulated by the endower?

No answer.

Stamps: (i) Muḥammad ‘Azīz b. Khudādād ‘Abdī, 1207; (ii) ‘Ināyat-i ān b. Šāliḥ A‘lam [xxx], 1200; (iii) Qāḍī Mīr Muḥammad Fuḍayl b. Mīr Muḥammad Amīn; (iv) Tursūn Bāqī b. Mullā ‘Abd al-Raḥīm, 1203

Citations: (i) *al-mukhtār ‘indanā fi’l-imām wa’l-mu’adhdhin wa’l-muta’allim annahu lā yastahiqq dhālik mā lam yu’adhdhin aw lam yaumm aw lam yata’allam akthar al-sanat* (Fuṣūl wa Shaybānī); (ii) *wa’l-mu’atabar li-waqt al-ḥaṣād* (Fuṣūl wa Shaybānī); (iii) *wa idhā māt al-mudarris fi athnā al-sanat, mathalan qabl maḥī al-ghallat wa qabl ṭuhūrihā [xxx] muddat, thumm māt aw ‘azal fa-yuṭā’ bi-ṭisāb muddatihi* (Ashbāh); (iv) *idhā dāwam akthar al-sanat yastahiqq al-ghallat fi’l-sanat ka-mā fi’l-Muḥīṭ⁵ wa ghayrihi* (–).

¹ *tpq* 1207 (19 August 1792 – 8 August 1793).

² Bukharan: Qāḍī Mīr Muḥammad Fuḍayl b. Mīr Muḥammad Amīn → doc. 34.

³ i.e. the *madrakah* by the shrine of Imām Abū Bakr Aḥmad b. Sa‘d, Chār Bakr: see McChesney, ‘Economic and Social Aspects of the Public Architecture of Bukhara in the 1560’s and 1570’s’, in *Islamic Art* 2 (1987), pp. 217-241 [pp. 218-19].

⁴ For the translation of this term, see Abduraimov, *Voprosy feodal’nogo zemlevladiiia*, doc. 115, p. 83.

⁵ Several Ḥanafī works of this name are known, including (i) the *Muḥīṭ Burhānī* (→ doc. 539⁽²⁾) and (ii) the *Muḥīṭ Sarakhsī* (→ doc. 503⁽³⁾).

^a wazīfah⁴

280 x 161; 5 lines. Persian.

36a, n/d¹: solicited legal opinion²

420: KP 5991/166

Two wrongdoers have deliberately^a and wrongly assaulted Mullā Sayf-Allāh, causing a fracture of the skull and a wide wound through the flesh exposing the whiteness of the bone^b. Should each of the wrongdoers be exposed to the same treatment, and if so should the wounds inflicted on them similarly cut through to the skull^c?

Answer: yes.

Stamps: (i) ‘Ināyat-i ān b. Šāliḥ A‘lam [xxx]; (ii) Qāḍī Mīr Muḥammad Fuḍayl b. Mīr Muḥammad Amīn, 1204

Citations: <i>wa lā qawd fī'l-shijāj illā fī'l-mūdiḥah 'amdan li-taḥaqquq al-mumātalat bi-inhā' al-sikkīn ilā al-'aẓm fa-innahā tuqād</i> (Jāmi' al-rumūz).	
¹ <i>tpq ca.</i> 1203-1207? Qāḍī Mīr Muḥammad Fuḍayl b. Mīr Muḥammad Amīn → docs. 34, 35.	^a 'amdan; ^b bih jarāḥatī kih shajjat-i mūdiḥat būdah ast; ^c kārd-rā dar sar-i har yak az jānayn-i madhkūrayn tā bih ustukhwān-i sar-i ānhā rasānidah
² Bukharan: Qāḍī Mīr Muḥammad Fuḍayl b. Mīr Muḥammad Amīn → doc. 34.	
167 x 207; 8 lines. Persian.	

36b, n/d, solicited legal opinion¹

(i) Is it acceptable practice for Mullā Ḥusayn to divorce his wife Marjān with a single utterance ^a , on the undertaking that he provide her with the rest of her [deferred] dowry and financial maintenance during the post-divorce waiting period ^b , if he does so in the presence of a group of Muslims, and with the afore-mentioned woman's consent? (ii) Marjān claims that Mullā Ḥusayn has assaulted her, whipped her, and plundered the dowry: and that her cessation of claim, having being extracted by force ^c , is inoperative; she claims that she should consequently be entitled to the dowry ^d . If her claim lacks the necessary substantiation or confirmation of a witness testimony or the sworn oath of either of two witnesses ^e , should it not be disregarded? (iii) And if the husband and wife each hold to his and her argument ^f , is the wife's claim to have been whipped inadmissible if without the substantiation of a witness testimony? No answer.	
No stamp.	
Citations: (i) <i>umūr al-muslimīn maḥmūlah 'alā aḥsan aḥwālihi, wa huwa al-ṣaḥīḥ</i> (Tatimmat al-fatāwā); (ii) <i>wa fī ṣiḥḥat al-'aqd wa fasādihi al-qawl qawl mudda 'ī al-ṣiḥḥah, wa fī ṣiḥḥah [xxx] al-mahr wa fasādiḥā al-qawl qawl al-zawj</i> (Tabṣīrah).	
¹ It is unclear how this and the above text relate to one another; it is possible that both are simply practice copies.	^a bih yak ṭalāq; ^b baqīyah-yi mahr wa nafaqah-yi 'iddah; ^c ma' al-ikrāh; ^d muṭālabah-yi mablagh-i kadhā-yi mahr-i khūd; ^e bī taṣḥīḥ wa thubūt-i kurh bih bayyinah-yi mu'addalah wa taḥlīf-i aḥad al-shāhidayn; ^f mutamassik bih zāhir [...] mutamassikah-yi khilāf-i zāhir
13 lines. Persian.	

37 – 38: documents relating to 'Abd al-Raḥīm Bīk b. 'Abd al-Karīm

37

tpq Sha'bān 1209 (21 February – 21 March 1795): hereditary transfer of estate

172: KP 3791/52

On the above date the estate of the late 'Abd al-Karīm Mīrākhūr b. 'Arab Qūsh-Bīgī was divided between his heirs. 'Abd al-Raḥīm Bīk b. 'Abd al-Karīm's share of the estate comprised (i) [42 1/8 <i>ṭanābs</i> ? ^a] located in the large village of Wurūnduq, some of this comprising an inn and a vineyard ^a , and abutting in the west onto a public thoroughfare, in the
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<p>north onto the embankment of a common canal, in the east onto land belonging to Bāltah Qulī Bī b. ‘Āshūr Mīrākhūr and in the south partly onto a public thoroughfare and partly onto land comprising part of the estate of Tāsh Bāy;</p>	
<p>(ii) another 6½ <i>ṭanābs</i> of land located in Wurūnduq;</p>	
<p>(iii) 18¼ <i>ṭanābs</i> of land located in the large village of Rādġīr, abutting in the west and east onto the embankment of a common canal, in the north onto land belonging to Bīk Murād Bīk b. Qūshqār Bahādur, and in the south onto a public thoroughfare;</p>	
<p>(iv) 7½ <i>ṭanābs</i> located in the large village of Bahrīn.</p>	
<p>The rest of the land belonging to the villages of Wurūnduq and Bahrīn was apportioned between the late Mīrākhūr’s other heirs who, acting on their own behalf, together took possession of shares^c.</p>	
<p>Stamps: (i) Qāḍī Bāqī Muḥammad b. ‘Awaḍ Muḥammad [xxx]; (ii) Qāḍī ‘Abd al-Sattār b. Mullā [Shahriyār?] Bāy</p>	
<p>Witnesses: Hājji Bīk; Arbāb Mīrzā Sharīf; Mīrzā Muḥammad Amīn; Arbāb Yār Bāy; Āy Muḥammad.</p>	
	<p>^a chihil dū nīm chahār-yak ṭanāb; ^b rabāṭ wa tāk-i angūr; ^c bih ṭarīq-i qīsmat ‘alā al-fāriq istīfā’ namūdand</p>
<p>252 x 275; 10 lines. Persian.</p>	

38

tpq Ramaḍān 1211 (28 February – 29 March 1797): reported declaration of sale

634: KP 5991/355

<p>On the above date Mullā Muḥammad Raḥīm b. ‘Abd al-Karīm declared as a competent agent that he has sold^a to Hājji Muḥammad b. Muḥammad Malik and Mullā Ḥusayn b. Hājji Muḥammad a courtyard property located in Mīrzā Raḥmat-Allāh quarter, Jūybār, Bukhara¹, and abutting in the west onto a courtyard property belonging to Nawrūz Muḥammad b. Dūstī Bābā, in the north onto land comprising the residence^b of Mullā ‘Aṭā-Allāh b. [-], in the east onto a courtyard property belonging to Mullā Nadir Muḥammad b. Muḥammad Sharīf, and in the south onto a public thoroughfare; the sale, for 18 <i>ashrafī</i>^c, was completed, with each party to the transaction receiving what was due.</p>	
<p>Responsibility for payment is split evenly between the two purchasers^{d(2)}.</p>	
<p>Stamp: Aqdā al-quḍāt Qāḍī Mīr Muḥammad Fuḍayl b. Mīr Muḥammad Amīn</p>	
<p>Witnesses: Mullā Raḥīm; Tursūn Khwājah; Mullā Nadir; Mullā Laṭīf; Mullā Muḥammad Salīm; Qalandar Khwājah; Hājji Muḥammad; Ustād ‘Āshūr; Raḥmān Qul; Mullā ‘Āshūr; and others.</p>	
<p>¹ No quarter of this name is mentioned in Sukhareva, <i>Kvartal’naia obshchina pozdnefeodal’nogo goroda Bukhary</i>.</p>	<p>^a bay’-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b zamīn-i yūrtgāh; ^c ashrafī-yi jayyid-i a’lā-yi yak-mithqālī-yi bukhārī al-ḍarb; ^d maḥḍar na-mānad kih mablagh-i madhkūr baynahumā inṣāfan mī-bāshad²</p>
<p>² An unusual stipulation, which we rarely encounter elsewhere in the collection.</p>	
<p>130 x 240; 15 lines. Persian.</p>	

n/d¹: solicited legal opinion²

419: KP 5991/165

<p>(i) Is it impiety to hold members of the <i>'ulamā'</i> in contempt^a? (ii) If Zayd insults [xxx], a member of the <i>'ulamā'</i>, with abusive words deserving punishment^b, is it not the case that he is <i>kāfir</i>, that his wife is therefore <i>ḥarām</i> to him, and that he will need to offer penitence, apology, and a renewal of his marriage^c? (iii) If he refuses penitence, does he not deserve to be punished in accordance with the law^d? (v) And should the <i>ḥākim</i> not impose upon him an effective and severe punishment^e, namely 39 strikes of the lash^f?</p> <p>No answer.</p>	
<p>Stamps: (i) Mīr 'Abd al-Rahmān al-Muftī b. Mīr 'Abd al-Rasūl; (ii) Mīr Khwājah b. Shāh Shams al-Dīn gasht qāḍī-yi Rāmītān, 1210; (iii) Qāḍī Qurbān Badal b. Qāḍī Ulkān 1208; (iv) Muḥammad 'Azīz Khudādād 'Abdī, 1207</p>	
<p>Citations (side a): (i) <i>man ahān al-'ilm wa'l-'ulamā'yakfur wa huwa al-mukhtār</i> (Hidāyat al-muftīyin); (ii) <i>man ḥaqar 'āliman ḥarumat 'alayhi imra'atuhu</i> (Mukhtār al-fatāwā); (iii) <i>fa-yalzamuhu al-tawbah wa'l-istighfār wa yujaddid al-nikāḥ wa'l-īmān</i> (Qunyah³); (iv) <i>idhā irtadd aḥad al-zawjayn, waqa'at al-firqaḥ baynahumā fī zāhir al-riwāyat</i> (Khizānat al-riwāyāt⁴); (v) <i>wa fī'l-ajnās man ḥaqar 'āliman ḥarumat 'alayhi mar'atuhu wa fī mukhtalifāt zufar wa ya 'qūb man naẓar 'āliman bi'l-istihānat wa'l-ḥaqārat yakfur wa tabīn imra'atuhu</i> (Mukhtār al-[xxx]).</p> <p>There are numerous additional citations on side b.</p>	
<p>¹ <i>tpq</i> 1210 (18 July 1795 – 6 July 1796).</p> <p>² Bukharan: Qāḍī Qurbān Badal b. Qāḍī Ulkān and Muḥammad 'Azīz Khudādād 'Abdī → docs. 34 and 35.</p> <p>³ [=Otherwise known as <i>al-Qunyah fī'l-fiqh</i>]: a work by Ḥāfiẓ al-Dīn Abu'l-Barakāt 'Alī b. Aḥmad b. Maḥmūd al-Nasafī (d. 710/1310): see Brockelmann, <i>GAL</i> II.197, p. 252.</p> <p>⁴ [=Otherwise known as the <i>Khizānat al-riwāyāt fī'l-furū</i>]: an unpublished work by the Gujarati jurist Qāḍī Jakan al-Ḥanafī al-Hindī (d. 920/1514). See Brockelmann, <i>GAL</i> II.221, p. 286.</p>	<p>^a khwār dāshtan [...] wa istikhfāf; ^b bā alfāz-i qabīḥah-yi shanī'ah-yi mawjibat al-ta'zīr; ^c tajdīd-i tawbah wa istighfār wa tajdīd-i nikāḥ; ^d mustaḥaqq-i ta'zīr-i munāsib 'alā mā yarāḥ 'alā shar' al-sharīf; ^e ta'zīr-i balīgh [...] nihāyat-i ta'zīr; ^f siy u nuh darrah</p>
<p>336 x 223; 5 lines. Persian.</p>	

n/d¹: solicited legal opinion²

466: KP 5991/212

<p>Khālid makes a claim for restitution, presenting as witnesses on his behalf^a eight individuals whom the <i>qāḍī</i> proceeds to subject to a test of credibility^b. If the respondent, having hitherto neglected to make a counter-claim^c, now proposes to do so after his opportunity has passed, is said attempt not invalid?</p> <p>No answer.</p>
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Stamp: Muḥammad Rāfi‘ b. Mullā Mīr Fayḍ al-Ḥusaynī al-Muftī, 1211

Citations (side a): (i) *ba‘d qiyāmihi ‘an al-majlis sā‘atan aw yawman aw akthar, thumm atā bi‘l-daf‘ lā yusma‘ minhu li-annahu ḥīla yulaqqinuha al-majīn lā yusma‘ mithl hādihā al-daf‘ li-kathrat fasād al-zamān, wa ‘alayhi al-fatwā* (Lawāmi³); (ii) *al-daf‘ qabl iqāmat al-bayyinah wa ba‘dahā qabl al-tahlīf wa ba‘dahu yaṣiḥḥ qabl al-ifrāq minhu, fa-lā yaṣiḥḥ ba‘dahu wa ‘alayhi al-i‘timād wa huwa al-ṣaḥīḥ* (Ḥasab al-muftīyin); (iii) *lā yusma‘ al-daf‘ fī‘l-majlis al-thānī fa-innahu yulaqqinuhu al-mājin* (Lawāmi³); (iii) *ta‘khir al-qaḍā‘ ba‘d thubūt al-ḥaqq zulm* (Qunyah).

There are numerous additional citations on side b.

¹ *tpq* 1211 (7 July 1796 – 25 June 1797).

² Bukharan: Muḥammad Rāfi‘ b. Mullā Mīr Fayḍ al-Ḥusaynī al-Muftī → doc. 41 → doc. 34.

³ Several works of this name are known; it is unclear to which is here referred.

^a bar ṭibq-i maqāl-i khūd; ^b ta‘dīl wa tazkīyah kardah bāshad; ^c daf‘ wa jarḥ na-guftah

212 x 121; 6 lines. Persian.

41

n/d¹: solicited legal opinion²

469: KP 5991/215

Imām Mullā Yār Muḥammad is unpopular with those whom he instructs in prayer and Qur’anic recitation^a at his mosque. Is it therefore not appropriate to make Khālīd, who is better qualified than him, *imām* in his place³?

No answer.

Stamps (i) Muḥammad Rāfi‘ b. Mullā Mīr Fayḍ al-Ḥusaynī al-Muftī, 1211; (ii) Qāḍī Qurbān Badal b. Qāḍī Ulkān, 1208; (iii) [xxx]; (iv) ‘Ināyat Šāliḥ Qāḍī wa Mīrasad

Citations (side a): (i) *rajul amma qawman wa hum lahu kārihūn fa-‘alā thalathah awjuh in kānat al-karahat li-fasād fīhi aw kānū aḥaqq bi‘l-imāmat minhu aw huwa aḥaqq bi‘l-imāmat minhum; wa lā fasād fīhi wa ma‘ hādhihi al-karāhah fa‘l-awwal wa‘l-thānī yukrah* (Khizānat al-fatāwā⁴ kadhā min Qāḍī Khān); (ii) *rajul amma qawman wa hum kārihūn ann kān ‘indahum aḥaqq minhu yukrah lahu al-imāmat wa ann kān huwa aḥaqq bi‘l-imāmī lā yukrah* (Ḥasab al-muftīyin); (side b): (i) *yan‘azil al-imām bi-iqāmat ghayrihi maqām nafsihi wa ayḍan idhā sabaqahu al-ḥadath wa istahlaf shakhṣan yan‘azil bi‘l-istiḥllāf* (Jawāhir); (ii) *al-imām idhā ṣallā ma‘a al-qawm thumma ‘alima annahu ṣallā ‘alā ghayri ṭahārat fa innahu yajib ‘alayhi al-i‘ādat; wa lā yajibu ‘alā al-imām i‘lām al-qawm, fa‘innahu ṣallā ‘alā ghayr ṭahārat wa lā ya‘tham bi-tarki dhālik al-i‘lām* (Khizānat al-fatāwā); (iii) *makrūh ast imāmī-yi kasī kih mu‘minān bih ū rāḍī na-bāshand* (Miftāḥ al-[xxx]); (iv) *fī‘l-Muḥīṭ yukrahu li‘l-rajul in ammā qawman wa hum ka‘rhūn...: ([xxx]); (v) wa yukrah imamat al-a‘war (?) wa‘l-a‘raj alladhī lam yaṣil ‘aqibuhu ‘alā al-ārḍ ‘ind al-mashī wa aqṭa‘ al-udhn wa‘l-anf wa naḥwuhā kadhā fī‘l-Nawāzil wa ghayrihi min kutub al-mu‘tabarah* (Farā‘id sharḥ-i Kanz⁵); (vi) *wa fī‘l-Muḍmarāṭ⁶ yajib an yakūn al-imām aḥḍal al-qawm fī‘l-ilm wa‘l-waz‘ wa‘l-taqwā wa‘l-qirā‘at wa‘l-ḥasab wa‘l-nasab wa‘l-jamāl wa‘alā hādihā ijmā‘ al-ummat* (Ṣaḥīḥ al-riwāyāt⁷); (vii) *wa lā yajūz al-imāmat illā bi-riḍā al-qawm, li-mā ruwīya ‘an al-nabī ‘alayhi al-salām annahu qāl man amm qawman wa hum kārihūn, fa-‘alayhi la‘nat Allāh wa‘l-malā‘ikat wa‘l-nās ajma‘īn* (Khizānat al-fiqh⁸); (viii) *kull ṣalat uddiyat ma‘ al-karāhat yajib al-i‘ādat* (Ikhtiyār sharḥ-i Mukhtār⁹).

<p>¹ <i>tpq</i> 1211 (7 July 1796 – 25 June 1797).</p> <p>² Bukharan: Qāḍī Qurbān Badal b. Qāḍī Ulkān and Muḥammad ‘Azīz Khudāyḍād → docs. 34 and 35.</p> <p>³ Appeals regarding the incompetence of <i>imams</i>, teachers and other officials were not uncommon: for discussion with regard to a later period, see Sartori, ‘Judicial Elections as a Colonial Reform: The <i>Qāḍīs</i> and <i>Biys</i> in Tashkent, 1868-1883’, in <i>Cahier du monde russe</i> 49.1 (2008), pp. 79-100 [p. 86]; → also docs. 446.2 and 569b.</p> <p>⁴ 3 Hanafī works of this name are known. The first was composed by Fakhr al-Dīn Aḥmad b. Muḥammad b. Abū Bakr al-Bukhārī (d. 522/1128), and remains unpublished: see Brockelmann, <i>GAL</i> I.373, p. 461. The second was composed by Ikhtiyār al-Dīn Ṭāhir b. Aḥmad b. ‘Abd al-Rashīd al-Bukhārī (d. 542/1148). The third was composed by Qāḍī Jakan al-Hindī (d. 920/1514) as an edited version of the same author’s <i>Khizānat al-wāqī‘āt</i>, and was published in Delhi and Cairo: see Brockelmann, <i>GAL</i> I.373-374, p. 462.</p> <p>⁵ [=Otherwise known as <i>Farā‘id fi’l-ḥall al-masā‘il wa’l-qawā‘id</i> or the <i>Murād-Khānīyah</i>]: a work composed by the Ottoman jurist Muṣṭafā b. Sulaymān Bālī-Zādah (d. 1069/1658) and dedicated to Sulṭān Murād IV. The work comprises a commentary on the <i>Kanz al-daqa‘iq</i> of Abu’l-Barakāt al-Nasafī (d. 710/1310): see Brockelmann, <i>GAL</i> suppl. II.646.</p> <p>⁶ [=Otherwise known as <i>Jāmi‘ al-muḍmarāt wa’l-mushkilāt</i>]: a work by Yūsuf b. ‘Umar b. Yūsuf al-Ṣūfī al-Kādūrī (d. 832/1429), composed as a commentary to the <i>al-Mukhtaṣar</i> of Abu’l-Ḥusayn al-Qudūrī (872-1037). See Brockelmann, <i>GAL</i> I.175, p. 183.</p> <p>⁷ The editors have been unable to identify this work.</p> <p>⁸ A work by Abu’l-Layth Naṣr b. Muḥammad b. Aḥmad al-Samarqandī (d. 393/1003), published in Baghdad in 1966 together with a work entitled the <i>‘Uyūn al-Masā‘il</i>. See Brockelmann, <i>GAL</i> I.196, p. 210.</p> <p>⁹ [=Otherwise known as <i>Ikhtiyār sharḥ al-mukhtār fi’l-furū‘ al-Hanafī</i> or <i>Mukhtār li’l-fatwā</i>]: a work by Abu’l-Faḍl Majd al-Dīn ‘Abdallāh b. Maḥmūd al-Mawsilī (1202-84). This same author subsequently composed a commentary to the work, entitled <i>al-Ikhtiyār li-ta’līl al-mukhtār</i>. The work has been published in numerous lithograph and modern editions: see Brockelmann, <i>GAL</i> suppl. I.657.</p>	<p>^a dar ‘ilm-i ṣalāt wa dar qirā’at</p>
<p>352 x 215; 5 lines. Persian.</p>	

42 – 51: documents relating to Ākhūnd Mullā Tursūn Bāqī b. Mullā ‘Awaḍ Bāqī

42

tpq Rabī‘ I 1213 (13 August – 11 September 1798): reported declaration of sale

175: KP 3791/55

On the above date [Ṣāliḥ?] b. Mu’min Bīk, acting as attorney^a to [xxx] bint Mīr ‘Ābid, declared as a competent agent that he has sold^b to Māh Chūchuk bint Shahsuwār Tūqsābah, through this latter’s attorney Qandahār Bīk b. ‘Abd al-Wahhāb, approximately 2¼ *ṭanābs* of *milk-i ḥurr-i khālīṣ* land located in the rural settlement of Sārquṅ, in Bukhara’s Pāy-Rūd *tūmān*. The property abuts in the west partly onto land belonging to Māhī Bībī

bint Kattah Bīk and partly onto land belonging to ‘Āshūr Muḥammad b. Muḥammad Sharīf, in the north onto land belonging to Āylār Jān Āyim bint Muḥammad Qul Dādkhwāh, and in the east and south onto land belonging to the purchaser Qandahār Bīk; the sale, for 40 *ashrafi*^c, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Muḥammad ‘Ālim Khwājah b. Muḥammad Ya‘qūb Khwājah Naqshbandī, 1207

Witnesses: Ādīnah Bāqī; Mullā ‘Awaḍ Bāqī; Mullā Subḥān Qul; Bāltah Qul Bīk.

^a wakīl-i thābit al-wakālah; ^b bay‘-i bāt-i bātāt-i nāfidh-i lāzim-i shar‘ī; ^c ashrafi-yi ṭilā-yi jayyid-i aḥmar-i a‘lā-yi yak-mithqālī-yi bukhārī al-ḍarb

119 x 220; 13 lines. Persian.

43

Sha‘bān 1221 (14 October – 11 November 1806): statement of conferral of appointment

299: KP 5991/51

[Amīr Ḥaydar] states that he has appointed^a Mullā Tursūn Bāqī, together with Qāḍī ‘Ālim Khwājah Makhdūm and his *muḥtasib*¹, to authority in Kām-i Abū Muslim *tūmān*². The appointee should spur locals towards prayer, prevent gambling, and officiate at weddings, giving 8 *ashrafi* from the charge to Qāḍī ‘Ālim Khwājah, and 2 *ashrafi* to the *muḥtasib*.

Stamp: Amīr Ḥaydar

¹ For discussion of the term *muḥtasib*, which in Manghit Bukhara was equivalent to *ra’īs* (for which → doc. 82 and elsewhere) see Mīrzā Badī‘ Dīwān, *Majma‘ al-arqām*, p. 115 and elsewhere.

² See Mukhammadzhanov *et al.*, *Naselennye punkty Bukharskogo emirata*, p. 10.

^a farmūdīm

101 x 142; 7 lines. Persian.

44

6 Dhu‘l-Qa‘dah 1225 (3 December 1810): statement of conferral of appointment

300: KP 5991/52

Amīr Ḥaydar^a states that he has appointed^{1b} Mullā Tursūn Bāqī to position of authority in Kām-i Abū Muslim *tūmān*. The appointee should spur locals towards prayer, do all he can to prohibit forbidden things, and officiate at weddings (receiving 1 *ṭilā* for marrying a virgin, $\frac{1}{2}$ *ṭilā* for one previously married²).

Stamp: Amīr Ḥaydar

¹ i.e. reappoints: → doc. 43.

² Reference to payment in *ṭilā* (rather than the generally more frequently encountered *ashrafi* or *ashrafi-yi ṭilā*) is highly conventional in such statements of conferral of appointment: → also docs. 47, 418, 423, 424 and 427.

^a Abu‘l-Faṭḥ Amīr al-mu‘minīn Mīr Ḥaydar; ^b marḥamat wa mihribānī namūdīm

137 x 215; 11 lines. Persian.

45

Monday 13 Jumādā I 1227 (25 May 1812): statement of conferral of appointment

290: KP 5991/42

Amīr Ḥaydar^a states that he has appointed^b Ākhūnd Mullā Tursūn Bāqī to collect *zakāt* from the Ūshāq Tamghalī [tribal] group, with responsibility for assessing the value of people's holdings of camels, cattle and sheep^c, and collecting *zakāt* accordingly. The appointee should present his statement of appointment^d to anyone from whom his is taking *zakāt*, and should not take *zakāt* without the statement in his possession.

Stamp: Amīr Ḥaydar

^a Abu'l-Faṭḥ Amīr al-mu'minīn Sulṭān Amīr Ḥaydar;
^b farmūdīm; ^c az ushtur wa gāw wa gūsfaṇd [...] farbih wa kharāb wa awsaṭ-rā bih-chashm-i khūd-hā mu'āyinah dīdah; ^d khaṭṭ

127 x 203; 9 lines. Persian.

46

Saturday 15 Muḥarram 1231 (Sunday¹ 17 December 1815): statement of conferral of appointment

288: KP 5991/40

Amīr Ḥaydar^a states that he has appointed^b Ākhūnd Mullā Tursūn Bāqī as *mudarris* at the Ṣūfī Āyim *madrāsah*. The appointee should devote his energies during the hours of instruction to teaching the *madrāsah*'s religious students, and should not leave his position without a valid excuse.

Stamp: Amīr Ḥaydar

¹ sic.

^a 'Abdallāh Sayyid Amīr Ḥaydar; ^b sar-afrazī bakhshīdīm

140 x 219; 9 lines. Persian.

47

Tuesday 8 Sha'bān 1234 (Wednesday¹ 2 June 1819): statement of conferral of appointment

261: KP 5991/13

[Amīr Ḥaydar] states that a royal ruling was issued^a stating that he has appointed^b Ākhūnd Mullā Tursūn Bāqī Mudarris to officiate at weddings in Ghijduwān^c; the appointee should receive one *ṭilā* per wedding.

Stamp: Amīr Ḥaydar

¹ sic.

^a ḥukm-i 'ālī ṣādir shud; ^b mihrībānī wa marḥamat namūdīm; ^c nikāḥānah-yi bākīrah-yi tūmān-i Ghijduwān

106 x 175; 7 lines. Persian.

48

Şafar 1236 (8 November – 6 December 1820): statement of conferral of appointment

289: KP 5991/41

Amīr Ḥaydar^a states that he has appointed^b Akhūnd Mullā Tursūn Bāqī Mudarris as teacher at the *madrasah* of Ḥaḍrat-i Īshān Shaykh Khudāyḍād. The appointee should devote his allotted class time to instructing students in the religious sciences^c, be in attendance for daily prayers, and use his share of the *waqf* revenue in a fashion according with the endower's stipulations.

Stamp: Amīr Ḥaydar

^a ‘Abdallāh Sayyid Amīr Ḥaydar; ^b marḥamat farmūdah [...] sar-afrāzī bakhshīdīm; ^c bih dars-gūyī-yi ṭalabah-yi ‘ulūm-i dīnīyah ishtighāl warzīdah

158 x 267; 9 lines. Persian.

49

Shawwāl 1242 (28 April – 26 May 1827): statement of conferral of appointment

287: KP 5991/39

Amīr Naşr-Allāh^a states that he has appointed^b Ākhūnd Mullā Tursūn Bāqī Mudarris as teacher at the *madrasah* of Ḥaḍrat-i Īshān Shaykh Khudāyḍād, with responsibilities also as *imām* of the *khānaqāh* and as *mutawallī* of said *madrasah*'s endowments^c. The appointee should devote his allotted class time to instructing students in the religious sciences^d, serve as *imām* during the Friday prayers, and oversee expenditure of the endowment.

Stamp: Sayyid Amīr Naşr-Allāh, 12xx

^a Abu'l-Muzaḥḥar wa'l-Manşūr Nāşir al-Millat wa'l-Dīn Sulṭān Sayyid Amīr Naşr-Allāh Bahādur Sulṭān; ^b marḥamat farmūdah, sar-afrāzī bakhshīdīm; ^c bā ḡamm-i imāmat-i khānaqāh wa tawliyat-i awqāf-i madrasah-yi madhkūrah; ^d bih dars-gūyī-yi ṭalabah-yi ‘ulūm-i dīnīyah ishtighāl warzīdah

176 x 310; 10 lines. Persian.

50

Rajab 1266 (13 May – 11 June 1850): statement of conferral of appointment

262: KP 5991/14

[Amīr Naşr-Allāh¹] states that he has appointed^a Mullā Tursūn Bāqī as *mudarris* of the Khwājah Nihāl *madrasah*. The appointee should devote his allotted class time to instructing students in the religious sciences^b, and should not leave his post without good reason.

Stamp (side b): al-ḥukm bi'l-‘adl, 1256	
¹ For the use of the seal type encountered here as an alternative to the <i>amīr</i> 's own personal seal, → doc. 14 ⁽⁴⁾ .	^a marḥamat farmūdah, sar-afrāzī bakhshīdīm; ^b bih dars-gūyī-yi ṭalabah-yi ‘ulūm-i shar‘īyah [...] ishtighāl namūdah
141 x 236; 7 lines. Persian.	

51

Ṣafar 1267 (6 December 1850 – 3 January 1851): statement of conferral of appointment

263: KP 5991/15

[Amīr Naṣr-Allāh ¹] states that he has appointed ^a Mullā Tursūn Bāqī Mudarris, an authorised and qualified teacher of the practice of <i>fatwā</i> ^b , to the position of <i>muftī</i> in Bukhara <i>wilāyat</i> . Devoting himself to the composition of <i>fatwās</i> , the appointee should neglect nobody who seeks his assistance ^c . He should attend to any legal opinion conforming to the necessary norms, and should reject those which are in breach of practice ^d .	
Stamp (side b): al-ḥukm bi'l-‘adl, 1256	
¹ For the use of the seal type encountered here as an alternative to the <i>amīr</i> 's own personal seal, → doc. 14 ⁽⁴⁾ .	^a marḥamat farmūdah, sar-afrāzī bakhshīdīm; ^b az ustādhān talammudh-i fatwā namūdah ma‘mūr wa ma‘dhūn būdah; ^c mustāftī kih āyad mu‘aṭṭal na-gudhārad; ^d bih riwāyat-i ma‘mūlah ‘amal namūdah, az riwāyat-i ghayr-i ma‘mūlah wa qīl ijtināb wa iḥtirāz namāyad
160 x 260; 8 lines. Persian.	

52

n/d¹: solicited legal opinion²

425: KP 5991/171

<p>(i) Muḥammad Shākīr grants some of his land, presently given over to cultivation and trees, to his sister Bībī Sharīfah. But said grant is in fact invalid^a, since the land thus granted^b is presently under use^c. Does Muḥammad Shākīr therefore have the authority to abrogate his gift, and refrain from handing over the lands in question? (ii) Another plot of land is the object of rival claims by Muḥammad Shākīr and his sister. The sister claims that the lands were bequeathed^d to her by her mother Niyāz Bībī, and that they all belong to her. Muḥammad Shākīr, meanwhile, claims that the lands were divided between him and his sister by their father Muḥammad Dhākīr, according to the principle that each man's share should equal that of two women^{e(3)}. If Muḥammad Shākīr's statement^f is authoritative^g even without witness testimony, and if his sister's statement lacks certification^h, should this latter not be disregarded? Answer: yes.</p>

Stamps: (i) ‘Ināyat-i ān b. Šālih A‘lam [xxx]; (ii) Qul Muḥammad al-Muftī b. Raḥmat-Allāh Khwājah al-Ḥusaynī; (iii) Raḥmat-Allāh Khwājah b. Aqdā al-quḍāt ‘Aṭā-Allāh Khwājah ‘Alawī, 1194; (iv) Mīr Muḥammad Rāfi‘ al-Muftī b. Mullā Mīr Fayḍ al-Ḥusaynī, 1214; (v) Mīr Abū Naṣr b. Mīr Raḥmat-Allāh Khwājah al-Ḥusaynī

Citations: (i) *wa fī Fatāwā Qādī Zāhīr al-Dīn⁴ raḥimahū Allāh hibat al-shāghīl yajūz wa hibat al-mashghūl lā yajūz, wa ‘l-aṣl fī jins hādhihi al-masā‘il ann al-ishṭighāl al-mawhūb bi-milk al-wāhib yamna‘ tamām al-hibah, li-ann al-qabḍ shart* (Fuṣūl ‘Imādī⁵); (ii) *wa idhā ikhtalaf al-zawjān aw warathatuhumā fī matā‘ al-bayt, fa-ind Abī Ḥanīfah mā ṣuliḥa li‘l-rijāl, fa-huwa li‘l-zawj, wa mā ṣuliḥa li‘l-nisā’, fa-huwa li‘l-mar‘at, wa ‘l-mushkil li‘l-zawj in kān al-ikhtilāf ḥāla ḥayātihimā aw ba‘d mawtihimā* (Mashāri‘ al-sharā‘i⁶); (iii) *wa ‘l-‘ibrah li‘l-mudda‘ā ‘alayhi wa huwa al-ṣaḥīḥ* (Khizānat al-muftīyin); (iv) *wa fī ba‘dīn lā yuqbal qawluhu mā lam yandamm ilayhi ‘adlun ākhar wa huwa al-ṣaḥīḥ* (Mughnī⁷, fī‘l-qaḍā); (v) *law wahab arḍan fihā zar‘un aw nakhīlun aw nakhīlan ‘alayhā thamar aw wahabat al-zar‘a aw nakhlan bi-dūn al-thamar lā yajūz al-hibat fī hādhihi al-masā‘il li-anna al-mawhūb mutṭaṣal bi-ghayrihā ittiṣāl khilqah ma‘a imkān al-qaṭ‘ī fa-qabḍ aḥadikumā bi-dūn al-ākhar mumkin fī ḥālat al-ittiṣāl* (Qādī Khān).

¹ *tpq* 1214 (5 June 1799 – 24 May 1800).

² Bukharan: Mīr Abū Naṣr Khwājah b. Mīr Raḥmat-Allāh Khwājah al-Ḥusaynī (→ doc. 28).

³ The formula is found also in docs. 245, 251, 335 and 352.

⁴ [=Otherwise known as the *Fatāwā al-Zahīrīyah*]: an unpublished Ḥanafī work composed by Zāhīr al-Dīn Muḥammad b. Aḥmad b. ‘Umar al-Bukhārī (d. 619/1222), citing material from the 12th-century jurist Zāhīr al-Dīn Abū‘l-Maḥāsīn al-Ḥasan b. ‘Alī al-Marghīnānī, master of Zāhīr al-Dīn al-Bukhārī and author of the *Hidāyah*, and by al-Marghīnānī’s father ‘Alī b. ‘Abd al-‘Azīz al-Marghīnānī, otherwise known as Zāhīr al-Dīn al-Kabīr (d. 506/1112). See Brockelmann, *GAL* I.379, p. 471.

⁵ [=Otherwise known as *Kitāb Fuṣūl al-ḥikām fī uṣūl al-aḥkām*]: a work completed in 651/1253 by by ‘Imād al-Dīn Abū‘l-Faṭḥ ‘Abd al-Raḥīm Zayn al-Dīn b. Abū Bakr al-Samarqandī (d. ca. 670/1271): see Brockelmann, *GAL* I.382, pp. 475-76.

⁶ An unpublished work by Najm al-Dīn Abū Ḥafṣ ‘Umar b. Muḥammad b. Aḥmad al-Nasafī (1068-1142). The sole known manuscript of the work is held in the Beruni Oriental Institute, Tashkent.

⁷ [=Otherwise known as *al-Mughnī fī uṣūl al-fiqh*]: a work by Jalāl al-Dīn ‘Umar b. Muḥammad al-Khujandī al-Khabbāzī (1232-92), composed as an abbreviated compendium of material in the works of al-Sarakhsī (1009-90) (→ doc. 8⁽³⁾) and al-Bazdawī (1009-89). The work was published in Mecca in 1983: see Brockelmann, *GAL* I.382, pp. 476-77.

^a fāsīd wa nā-durust; ^b hibah; ^c mashghūl; ^d mīrāth māndah ast; ^e li‘l-dhakar mithl ḥazz al-unthayayn³; ^f qawl; ^g mu‘tabar; ^h bī ithbāt-i shar‘ī

340 x 215; 10 lines. Persian.

1216 (14 May 1801 – 3 May 1802): statement of conferral of privileges

1126: KP 1544/2

Amīr Ḥaydar^a states that approximately 30 *ṭanābs* of land in the rural settlement of Qāḍī Khān have been registered^b and noted in the chancery ledger^{c(1)} as *milk-i ḥurr*. The *‘āmils* and *dārūghahs* should thus recognise afore-mentioned land as the property of its owners, and they should not interfere with it.

Stamp: Amīr Ḥaydar

¹ The wording is a variation on *daftarī*: see Chekhovich and Arends, *Dokumenty k istorii agrarnykh otnoshenii v Bukharskom khanstve*, p. 190 [doc. 41], and Schwarz, ‘Contested grounds’, p. 35.

^a Abu’l-Faṭḥ Muḥammad Mīrzā Ḥaydar Bahādur; ^b chak-dār būdah; ^c ṭūmār-i ‘ālī¹

111 x 191; 8 lines. Persian.

n/d¹: solicited legal opinion²

662: KP 5991/382

Nūr Muḥammad, acting as attorney to Bībī Sharīfah, presents before the *qāḍī* a claim for restitution against Raḥmat Jān. Two witnesses state that the respondent wishes to reach a settlement; following their testimony, the *qāḍī* issues a ruling. Afterwards, however, Raḥmat Jān’s pre-adult children bring before the *qāḍī* a conflicting written testimony which their father had previously given them^a. Does this render invalid the testimony of the two witnesses, and the *qāḍī*’s own ruling? And given that the claim against Raḥmat Jān remains unproved, is the resulting legal settlement not in turn invalid?

Answer: yes.

Stamps: (i) Mīr Abū Naṣr b. Mīr Raḥmat-Allāh Khwājah al-Ḥusaynī; (ii) Qul Muḥammad al-Muftī b. Raḥmat-Allāh Khwājah al-Ḥusaynī, 1204; (iii) ‘Abd al-Ra’ūf al-Muftī b. Ākhūnd Raḥmat-Allāh; (iv) Qurbān Badal b. Qāḍī Ulkān al-Muftī, 1213; (v) Mīr ‘Abdallāh Khwājah b. Mīr Ḥāmid Khwājah al-Ḥusaynī, 1220 [?]; (vi) ‘Ināyat-i ān b. Ṣāliḥ A’lam; (vii) [xxx], 120x

Citations (side a): (i) *ammā al-kitāb al-shar’ī alladhī wujid fī yad al-khaṣm hall yadfa’ da’wā al-khaṣm wa’l-fatwā ‘alā annahu yadfa’* (Jāmi‘ al-fatāwā³); (ii) *iqrār al-insān ḥujjatun ‘alā nafsihi* (Muḥīṭ); (iii) *al-da’wā wāḥid: idhā baṭal fī’l-ba’d, baṭal fī’l-kull* (Muḥīṭ).

There are numerous additional citations on side b.

¹ *tpq* 1220 (1 April 1805 – 20 March 1806).

² Bukharan: Mīr Abū Naṣr Khwājah b. Mīr Raḥmat-Allāh Khwājah al-Ḥusaynī → doc. 28.

³ A work by Nāṣir al-Dīn Abu’l-Qāsim Muḥammad b. Yūsuf al-Ḥusaynī al-Samarqandī al-Ḥanafī (d. 556/1161), which circulated widely in Mā warā al-nahr; it should be distinguished from a work of the same name by Qirq Amīr al-Ḥamīdī al-Ḥanafī (d. 880/1475), described in Brockelmann, *GAL* II.226, p. 292.

^a khaṭṭ-i muzayyan

260 (torn) x 214; 8 lines. Persian.

Rajab 1223 (23 August – 21 September 1808): statement of conferral of privileges

280: KP 5991/32

Amīr Ḥaydar^a states that Bāy Muḥammad made a claim to ownership of approximately 6 *ṭanābs* of land located in the rural settlement of Raznah, Janūbī-Rūd; the claim was noted in the chancery ledger^b. But Bāy Muḥammad was then unable to provide a witness testimony to substantiate his claim^c. Instead, therefore, he has reached an amicable settlement, undertaking to acquire the afore-mentioned property for 12 *ashrafi*. ‘*Āmils* should thus refrain from intruding with demands for *kharāj*’¹.

Stamp: Amīr Ḥaydar

¹ It is unclear why this individual was entitled to fiscal privileges.

^a Abu’l-Faḥ Amīr al-Mu’minīn Mīr Ḥaydar; ^b ṭūmār-i ‘ālī; ^c ‘ājiz az iqāmat-i bayyinah āmad

122 x 191; 7 lines. Persian.

n/d¹: solicited legal opinion

3: KP 1077

(i) If a debtor claims on oath that his creditor’s attorney has taken from him 10 *ashrafi*, and that he himself has already paid off his debt, should the creditor have to swear on oath to the validity of his original claim for repayment? (ii) If the creditor says that his debtor should first secure restitution from his [the creditor’s] attorney, and then use the money to repay him [the creditor], is this valid?

Answer: yes.

Stamps: (i) Shams al-Dīn b. Mīr Shāh Khwājah al-Muftī, 1224; (ii) ‘Aṭā-Allāh Khwājah b. Yūsuf, 1210; (iii) [xxx]; (iv) ‘Ināyat Šālih [xxx] Shaykh al-Islām-i Bukhārā

Citations: (i) *wa ann lam yakun li’l-gharīm bayyinah wa ārād an yaḥlif al-muwakkil bi-Allāh mā ya ‘lam annahu qabiḍ al-dayn rawā al-ḥasan ‘an Abī Hanīfah raḥimahu Allāh anna lahu dhālik fa-in lam yaḥlif, lam yakun lahu ann yaqbiḍahu min al-gharīm* (Tātār Khānī² [xxx] min kitāb al-wakālat); (ii) *wa law kadhdhabahu al-Amīr wa ārād al-mā’ mūr yamīn al-Amīr ḥullifa al-Amīr bi-llāh mā ya ‘lam annahu ittifaq ‘alā ahlik kadhā* (Wajīz); (iii) *li-anna yad al-wakīl yaduhu* (Dhakhīrah³.176); (iv) *qāl yattabi’ rabb al-māl fa-yastahliḥu ri’āyat li-jānibihi wa lā yastahliḥ al-wakīl li-annahu thābit* (Hidāyah); (v) *wa li’l-dāfi’ an yarji’ bi-malihi in shā’a ‘alā al-qabiḍ wa in shā’a ‘alā al-āmīr* (Dhakhīrah).

¹ *tpq* 1224 (16 February 1809 – 5 February 1810).

² [=Otherwise known as the *Fatāwā Tātār Khānī*, the *Zād al-Musāfir* or the *Zād al-Safar*]: a work composed in 777/1375-76 by Fakhr al-Dīn ‘Ālim b. ‘Alā’ (d. 786/1384), dedicated to Tātār Khān, an *amīr* of Fīrūz Shāh Tughlūq (1351-88). The work is organised into sections similarly to the *al-Hidāyah*, and comprises an attempt to collect and codify some of the legal questions noted in the *Muḥīṭ al-Burhānī*, the *Dhakhīrat al-Burhāniyah fi’l-fatāwā*, the *Fatāwā-yi Qāḍī Khān* and the *Fatāwā-yi Zāhirīyah*: see Brockelmann, *GAL* suppl. II.643.

<p>³ [=Otherwise known as the <i>Dhakhīrat al-Burhāniyah fī'l-fatāwā</i>]: a work by Burhān al-Dīn Ṣadr al-Islām Maḥmūd al-Bukhārī (1156-1219), as an abbreviated 2-volume version of his own <i>Muḥīṭ al-Burhānī</i> (→ doc. 539⁽²⁾); it contains a collection of legal questions each subsequently addressed in a series of <i>fatwās</i>. The work has not been published, but there are numerous Timurid-era manuscript copies in the library of the Beruni Oriental Institute in Tashkent: see Brockelmann, <i>GAL</i> I.375, p. 464.</p>	
369 x 132; 3 lines. Persian.	

57

n/d¹: solicited legal opinion

437: KP 5991/183

<p>Does a vendor who, repaying the purchase sum^a, revokes^b a sale^c have the right to lay claim to the produce grown on the property during the period when said property was in the purchaser's possession^d? Answer: yes.</p>	
Stamp: Bāqī Muḥammad Muftī ² b. Mullā Qurbān Bāqī Namangānī, 1234	
<p>Citations (side a): (i) <i>wa yuqsam al-ghallah 'alā 'ithnā 'ashar juz'an, fa-yā'khudh qiṣṭ al-māḍī min al-sanat</i> (Bazzāziyah); (ii) <i>idhā fasakh al-bay' al-jā'iz, ba'd mā muḍyī ba'd al-sanat, hal yakūn li'l-mushtarī min al-ghallah bi-ḥisāb mā maḍā min al-sanat ajāb lahu na'm lahu dhālik; wa yuqsam al-ghallah 'alā ithnā 'ashar juz'an, fa-yā'khudh ḥiṣṣah mā aṣāb al-māḍī min al-sanat</i> (Fuṣūl 'Imādī). There are numerous additional citations on side b; these include citations from Fuṣūl 'Imādī, Hidāyah and Qā'idī.</p>	
<p>¹ <i>tpq</i> 1234 (31 October 1818 – 19 October 1819). ² For the stamp see also Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i>, pp. 95-96.</p>	<p>^a sīm āwardah bih mushtarī [...] dādah; ^b faskh-i bay'; ^c bay'-i wafā; ^d wilāyat-i akhdh-i ḥāsil az rū-yi taqṣīm-i madhkūr bih mā baqīyah ashhur-i sanah-yi ākhirah bāshad bih sharā'it, yā nī?</p>
345 x 208; 3 lines. Persian.	

58

tpq Rabī' II 1236 (6 January – 3 February 1821): reported declaration of debt

758: KP 267

<p>On the above date Mullā Ismā'īl Shaykh b. Bāqī Ṣūfī declared^a that he owes Dāmullā Muḥammad Raḥīm b. Nadir Bāqī 10 <i>ashrafi</i>^b, and that he will repay the sum upon request^c.</p>	
Stamp: Qāḍī Mīr 'Abdallāh Khwājah ¹ b. Mīr Ḥāmid Khwājah Shaykh al-Islām	
<p>¹ Attested active from 1222/1807-08 (see Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i>, p. 64) to Rabī' II 1236/January-February 1821 (→ doc. 58).</p>	<p>^a iqrār-i ṭaw'ī namūd; ^b ashrafi-yi rā'ijī; ^c 'ind al-muṭālabah</p>
67 x 143; 6 lines. Persian.	

tpq Jumādā I 1236 [?]¹ (4 February – 3 March 1821): declaration of rent²

306: KP 5991/58

The *mutawallī* of the *waqf* endowed by Khalīfah Yūnus to provide for the recitation of the Qur'an in the month of Ramaḍān^a states that on the above date he rented to Ṣalāḥ al-Dīn Khwājah three shops^{b(3)} under endowment for the duration of 1 year; the rental sum is 70 *tangah*^c. The shops are located, as noted in the endowment deed, in Khiyābān quarter³, by the Lab-i Ḥawḍ⁴.

Stamp (side b): Khayr-Allāh Khwājah b. Dhakariyā Khwājah

¹ In document given as '136'.

² The document contains numerous grammatical oddities.

³ Mukminova observes (*K istorii agrarnykh otnoshenii v Uzbekistane XVI v.*, p. 319) that the Arabic term here frequently conveys the sense of 'workshop' as strongly as of 'shop'. It is rendered simply as here in the interests of concision.

³ No quarter of this name is mentioned in Sukhareva, *Kvartal'naia obshchina pozdne-feodal'nogo goroda Bukhary*.

⁴ For the quarter of this name, see Sukhareva, *Kvartal'naia obshchina pozdnefeodal'nogo goroda Bukhary*, pp. 181-182.

^a az wajh-i khatm-i ramaḍānī; ^b dukān³; ^c tangah-yi nuqrah-yi sarah

111 x 127; 6 lines. Persian.

60a, n/d¹: claim for restitution

652: KP 5991/373

Acting as attorney^a to Bībī Panīr bint Mullā Ibrāhīm and to Bī Bīk Jān bint Abu'l-Khayr, Mullā Sa'īd Jān presents a claim against Fayḍī b. Yār Muḥammad, a resident of Bukhara's [Gīw?] Khwājah² quarter.

The claim relates to the property of the late Mullā Abu'l-Khayr b. Ustā Maṣṣūr, comprising the *suknīyāt*³ on a fixed-structure tea-merchant's located in Bukhara's Ḥawḍ-i Rīgīstān, and abutting in the west, north and south onto a public thoroughfare, and in the east onto land overlooking the afore-mentioned *hawḍ*. Upon Mullā Abu'l-Khayr's death, the property was divided between his wife, Bībī Panīr, his two sons, Muḥammad Raḥīm and Raḥmat-Allāh, and his two daughters, Bī Bīk Jān and Bībī Qandālāt. Before the division was effected, Bībī Qandālāt died, leaving her property to her mother, her two brothers and her sister. By the terms of the final division, Bībī Panīr received 43/288 of Mullā Abu'l-Khayr's property, Muḥammad Raḥīm and Raḥmat-Allāh each received 98/288, and Bī Bīk Jān received 49/288⁴. But the respondent has taken possession^b of all the property, and is refusing to hand it back.

Stamp: Bāqī Muḥammad Muftī b. Mullā 'Awaḍ Muḥammad Bukhārī

No citation.

<p>¹ <i>taq</i> Sha‘bān 1238 (13 April – 12 May 1823): → doc. 60b.i. ² No quarter of this name is mentioned in Sukhareva, <i>Kvartal’naia obshchina pozdne-feodal’nogo goroda Bukhary</i>. ³ ‘[P]rivately owned rights on real estate held as <i>mamlaka</i> or <i>waqf</i> or even as the <i>melk</i> of a second party. The <i>sokniyāt</i> included buildings, furnishings, trees, vines, and crops that could be bought, sold, given away, inherited, and transferred to <i>waqf</i>, just like <i>melk</i>, and in many cases actually comprised a value comparable to the real estate.’ McChesney, ‘Central Asia xi. Economy from the Timurids until the 18th Century’, in <i>Elr</i> V.2, pp. 216-21 [p. 219]. Amongst our documents, we find references to <i>sokniyāt</i> in the context of <i>mamlakah</i> land (→ doc. 131 below) and in the context of <i>waqf</i> land (→ doc. 126 below); we find no such references in the context of <i>milk-i hurr-i khāliš</i> land. ⁴ The scribe mistakenly gives Bī Bīk Jān’s share as 43/288 (thus leaving 6/288 of the estate unaccounted for): a table on side b gives the correct figure.</p>	<p>^a wakālatan muṭlaqatan ‘āmmatan; ^b mutaṣarrif shudah</p>
<p>228 x 212; 14 lines. Persian.</p>	

60b.i. *tpq* Sha‘bān 1238 (13 April – 12 May 1823): reported declaration of cessation of claim

<p>On the above date the afore-mentioned speaker, acting as attorney^a to Muḥammad Raḥīm, Bī Bīk Jān and Bībī Panīr, declared as a competent agent that, in return for a portion of the afore-specified property, measuring $(1 \text{ gaz}^{\text{b}} + 1 \text{ chahār-yak}) \times (\frac{1}{2} \text{ gaz} + \frac{1}{2} \text{ chahār-yak}^2)$ (as reckoned by conventional Bukharan measures^{3c}), and abutting in the west onto some of the rest of the respondent’s property, in the north onto some trees, in the east onto a shop belonging to Mullā ‘Āshūr b. Mullā Bāqī, and in the south onto a public thoroughfare, he has dropped his claim against the respondent.</p>	
<p>Stamp: Qāḍī al-quḍāt Qāḍī Mīr Abū Ḥasan Khwājah⁴ b. Qāḍī al-quḍāt ‘Iṣām al-Dīn Khwājah al-Ḥusaynī</p>	
<p>¹ By the 19th century, the Bukharan <i>gaz</i> measurement approximated 213.7 cm: see Davidovich, <i>Materialy po metrologii srednevekovoi Srednei Azii</i>, p. 113. ² It is unclear here an in several other documents whether references to <i>chahār-yak</i> are to fractions of the <i>gaz</i> measurement or to the distinct <i>chahār-yak</i> measurement, the dimensions of which widely varied. See Davidovich, <i>Materialy po metrologii srednevekovoi Srednei Azii</i>, p. 131. ³ For the specificity of Bukharan measurements, → also docs. 6, 90, 249, 250, 378 and 431a. ⁴ Attested active from 1230/1814-15 (see Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i>, pp. 65-66) to Sha‘bān 1238/April-May 1823 (→ doc. 60b.ii). For his son Mīr Abu’l-Ḥayy, → doc. 146⁽³⁾.</p>	<p>^a wakālatan bi’l-taṣḍīq; ^b ṭūlan yak gaz chahār yak, ‘arḍan nīm gaz nīm chahār-yak; ^c bih gaz-i matā‘-i muta‘arīf-i Bukhārā; ^d ibrā’-yi ‘āmm-i dhimmah-yi mudda‘ā ‘alayh-i madhkūr fi’l-ḍimn namūdah-am</p>
<p>11 lines. Persian.</p>	

60b.ii. Šafar 1250 (9 June – 7 July 1834): reported attestation

On the above date, Mullā Naẓar Bāy b. Mullā Khudāy Naẓar, Mullā Ḥakīm b. Mullā ‘Āshūr, Mullā Mīr Sayyid Muḥammad b. Mullā Mīrzā, Dāmullā Muḥammad Sharīf Muḥarrir b. Mullā Niyāz Muḥammad, Mullā Sa‘īd Jān Wakīl and Mullā Shams al-Dīn b. Dāmullā ‘Abd al-Karīm Muḥarrir attested as witnesses to the validity of the afore-mentioned set of deeds¹ notarised and stamped by the late *qāḍī al-quḍāt* Mullā [xxx] b. Mullā Tāsh Fūlād.

Stamp: Qāḍī [xxx] b. Muḥammad [xxx]

¹ It is unclear which set of deeds is here referred to.

7 lines. Persian.

61

n/d¹: solicited legal opinion

2: KP 1076

Ustād Muḥammad Rajab buys^a 2 shops located in a certain open space endowed as *waqf* for a certain sum; it is wrong for anyone else to interfere with said property without good cause^b. If Mullā Ghā‘ib, a neighbour, opposing the sale says that ‘I shall take this shop for myself, using the right of pre-emption^c from the purchaser’, is this afore-mentioned assertion not void and inadmissible?

No answer.

Stamp: Bāqī Muḥammad Muftī b. ‘Awaḍ Muḥammad al-Bukhārī

Citations: (i) *al-shuf‘ah tamlik al-‘aqār* (Muḥīṭ); (ii) *dūn al-manqūl ka ‘l-shajar wa ‘l-binā’* (Jāmi‘ al-rumūz)

¹ ca. 1238 [? → 60a. *taq* Sha‘bān 1238, notarised by same figure as here].

^a bih shirā‘-i ṣaḥīḥ-i shar‘ī; ^b bī wajh-i shar‘ī; ^c bih ṭarīq-i shuf‘ah

163 x 257; 5 lines. Persian.

62

n/d¹: claim for restitution

44: KP 1118

Īsh Muḥammad Bāy presents a claim against Pīr Naẓar Bīk Qarāwul-Bīgī b. Muḥammad Naẓar Bīk, Bābā Bīk and ‘Abdallāh, sons of Īsh Naẓar Bīk Aqā-Bāshī, and Khudāyār Bīk b. Dawlat Bīk, residents of Bukhara’s Ḥammām-i Kapah quarter².

The plaintiff claims that the respondents repeatedly abused and assaulted him^a, and in turn caused him to be reviled; they accordingly deserve corporal punishment or imprisonment^{3b}. The plaintiff requests the magistrate to act accordingly.

Stamp: Ākhūnd Shāh Šāliḥ Ḥusaynī, 1241

Citation: <i>wa bi-irtikāb mā lā yaḥill, yu'addab</i> (Nihāyah).	
¹ <i>tpq</i> 1241 (16 August 1825 – 4 August 1826).	^a dashnām namūdah, īdhā wa ihānat rasānīdand; ^b mustaḥaqq-i ta'zīr wa ta'dīb 'alā mā yarāhu al-ḥākim min al-ḍarb wa'l-ḥibs wa ghayrihimā
² See Mukhammadzhanov <i>et al.</i> , <i>Naseleanye punkty Bukharskogo emirata</i> , p. 180. By contrast, Sukhareva, <i>Kvartal'naia obshchina pozdnefeodal'nogo goroda Bukhary</i> , makes no mention of this quarter.	
³ A rare instance where the plaintiff requests retribution rather than compensation.	
228 x 163; 6 lines. Persian.	

63

n/d¹: solicited legal opinion

52: KP 1126

A certain area of land in a certain rural settlement has for a long time been the joint possession of a large group of people ^a . Khālīd, the <i>mutawallī</i> of a nearby <i>waqf</i> endowment, has presented before the magistrate a deposition of claim ^b against certain of these owners – who have no authority as guardians, agents or attorneys to the others of their number ^c – presenting [what purports to be] an endowment deed stating that the entire afore-mentioned property has been converted into <i>waqf</i> ^d . Given that the few named respondents are not answerable for the interests of the larger affected number of co-owners, is it not the case that the claim is unjustified, and that the attestation of witnesses in support of Khālīd's proffered endowment deed is inadmissible? Answer: yes.	
Stamps: (i) Ākhūnd Mullā Mīrzā Šāliḥ A'lam ² b. Mīrzā Iskandar al-Ḥusaynī, 1241; (ii) Muḥammad Bāqī Muftī [xxx] b. [xxx] al-Ḥanafī; (iii) Mīrzā Muḥammad Sharīf Makhdūm b. Qāḍī Mīrzā Muḥammad Umīd Muftī, 1243; (iv) Muḥammad gasht ma'mūr bi-fatwā zi-luṭf-i ḥadrat-i sultān-i a'lā, 1245; (v) Muḥammad Sultān Khwājah ³ b. Mawlawī Mīr 'Abdallāh Muftī, 1242; (vi) A'lam Muḥammad [xxx] b. [xxx] Khwājah al-Ḥusaynī	
Citations: (i) <i>wa lā yaṣiḥḥ al-da 'wā 'alā ba 'dihim an kān al-mahdūd fī aydā jamī'him, wa lā yaṣiḥḥ al-qaḍā' illā bi-qadr mā fī yad al-ḥādirīn</i> (Qunyah); (ii) <i>wa yaṣiḥḥ al-qaḍā' biḥ qadr mā fī aydā al-ḥādirīn lā fī haqq al-kull</i> (Nihāyah); (iii) <i>wa lā yuntaṣab aḥaḍ khaṣman 'an aḥad bi-ghayr wakālat wa'l-niyābat</i> (Ashbāh); (iv) <i>al-da 'wā lā yaṣiḥḥ illā 'alā khaṣm</i> (Khulāṣah); (v) <i>wa 'alā ḥādhā hunā yalzīm ann ba 'd 'alā al-ḥādir lā ghayr fī'l-wajhayn jamī'an</i> (Bazzāzīyah.358); (vi) <i>al-insān yuntaṣab khaṣman fī ḥuqūqihī lā fī ḥuqūq illā bi-wakālat aw niyābat minhu</i> (Muḥīt).	
¹ <i>tpq</i> 1245 (3 July 1829 – 22 June 1830).	^a arāḍī-yi kadhā dar mawḍī'-i kadhā dar aydī-yi jam'-i kathīr az qadīm al-ayyām biḥ milkīyat būdah ast; ^b maḥḍar-i shar'ī; ^c wakālatī wa niyābatī wa wilāyatī az qibal-i jam'-i kathīr-i madhkūr nī-dārand; ^d waqfiyat-i kull-i arāḍī-yi madhkūrah
² Attested active from 1237/1821-22 (see Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i> , p. 91, noting a stamp of that date in the name of Qāḍī Mīrzā Šāliḥ A'lam b. Mīrzā Iskandar al-Ḥusaynī).	
³ Attested active from 1242 (→ doc. 63) to 1276/1859-60, when he produced a stamp <i>qua</i> Shaykh al-Islām (see Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i> , p. 98).	
346 x 224; 5 lines. Persian.	

64

Sunday 25 Rajab 1246 (9 January 1831): statement of conferral of appointment

298: KP 5991/50

[Amīr Naṣr-Allāh¹] states that, in accordance with the terms of the *waqf* endowment made by Mīrzā Sharīf Āqsaqāl, he has appointed^a Mullā Mīrzā ‘Izām, *imām* of the mosque of Lab-i Ḥawḍ quarter, in charge of reciting prayers of the deceased^b. People should respect the appointment^c, and refrain from interfering.

Stamp: al-ḥukm bi’l-‘adl

¹ For the use of the seal type encountered here as an alternative to the *amīr*’s own personal seal, → doc. 14(4).

^a marḥamat wa mihribānī namūdīm; ^b maqṣūrah-khwān; ^c makhṣūṣ-i mūmā ilayhi dānistah

85 x 146; 7 lines. Persian.

65

Ramaḍān 1247 (3 February – 3 March 1832): statement of conferral of privileges

1125: KP 5991/667

Amīr Naṣr-Allāh states that approximately 40 *tanābs* of land in the rural settlement of Qamchīn Bāf Qaltī¹ have been registered in the chancery ledger^a as *milk*. ‘*Āmils* and *dārūghahs* should note that the afore-mentioned land is the *milk* of its owners, and should not make claims or obstructions on account of *kharāj*. Nor should he act counter to the royal ruling^b.

Stamp: Amīr Naṣr-Allāh Sayyid Bahādur Khān

¹ For the settlement of Qaltī, see Mukhammadzhanov *et al.*, *Naseleanye punkty Bukharskogo emirata*, p. 70.

^a tūmār-i ‘ālī; ^b ḥukm-i ‘ālī

110 x 170; 7 lines. Persian.

66

Sha‘bān 1250 (3 – 31 December 1834): marriage announcement¹

618: KP 5991/339

The speaker states that a marriage agreement^a has been contracted between Bībī Ḥalīmāh bint Muḥammad Yūsuf and Mullā ‘Abd al-Ra’uf, with a dowry of 20 *ashrafi* (7 *ashrafi* already paid; 13 outstanding^{2b}); the marriage is undertaken on the 2 conventional conditions^{3c}.

Stamp: [xxx]

¹ The wording of this document differs extensively from the conventional marriage warrant notes encountered elsewhere among our documents.

² i.e. *mahr-i mu’ajjal* and *mahr-i mu’ajjal*.

³ There is some uncertainty as to what is here meant by ‘the 2 conventional conditions’. The formulation may refer to the accepted convention that the husband should not (i) reject the wife without good cause or (ii) abandon her for 6 months without upkeep. But in a number of marriage warrants (docs. 256, 286, 287, 289, 291, 292, 293, 294, 303, 304 and 436) similarly alluding to the 2 conditions (*dū amr*, *dū amr-i ma’rūf*, *dū shart*) the conditions appear to apply not to the *husband* but to the *individual officiating over the marriage ceremony*.

^a ‘aqd-i nikāh-i ṣaḥīḥ-i shar‘ī; ^b haft-i ān maqbūḍ wa sīzdah-yi ān ghayr-i maqbūḍ; ^c ma’ dū amr-i muta‘ārifah

81 x 145; 7 lines. Persian.

tpq 17 Rajab 1254 (6 October 1838): reported declaration of debt

1127: KP 5991/669

<p>On the above date Ya‘qūb b. Nīk-Qadam declared as a competent agent that he owes Muḥammad Rajab Bīk Bī Dīwān-Bīgī b. Pāshmān Chaghatāy-Bīgī 300 <i>tangah</i> as the price for his manumission^a, and that he will repay 100 <i>tangah</i> of the debt per year.</p>	
<p>Stamp: Qāḍī al-quḍāt Qāḍī Muḥammad Sharīf Khwājah Mawlawī¹ b. ‘Aṭā-Allāh Khwājah Shaykh al-Islām al-‘Alawī</p>	
<p>¹ This person is to be identified as the son of that Muḥammad ‘Aṭā-Allāh Khwājah noted in 32⁽³⁾. He is first attested active in 1234/31 October 1818-19 October 1819 (see Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i>, p. 66). In 1236/9 October 1820-27 September 1821 he was appointed <i>qāḍī-yi ‘askar</i>, and in 1242/5 August 1826-26 July 1826 he was appointed <i>qāḍī-yi kalān</i>; he is known to have remained active until <i>ca.</i> Sha‘bān 1257/September-October 1841 (→ doc. 68).</p>	<p>^a az wajh-i badal-i ‘itq-i khūd</p>
<p>107 x 171; 7 lines. Persian.</p>	

tpq Sha‘bān 1257 (18 September – 16 October 1841): reported declaration of sale, and of rent

666: KP 5991/387

<p>On the above date Qābil Khwājah b. Sayyid Murād Khwājah declared as a competent agent that he has sold^a to Mukhtār Khwājah b. Ḥājji Mīrak approximately 1 <i>ṭanāb</i> of <i>milk-i kharājī</i> located in the rural settlement of Jandīyān¹, in Bukhara’s Shimālī-Rūd. The property abuts in the west and south onto land belonging to Arbāb Īr Nazar b. Īsh Bābā, in the north onto land belonging to the afore-mentioned Sayyid Murād Khwājah b. Sayyid Muẓaffar Khwājah, and in the east onto land belonging to the vendor^{b(2)}; the sale, for 5 <i>ashrafī</i>^c, was completed, with each party to the transaction receiving what was due. The speaker also declared that he has undertaken to rent the property under transaction at a rate of 30 <i>tangah</i> per year^d.</p>	
<p>Stamp Qāḍī al-quḍāt Qāḍī Muḥammad Sharīf Khwājah Mawlawī b. ‘Aṭā-Allāh Khwājah Shaykh al-Islām al-‘Alawī, 12[x]2</p>	
<p>¹ Thus a variant on ‘Chandīyān’: see Mukhammadzhanov <i>et al.</i>, <i>Naselennye punkty Bukharskogo emirata</i>, p. 145. ² This highly conventional phrase commonly appears in post-<i>ca.</i> 1840 declarations of sale, mortgage and endowment to signify that the delimitation of the afore-mentioned property is complete. It thus supercedes the formula <i>fawāṣil dar kull-i ḥudūd ‘alāmāt zāhirah ast</i>, for which → doc. 3⁽⁵⁾, and its presence will henceforth be taken for granted unless specified otherwise.</p>	<p>^a bay‘-i bātt-i qat‘ī; ^b fawāṣil fi’l-kull ma‘lūmah ast²; ^c ashrafī-yi rā’ijī; ^d tā gudhashtan-i yak sāl-i kāmīl bih badal-i sī chahār tangah-yi rā’ijah</p>
<p>95 x 195; 11 lines. Persian.</p>	

n/d¹: solicited legal opinion

316: KP 5991/68

Dūst Murād has declared^a in the presence of witnesses^b that he owes Īr Muḥammad 120 *tangah*, and that his heirs should before all else repay his creditor from his outstanding holdings. Given that his declaration is justified and authoritative^c, following his death should his heirs – both those who are of age and those who are still pre-adult – not be compelled to pay off the afore-mentioned debt before all else?

Answer: yes.

Stamps: (i) Muḥammad Sulṭān Khwājah b. [xxx] Sharīf Mawlawī Mīr ‘Abdallāh Khwājah Shaykh al-Islām-i Bukhārā-yi sharīf; (ii) Muḥammad Shādmān Khwājah Muftī b. ‘Ubayd-Allāh Khwājah [1262?]; (iii) ‘Abd al-Mu’min Khwājah al-Muftī b. Muḥammad Ūzbīk Khwājah Bukhārī, 1260

Citations: (i) *al-dayn muqaddam ‘alā al-mīrāth* (‘Ālamgīr²); (ii) *wa’l-tarikah maqbāt ‘alā milk al-mayyit fī miqdār ḥājatihi fa-ṣār kān al-mayyit ḥayyan fī ḥaqq qaḍā al-duyūn* (Farā’iḍ Sirājīyah³).

¹ *tpq* 1262 (30 December 1845 – 19 December 1846).

² Otherwise known as the *Fatāwā-yi Hindīyah*, the work was compiled, on the instructions of the Mughal Emperor Awrangzib ‘Ālamgīr (1659-1707), by a group of 24 individuals under the leadership of Nizām al-Dīn Burhān-Pūrī (= Shaykh Nizām). The work was translated into Urdu, and first published in Lahore in 1889; it was subsequently further published in India, Egypt and Beirut. See Brockelmann, *GAL* I.417, p. 549. It is renowned as ‘[t]he most authoritative handbook of traditional Ḥanafī doctrine in India, after the *Hidāya*’: W. Heffening and J. Schacht, ‘Hanafiyya’, in *EP* II.162-164, p. 163.

³ At least 2 Ḥanafī works of this name are known. The first was composed by Sirāj al-Dīn Abū Ṭāhir Muḥammad b. Muḥammad b. ‘Abd al-Rashīd al-Sijāwandī (d. 600/1204); it was the subject of several commentaries, and was published in lithographic editions in Istanbul and Kazan: see Brockelmann, *GAL* I.378, pp. 479-71. The second, a collection of *fatwās*, was composed by Abu’l-Ḥasan Sirāj al-Dīn ‘Alī al-Ūshī al-Māturīdī al-Farghānī (d. 575/1179).

^a iqrār-i ṭawṭ ‘alā nafsihi; ^b bih ḥuḍūr-i jam‘ī; ^c durust wa mu‘tabar

342 x 297; 4 lines. Persian.

tpq Rabī‘ I 1262 (27 February – 28 March 1846): reported attestation of *waqf* endowment

1043: KP 1554

On the above date Shādmān Khwājah b. Hājī Khwājah, Sayyid Bāy b. Naẓar Muḥammad, ‘Awaḍ Bāy b. Barāt Bāy, Khūj Muḥammad b. Dūst Muḥammad, Mīrzā Bāy b. Khūj Muḥammad and Raḥmat Bāy b. ‘Ārif Bāy together reported and attested^a that Shaykh Ātashīn converted 200 *ṭanābs* of land into *waqf* for the benefit of his future descendents.

The property thus converted comprises four plots. They are as follows:

- (a) A plot of 110 *ṭanābs* located in the rural settlement of Tall-i Nadir Dīwān-Bīgī, in Bukhara’s Janūbī-Rūd, abutting in the west onto the embankment of a common canal, in the north partly onto this same canal and partly onto land belonging to Mullā Barāt b. Kattah Bīk, in the east onto land belonging to Mullā ‘Awaḍ b. Ādīnah Bāy, partly onto land belonging to Tūlah Bāy b. Tursūn Bāy and partly onto a public thoroughfare, and in the south partly onto land belonging to Ḥātam Bāy b. Mullā Raḥmat-Allāh, partly onto land belonging to ‘Abd al-Raḥīm b. ‘Abd al-Raḥmān Bīk, partly onto land belonging to the aforementioned Khūj Muḥammad, partly onto land belonging to Bābā Jān b. Tursūn Bāy and partly onto land belonging to Bāltah b. ‘Awaḍ Bāy.
- (b) A plot of approximately 50 *ṭanābs* located in the rural settlement of Galah Jūy, Janūbī-Rūd, abutting in the west onto land belonging to Mīrzā Kulāl b. Nūrī Bāy and partly onto land belonging to Arbāb Tāsh Muḥammad b. Jānī Bāy, in the north and east onto the embankment of a common canal, and in the south onto *mamlakah* land in the possession of Ārtuq b. Bābā.
- (c) A plot of approximately 30 *ṭanābs* located in the rural settlement of Āymarzī, in Bukhara’s Farāwīz *tūmān*, which abuts in the west partly onto land belonging to Ḥasan ‘Aṭṭār b. ‘Abdallāh and partly onto *waqf* land in the possession of Bābā Dah-Bāshī b. Samandar, in the north partly onto a Muslim graveyard and partly onto *mamlakah* land in the possession of Īr Naẓar and ‘Abd al-Ghafūr, sons of Mīrzā Bāy, in the east onto *mamlakah* land in the possession of Tursūn Bāy b. Khudāy Birdī, and in the south onto the afore-mentioned embankment.
- (d) A plot of approximately 10 *ṭanābs* located in the afore-mentioned rural settlement of Tall-i Nadir Dīwān-Bīgī, abutting in the west onto the embankment of a common canal, in the north onto land belonging to Mīrzā Kalān b. Qūzī Bāy, in the east onto a public thoroughfare, and in the south onto land belonging to ‘Abd al-Raḥīm Bāy b. Muḥammad Qulī Bāy.

The endower entrusted *mutawallī* authority to the ruling *sultān* of the day^b. With the passing of time and the negligence of certain *mutawallīs*^c, however, the original *waqf* endowment deed perished. In keeping with traditional practice, therefore, the terms of the endowment were reconfirmed on the basis of the testimony of the speakers^d, these being tenants of the lands under endowment who have duly rendered over an annual share of their produce, in keeping with local practice^e. The endower originally stipulated that, having deducted 10% of the rental income for his own salary^f, the *mutawallī* of the day should divide the remaining revenue into 4, giving ¼ to the endower’s descendents through the line of Muḥammad Sharīf; ½ to his descendents through the line of ‘Abdallāh Khwājah; and ¼ to his descendents through the lines of Shāh Bīgīm and Māh Bīgīm. The endowment has thus become valid and legal.

Stamps: Qāḍī-yi ‘askar Mīr Dhākīr Bīk b. Aqḍā al-quḍāt Mīr Ṭāhīr, 1261 (x 2)

^a akhbār namūdand wa shahādat dādand bih lafz-i ashhad; ^b sulṭān-i ‘aṣr, dām zilluhu ilā yawm al-nashr; ^c binā bar murūr-i zamān wa musāhalah-yi mutawalliyyān-i ān; ^d waqfiyah bih ṭarīq-i shahādat-nāmah muwāfiq-i ta‘āmul-i sharī‘ah tajdīdan taḥrīr namūdah shud; ^e muwāfiq-i ‘urf-i qaryah; ^f ba‘d az akhdh-i ‘ushr-i khūd

250 x 1028; 45 lines. Persian.

71

tpq 4 Dhu’l-Ḥijjah 1264 (4 October 1848): reported declaration of sale

657: KP 5991/378

On the above date Mullā Mīr Abū Naṣr b. Mullā Ḥājji Mīrak, acting on his own behalf and as attorney – with confirmation by testimony^a – to his mother Sharīfah Bīgīm bint Mullā Mīr Qāsim, declared as a competent agent that he has sold^b to Mullā Bābā Khwājah b. Ūtkūr Khwājah the *suknīyāt* on a barber’s shop belonging to himself and two carpenter’s shops belonging to his mother, located in Bukhara’s Mihtar Shāh Bīk quarter¹ and abutting in the west and north onto a courtyard property belonging to the vendor, in the east onto a public thoroughfare, and in the south onto a *ḥawīlī-yi pādīshāhī*. The sale, for 8 *ashrafi*^c (3 *ashrafi* for the barber’s, and 5 for the shop), was completed, with each party to the transaction receiving what was due; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged.

Stamp: Qāḍī al-quḍāt Qāḍī Mīrzā ‘Ināyat-Allāh b. Mawlawī Mīrzā Ni‘mat-Allāh Mīrasadī

Witnesses: Ustā Sayf-Allāh; Mullā Mīr ‘Āqil; ‘Abd al-Wāsi‘; Būrān Khwājah; Mullā Mukṭār Khwājah; Mullā Mīr Abu’l-Fayḍ.

¹ No quarter of this name is noted in Sukhareva, *Kvartal’naia obshchina pozdnefeodal’nogo goroda Bukhary*.

^a wakālatan muṭlaqatan ‘āmmatan bi’l-taṣḍīq; ^b bay‘-i bātt-i qaṭ‘ī-yi shar‘ī; ^c ashrafi-yi nuzdah-tangah-gī

171 x 212; 11 lines. Persian.

72

tpq 8 Ṣafar 1265 (3 January 1849): reported declaration of sale, and of rent

658: KP 5991/379

On the above date Fāḍil Bāy b. Ustā ‘Āshūr Jān declared as a competent agent that he has sold^a to Qārī Tursūn b. Mullā Bābā Jān of 1 *ṭanāb* of garden land located in the rural settlement of Maḥallah-yi Yārak¹, in Bukhara’s Shimālī-Rūd. The property abuts in the west onto land belonging to Muḥammad Sharīf b. ‘Āshūr Bāy, in the north onto land belonging to ‘Aẓīm Jān b. ‘Abdallāh, in the east onto land belonging to Bābā Jān b. ‘Āshūr Muḥammad, and in the south onto land belonging to Khayr-Allāh Jān, son of the aforementioned Ustā ‘Āshūr. The sale, for 95 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mīrzā ‘Ināyat-Allāh Mawlawī b. Mīrzā Ni‘mat-Allāh Mīrasadī, 1260	
Witnesses: Mullā Ḥājji Bāy; Karīm Jān [Ghālib?]; Mīrzā Burhān; Fayḍ Bāy.	
¹ See Mukhammadzhanov <i>et al.</i> , <i>Naseleunnye punkty Bukharskogo emirata</i> , p. 95.	^a bay‘-i bātt-i qaṭ‘ī-yi shar‘ī; ^b tangah-yi rā‘ijah bih ḍarb
170 x 208; 11 lines. Persian.	

73

73a, n/d¹: claim for restitution

755: KP 270

Mullā Ismā‘īl, Mullā Muḥammad Laṭīf and Mullā ‘Abd al-Ḥalīm present a claim against Mullā Maḥmūd b. Mullā Mu‘min, a resident of Bukhara’s Masjid-i Buland quarter ² . The plaintiffs claim that Mullā ‘Abd al-Raḥmān took 114 <i>tangah</i> belonging to Mullā Ismā‘īl, 172 <i>tangah</i> and 2 <i>ashrafi</i> ^a from Muḥammad Laṭīf, and 38 <i>tangah</i> from Mullā ‘Abd al-Ḥalīm, and spent all the money on his own outgoings. Before he was able to repay the money, ‘Abd al-Raḥmān died; the obligation to pay the debt thus lies with Mullā ‘Abd al-Raḥmān’s heirs. But although the obligation to repay a debt is more pressing than the right to enjoy inherited wealth ^{b(3)} , Mullā Maḥmūd refuses to repay the sum which he has acquired ^c .	
Stamp: ‘Awaḍ Muḥammad [xxx] Muftī-yi ‘askar [xxx]	
Citation: <i>al-dayn muqaddam ‘alā al-mīrāth</i> (Kāfi).	
¹ <i>taq</i> 24 Muḥarram 1266 (Monday 10 December 1849): → doc. 73b.	^a ashrafi-yi jayyid-i aḥmar-i yak-mithqālī-yi bukhārī al-ḍarb-i rā‘ijah; ^b dayn muqaddam bar mīrāth ast ³ ; ^c az māliyat-i tarikah-yi muwarrith-i khūd
² Located southwest of the Ark, in the direction of the Qarākūl gate: see Sukhareva, <i>Kvartal’naia obshchina pozdnefeodal’nogo goroda Bukhary</i> , p. 157.	
³ The formulation is encountered also in doc. 473a, and is evidently derived from the <i>fiqh</i> citation quoted above.	
215 x 230; 12 lines. Persian.	

73b, *taq* 24 Muḥarram 1266 (10 December 1849): reported cessation of claim

On the above date Mullā Ismā‘īl b. Mullā Bāqī, Mullā Muḥammad Laṭīf b. Mullā Muḥammad Karīm and Mullā ‘Abd al-Ḥalīm b. Mullā Shākīr Jān, the afore-mentioned plaintiffs, declared that, in return for 7 <i>ashrafi</i> ⁽¹⁾ , paid to Mullā Ismā‘īl and Mullā Muḥammad Laṭīf, and a <i>qalīn-i musta’jal</i> given to Mullā ‘Abd al-Ḥalīm, they have dropped both in whole and in part ^b their claim against the afore-mentioned respondent; any future claim will be void and inadmissible.	
Stamp: Qāḍī al-quḍāt Qāḍī Mīr ‘Ināyat-Allāh b. Mawlawī b. Mīrzā Ni‘mat-Allāh Mīrasadī	
Witnesses: Muḥammad ‘Alī Bīk Chuhrah-Āqāsī Yasāwul; Mullā Bāqī Āqsaqāl; Mullā Maṣṣūr; Mullā Sharīf; Mullā Nāṣir.	

<p>¹ There are 9 references amongst our documents to <i>ashrafi</i>s/<i>tilās</i> valued at 19 tangah: → docs. 73b, 78, 97, 133, 139, 140, 513, 526 and 527. For the distinction between these and <i>ashrafi</i>s which are <i>aḥmar</i>, → doc. 3(6) above.</p>	<p>^a yak ashrafi-yi ān aḥmar, wa shash ashrafi-yi ān nuzdah tangah-gī¹; ^b kullīyatan wa juz'īyatan</p>
<p>9 lines. Persian.</p>	

74

tpq Rabī' II 1262 (29 March – 26 April 1846): reported cessation of claim¹

621: KP 5991/342

<p>On the above date Ṭāhir Khwājah b. Shāh Sayyid Khwājah, acting both on his own behalf and as attorney^a to his siblings Ḥusayn Khwājah, Bībī Sulṭānīm, Bībī Āyim Pāchā and Bībī Dhākīrah Sulṭānīm, declared that, in return for the 5 <i>ashrafi</i> which their mother Bībī Gīnah Āyim received while she was still alive^b, he has dropped his various claims against Bābā 'Awaḍ b. Barāt, Mīr Jān Khwājah b. 'Azīz Khwājah and Muẓaffar Khwājah b. Bābā Khwājah.</p>	
<p>Stamp: Qāḍī-yi 'askar Mīrzā Dhākīr b. Aqḍā al-quḍāt Mīr Ṭāhir, 1261</p>	
<p>Witnesses: Ma'mūr bih khidmat Bāy Murād Bīk Dah-Bāshī Yasāwul; Tursūn Khwājah; 'Awaḍ Muḥammad.</p>	
<p>¹ The provenance of this document is unclear. References to <i>ashrafi</i> are however much commoner amongst documents produced in Bukhara than those produced in Samarqand: only 4 Samarqandī documents (docs. 412, 413, 426 and 428) include such a reference, and of these only the latter two relate to the post-1800 period.</p>	<p>^a wakīl-i shar'ī; ^b ḥāl ḥayātihā</p>
<p>105 x 185; 12 lines. Persian.</p>	

75 – 89: documents relating to the line of Muḥammad Zakariyā¹

75

tpq 11 Jumādā II 1267 (13 April 1851): reported declaration of sale

622: KP 5991/343

<p>On the above date Mullā Shādmān Bīk Āqsaqāl b. Mullā Qalandar Bīk, acting as attorney^a to Mullā Muḥammad Zakariyā Khwājah Ṣudūr b. Mullā Muḥammad Yūsuf Khwājah – his authority as attested by witnesses Mullā Bābā Khwājah b. Ismā'īl Khwājah and Mullā Tursūn Bāqī b. Mullā 'Awaḍ Bāqī¹ – declared as a competent agent that he has sold^b to his client's daughter Bībī Āy Tūrah Bīgīm the <i>suknīyāt</i> on 1½ <i>tanābs</i> of land given over</p>

* There is variation in the orthography of this individual's name, rendered varyingly as Muḥammad Zakariyā and Muḥammad Dhakariyā.

to the cultivation of numerous types of grapes⁽²⁾ and trees both fruiting and not, located in Bukhara's Mullā Raḥmat-Allāh quarter, otherwise known as Īshān Khudāydād quarter³. The property abuts in the west onto *waqf* land in the possession of Ḥāmid Bāy b. 'Abdallāh, in the north onto a blocked street, in the east onto a square which is site to various Muslim shrines, and in the south partly onto a courtyard property comprising part of the estate of the late Mullā 'Īsā Khwājah⁴ b. Mullā Tāsh Muḥammad Khwājah and partly onto a shared thoroughfare; the sale, for 100 *ashrafi*^d, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mīrzā 'Ināyat-Allāh Mawlawī b. Mīrzā Ni'mat-Allāh Mīrasadī, 1260

Witnesses: Mullā Kīnjah Khwājah; Mullā Ma'sūm Khwājah; Mullā Sharāf; Mullā Ḥājjī Khwājah; Sayyid Niyāz Āqsaqāl; Mullā Faṭḥ-Allāh; Mullā 'Abd al-Wahhāb; Ustā Salīm; Ustā Ḥusayn

¹ The attestation of witnesses to the authority of individuals executing transaction in their capacity as attorney or guardian to some third party is a common element amongst our documents.

² The formula is conventional: → docs. 171, 174, 175 and 177, with reference in McChesney, 'Central Asia xi', p. 217.

³ Located southwest of the Ark, in the direction of the Qarāqul gate. See Sukhareva, *Kvartal'naia obshchina pozднефеодal'nogo goroda Bukhary*, pp. 117-119.

⁴ ≈ a brother of that Shaykh Khudāydād b. [Mullā] Tāsh Muḥammad 'Azīzān (→ docs. 27 and 28)?

^a wakālatan muṭlaqatan 'āmmatan thābitatan bi'l-bayyinah; ^b bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^c kurūm-i mutanawwi'at al-a'nāb²; ^d ashrafi-yi rā'ijah-yi maḍrūb bih ḍarb

213 x 328; 14 lines. Persian.

76

tpq Sha'bān 1275 (6 March – 3 April 1859): reported declaration of sale

943: KP 1237

On the above date 'Abd al-Ḥafīz b. Mullā Tursūn Bāqī Muftī declared as a competent agent before Bukhara's courthouse^{a(1)} that he has sold^b to Muḥammad Dhakariyā Khwājah Ṣudūr, through this latter's attorney^c Shādmān Bīk b. Samandar Bīk², 6 *tanābs* of *milk-i hurr-i khāliṣ* land located in Ṣafkardar³, Shimālī-Rūd. The property comprises two plots. (i) The first of these abuts in the west onto a private canal, in the north onto land belonging to the afore-mentioned vendor, in the east partly onto land belonging to Bībī Qumrī bint Ustā Bāltah and partly as with the north, and in the south onto a public thoroughfare. (ii) The second abuts in the west onto land endowed for a designated purpose as *waqf*^d and presently in the possession of Bībī Nādirah bint 'Abdallāh, in the north onto land belonging to the afore-mentioned vendor, in the east onto land belonging to Bībī 'Ā'ishah bint Muḥammad Dhakariyā Khwājah, and in the south onto a public thoroughfare. The sale, for 10 *ashrafi*^e, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Ṣūfī Khwājah⁴ b. Ākhūnd Mullā Amān-Allāh Khwājah

Witnesses: Pārsā Khwājah⁴; Sa'dī Khwājah; Ḥājjī Sharīf.

¹ References to Bukhara's courthouse will henceforth assume usage of this formulation, unless specified otherwise.

² ≈ the Shādmān Bīk Āqsaqāl noted in doc. 75.

³ Presumably an orthographic variation on 'Safkardah': → doc. 28.

⁴ Attested active as *ra'īs* from 1265/November 1848–November 1849 (→ doc. 101), as *qāḍī* from 1266/November 1849–November 1850 (see A.F. Faiziev, *Istoriia Samarkanda pervoi pol. XIX veka. Uchebnoe posobie po spetskursu "Kul'turnaia zhizn' Samarkanda XVI – perv. pol. XIX vv."* (Samarqand: Izd. SamGU, 1992), p. 80*), and as *qāḍī al-quḍāt* from Sha'bān 1275/March–April 1859 (→ doc. 76; see also Kurbanov, *Materialy po sredneaziatskoi sfragistike*, p. 67) to Šafar 1280/July–August 1863 (→ doc. 79). He appears to have been the father of that Īshān Hādī Khwājah who in 1304 (September 1886–September 1887) married a daughter of Dāmullā 'Abd al-Shukūr (→ for whom doc. 82⁽⁹⁾); see Muḥammad-Šarīf-i Šadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, p. 131.

⁴ This individual, whom we encounter repeatedly within the present sub-collection of documents, is to be distinguished from Pārsā Khwājah Šadr b. 'Ināyat-Allāh, whom we encounter in Muḥammad-Šarīf-i Šadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, p. 108.

* Faiziev identifies the document in which this attestation appears as Samarqandī. If we accept this identification, Mullā Šūfī Khwājah b. Ākhūnd Mullā Amān-Allāh Khwājah emerges as one of the few 19th-century officials attested to have been active in both Bukhara and Samarqand.

^a dār al-qaḍā-yi baldah-yi fākhīrah-yi Bukhārā-yi sharīfī; ^b bay'-i bātt-i batāt-i nāfidh-i lāzim-i sharīfī; ^c wakālatan; ^d zamīn-i waqf bar mašraf-i mu'ayyan; ^e ashrafi-yi jayyid-i aḥmar-i a'lā-yi yak-mithqālī-yi bukhārī al-ḍarb

222 x 301; 14 lines. Persian.

77

tpq 1 Šafar 1277 (19 August 1860): reported declaration of sale

631: KP 5991/352

On the above date Muḥammad Dhakariyā Khwājah Šadr b. Muḥammad Yūsuf Khwājah declared as a competent agent that he has sold^a to his son Luṭf-Allāh Khwājah 6 *tanābs* of *milk-i ḥurr* land located in Safkardar, Shimālī-Rūd, and abutting in the west onto land endowed for a designated purpose as *waqf*^b, in the north onto a public thoroughfare, and in the east and south onto the embankment of the Jayḥūn canal; the sale, for 30 *ashrafi*^c, was completed, with each party to the transaction receiving what was due.

The speaker additionally declared that he has no claim on 2 *tanābs* of *milk* land located within the above-outlined property^d, these belonging instead to Bībī Qumrī bint Ustā Bāltah.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Šūfī Khwājah b. Ākhūnd Mullā Amān-Allāh Khwājah

Witnesses: Pārsā Khwājah; Sa‘d-Allāh Khwājah; Kīnjah Khwājah; Aḥmad Khwājah; Mullā ‘Abd al-Raḥmān; Salīm Bīk; Mullā Sharāf; Mullā Sa‘īd; and others.	
	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b zamīn-i waqf bar maşraf-i mu‘ayyan; ^c ashrafī-yi jayyid-i aḥmar-i a‘lā-yi yak-mithqālī-yi bukhārī al-ḍarb; ^d dar wasaṭ-i maḥdūd-i madkhūr būdah-gī
180 x 260; 14 lines. Persian.	

78

tpq Rabī‘ I 1278 (6 September – 5 October 1861): reported declaration of sale

633: KP 5991/354

On the above date Şūfī Ḥusayn b. Abū Ṭālib declared as a competent agent that he has sold ^a to Īshān Dhakariyā Khwājah Şadr b. Īshān ‘Abdallāh Khwājah ¹ , through this latter’s attorney ^b Fāḍil Bāy b. Mullā Faṭḥ-Allāh, approximately 6 <i>tanābs</i> of <i>milk</i> land located in the rural settlement of Safkardah, in Bukhara’s Shimālī-Rūd. The property abuts in the west onto <i>mamlakah</i> land in the possession of ‘Ālim Bāy b. Mu‘min Bāy, in the north onto land belonging to ‘Ābid Bāy b. Rāziq Bāy, in the east onto land belonging to the vendor, and in the south onto the embankment of a common canal; the sale, for 10 <i>ashrafi</i> ^c , was completed, with each party to the transaction receiving what was due.	
Stamp: Mullā ‘Abd al-Majīd b. Muḥammad Bāqī A‘lam Ra’īs, 1275	
Witnesses: Arbāb Şādiq; Fuḍayl Bāy; Karīm Bāy; Muḥammad Salīm; Arbāb Fuḍayl; and others.	
¹ c/w docs. 75 and 77, where Dhakariyā Khwājah’s father is identified instead as Muḥammad Yūsuf Khwājah. There is however a space before Īshān ‘Abdallāh Khwājah’s name, suggesting that this latter may instead have been Dhakariyā Khwājah’s grandfather.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b wakālatan min qibal al-mushtarī; ^c ashrafī-yi nuzdah-tangah-gī-yi rā’ijah-yi nuqrah-yi sarah bih ḍarb
210 x 350; 12 lines. Persian.	

79

tpq Şafar 1280 (18 July – 15 August 1863): hereditary transfer of estate, and reported abstention from claim

624: KP 5991/345

On the above date the unencumbered estate ^a of the late Īshān Dhakariyā Khwājah was divided according to the divine laws of inheritance ^b between his wife Bībī Maryam, his sons Pārsā Khwājah, Luṭf-Allāh Khwājah, Sa‘d-Allāh Khwājah, Kīnjah Khwājah, and his daughter Āy Tūrah Bīgīm. Following the confirmation of the legality of the division ^c , Āy Tūrah Bīgīm received as her share of the estate a courtyard property measuring 15 x 7 <i>gaz</i> and located in Shaykh Khudāydād quarter, abutting in the west onto a shared private road, in the north onto a courtyard property belonging to Bībī Maryam bint Ismā‘īl Khwājah and partly onto the Shaykh Khudāydād library, in the east onto the <i>khānaqāh</i> [of Shaykh Khudāydād] and in the south onto a courtyard property belonging to Pārsā Khwājah b. Dhakariyā Khwājah Şadr. Her fellow heirs also declared that they have no claim upon her holdings, and that any subsequent claim or contention will be void and inadmissible.	
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Stamp: Qāḍī al-quḍāt Qāḍī Mullā Šūfi Khwājah b. Ākhūnd Mullā Aman-Allāh Khwājah	
Witnesses: Mīrzā Bābā Jān ^{d(1)} ; Qārī Tursūn Bāqī; Hidāyat-Allāh Khwājah; Ḥājī ‘Abd al-Qādir; Muḥammad Amīn Āqsaqāl; Mullā Ni‘mat-Allāh; Šūfi Sharāf; Pāchā Khwājah; Mullā ‘Abd al-Raḥmān; and others.	
¹ Mīrzā Bābā Jān evidently witnessed the agreement in some specified official capacity: → also doc. 80 and [with reference to another individual] 99b.	^a amwāl-i matrūkah-yi fārighah az dayn; ^b ‘alā farā’id Allāh ta‘ālā; ^c ba‘d az taḥaqquq-i sharā’it-i šihhat-i qismat wa ifrāz; ^d ma‘mūr bih khidmat Mīrzā Bābā Jān mulāzim ¹
177 x 219; 10 lines. Persian.	

80

tpq 1280 Šafar (18 July – 15 August 1863): hereditary transfer of estate, and reported cessation of claim

638: KP 5991/359

On the above date the unencumbered estate ^a of the late Īshān Zakariyā Khwājah Šadr was divided according to the divine laws of inheritance ^b between his widow Bībī Maryam (receiving 9/72), his sons Pārsā Khwājah, Luṭf-Allāh Khwājah, Sa‘d-Allāh Khwājah and Kīnjah Khwājah (each receiving 14/72), and his daughter Āy Tūrah Bīgīm (receiving 7/72). Following the confirmation of the legality of the division ^c , Bībī Maryam received 6 ³ / ₄ <i>tanābs</i> of land, and Luṭf-Allāh Khwājah, Sa‘d-Allāh Khwājah, Kīnjah Khwājah each received 11 <i>tanābs</i> of land from three holdings in the rural settlement of Safkardah, Shimālī-Rūd. (i) The first of these measures 38 <i>tanābs</i> of <i>milk-i ḥurr-i khāliš</i> land, and abuts in the west onto land belonging to Āy Tūrah Bīgīm, daughter of the late Zakariyā Khwājah Šadr, in the north and south onto a public thoroughfare, and in the east onto land belonging to Īshān Pārsā Khwājah, son of the afore-mentioned Zakariyā Khwājah. (ii) The second measures 1 ³ / ₄ <i>tanābs</i> of <i>ḥurr</i> land planted with fruiting and non-fruiting trees, abutting in the west onto the embankment of the Jayḥūn canal ^{d(1)} , in the north onto a public thoroughfare, in the east onto scrub land ^e belonging to the afore-mentioned Pārsā Khwājah, and in the south onto the embankment of the Jayḥūn. (iii) The third plot measures 2 <i>tanābs</i> of scrub land ^c . Pārsā Khwājah additionally declared that he has dropped both in whole and in part ^f any claim which he may have made against his siblings, and that if for any reason he subsequently makes a contention for a share of the estate it will be void and inadmissible.	
Stamp: Mullā ‘Abd al-Majīd b. Muḥammad Bāqī A‘lam Ra’īs, 1275	
Witnesses: Mīrzā Bābā Jān ^e ; Īshān ‘Uthmān Khwājah; Qārī Tursūn Bāqī; Šūfi Muḥammad Amīn; Hidāyat Khwājah; Shākir Makhdūm; Mullā Ni‘mat-Allāh; Mullā ‘Abd al-Raḥmān; Arbāb Laṭīf Bāy; Arbāb Šādiq; ‘Āshūr Muḥammad; Razzāq Khwājah; Fuḍayl Āqsaqāl; Tursūn Badal; Dāniyāl Bīk; and others.	
¹ The reference here to a <i>nahr</i> rather than a <i>jūy</i> is unusual in a text of this date. → doc. 2.	^a matrūkah-yi fārighah; ^b ‘alā farā’id Allāh ta‘ālā; ^c ba‘d taḥaqquq-i sharā’it-i šihḥah al-qismat; ^d ḥarīm-i nahr-i Jayḥūn ¹ ; ^e chakalak; ^f kullīyatan wa juz’īyatan; ^g ma‘mūr bih khidmat Mīrzā Bābā Jān mulāzim
220 x 380; 16 lines. Persian. Document reproduced at back of volume.	

81

tpq Rabī^c II 1282 (24 August – 21 September 1865): reported declaration of sale

636: KP 5991/357

<p>On the above date Mullā Sayyid Aḥmad Khwājah Mutawallī b. Īshān Pārsā Khwājah Ṣadr declared as a competent agent^a that he has sold to his uncle Mullā Qārī Kīnjah Khwājah b. Muḥammad Zakariyā approximately $\frac{1}{2}$ <i>tanāb</i> of <i>milk-i ḥurr-i khālīṣ</i> land located in the rural settlement of Jūy-i Mūliyān, Shimālī-Rūd, and abutting in the west, north and south onto the embankment of the Qūruq canal and in the east onto land belonging to Qilīch Āqsaqāl b. Mullā ‘Abdallāh; the sale, for 2100 <i>tangah</i>^b, was completed, with each party to the transaction receiving what was due.</p>	
<p>Stamp: Mullā ‘Abd al-Majīd b. Muḥammad Bāqī A‘lam Ra’īs, 1275</p>	
<p>Witnesses: Mullā Tūrah Khwājah Qārī; Mullā Sayyid ‘Alī Khwājah; Mullā ‘Abd al-Raḥmān; Mullā Sharāf al-Dīn Khwājah; Jalāl Khwājah; Īshān Khwājah; Khān Khwājah; Naẓar Bāy Āqsaqāl; Mullā Mīrzā Qārī; and others.</p>	
	<p>^a iqrār-i ṣaḥīḥ wa i‘tirāf-i mu‘tabar-i shar‘ī namūdand; ^b tangah-yi rā’ijah-yi nuqrah-yi sarah-yi wazn-i sab‘ah bih darb</p>
<p>222 x 354; 11 lines. Persian.</p>	

82

tpq 19 Ramaḍān 1290 (10 November 1873): reported declaration of endowment¹

681: KP 5991/402

<p>On the above date Mīr Hādī Bāy b. Mullā Badal declared as a competent agent that he has converted into <i>waqf</i> from his exclusive possession and sound property^{a(2)} 5 <i>tanābs</i> of unencumbered^{b(3)} <i>milk-i ḥurr-i khālīṣ</i> land, to the benefit of the school and the wash-house attached to the <i>khānaqāh</i> of Ḥaḍrat-i Īshān Khalīfah Khudāyād.</p> <p>The property thus converted is located in the rural settlement of Shūr Rabāṭ⁴, in Bukhara’s Shimālī-Rūd, and abuts in the west onto a private canal, which in turn abuts onto <i>milk</i> land belonging to Barāt Bāy b. ‘Abdallāh Bāy, in the north partly onto <i>milk</i> land belonging to Fayḍ Bāy b. Barāt Bāy and partly onto <i>milk</i> land belonging to the endower’s son Mullā Shādī, in the east onto a branch canal^c known as Jūy-i [Chappah?], and in the south onto a public thoroughfare.</p> <p>The endower stipulated that Kīnjah Khwājah b. Īshān Zakariyā Khwājah should serve as <i>mutawallī</i> of the <i>waqf</i>, and thereafter be succeeded by whomsoever is the most pious and fitting^{d(5)} of his descendants. Said <i>mutawallī</i> should take from the tenants 1/5 of the produce thus yielded as <i>waqf</i> income⁶, and divide this proportion into eight, keeping 1/8 as his own fee^{7e}, and allocating 3/8 for the teacher at the afore-mentioned school, 1/8 for the keeper of the afore-mentioned wash-house, and 3/8 for jugs, vessels, lamp oil and ropes at the afore-mentioned wash-house.</p> <p>Having relinquished ownership of the afore-mentioned property, the endower subsequently sought to restore possession, on the grounds that the endowment lacked binding force^f. But the <i>mutawallī</i> refused to submit ownership, and went before a judge who ruled first for the rectitude of the endowment, and secondly for its binding force⁸.</p>	
<p>Stamp: Mullā ‘Abd al-Shukūr Mudarris Ra’īs⁹ b. ‘Abd al-Rasūl Bukhārī (x 2)</p>	
<p>Witnesses: Mullā Muḥib-Allāh Imām; Qārī ‘Abd al-Raḥīm; Arbāb Ma‘ṣūm; Mullā ‘Abd al-Ḥakīm [xxx]; ‘Abd al-Ghafūr Bāy</p>	

¹ For the distinction between a reported *iqrār*-type declaration of endowment and a reported endowment ‘proper’, see P. Reichmuth, ‘Semantic Modeling of Islamic Legal Documents: A Study on Central Asian Endowment Deeds’ (Martin-Luther-Universität Halle Ph.D. dissertation, 2010), pp. 63-64, the author observing, p. 63, that among the late Central Asian documents there under analysis the former model outnumbers the latter by a proportion of at least 15:1.

² The formula appears in 11 documents (→ docs. 82, 172, 177, 183, 185, 187, 318, 319, 344, 416 and 513); the translation here follows Reichmuth, “‘Lost in the Revolution’: Bukharan *waqf* and Testimony Documents from the Early Soviet Period’, in *Die Welt des Islams* 50 (2010), pp. 362-96 [p. 371]. For a variation on the formula, → doc. 667.

³ The formula appears in 11 documents (→ docs. 82, 171, 172, 177, 183, 185, 187, 318, 319, 352, 370), and can be translated literally (following Reichmuth, *loc cit*) as “free from any claims of third parties or from what would forbid the possibility of the *waqf*”.

⁴ See Mukhammadzhanov *et al.*, *Naselennye punkty Bukharskogo emirata*, p. 157.

⁵ The formula appears in 8 documents (→ docs. 82, 87, 171, 172, 183, 185, 187, 344).

⁶ The imposition of a 1/5 levy upon *waqf* produce was not uncommon: → doc. 344.

⁷ A *mutawallī*’s fee was more usually 10%: → Reichmuth, “‘Lost in the Revolution’”, p. 374, and docs. 70, 87, 171, 172, 177, 183, 185, 187, 344, 352, 370, 410.ii, 416, 513 and 667.

⁸ This final paragraph relates a legal fiction discussed by Ken’ichi Isogai in ‘A Commentary on the Closing Formula found in the Central Asian Waqf Documents’, in K. Nobuaki (ed.), *Persian Documents: Social History of Iran and Turan in the fifteenth-nineteenth centuries* (London: Routledge, 2003), pp. 3-12. → also docs. 172, 177, 187, 319, 344, 370, 416, 513 and 667.

⁹ We know quite a lot about this individual, largely thanks to the information contained in the *Rūz-nāmah* of his son, the famous Muḥammad Sharīf-Jān Makhdūm, known as Ṣadr-i Dīyā’ (1867-1932), the last Bukharan *qāḍī al-kalān*. For a thumbnail conspectus of ‘Abd al-Shukūr’s life and activities, see ‘Introduction: Ṣadr-i Ziyā and his *Diary*’, in Muḥammad-Sharīf-i Ṣadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, particularly pp. 1-2. We learn that he was born into a family of Bukharan traders in 1817-18, and died in 1889, having spent the last 10 years of his life as *qāḍī al-quḍāt* of Bukhara. He is attested active as *ra’īs* from 1280/1863-64 (see Kurbanov, *Materialy po sredneaziatskoi sfragistike*, p. 109), as Chahārjūy *qāḍī* in *ca.* Dhu’l-Ḥijjah 1293/December 1876-January 1877 (→ doc. 150), and as Bukharan *qāḍī al-quḍāt* in *ca.* Shawwāl 1306/June 1889 (→ doc. 250); we learn additionally from Muḥammad-Sharīf-i Ṣadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, pp. 120-122, that in 1879 ‘Abd al-Shukūr was appointed as *qāḍī* in Nasaf, thus replacing the previous incumbent Muḥyī al-Dīn b. Mullā Ṣadr al-Dīn (for whom → doc. 156⁽³⁾), but that after 7 months he was dismissed and replaced by Muḥyī al-Dīn’s brother Mullā Sirāj al-Dīn. ‘Abd al-Shukūr’s son Ṣadr-i Dīyā’ is the subject of extensive discussion: see e.g. S.A. Dudoignon, ‘La question scolaire à Boukhara et au Turkestan Russe, du «premier renouveau» à la Soviétisation (fin du XVIII siècle – 1937), in *Cahiers du Monde russe* 37.1 (1996), pp. 133-210 [p. 144], idem, ‘Les “tribulations” du juge Ziyā: Histoire et mémoire du clientélisme politique à Boukhara (1868-1929)’, in *Annales. Histoire, Sciences Sociales* 59 (2004), pp. 1095-1135, and Sh. Vahidov and A. Erkinov, ‘Le *fihrist* (catalogue) de la bibliothèque de Ṣadr-i Ziyā: une image de la vie intellectuelle dans le Mavaranahr (fin XIX^e – début XX^e siècles)’, in A. Muminov and M. Szuppe (eds.), *Patrimoine manuscrit et vie intellectuelle de l’Asie centrale islamique* (Aix-en-Provence: Edisud, 1999), pp. 141-173.

^a az akhlaṣ-i amwāl wa atyab-i amlāk²; ^b khālīyan ‘an ḥaqq al-ghayr wa ‘amā yamna‘ujawāzal-waqf wa luzūmuhu³; ^c shākhjūy-i mu‘ayyan; ^d kudāmī kih aṣlah wa akfā bāshad⁵; ^e ḥaqq al-tawliyah-yi khūd; ^f binā bar ‘illat-i ‘adam-i luzūm

183 x 677; 36 lines. Persian.

83

Rabī' I 1297 (12 February – 12 March 1880): statement of conferral of appointment

607: KP 5991/328

Amīr Muẓaffar states that he has appointed^a Qārī Kīnjah Khwājah b. Muḥammad Zakariyā as *imām* in the *khānaqāh* of Khalīfah Khudāyādā; the post was formerly occupied by the late Sa'd-Allāh Khwājah [b. Muḥammad Zakariyā]. The appointee should devote himself during prayer times to the responsibilities of the *imāmate*, and should not leave his position without excuse; should he have an excuse, people should recognise the validity of his replacement^b.

Stamp (side b): Amīr Muẓaffar Sayyid

^a mihribānī namūdīm; ^b nazd-i 'udhr, nā'ib-i ū-rā mujawwaz dānand

128 x 238; 7 lines. Persian.

84

n/d¹: marriage warrant note

304: KP 5991/56

Mullā Kīnjah Khwājah, *imām* of Ḥaḍrat-i Khalīfah Khudāyādā quarter, should note that 'Ālim Khwājah b. Dhakariyā Khwājah has contracted a marriage agreement with Mukarramah Āy bint Mullā 'Abdallāh, veteran of a previous marriage². Having established that there is no hostility between the parties or any other impediment to rightful marriage, the *imām* should proceed to solemnize the union^{3a}. If matters are otherwise, he should consult with the speaker^b.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā 'Abd al-Shukūr Ṣadr b. Mullā 'Abd al-Rasūl Bukhārī

¹ *tpq* Rabī' I 1297 (12 February – 12 March 1880): → doc. 83, noting Mullā Kīnjah's appointment to the office; → also (³), for Qāḍī Mullā 'Abd al-Shukūr's attested career dates.

² Unlike later such documents in the collection which similarly relate a divorced woman's re-marriage, there is no stipulation here regarding the *'iddah*.

³ The wording here and in other similar such documents in the collection suggests that parties wishing to marry had to enter into a contract first in the presence of the *qāḍī* and secondly in the presence of the *imām*.

^a amr-i ma'rūf-i 'aqd-i shar'ī namā'id; ^b wa illā bih īn jānab rāji' dārīd

106 x 176; 5 lines. Persian.

tpq 14 Dhu'l-Ḥijjah 1298 (7 November 1881): reported declaration of sale

623: KP 5991/344

On the above date Shākir Jān Āqsaqāl b. Ustā [‘Āshūr?], acting as attorney^a to Āy Tūrah Pāchah bint Dhakariyā Khwājah Ṣadr – his authority as attested by witnesses [–] b. Dhākir Bāy and Jum‘ah Bāy b. Sharīf Bāy – declared as a competent agent before Bukhara’s courthouse that he has sold^b to Qārī Kīnjah Khwājah b. Dhakariyā Khwājah Ṣadr a courtyard property located in Bukhara’s Khalīfah Khudāydād quarter and abutting in the west onto a public thoroughfare, in the north onto a courtyard property belonging to the estate of the late Sa‘d-Allāh Khwājah, son of the afore-mentioned Dhakariyā Khwājah Ṣadr, in the east onto the *khānaqāh* [of Khalīfah Khudāydād], and in the south onto a courtyard property belonging to Turdī Bāy b. Mu‘min Bāy; the sale, for 1000 *tangah*^c, was completed, with each party to the transaction receiving what was due^{d(1)}.

Stamp: Qāḍī al-quḍāt Qāḍī Mīr Ṣadr al-Dīn² b. Mullā Mīr Bayḍā

Witnesses: Sharāf Khwājah; Ṣalāḥ Khwājah; Junayd-Allāh Khwājah; Ṣūfi Sharāf; and others.

¹ An unusual variation on the conventional formula *ma‘ al-taqābuḍ fī l-badalayn*: → similarly docs. 465 and 534.

² This individual was one of the most influential figures in the Bukharan legal establishment from the early 1860s until the early 1880s, and is attested active from *ca.* Rajab 1280/December 1863-January 1864 (→ doc. 126; see also Kurbanov, *Materialy po sredneaziatskoi sfragistike*, p. 68) to *ca.* Dhu'l-Qa‘dah 1299/October 1882 (→ doc. 130). He was originally from the region around Kūlāb, in what is today southern Tajikistan, and as a stern traditionalist was popularly identified with a ‘Kūlābi’ or ‘Kūhistāni’ legal faction which was strongly opposed to that modernising Bukharan or ‘Tūmāni’ faction associated with the line of Mullā ‘Abd al-Shukūr (→ doc. 82⁽⁹⁾). See e.g. Muḥammad-Sharīf-i Ṣadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, p. 105 ff., and footnote no. 81; Dudoignon, ‘La question scolaire à Boukhara et au Turkestan Russe’, pp. 144-145; and A. Khalid, ‘Society and Politics in Bukhara, 1868-1920’, in *Central Asian Survey* 19 (2000), pp. 367-396 [p. 372]. Several of his sons pursued influential legal careers; note thus Badr al-Dīn, → doc. 87⁽⁴⁾, and Mullā Mīr Muḥyī al-Dīn, → doc. 156⁽³⁾.

^a wakīl-i shar‘ī ast fī mā yudhkar; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c tangah-yi rā‘ijah-yi bukhārīyat al-ḍarb; ^d ma‘ qabḍ al-mabī‘, dūn al-thaman wa isqāṭ al-thaman ‘an dhimmatihī ba‘d wujūbah ‘alayhi¹

176 x 214; 10 lines. Persian.

n/d¹: solicited legal opinion

655: KP 5991/376

If Kīnjah Khwājah² were to prepare a claim before Bukhara's *qāḍī-yi kalān* against Muḥammad Šiddīq Khwājah for restitution of a certain sum of money, would the *qāḍī* be correct to prevent the respondent from making a counter-claim against Kīnjah Khwājah before the resolution of the plaintiff's original contention^a?

Answer: yes.

Stamps: (i) Mīr Mušliḥ al-Dīn³ b. Qāḍī Mullā Muftī Mīr Zayn al-Dīn, 1299; (ii) Mullā Mīr Hādī Muftī b. Mullā Mīr 'Abd al-Ḥafīz Bukhārī, 1300; (iii) 'Abd al-Ḥākīm Muftī b. Mullā Raḥmān Birdī Mudarris, 1289

Citations: (i) *wa kull man jā' awwalan fa-huwa awlā bi'l-taqdīm* (Khizānat al-muftīyin); (ii) *al-da'wā 'alā al-da'wā qabl tamām al-adl lā tusma'* (Ḥasab al-muftīyin); (iii) *wa law idda'ā al-mudda'ā 'alayhi qabl ann yutimm da'wā al-mudda'ī li-man 'ihu al-qāḍī minhā ḥattā yutimm da'wā al-mudda'ī* (Wāqī'āt Ḥusāmī⁴); (iv) *wa lā yubtadā bi-aḥad jā' ghayruhu qablahu ya 'nī fī samā' al-khuṣūmat* (Mughnī).

¹ *tpq* 1300 (12 November 1882 – 1 November 1883).

² ≈ Son of Zakariyā (→ docs. 79-83, above)?

³ Attested active in Bukhara in 1299/November 1881 – November 1882 (→ doc. 86) and as *qāḍī* in Nasaf between Rabī' I and Jumādā II 1305/ November 1887 – March 1888 (→ docs. 172-175 below).

⁴ [=Otherwise known as *al-Ajnās*]: a work by Ḥusām al-Dīn 'Umar b. 'Abd al-'Azīz b. Māzah al-Šadr al-Shahīd al-Bukhārī (1090-1141), comprising an adapted version of the same author's *Fatāwā-yi kubrā*: see Brockelmann, *GAL* I.374, pp. 461-462.

^a qabl az qaḍ'-i khuṣūmat-i Kīnjah Khwājah, mudda'ī-yi madhkūr

355 x 220; 6 lines. Persian.

During his final illness^a, the late Ni‘mat-Allāh Khwājah determined on the above date to convert his entire property^b into *waqf*, to cover stipulated expenses^c [?]. In view of opposition from his heirs^d, the terms of the endowment were altered, with the support of a legal opinion, such that just 1/3 of the entire property was converted^e.

The properties thus converted were as follows:

- (a) 2 plots of land together amounting to 25 *ṭanābs* of *milk*, and located in the rural settlement of Safkardar, in Bukhara’s Shimālī-Rūd.
- (i) 13 *ṭanābs*, abutting in the west and east onto land belonging to Luṭf-Allāh Bāy b. Fayḍ-Allāh Bāy¹, in the north onto a public thoroughfare, and in the south onto the common Jayhūn canal
- (ii) 12 *ṭanābs*, abutting in the west and south onto a public drainage ditch^{3f}, in the north onto a public thoroughfare, and in the east onto land belonging to Ma‘ṣūm Bīk b. ‘Abdallāh Bīk)
- (b) the *uskunah*² on 2 adjoining shops located in Khalīfah Khudāyḍād quarter, abutting in the west onto a lane leading to the wash-house, in the north onto the wall of the terrace of the *khānaqāh* located in the afore-mentioned quarter, in the east onto the wall of the *madrasah* of the afore-mentioned quarter, and in the south onto a public thoroughfare.

The endower stipulated that Tursūn Bīgīm bint Kīnjah Khwājah should serve as *mutawallī*, and that after her death she should be succeeded in this function by the most pious and fitting^g of her descendents. The *mutawallī* should utilize the agricultural land according to local practice^h, and should put the shops out to rent. Having deducted 10% of the rental income for his own salaryⁱ, the *mutawallī* should distribute the remaining revenue evenly between two individuals of manifest probity^j, who after the Thursday noontime prayers should offer intercessions for the soul of the endower, his ancestors and his descendents.

Thus the endowment became valid, legal, bound and endorsed until God inherits the earth^{k(4)}.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn⁵ b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

Witnesses: Mullā Ḥikmat-Allāh Khwājah; Mullā Ḥaqq Birdī Mudarris; Mullā Faṭḥ al-Dīn Āqsaqāl; Rajab Bāy Āqsaqāl; Ḥājī Niyāz Bāy; Qārī Ṣalāḥ al-Dīn Khwājah; Sharāf Khwājah Mutawallī; Kirām Khwājah Mu’adhdhin; and others.

¹ This figure appears also in doc. 237.

² The term *uskunah* appears in 19th-century documents as an alternative equivalent to *sukniyāt* (→ doc. 60a⁽³⁾): see Ivanov, *Khoziaistvo dzhuibarskikh sheikhov*, p. 33, and Abduraimov, *Voprosy feodal’ nogo zemlevladieniia*, p. 71. The term appears in docs. 87, 161, 162, 163, 268, 271, 330, 333, 345, 352, 362, 376 and 446.1.

³ The translation is that as found in McChesney, ‘Central Asia xi’, p. 216.

⁴ This closing formula is highly conventional, albeit with scope for variation; the translation here follows Reichmuth, “Lost in the Revolution”, p. 386.

^a ḥāl marḍ mawtihi; ^b jam‘-i amwāl dar taṣarruf-i khūd-dāshtah-gī-rā; ^c bih maṣārif-i mu‘ayyan; ^d binā bar ‘adam-i qabūl wa ‘adam-i ijāzat-i warathah; ^e kih az thulth-i jamī‘-i amwāl-i mutawaffā-yi madhkūr nufūdh mī-namūdah ast; ^f zihkash; ^g kudāmī kih aṣlah wa akfā bāshad; ^h muwāfiq-i ‘urf-i tilka’l-qaryah; ⁱ ba‘d az akhdh-i ‘ushr-i khūd; ^j dū shakhṣ-i zāhir al-ṣalāḥ; ^k fa-ṣār hādḥā waqfan ṣahīḥan shar‘iyan jamī‘-i sharā’iṭihi mukhalladan mu‘ayyadan ilā ‘an yarith Allāh ta‘ālā al-arḍ⁴

⁵ Son of Mullā Mīr Ṣadr al-Dīn (→ doc. 85⁽²⁾), and an influential Bukharan legal figure from the early 1870s until his death in Rabī' I 1326/April-May 1908. He is attested active as *qāḍī* from 1290/March 1873-February 1874 (see Kurbanov, *Bukharskie pechati XVIII-XX vekov* (Tashkent: Uzbekistan, 1987), p. 22), as *ra'īs* from 1299/1881-82 (see document 52 in A. Urunbaev, G. Dzhuraeva and S. Gulomov, *Katalog sredneaziatskikh zhalovannykh gramot iz fonda Instituta vostokovedeniia im. Abu Raikhana Beruni Akademii nauk Respubliki Uzbekistan* (Halle, Germany: Mitteilungen des SFB/10 no. 23, 2007), p. 38), and as *qāḍī al-quḍāt* from 1306/September 1888-August 1889 (→ doc. 87, and see Kurbanov, *Bukharskie pechati XVIII-XX vekov*, pp. 26-29) to Rabī' I 1325/April-May 1907 (→ doc. 327). Like his father, he was associated with Bukhara's 'Kūlābi' or 'Kūhistāni' legal faction, and was a rival of Mullā 'Abd al-Shukūr and this latter's son Muḥammad Sharīf-Jān Makhdūm. For discussion, see e.g. Muḥammad-Sharīf-i Ṣadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, particularly pp. 247-248; Dudoignon, 'La question scolaire à Boukhara et au Turkestan Russe', pp. 144-145; A. Khalid, 'Society and Politics in Bukhara, 1868-1920', in *Central Asian Survey* 19 (2000), pp. 367-396 [p. 372]; Kurbanov, *Materialy po sredneaziatskoi sfragistike*, pp. 69-70, and Kazakov, 'Analyse structurelle des actes de *waqf* provenant d'Asie centrale, XIIIe-début XXe siècles', in *Cahiers d'Asie centrale* 7 (1999), pp. 211-232 [p. 216]. He was father to (i) Mullā Burhān al-Dīn (→ doc. 212⁽²⁾) and (ii) Qārī Mas'ūd, who in 1304 (September 1886-September 1887) married a daughter of Dāmullā 'Abd al-Shukūr (for whom → doc. 82⁽⁹⁾): see Muḥammad-Sharīf-i Ṣadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, p. 131-133.

215 x 506; 26 lines. Persian.

tpq 1 Ṣafar 1315 (2 July 1897): reported declaration of rental agreement

627: KP 5991/348

On the above date Mullā Sharāf Khwājah Mutawallī b. Sa'dī Khwājah¹ declared as a competent agent before Bukhara's courthouse that he has rented all of the *waqf* lands belonging to the Ḥaḍrat-i Khalīfah Khudāydād *khānaqāh* in the rural settlement of Chīlānghūy², Sāmjan *tūmān*, to Qārī Ṣalāḥ al-Dīn Khwājah, his brother, for 6 months, at the going rate^a of 250 *tangah*^b.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

<p>¹ Sa‘dī Khwājah, father of [Mullā] Sharāf Khwājah and Qārī Ṣalāḥ al-Dīn Khwājah: to be identified as Sa‘d-Allāh Khwājah b. Muḥammad Zakariyā b. Muḥammad Yūsuf.</p> <p>² See Mukhammadzhanov <i>et al.</i>, <i>Naselellye punkty Bukharskogo emirata</i>, p. 148.</p>	<p>^a ujrāt al-mithl-i ān ast; ^b tangah-yi rā’ijah bih ḍarb</p>
<p>166 x 220; 9 lines. Persian.</p>	

89

tpq 18 Ramaḍān 1336 (27 June 1918): reported declaration of rental agreement

628: KP 5991/349

<p>On the above date Qārī Muẓaffar Khwājah b. Sharāf Khwājah¹ declared before Bukhara’s courthouse that, in his capacity as <i>mutawallī</i>, he has rented all of the lands belonging as <i>waqf</i> to the graveside <i>khānaqāh</i> located in the rural settlement of Chīlānghūy, Sāmjan <i>tūmān</i>, to Mullā Jūrah b. ‘Abdallāh Bāy, for 5 months at the going rate^a of 6000 <i>tangah</i>.</p>	
<p>Stamp: [xxx]</p>	
<p>¹ Sharāf Khwājah was in turn the son of Sa‘dī Khwājah b. Zakariyā: → doc. 88.</p>	<p>^a ujrāt al-mithl-i ān ast</p>
<p>166 x 220; 7 lines. Persian.</p>	

90

90a, n/d¹: claim for restitution

664: KP 5991/385

<p>‘Abd al-Rasūl presents a claim against ‘Abd al-Raḥīm b. Bīk Naẓar and Khwājah Murād b. Īr Naẓar, residents of the rural settlement of Mīng Kalān, a subsidiary settlement in Bukhara’s^a Yakshanbah <i>wilāyat</i>.</p> <p>The plaintiff claims that the afore-mentioned respondents secretly purloined 1 <i>mann</i> and 8 <i>dū-nīm-sīr</i> of wheat (as reckoned by Bukharan measures^{2b}), and 1 <i>mann</i> of barley (as reckoned similarly) from the plaintiff’s home in Mīng Kalān, and used it themselves. They should therefore return said grain: but they refuse to do so.</p>	
<p>No stamp.</p>	
<p>Citation: <i>wa yajib al-mithl fi-l-mithliyi</i> (Niḳāyah³).</p>	
<p>¹ <i>taq</i> Dhu’l-Ḥijjah 1267 (27 September – 25 October 1851): → doc. 90b.</p>	<p>^a az maḥkūmāt-i Bukhārā-yi sharīf; ^b bih sang-i buzurg-i baldah-yi fākhīrah-yi Bukhārā-yi sharīf</p>
<p>² For the specificity of Bukharan measurements, → also docs. 6, 60b.i, 249, 250, 378 and 431a.</p> <p>³ [=Otherwise known as the <i>Mukhtaṣar al-Wiqāyah</i>]: a work by ‘Ubayd-Allāh b. Mas‘ūd al-Maḥbūbī al-Bukhārī (d. 747/1347). The work is composed on the basis of the <i>al-Wiqāyah</i>, an abridged version by the author’s grandfather Maḥmūd b. Aḥmad al-Maḥbūbī (d. 630/1232) of the <i>al-Hidāyah</i> by Marghīnānī. See Brockelmann, <i>GAL</i> I.377.</p>	
<p>234 x 163; 7 lines. Persian.</p>	

90b, Dhu'l-Hijjah 1267 (27 September – 25 October 1851): report of resolution

On the above date, following the procedure of putting the parties on oath ^a , a resolution of contention was secured between the two respondents.	
	^a ba'd az taḥaqquq-i jamī'-i sharā'it-i ḥalf-i taḥalluf namūdah shud
3 lines. Persian.	

91

18 Sha'bān 1268 (7 June 1852): reported declaration of receipt

282: KP 5991/34

On the above date (i) Kamāl Jān b. Mullā 'Awaḍ Badal, acting as attorney to his sister Muḥiyah Bānū ¹ , who in turn is acting on behalf of herself and as guardian to the pre-adult 'Abd al-Karīm Bāy, Jūrah Bāy, Bakhshandah Āy and Kichīk Āy, children of the late 'Abd al-Shukūr Bāy, and (ii) Mullā Muḥammad Rajab b. Mullā 'Āshūr Muḥammad, acting in his capacity, mandated by the <i>qāḍī</i> of Ḥiṣār's Dih-i Naw <i>wilāyat</i> ^{2a} , as guardian to the pre-adult Ulūgh Āy, daughter of the late 'Abd al-Shukūr, together declared as competent agents that they have received from 'Abd al-Mu'min Bāy b. 'Abdallāh Bāy 600 <i>ashrafi</i> for 19 [xxx ^b] of tea, 114 <i>ashrafi</i> as the value of a consignment of fruit, and 500 <i>ashrafi</i> which 'Abd al-Shukūr Bāy had entrusted to 'Abd al-Mu'min Bāy's safe keeping ^c . The speakers declared that the money has been divided according to the laws of inheritance among 'Abd al-Shukūr's heirs.	
Stamp: Qāḍī al-quḍāt Qāḍī Mīrzā 'Ināyat-Allāh Mawlawī b. Mīrzā Ni'mat-Allāh Mīrasadī, 1260	
Witnesses: Mullā 'Abd al-Raḥmān Mudarris; Mullā Ḥājji Ārtuq Bāy Amīn; Mullā Nūr Muḥammad; Mullā Fāḍil Jān; Mīrzā-yi Kalān; Mullā Barakah Bāy; Mullā Sharāf al-Dīn	
¹ ≈ widow of the late 'Abd al-Shukūr? ² Also known as Chaghāniyān (see e.g. Muḥammad Yār Qataghān, <i>Musakhkhir al-bilād</i> , ed. N. Jalālī (Tehran: Mīrāth-i maktūb, 1387/2008-9), p. 21), the settlement of Dih-i Naw is located close to Ḥiṣār.	^a bih wathīqah-yi qāḍī-yi wilāyat-i Dih-i Naw-i Ḥiṣār; ^b [shīrah?]; ^c māl-i amānat
210 x 271; 12 lines. Persian.	

92

71 [= 1271? (24 September 1854 – 12 September 1855)]: letter

372: KP 5991/122

An anonymous communication to Ustā Qulī Jān, informing him that 150 guns have been dispatched to the office of the <i>dīwān-bīgī</i> ^a .	
No stamp.	
	^a dīwān-bīgī-khānah
61 x 98; 3 lines. Persian.	

93

tpq 9 Rajab 1272 (16 March 1856): reported cessation of claim

6: KP 1080

On the above date Ṭāhir Jān b. Mullā Shādī Ṣāliḥ, acting as attorney ^a to Bībī Ḥikmat, Bībī Āftāb and Bībī Qursiyāh (this latter in turn acting as guardian to the pre-adult Nāṣir Jān) – his authority as attested by witnesses Mullā Barāt Muḥammad b. Mullā Muḥammad Raḥīm and Mullā Maṣṣūr b. Mullā Badī‘ – declared as a competent agent that he has received 120 <i>tangah</i> from Mullā Ṣābir Jān, the respondent, and that in return he has dropped both in whole and in part ^b his claim for restitution.	
Stamp: Qāḍī Mīrzā ‘Ināyat-Allāh Mawlawī b. Mīrzā Ni‘mat-Allāh Mīrasadī, 1260	
Witnesses: Mullā Ārtuq Āqsaqāl; Mullā Muḥammad Zarīf Āqsaqāl; Mullā Raḥmat-Allāh Āqsaqāl; Mīrzā ‘Abd al-Zāhir; Mullā ‘Awaḍ; Mullā Muḥabbat; Mullā Naẓar; Mullā ‘Ādil; Ustā Fayḍ-Allāh; Mīrzā ‘Abd al-Khāliq; Mullā Ismā‘īl; and others.	
	^a wakālatan thābitatan bi’l-bayyinah; ^b kullīyatan wa juz’īyatan
128 x 223; 8 lines. Persian.	

94

1272 (13 September 1855 – 31 August 1856): instructions

58: KP 1132

[Amīr Naṣr-Allāh ¹] informs Shādī Bīk Qarāwul-Bīgī that he has received and digested his communication regarding a slave ^a called Dhu’l-Fiḡār, who is from Ūrganj. In response to the slave’s query, Shādī Bīk Qarāwul-Bīgī should inform him that he is free to go wherever he likes.	
Stamp (side b): al-ḥukm bi’l-‘adl	
¹ For the use of the seal type encountered here as an alternative to the <i>amīr</i> ’s own personal seal, → doc. 14 ⁽⁴⁾ .	^a ghulām
126 x 187; 7 lines. Persian.	

95

1272 (13 September 1855 – 31 August 1856): instructions

60: KP 1134

[Amīr Naṣr-Allāh ¹] informs Shādī Bīk Qarāwul-Bīgī that he has received and digested his communication relating to the 2000 sheep, 10 slaves ^b and 2 camels ² which Raḥīm-Qulī, who is an associate of Mawlān Birdī and the Qarākul <i>kārwān-bāshī</i> , has brought from Ūrganj. The addressee should dispatch somebody to the afore-mentioned <i>karāwān-bāshī</i> , to check on the wares and ensure that they arrive without loss.	
Stamp (side b): al-ḥukm bi’l-‘adl	

¹ For the use of the seal type encountered here as an alternative to the <i>amīr</i> 's own personal seal, → doc. 14 ⁽⁴⁾ . ² <i>sic</i> : the commodities are listed in this order.	^a ghuḷām
121 x 196; 10 lines. Persian.	

96

7 Rabīʿ II [no year specified, but *tpq* 1272/13 September 1855 – 31 August 1856]:
letter

374: KP 5991/124

Khudāy Bīrgān Bāy Kārwan-Bāshī b. Luṭf-Allāh, ʿAbdallāh Bāy, Tangrī Bīrgān Bāy, Niyāz Muḥammad Bāy, ʿAlī Bābā, Muḥammad Riḍā Bāy and others together address Ḥakīm Bāy, Sulṭān Bīk, Muḥammad Rasūl Kārwan-Bāshī and others in Bukhara. They inform the addressee that 27 days after setting off from Khiva they reached Orenburg on 2 Rabīʿ II. ʿAbd al-Raḥmān Bāy and Amān Bāy have taken half of their wares to Moscow and half to the Nizhnii Novgorod trade fair ^{a(1)} . The speakers plan also to head to the trade fair. They instruct the addressees to dispatch to them via Muḥammad Naẓar whatever good commodities are to be found in Bukhara. The addressees should stay in Bukhara, and should not hurry back [to Khiva?] They should write and inform the speaker and Muḥammad Naẓar of their plans.	
Stamp (side b): Khudāy Bīrgān b. Luṭf-Allāh, 1272	
¹ i. e. the Nizhnii Novgorod <i>Makar 'evskaia iar-marka</i> .	^a makarīyā ¹
220 x 350; 37 lines. Turki.	

97

tpq 8 Ramaḍān 1272 (13 May 1856): reported declaration of sale

810: KP 5991/508

On the above date Mullā ʿAbd al-Wāḥid Bāy b. Mullā Ṣādiq Bāy, acting as attorney ^a to his wife Bībī Aftāb Āy bint Mullā Muhaymin – his authority as attested by witnesses Mullā Muḥammad Zārīf Āqsaqāl b. Mullā Muḥammad Riḍā and Nāṣir Jān b. Mullā Muhaymin – declared as a competent agent that he has overseen the sale ^b 7/72 of approximately 16 <i>tanābs</i> of jointly-owned <i>milk-i kharājī</i> land to the vendor's sister Bībī Fāṭimah bint Mullā Muhaymin and Mīrzā ʿAbd al-Qādir and Maḥbūbah Āy, pre-adult children of Mīrzā Malik Shā. The property comprises a <i>rabāṭ</i> , <i>chahār-bāgh</i> and garden located in the rural settlement of Kulābiyān, Janūbī-Rūd. The property abuts in the west onto land comprising part of the estate of the late Mīrzā Muẓaffar b. Mīrzā Muʾmin, in the north onto land belonging to Qalmāq Āy bint ʿAbdallāh, in the east partly onto a public thoroughfare and partly onto the embankment of a common canal and in the south partly onto land belonging to Mīrzā Kamāl b. Mīrzā Badal and partly as in the west; the sale, for 15 <i>ashrafī</i> ^c plus 6 <i>tangah</i> ^d , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī Mīrzā ʿInāyat-Allāh Mawlawī b. Mīrzā Niʿmat-Allāh Mīrasadī, 1260	

Witnesses: Arbāb Shāh Nazar; Arbāb Maḥmūd; Arbāb Şafar Bāy; Mīr Şālih; Mullā Barāt Imām; Ṭāhir Jān.

^awakālatan muṭlaqatan ‘āmmatan shar‘īyatan thābitan;
^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c ashrafi-yi nuzdah-tangah-gī; ^d tangah-yi rā’ijah bih ḍarb

172 x 265; 15 lines. Persian.

98 – 100: documents relating to Qārī ‘Abd al-Mu’min b. ‘Abdallāh Bāy

98

n/d¹: claim for restitution

281: KP 5991/33

Qārī ‘Abd al-Mu’min presents a claim against various residents of Bukhara’s Kār-Khānah quarter².

The plaintiff claims that Ustā Sa‘īd b. Bābā Jān owes him 31 *ashrafi*^a and 10 *tangah*^b, Ustā Qurbān Badal b. Bābā Jān owes 23 *ashrafi* and ‘Abd al-Ḥafīz b. Sharīf [xxx] owes 70 *ashrafi* and 10 *tangah*, as payment outstanding for a quantity of silk^c, and that Ustā Qurbān Niyāz b. Khwājah Niyāz owes him 10 *ashrafi* and 10 *tangah*, and Mīrzā ‘Umar b. Karīm Bāy owes 9 *ashrafi* and 10 *tangah*, as payment outstanding for a quantity of tea. Accruing as they do from a fully legal purchase^d, the sums constitute a debt which needs to be repaid^e. But the respondents refuse to pay.

Stamp: Muḥammad Niyāz Khwājah Ākhūnd Muftī b. Qāḍī al-quḍāt Mīrzā ‘Ināyat-Allāh, 1273

Citation: *al-thaman wājib fī dhimmat al-mushtarī* (Ustrūshanī).

¹ *tpq* 1273 (1 September 1856 – 21 August 1857).

² Located in the north-east of the city, towards the Samarqand gate: Sukhareva, *Kvartal’naia obshchina pozdnefeodal’nogo goroda Bukhary*, pp. 243-245.

^a ashrafi-yi jayyid-i aḥmar-i yak-mithqālī-yi bukhārī al-ḍarb; ^b tangah-yi nuqrah-yi sarah-yi wazn-i sab‘ah-yi rā’ijah; ^c dārā’ī; ^d shirā’-i ṣaḥīḥ-i jāri-yi bayninā; ^e dayn-i lāzim al-adā

212 x 208; 11 lines. Persian. Document reproduced at back of volume.

99

99a, n/d¹: claim for restitution

763: KP 272

‘Abd al-Ḥamīd Khwājah presents a claim against Qārī ‘Abd al-Mu’min b. ‘Abdallāh Bāy, a resident of Bukhara’s Ḥawḍ-i Khwājah Zayn al-Dīn quarter².

The plaintiff claims that the respondent borrowed from him 6 *ashrafi*^a, and spent it on his own outgoings. The respondent also bought from the plaintiff [an animal skin^b?], valued at 110 *tangah*, but failed to pay for it. The respondent should thus pay to the plaintiff these two afore-mentioned sums of money: but he refuses to.

Stamp: ‘Abd al-Mu’min Khwājah Muftī-yi ‘askar b. Muḥammad Ūzbīk Khwājah Bukhārī, 1272

Citation: *al-dayn māl wājib bi’l-‘aqd ilakh, aw al-istiqrāḍ* (Jāmi‘ al-rumūz).

<p>¹ <i>taq</i> 8 Shawwāl 1273 (Monday 1 June 1857): → doc. 99b.</p> <p>² Located southwest of the Ark, in the direction of the Gāwkushān Madrasah. See Sukhareva, <i>Kvartal'naia obshchina pozdnefeodal'nogo goroda Bukhary</i>, pp. 196-98.</p>	<p>^a ashrafī-yi jayyid-i aḥmar-i a'lā-yi yak-mithqālī-yi bukhārī al-ḍarb; ^b pūstīn-i pāchah</p>
<p>216 x 190; 9 lines. Persian.</p>	

99b, 8 Shawwāl 1273 (1 June 1857): reported declaration of cessation of claim

<p>‘Abd al-Ḥamīd b. ‘Azīm Khwājah, the afore-mentioned plaintiff, declared as a competent agent that he has fully, partially and for gratis^a dropped his former claim against the respondent.</p>	
<p>Stamp: Qāḍī al-quḍāt Qāḍī Mīrzā ‘Ināyat-Allāh Mawlawī b. Mīrzā Ni’mat-Allāh Mīrasadī, 1260</p>	
<p>Witnesses: Īsh Murād Mīrzā-Bāshī Yasāwul^{b(1)}; Shāh Khwājah; Ma’rūf Khwājah; Mīrzā Ghanī; Mīrzā Asrār; and others.</p>	
<p>¹ Īsh Murād Mīrzā-Bāshī Yasāwul evidently witnessed the agreement in some specified official capacity: → similarly docs. 79 and 80.</p>	<p>^a kullīyatan wa juz’īyatan, majjānan; ^b ma’mūr bih khidhmat Īsh Murād Mīrzā-Bāshī Yasāwul¹</p>
<p>6 lines. Persian.</p>	

100

tpq Jumādā I 1274 (18 December 1857 – 16 January 1858): reported declaration of cessation of claim

767: KP 259

<p>On the above date ‘Abd al-‘Azīm b. Mullā Tursūn Bāqī¹ declared as a competent agent that for gratis^a he has dropped his former claim against Qārī ‘Abd al-Mu’min b. ‘Abdallāh for a silver belt^b, and acknowledges that any future claim against Qārī ‘Abd al-Mu’min will be inadmissible.</p>	
<p>Stamp: Mullā ‘Abd al-Majīd Ra’īs [xxx] Qāḍī [Abū?] [xxx] Khudāwand [xxx] 1273</p>	
<p>¹ ≈ Son of that Mullā Tursūn Bāqī encountered elsewhere (docs. 44, etc)?</p>	<p>^a majjānan; ^b kamar-band-i nuqrah</p>
<p>156 x 191; 6 lines. Persian.</p>	

101

1275 (11 August 1858 – 31 August 1859): issue of summons

414: KP 5991/160

The speaker requires Mīr Sayyid Khwājah, a resident of the rural settlement of Gharbūn in Bukhara's Shimālī-Rūd, to present himself at the office of the Bukharan *ra'īs*^{1a} in order to answer a legal action^b presented against him by 'Abd al-Mu'min.

Stamp (side b): Mullā Şūfī Khwājah Ra'īs b. Ākhūnd Amān-Allāh Khwājah, 1265

¹ A parallel institution to the courthouse/*dār al-qaḍā*, glossed in B. Kazakov, *Bukharan Documents: The Collection in the District Library, Bukhara* (Berlin: Klaus Schwarz Verlag: Anor 9, 2001), p. 70, as 'one of the two chanceries where notarial acts could be drawn up in late 19th – early 20th century Bukhara'. We encounter 14 similar such references to this institution amongst our documents, all of them in texts of Bukharan rather than Samarqandi provenance.

^a *dār al-iḥtisāb-i fākhīrah-yi Bukhārā-yi sharīf*; ^b *ḥarf-i shar'ī*

85 x 108; 4 lines. Persian.

102

n/d¹: claim for restitution

642: KP 5991/363

Şalāḥ al-Dīn Khwājah presents a claim against his brother Īshān Khwājah b. Sulṭān Khwājah, a resident of the rural settlement of Qum Rabāt, Janūbī-Rūd.

The plaintiff relates how the late Sulṭān Khwājah b. Hidāyat-Allāh Khwājah owned a certain property abutting in the west onto a *chahār-bāgh* belonging to Abu'l-Fayḍ Khwājah b. Hidāyat-Allāh Khwājah, in the north onto a courtyard property belonging to Pāchah Āy daughter of the afore-mentioned Hidāyat Khwājah, in the east onto a shared passageway, and in the south onto a courtyard property belonging to the afore-mentioned Abu'l-Fayḍ Khwājah. Upon his death, the property passed to 6 sons – the plaintiff, the respondent, Sharāf al-Dīn Khwājah, 'Ālim Khwājah, Mallah Khwājah, Shihāb al-Dīn Khwājah – plus a daughter, Ḥalīmah Bānū. The property was divided into 13, each son receiving 2 shares and the daughter receiving 1: but the respondent has taken possession^a of the entire property, and is refusing to hand it over.

Stamp: Mullā Yaḥyā Khwājah Muftī Şudūr² b. Mullā 'Īsā Khwājah, 1275

Citation: *man taraka mālan aw ḥaqqan fa-huwa li-warathatihi* (Kāfī³).

¹ tpq 1275 (11 August 1858 – 30 July 1859).

² For his stamp see also Kurbanov, *Materialy po sredneaziatskoi sfragistike*, p. 98.

³ 2 Ḥanafī works of this title are known. The first was composed by Ḥākim al-Shahīd Muḥammad b.

^a *mutaṣarrif shudah*

Muḥammad b. Aḥmad b. ‘Abdallāh al-Marwazī (d. 334/945), and comprises an abbreviated version of the <i>Zāhir al-riwāyah</i> by Muḥammad al-Shaybānī (749-805): see Brockelmann, <i>GAL</i> I.174, p. 182. The second was composed by Abu’l-Barakāt Ḥāfiẓ al-Dīn b. Aḥmad b. Maḥmūd al-Nasafī (d. 710/1310).
218 x 228; 13 lines. Persian.

103

n/d¹: claim for restitution

651: KP 5991/372

Acting on his own behalf and as attorney ^a to Mullā ‘Abd al-Karīm, Ya‘qūb Bāy, Fāḍil Bāy, Mullā ‘Abd al-Raḥmān and Mullā ‘Abd al-Raḥīm, sons of Yūsuf Bāy, Mullā Rāziq Āqsaqāl presents a claim against Allāh Yār Tūqsābah b. Ūrāz Bāy, a resident of Bukhara’s Mīr Hāshim quarter ² . The plaintiff claims that the respondent sold to Yūsuf Bāy b. Rūzī Bāy a certain Khwājah Bīgīm for 43 <i>ashrafi</i> ^b , claiming that she was registered as his slave and concubine ^c . Yūsuf Bāy then sold her on to Mīrzā Bāy, who in turn sold her to Mullā Ṣādiq. Khwājah Bīgīm then presented a claim against Mullā Ṣādiq, asserting before witnesses that she was a free party ^d . The <i>qāḍī</i> acceded to her claim, and ruled that payment should be reverted ^e ; Mīrzā Bāy has thus demanded repayment of the sum for which Yūsuf Bāy sold the woman. This being so, the respondent should in turn repay the afore-mentioned 43 <i>ashrafi</i> , dividing the money between the plaintiff and his clients, all of whom are jointly the late Yūsuf Bāy’s heirs.	
No stamp.	
Citations: (i) <i>fa-‘ind al-istiḥqāq yarji ‘al-mushtarī bi’l-thaman ‘alā al-bā’i</i> (‘Ālamgīrī); (ii) <i>al-wārith yaqūm maqām al-mūrith fī’l-māl wa fī-mā huwa min āthār al-māl, wa fī’l-ḥuqūq al-muta‘allaqah bi’l-māl, fa-yaqūm maqāmahu fī’l-khuṣūmatihī</i> (Ḥammādīyah ³).	
¹ <i>taq</i> 1270s/1850s? This is on the basis of the reference to gold <i>ashrafi</i> coinage weighing 1 <i>mithqāl</i> : among the 22 dated references within the collection to this coinage type, the latest in any document of Bukharan provenance is dated to 1275 (→ doc. 76); after this date, references are more commonly to the <i>ashrafi</i> as valued at 19 (→ doc. 73b) or 20 (→ doc. 112) <i>tangah</i> . ² Otherwise known as Qāḍī Mīr Hāshim quarter, and located due north of the Ark, towards the Imām gate: see Sukhareva, <i>Kvartal’naia obshchina pozdnefeodal’nogo goroda Bukhary</i> , pp. 148-149. ³ [=Otherwise known as <i>Fatāwā al-Ḥammādīyah</i>]: a work composed <i>taq</i> 1077/1666 by Abu’l-Faḥ Rukn al-Dīn b. Ḥusām al-Dīn al-Nākūrī and his son Māwlānā Da‘ūd and dedicated to Ḥammād al-Dīn b. Qāḍī Akram: see Brockelmann, <i>GAL</i> suppl. II.605.	^a wakālatan muṭlaqatan ‘āmmatan; ^b ashrafi-yi jayyid-i aḥmar-i yak-mithqālī-yi rā’ijah-yi bukhārī al-ḍarb; ^c “Khwājah Bīgīm nām-i madhkūrah fī hādhā’l-sijill-rā bandah wa marqūqah-yi man ast” guftah [...]; ^d da‘wā-yi ṣaḥīḥah-yi shar‘īyah [...] bar ḥurriyat-i aṣliyah-yi khūd; ^e ḥukm-i murāfa’ah ilayhi-yi madhkūr bih rujū‘ ‘alā al-thaman wāqi‘ gardīdah
215 x 228; 13 lines. Persian.	

104

n/d¹: claim for restitution

653: KP 5991/374

<p>Mullā ‘Abd al-Salām presents a claim against ‘Abd al-‘Azīz b. Pīr Naẓar, a resident of the rural settlement of Zarangar², in Sulṭānābād, Bukhara^{a(3)}. The plaintiff claims that the respondent owes him the 10 <i>ashrafi</i>^b which he took from the plaintiff by the terms of a mutually valid and binding purchase^c; the respondent now refuses to hand the money back.</p>	
No stamp.	
Citation: <i>al-dayn thaman al-bayya ‘āt</i> (Naẓm [al-fiqh?]).	
<p>¹ <i>taq</i> 1270s/1850s? → doc. 103. ² See Mukhammadzhanov <i>et al.</i>, <i>Naselemye punkty Bukharskogo emirata</i>, p. 58, locating the settlement in Pīrmast <i>tūmān</i> (i.e. NNW of Bukhara) ³ The epithet here for Bukhara is unusual; → also just docs. 174, 318, 378 and 504.</p>	<p>^a az Sulṭānābād-i dār al-fākhīrah-yi Bukhārā-yi sharīf³; ^b ashrafi-yi jayyid-i aḥmar-i a‘lā-yi yak-mithqālī-yi bukhārī al-ḍarb; ^c bih shirā’-i shar‘ī-yi jāri-yi bayninā</p>
212 x 140; 6 lines. Persian.	

105

n/d¹: claim for restitution²

654: KP 5991/375

<p>Acting as attorney^a to Tursūn Bīgīm, her own daughter by Mīr Hājījī, Qurṣiyah Bīgīm presents a claim against the plaintiff’s husband Mīr Fāḍil b. Mīrak, a resident of Bukhara’s Ja‘far Khwājah Naqīb quarter³. The speaker relates that the respondent has launched an unprovoked and shameful attack^b on the plaintiff, and has irrevocably divorced her⁴, thereby making her an illegitimate wife^c. According to one of the terms of the marriage^d, the respondent should accordingly return 8 <i>ashrafi</i>^e which belong to the plaintiff [as her deferred dowry]. But the respondent refuses to do as he should.</p>	
Stamp: Mullā ‘Abdallāh b. Mullā [xxx]	
Citations: (i) <i>al-mahr daynuhu</i> (Minaḥ al-Ghaffār ⁵); (ii) <i>wa fi’l-mu‘allaq yaṣīr al-amr bi-yadihā idhā jā’ al-sharṭ</i> (Ḥammādīyah).	
<p>¹ <i>taq</i> 1270s/1850s? → doc. 103. ² For a thematically similar claim, → doc. 374a. ³ Located in the east of the city, towards the Mazār-i Sharīf gate: see Sukhareva, <i>Kvartal’naia obshchina pozdnefeodal’nogo goroda Bukhary</i>, pp. 256-58. ⁴ For discussion of the <i>ṭalāq-i bā’in</i>, or conclusive divorce, see Palen, <i>Pravovoi byt’ tuzemnogo naseleniia</i>, p. 25. ⁵ A work by Shams al-Dīn Muḥammad b. ‘Abdallāh b. Aḥmad Khaṭīb al-‘Umarī al-Timur-Tāshī al-Ghazzī al-Ḥanafī (1532-96), composed as a commentary to</p>	<p>^a wakālatan muṭlaqatan shar‘īyatan; ^b bī jināyat-i shar‘īyah, ḍarb-i fāḥīsh zāhir al-athar namūdah ast; ^c bih ṭalāq-i nafs-i khūd gardīdah, nafs-i khūd-rā bar maḥḍar hādhā bih yak ṭalāq-i bā’in ḥarām gardānīdah; ^d aḥad az sharā’iṭ-i muta‘arīf dar ṣulb-i ‘aqd-i nikāḥ; ^e ashrafi-yi jayyid-i aḥmar-i yak-mithqālī-yi bukhārā’ī al-ḍarb</p>

the same author's <i>Tanwīr al-abṣār</i> (→ doc. 146 ⁽⁴⁾): see Brockelmann, <i>GAL</i> I.311, pp. 403-404.	
228 x 201; 10 lines. Persian	

106

n/d¹: claim for restitution

665: KP 5991/386

<p>Mīr Sayyid presents a claim against Mīr Fayḍī and Nūr Bāy, sons of Mullā ‘Āshūr b. Mīrzā Samī‘, residents of the rural settlement of Jūy-i Būt², Shimālī-Rūd.</p> <p>The plaintiff seeks restitution of (i) 63 <i>ashrafi</i>^a, as the [former] value of ½ <i>tanāb</i> of <i>chahār-bāgh</i> located in the rural settlement of Jūy-i Būt, which has been rendered unmarketable^b; (ii) 22 <i>ashrafi</i>, as the [former] value of a courtyard property which is now similarly unmarketable; and (iii) a further house located in the same settlement, and abutting in the west onto a blocked path^c, in the north onto a house belonging to Muḥammad Ṣāliḥ b. Mullā Shafi‘ Bāy, in the east onto a <i>chahār-bāgh</i> belonging to Raḥmat-Allāh Khwājah b. Mukhtār Khwājah, and in the south onto a house belonging to Mullā Muḥammad Sharīf b. Ustā Badal Jān. The lands in question formerly belonged to the late Mullā ‘Āshūr.</p> <p>Upon Mullā ‘Āshūr’s death, the property was divided between his four sons (the plaintiff, the two respondents and Ḥayit Bāy) and three daughters (Sharīfah Jān, Qurbān Jān and Durdānah Jān). Before the division took place, Sharīfah Jān died, and her share was then divided between her 4 brothers and 2 sisters; by the terms of the final division, each brother received 2/10 of the property, and each daughter received 1/10. However, the respondents have seized the entire estate, and have damaged some of it^d. The plaintiff thus asks the addressee to compel the respondents to hand over his share, including the price of the property which they have damaged^e.</p>	
No stamp.	
<p>Citations: (i) <i>man tarāka mālan aw ḥaqqan fa-huwa li-warathatihi</i> (Sharḥ-i Ashbāh³); (ii) <i>al-bay‘ wa’l-taslīm istiḥlāk yurād bihi, wa’l-aṣaḥḥ ‘annahu al-‘aṭā li-ṣiḥḥat al-bay‘ wa’l-taslīm</i> (Fuṣūl ‘Imādī); (iii) <i>idhā idda‘ā qīmat al-mustahlak lā yuḥṭāj ilā ta’rīfihi</i> (Sirājīyah).</p>	
<p>¹ <i>taq</i> 1270s 1850s? → doc. 103.</p> <p>² Given as Jūy-i Būd in Mukhammadzhanov <i>et al.</i>, <i>Naselennye punkty Bukharskogo emirata</i>, p. 56; thus also doc. 333.</p> <p>³ [=Otherwise known as <i>Ḥamawī Sharḥ-i Ashbāh</i> or <i>Ghamz ‘uyūn al-baṣā’ir</i>]: a work by Shahāb al-Dīn Abu’l-‘Abbās Aḥmad b. Muḥammad Makkī al-Ḥusaynī al-Ḥamawī (d. 1098-1687), comprising a commentary on the <i>al-Ashbāh wa’l-Nazā’ir</i> by Ibn Nujaym al-Miṣrī (1519-1563).</p>	<p>^a <i>ashrafi-yi jayyid-i aḥmar-i yak-mithqālī-yi bukhārī al-ḍarb-i rā’ijah</i>; ^b <i>mustahlak bi’l-bay‘ wa’l-taslīm ilā’l-mushtarī</i>; ^c <i>sikkah-yi ghayr-i nāfidhah</i>; ^d <i>talaf kardah</i>; ^e <i>az mutlaf-i ān qīmat-i madhkūrah, kih qīmat-i yawm al-itlāf-i ān ast</i></p>
220 x 338; 22 lines. Persian.	

107

tpq Dhu'l-Qa'dah 1276 (21 May – 19 June 1860): hereditary transfer of estate

338: KP 5991/90

On the above date the estate of the late Mullā Mīr Badī' was divided according to the divine laws of inheritance^{a(1)} between his widow Muḥarramah Bīgīm (receiving 12/96), his 3 sons Mullā Mīr 'Azīz, the pre-adult Mīr Laṭīf, and Mīr 'Aẓīm (14/96 each) and his 6 daughters Āy Bīgīm, Māh Bīgīm, Shamsīyah Bīgīm, Munawwar Bīgīm, Nūr Bīgīm and Bībīsh Āy (7/96 each).

Following the confirmation of the legality of the division^b, Bībīsh Āy received as her share a plot of property valued at 2500 *tangah*^c and located in Maghāk-i Naw quarter², Bukhara, abutting in the west and north onto a courtyard property belonging to Mīrzā Būrān and Mīrzā Sharīf, sons of Sa'īd Bāy, and partly onto a courtyard property belonging to Dāwud Khwājah b. Ya'qūb Khwājah, in the east partly onto a *sarāy* belonging to Sa'īd Bāy and partly onto a courtyard property belonging to Mīr 'Aẓīm b. Mullā Mīr Badī', and in the south onto a courtyard property belonging to Mīrzā Ghafūr b. Mīrzā 'Abdallāh. She also received various movable items itemised at the outset plus 182.24 *tangah*.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Šūfī Khwājah b. Ākhūnd Mullā Amān-Allāh Khwājah

¹ The formula is here left incomplete.

² ≈ Maghāk-i 'Aṭṭārī quarter, located southwest of the Ark in the direction of Tāq-i Šarrāfān? See Sukhareva, *Kvartal'naia obshchina pozdne-feodal'nogo goroda Bukhary*, p. 216.

^a 'alā¹; ^b ba'd az taḥaqquq-i sharā'it-i šihḥat al-qismah; ^c tangah-yi nuqrah-yi sarah-yi wazn-i sab'ah-yi rā'ijah bukhārīyat al-ḍarb

198 x 301; 13 lines. Persian.

108

Rabī' I 1278 (6 September – 5 October 1861): statement of conferral of appointment

390: KP 115/3

[Amīr Muẓaffar¹] states that he has appointed^a Mullā Nūr al-Dīn as teacher for 10 student cells in the Kūk Masjid. During study hours, the appointee should devote himself to instructing the religious students presently occupying said cells, and should not leave his position without a valid excuse.

Stamp (side b): al-ḥukm bi'l-'adl

¹ For the use of the seal type encountered here as an alternative to the *amīr*'s own personal seal → doc. 14⁽⁴⁾.

^a marḥamat wa mīhribānī namūdīm

140 x 212; 8 lines. Persian.

109

109a, n/d¹: claim for restitution

1128: KP 5991/670

Acting as attorney^a to Āy Tūrah Bīgīm bint Mullā Mansūr Jān, Mullā Mīrzā ‘Ārif presents a claim against Āy Tūrah’s former slave^b Gul-Andām bint ‘Abdallāh, a resident of the rural settlement of Gharbūn, Shimālī-Rūd.

The speaker claims that the respondent owes the plaintiff 285 *tangah*^c, as the price for manumission^d.

Stamp: Mullā Mīr ‘Abdallāh b. Mullā [xxx] Muftī

Citation: *wa man ‘utiq ‘alā māl aw bihi fa-qabila ‘utiq wa’l-māl dayn ‘alayhi* (Niḡāyah).

¹ *tpq* 1278 (9 July 1861 – 28 June 1862).

^a wakālatan muṭlaqatan ‘āmmatan; ^b marqūqah wa mamlūkah; ^c tangah-yi nuqrah-yi sarah-yi wazn-i sab‘ah-yi rā’ijah-yi maḡrūbah bih ḡarb; ^d az wajh-i badal-i ‘itq

215 x 198; 10 lines. Persian.

109b, 1278 (9 July 1861 – 28 June 1862): instructions

[Amīr Muẓaffar¹] informs Mullā ‘Abd al-Ḥamīd Ṣadr Ra’īs² that the afore-mentioned plaintiff has made the above claim against the afore-mentioned respondent. The speaker has appointed Amān al-Dīn to summon the parties, question them, and secure a resolution^a.

Stamp: al-ḡukm bi’l-‘adl

¹ For the use of the seal type encountered here as an alternative to the *amīr*’s own personal seal, → doc. 14(4).

² Encountered also in doc. 20.

^a bih qaṭ‘ rasānad

3 lines. Persian.

110

n/d¹: claim for restitution

283: KP 5991/35

Shāh-Bāz presents a claim against Khudāyḡād b. ‘Abdallāh, a resident of the rural settlement of Ṭāq-i Miyyānah, in Bukhara’s Janūbī-Rūd.

The plaintiff claims that he entrusted 400 *tangah*^a to the keeping of respondent, who spent it on his own outgoings.

Stamp: Ḥusām al-Dīn b. Mīr Shākir Muftī, 1278

Citation: *al-wājib fi’l-qarḡ adā’ li-mithl* (Fuṣūl ‘Imādī).

¹ <i>tpq</i> 1278 (9 July 1861 – 28 June 1862).	^a <i>tangah-yi nuqrah-yi sarah-yi wazn-i sab‘ah-yi rā’ijah bih ḍarb</i>
318 x 145; 6 lines. Persian.	

111

n/d¹: claim for restitution

667: KP 5991/388

Sharīf Bāy presents a claim against Mullā Sultān and Ghulām Qādir b. ‘Abd al-Mu’min, residents of [sarāy?]-i Mullā Badr al-Dīn, Bukhara. The plaintiff claims that the respondents owe him 300 <i>tangah</i> ^a as payment for 125 pieces of adorned cloth ^b which he recently sold them.	
Stamp: Ḥusām al-Dīn b. Mīr Shākīr Muftī, 1278	
Citation: <i>al-dayn māl wājib bi’l-‘aqd</i> (Jāmi‘ al-rumūz).	
¹ <i>tpq</i> 1278 (9 July 1861 – 28 June 1862).	^a <i>tangah-yi nuqrah-yi wazn-i sab‘ah-yi rā’ijah bih ḍarb</i> ; ^b <i>chīt-i chahār-gazī</i>
225 x 182; 8 lines. Persian.	

112

tpq Ramaḍān 1278 (2 March – 31 March 1862): hereditary transfer of estate

645: KP 5991/366

On the above date the unencumbered estate ^a of the late ‘Abd al-Jabbār was divided between his widow Shamsīyah (receiving 1/8), his pre-adult daughter Khāwar Bīgīm (4/8) and his sisters Faḍīlah, Ṣaḥībāh and Bībī Nuṣrat (1/8 apiece). The property comprises a courtyard property located in Bukhara’s Ustā Rūḥī quarter ¹ , and abutting in the west onto a courtyard property belonging to Qārī Mīrzā Ghafūr b. Mīrzā ‘Abdallāh, in the north onto a courtyard property belonging to the estate of the late ‘Abd al-Raḥmān b. Mullā Ḥājji, and in the east and south onto a public thoroughfare and partly onto a courtyard property belonging to [–] b. [–]. It also includes various other possessions itemised at the outset. Following the confirmation of the legality of the division ^b , Shamsīyah received half the value of the afore-mentioned property plus 3 <i>ashrafi</i> and 7 <i>tangah</i> . The daughter received 16 <i>ashrafi</i> ^{c(2)} and 12 <i>tangah</i> . Acting on their own behalf, the three sisters received between the three of them ^d the remaining half of the afore-mentioned property. Shamsīyah was charged as guardian to hold the pre-adult Khāwar Bīgīm’s share in trust.	
Stamp: Qāḍī al-quḍāt Qāḍī Mullā Ṣūfi Khwājah b. Ākhūnd Mullā Amān-Allāh Khwājah	

Witnesses: Ya‘qūb Jān Āqsaqāl; Ḥājī Sayyid Qulī; Ustā ‘Awad Badal; Ustā ‘Ubayd; and others.	
¹ Located northwest of the Ark, towards the Ūghlān gate: see Sukhareva, <i>Kvartal'naia obshchina pozdnefeodal'nogo goroda Bukhary</i> , pp. 141-144. ² For other references to the <i>ashrafi</i> as valued at 20 tangah, → docs. 126 and 273. For more frequent references to the <i>ashrafi</i> as valued at 19 tangah, → doc. 73b.	^a matrūkah-yi fārighah; ^b ba‘d az taḥaqquq-i sharā’it-i shihhat-i qismat; ^c ashrafi-yi bīst-tangah-gī ² ; ^d athlāthan
170 x 250; 16 lines. Persian.	

113

Rabī‘ I 1279 (27 August – 25 September 1862): statement of conferral of appointment

54: KP 1128

[Amīr Muẓaffar ¹] informs Qābil Bī that the communication which he sent to court has arrived. His request to inspect the ranks of <i>nawkars</i> ² in Panjshanbah <i>wilāyat</i> ^a has been granted, and he may apply to Shīr ‘Alī Bī, who presently maintains the <i>nawkar</i> lists ^b for the region. It has furthermore been accepted that the addressee may appoint his son Muḥammad Murād Bīk Qūrchī-Bāshī to take charge of keeping records ^c .	
Stamp (side b): al-ḥukm bi’l-‘adl	
¹ For the use of the seal type encountered here as an alternative to the <i>amīr</i> ’s own personal seal, → doc. 14(4). ² For the position of <i>nawkar</i> in 19 th -century Bukhara, see Abduraimov, <i>Voprosy feodal'nogo zemlevladiiia</i> , p. 52.	^a nawkariyah-yi wilāyat-i Panjshanbah-rā kūrūk mī-bīnīm; ^b daftar-i nawkariyah; ^c az barā-yi sarishtah-yi matīn
133 x 211; 8 lines. Persian.	

114

n/d¹: instructions

620: KP 5991/341

[Amīr Muẓaffar ²] informs Qābil Bī that the communication which he sent to court has arrived, and his military ^a list for Panjshanbah <i>wilāyat</i> has been noted. In response to his query relating to the appointment of <i>yūzah-bāshīs</i> in the Panjshanbah region, the addressee is instructed to appoint whomever out of Rajab Bīk Qarāwul-Bīgī Jalāyir, ‘Abd al-Ṣamad Mīrzā-Bāshī b. Karīm Qul Tūqsābah and Nūr Muḥammad Mīrzā-Bāshī-yi Darūn-i Qūrhānī he regards as best qualified. Having paid the <i>nawkars</i> , the addressee should proceed to Dīzakh [i.e. Jizzakh] on 14 Rabī‘.

Stamp (side b): al-ḥukm bi'l-‘adl	
¹ <i>ca.</i> Rabī‘ I 1279 (→ doc. 133)? ² For the use of the seal type encountered here as an alternative to the <i>amīr</i> ’s own personal seal, → doc. 14 ⁽⁴⁾ .	^a daftar-i nawkariyah
140 x 208; 8 lines. Persian.	

115

1279 (29 June 1862 – 17 June 1863): instructions

67: KP 1141

[Amīr Muẓaffar ¹] informs ‘Āshūr Bī that the communication which he sent to court has arrived, and that its contents have been digested. The addressee is instructed to dispatch 10 000 <i>tangah</i> , as the regular provisions ^a for Shīrābād <i>wilāyat</i> , to Muḥammad Shā Bī by Thawr 20 ² .	
Stamp (side b): al-ḥukm bi'l-‘adl	
¹ For the use of the seal type encountered here as an alternative to the <i>amīr</i> ’s own personal seal, → doc. 14 ⁽⁴⁾ . ² The sole instance amongst the documents in the collection where the date is given according to the solar, rather than the lunar calendar.	^a mawājib-i muqarrarī
141 x 206; 6 lines. Persian.	

116

Rabī‘ II 1279 (26 September – 24 October 1862): instructions

69: KP 1143

[Amīr Muẓaffar ¹] informs Qābil Bī that the communication which he dispatched to court has arrived, and that his inventory of the Panjshanbah <i>wilāyat</i> arsenal has been noted and approved.	
Stamp (side b): al-ḥukm bi'l-‘adl	
¹ For the use of the seal type encountered here as an alternative to the <i>amīr</i> ’s own personal seal, → doc. 14 ⁽⁴⁾ .	
132 x 196; 6 lines. Persian.	

117

1282 (27 May 1865 – 15 May 1866): instructions

596: KP 5991/317

[The <i>amīr</i> ?] informs Īshān Qāḍī Ṣudūr ¹ that Muḥammad Sharīf Bāy has presented a request to the royal court ^a , namely that Khudāy Birdī Bāy Qarākūlī has taken a slave ^b of his, called Muḥammadī, to Qarākūl ² , to put him up for sale; the plaintiff willingly handed the slave over, in the expectation of making a sale: but after two months the slave remained unsold, and Khudāy Birdī Bāy has taken possession of the slave for himself. The addressee should investigate what occurred, and return the slave to his owner. If the situation is different from how it has been reported, the addressee should investigate the matter in accordance with <i>sharī‘ah</i> , and secure a resolution ^c .	
No stamp.	
¹ It is unclear whether this is a personal name or merely a generic one. If the former, the addressee ≈ the individual encountered in docs. 216 and 219-225. ² In the 19 th century Qarākūl was a centre of the slave market, serving as an <i>entrepot</i> used by the Turkmens and Khivans.	^a darwāzah-yi ark-i ma‘dalat-madār; ^b ghulām; ^c bih qaṭ‘ rasānad
110 x 215; 18 lines. Persian.	

118

n/d¹: instructions

597: KP 5991/318

[The <i>amīr</i> ?] informs Īshān Qāḍī-yi ‘askar Ṣudūr that Muḥammad Sharīf has presented a request to the royal court. Said Muḥammad Sharīf claims that he was betrothed ^a to Bīgīm Āy bint Raḥmat-Allāh, having given over a prompt dowry ^b of 600 <i>tangah</i> ; but then Ūrūn Bāy and Pīr Nafas abducted his betrothed and took her to Chigīrchī-yi Qarākūl. The speaker requests the addressee to investigate the matter and to secure a resolution ^c .	
No stamp.	
¹ ≈ contemporary with doc. 117?	^a fātiḥah-khwānd; ^b mahr-i mu‘ajjal; ^c bih qaṭ‘ rasānidah, ṣāf namāyand
115 x 207; 13 lines. Persian.	

119

1289 (11 March 1872 – 28 February 1873): instructions

57: KP 1131

[The *amīr*?] informs Mīrzā ‘Abd al-Raḥīm Qarāwul-Bīgī that Muḥammad Sharīf, a resident of Khuzār, has presented a request to the court for food and fodder. The speaker has granted Muḥammad Sharīf’s wish, and instructs Mīrzā ‘Abd al-Raḥīm to give him food and fodder on royal authority.

No stamp.

107 x 166; 6 lines. Persian.

120

1289 (11 March 1872 – 28 February 1873): letter

65: KP 1139

[Amīr Muẓaffar] informs his son^a Sayyid Mīr Akram¹ that the communication which he sent to court has arrived and been digested, and that his accompanying gifts have arrived as well. The speaker undertakes in return to send the addressee a red handkerchief, a golden skullcap, a velvet shawl and a silken undercloth.

Stamp (side b): [xxx] Sayyid

¹ Sayyid Mīr Akram was the son of Amīr Muẓaffar, and served as governor of several regions, including Khuzār and environs: see e.g. Muḥammad-Sharīf-i Ṣadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, p. 127.

^a nūr-i chashmī

129 x 193; 7 lines. Persian.

121

1290 (1 March 1873 – 17 February 1874): instructions

66: KP 1140

[The *amīr*?] informs a group of *mīrzās* that Dawlat Bīk Maḥram has presented a request to the court, stating that, after having been presented with a horse he now requires fodder^a with which to feed it. The *mīrzās* should accede to Dawlat Bīk’s request.

Stamp (side b): Sayyid [Mīrzā Karīm?]

^a āt yimī

106 x 181; 5 lines. Persian.

122

1290 (1 March 1873 – 17 February 1874): instructions

68: KP 1142

[The <i>amīr</i> ?] informs Mīrzā ‘Abd al-Raḥīm Qarāwul-Bīgī that ‘Abd al-Karīm, a dishwasher in the royal kitchen ^a , has presented an appeal, saying that he has been working for a month and has not received his wages [?]. The addressee is instructed to investigate the matter, and if necessary to pay ‘Abd al-Karīm the money owed to him.	
Stamp (side b): Sayyid [Mīrzā Karīm?]	
	^a dīg-shūy-i āsh-khānah-yi ‘ālī
102 x 190; 6 lines. Persian.	

123

Dhu’l-Qa‘dah [no year]: instructions

64: KP 1138

[The <i>amīr</i> ?] informs various <i>mīrzās</i> that Ma‘šūm Bīk Mīrzā-Bāshī, who is <i>yasāwul</i> of [Allāt?] and has recently promoted into the <i>yasāwul</i> ranks, has presented a request for supplies of food and fodder as befitting his station. The addressee should provide the petitioner with what he wants.	
Stamp (side b): Sayyid [Mīrzā Karīm?]	
106 x 204; 7 lines. Persian.	

124

n/d: instructions

307: KP 5991/59

[The <i>amīr</i> ?] informs Qāḍī Mullā Mīr Muḥyī al-Dīn ¹ that Rajab Bāqī Bāy, a resident of the rural settlement of Rabāṭ-i Shaykh ² , Kāmāt, has presented a request to the royal court. The appeal relates to contested water rights: Rajab Bāqī Bāy holds a plot of 10 <i>ṭanābs</i> of land endowed as <i>waqf</i> by Sayyid Subḥān Qulī Khān ³ . The plot has traditionally enjoyed access to a fixed daily allocation of water ^a , but the people with whom he shares access ^b now deny that he enjoys said right, and offer to allow him access just twice a year: were he now to wish to sell the land, the local <i>āqsaqāls</i> would dissuade anyone from buying it ^c . Qāḍī Mullā Mīr Muḥyī al-Dīn is instructed to look into the matter.
Document torn: no stamp.

<p>¹ For further correspondence between Qāḍī Mullā Mīr Muḥyī al-Dīn and the Amīr's chancellery, note the collection of material held at the library of the al-Beruni Oriental Institute in Tashkent, inv. no. 407: 'mubarak-nāmajāt-i Amīr Muẓaffār ba Qāḍī Mullā Mīr Muḥyī al-Dīn'.</p> <p>² Mukhammadzhanov <i>et al.</i>, <i>Naselellye punkty Bukharskogo emirata</i>, p. 108.</p> <p>³ For the terms of said <i>waqf</i>, see Chekhovich and Vil'danova, 'VakfSubkhan-Kuli-khanaBukharskogo 1693g.', in <i>Pis'mennye pamiatniki Vostoka 1973</i> (1979), pp. 213-235; mention also in McChesney, 'Waqf in Balkh and Bukhara in the 2nd half of the 11th/17th century – political, social and economic aspects', in <i>Hamdard Islamicus</i> 12 (1989), pp. 39-56 [p. 49].</p>	<p>^a dar mawrid-i nawbat-i āb, nīmrūz ḥaqq-ābah dāsht; ^b sharīk-i āb-hā-yi man; ^c zamīnam-rā furūkhtanī shawam, bih sabab-i dīd-i āqsaqālān na-mī-gīrand</p>
<p>108 x 181; 10 lines. Persian.</p>	

125

125a, n/d: instructions

418: KP 5991/164

<p>[The <i>amīr</i>¹] informs Qāḍī Mullā Mīr Muḥyī al-Dīn that Rajab Bāqī Bāy has presented an appeal to court: the plaintiff claims that Tursūn Bāy, a resident of Bābā Tādirī², Kāmāt, has purloined a set of deeds belonging to him, and refuses to give them back^a. Qāḍī Mullā Mīr Muḥyī al-Dīn is instructed to investigate the matter.</p>	
<p>Stamp (side b): al-ḥukm bi'l-'adl</p>	
<p>¹ For the use of the seal type encountered here as an alternative to the <i>amīr</i>'s own personal seal, → doc. 14⁽⁴⁾.</p> <p>² See Mukhammadzhanov <i>et al.</i>, <i>Naselellye punkty Bukharskogo emirata</i>, p. 25.</p>	<p>^a wathīqah-yi ma-rā giriftah pinhān dāshtah na-mī-dihad</p>
<p>107 x 155; 6 lines. Persian.</p>	

125b, n/d: appeal

<p>Mullā Amān-Allāh Makhdūm-i Khiyābānī addresses [the <i>amīr</i>]. He informs him that he is a lowly wretch, and hopes that he may be of service to him.</p>
<p>7 lines. Persian.</p>

126 – 133: documents relating to the line of Mullā Muḥammad Raḥīm

126

tpq Rajab 1280 (12 December 1863 – 10 January 1864): reported declaration of sale

768: KP 258

On the above date Mullā Muḥammad Nāṣir b. Mullā Muḥammad Raḥīm declared as a competent agent before Bukhara's courthouse that he has sold^a to Mullā Maṣṣūr b. Mullā Muḥammad Raḥīm, his brother, part of four jointly-owned properties located in Janūbī-Rūd.

Two of these properties are located in the rural settlement of Jūy-i Pāyān, Janūbī-Rūd. (i) The first of these abuts in the west onto land belonging to Mullā Maṣṣūr, Munawwar Āy, Khadījah Āy, children of Mullā Muḥammad Raḥīm, in the north onto land belonging to the afore-mentioned Munawwar Āy and partly onto land belonging to 'Āliyah Bīgīm bint Mullā 'Abd al-Raḥmān, in the east onto a public thoroughfare, and in the south onto land belonging to Qābil Bāy b. Muḥammad Amīn Bāy¹ and partly onto land belonging to the afore-mentioned Munawwar Āy and Khadījah Āy; the speaker has sold $\frac{1}{4}$ of this jointly-owned property. (ii) The second abuts in the west and north onto a public thoroughfare, in the east onto land belonging to the estate of the afore-mentioned late Mullā Muḥammad Raḥīm and partly onto land belonging to the afore-mentioned Qābil Bāy and in the south onto designated *waqf* land presently in the possession of the afore-mentioned Mullā Maṣṣūr; the speaker has sold $\frac{1}{2}$ of this jointly-owned property.

The other two properties are located in the rural settlement of [Pashkhan Rīzah?], Janūbī-Rūd. (i) The first of these comprises the *suknīyāt* on 3 *ṭanābs* of *waqf* land² abutting in the west onto a public thoroughfare, in the north onto *milk* land belonging to the afore-mentioned Mullā Maṣṣūr, in the east onto land belonging to the afore-mentioned Qābil Bāy, and in the south onto land comprising the estate of the afore-mentioned Mullā Muḥammad Raḥīm; the speaker has sold $\frac{1}{4}$ of this jointly-owned property. (ii) The second abuts in the west onto a public thoroughfare, in the north onto designated *waqf* land presently in the possession of Mullā Muḥammad Sharīf and Mullā Mullā Maṣṣūr, sons of the afore-mentioned Mullā Muḥammad Raḥīm, in the east onto land belonging to the afore-mentioned Qābil Bāy, and in the south onto land comprising the estate of the afore-mentioned Mullā Muḥammad Raḥīm; the speaker has sold $\frac{1}{5}$ of this jointly-owned property.

The sale, for 125 *ashrafi*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mīr Ṣadr al-Dīn b. Mullā Mīr Bayḍā

Witnesses: Mullā Fāḍil Jān; Mullā Ḥāmid Jān; Zarīf Āqsaqāl; Samī' Bāy; Mīrzā Bāy; and others.

<p>¹ This figure is unusual, as one of very few individuals who appear in more than one ‘sub-collection’ of documents; he appears thus here and in doc. 132, both relating to the line of Mullā Muḥammad Raḥīm; in doc. 234, relating to Mīrzā Kamāl; and in unrelated doc. 213.</p> <p>² For references to <i>suknīyāt</i> (→ doc. 60⁽²⁾) above) in the context of <i>waqf</i> land, → also docs. 140, 234, 244a, 254 and 679.</p>	<p>^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b yak ṣad bīst panj ashrafi-yi rā’ijah-yi bīst-tangah-gī</p>
<p>170 x 367; 20 lines. Persian.</p>	

127

tpq 17 Rajab 1281 (16 December 1864¹): reported declaration of sale

760: KP 265

<p>On the above date Īr Naẓar b. Bīk Naẓar, a resident of Yangī Ārīq and member of the ‘Awaḍ Birdī mosque congregation, declared that he has sold to Mullā Maṣṣūr b. Mullā Muḥammad Raḥīm the <i>suknīyāt</i> on $\frac{1}{4}$ <i>tanābs</i> of land; the sale, for 27 <i>tangah</i>^a, was completed, with each party to the transaction receiving what was due.</p>	
<p>Stamp: Qāḍī [xxx] Muḥammad [xxx] ‘askar</p>	
<p>Witnesses: Khudāy Birgān; Qurbān Manglī.</p>	
<p>¹ This document is evidently of Khwārazmian origin. It is included here because there Mullā Maṣṣūr b. Mullā Muḥammad Raḥīm might <i>possibly</i> be that identifiably Bukharan Mullā Maṣṣūr encountered in docs. 128-132.</p>	<p>^a tangah-yi wazn-i sab‘ah</p>
<p>115 x 151; 9 lines. Turki.</p>	

128

tpq Rajab 1296 (21 June – 20 July 1879): reported declaration of cessation of claim

769: KP 257

<p>On the above date Mullā Sharāf b. Mullā Raḥīm declared as a competent agent that for gratis^a he has dropped all claims and contentions against Sa‘d-Allāh¹ b. Mullā Maṣṣūr. He noted also that he and Sa‘d-Allāh share water rights^b in the Jūy-i Pāyān canal, and undertook not to interfere at those times when Sa‘d-Allāh enjoys rights to access^c.</p>	
<p>Stamp: Qāḍī Mullā Afāq Khwājah Ṣudūr² b. ‘Abd al-Ghanī Khwājah Ṣudūr Naqshbandī, 1296</p>	
<p>¹ ≈ the plaintiff’s nephew: → doc. 126, identifying Mullā Maṣṣūr as son of [Mullā Sharāf’s father] Mullā Muḥammad Raḥīm.</p>	<p>^a majjānan; ^b sharīk-i āb mī-bāshīm; ^c dar ayyām-i nawbat-i ān bih ḥaqq-ābah-yi way dakhil na-mī-kunam</p>

<p>² Attested active from <i>ca.</i> Rajab 1296/June-July 1879 (→ doc. 128) to Rabī‘ II 1299/February-March 1882 (→ doc. 129). See also Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i>, p. 77.</p>	
<p>120 x 190; 8 lines. Persian.</p>	

129

tpq Rabī‘ II 1299 (20 February – 20 March 1882): hereditary transfer of estate

766: KP 260

<p>On the above date the estate of the late Mullā Maṣṣūr, his wife Makkah Āy and his daughter Bakhshandah Āy was divided according to the divine laws of inheritance^a between Mīrzā Ni‘mat-Allāh and Mīrzā Sa‘d-Allāh, sons of Mullā Maṣṣūr, Mullā Sharāf b. Qāḍī Raḥīm, and ‘Ināyat-Allāh and Muḥarramah Āy, children of the afore-mentioned Mullā Sharāf. Ni‘mat-Allāh received as his share of the property 4 plots of land located in the rural settlement of Pāyān, Janūbī-Rūd. (i) The first of these comprises approximately 2 <i>ṭanābs</i> of <i>milk-i ḥurr-i khāliṣ</i> land, and abuts in the west onto land belonging to Mīrzā Sa‘d-Allāh b. Mullā Maṣṣūr, in the north onto a shared canal, in the east¹ onto land belonging to the heirs of Qāḍī Raḥīm, and in the south onto land belonging to Mullā Muḥammad Sharīf b. Qāḍī Raḥīm. (ii) The second comprises 2 <i>ṭanābs</i> of <i>waqf</i> land, and abuts in the west onto land belonging to Ḥamīdah Āy bint Mullā Maṣṣūr and partly onto land belonging to Mullā Sharāf b. Qāḍī Raḥīm, in the north and east onto land belonging to Ḥamid Bīk b. Yūldāsh Bīk, and in the south onto land belonging to the afore-mentioned Mullā Sharāf. (iii) The third comprises approximately ½ <i>ṭanāb</i>^b of jointly-owned garden land constituting <i>milk-i ḥurr-i khāliṣ</i>, and abuts in the west onto land belonging to the afore-mentioned Ḥamīdah Āy, in the north onto land belonging to the afore-mentioned Mullā Sharāf, in the east (as above) onto land belonging to ‘Ināyat-Allāh and Muḥarramah Āy, children of the afore-mentioned Mullā Sharāf, and in the south onto land belonging to the heirs of Qāḍī Raḥīm. (iv) The fourth comprises 2 <i>ṭanābs</i> of <i>milk-i kūl-nay-zār</i> land.</p>	
<p>Stamp: Qāḍī Mullā Afāq Khwājah Ṣudūr b. ‘Abd al-Ghanī Khwājah Ṣudūr Naqshbandī, 1296</p>	
<p>¹ The orthography of <i>sharqan</i> here is odd: ‘sh’ is written as though it were ‘th’.</p>	<p>^a ‘alā farā’iq Allāh ta‘ālā; ^b nīm ṭanāb nīmchah yak nīm</p>
<p>178 x 258; 14 lines. Persian.</p>	

130

tpq 27 Dhu’l-Qa‘dah 1299 (10 October 1882): reported acknowledgement of debt

754: KP 271

<p>On the above date Sa‘d-Allāh Bāy b. Mullā Maṣṣūr, attesting to his own name and ancestry^a, declared before Bukhara’s courthouse that he owes Yūldāsh Āqsaqāl b. Ṣāliḥ Āqsaqāl 700 <i>tangah</i>^b, and that he will repay the sum within 15 days.</p>

Stamp: Qāḍī al-quḍāt Mullā Mīr Ṣadr al-Dīn b. Mullā Mīr Bayḍā	
Witnesses: Mullā ‘Abd al-Qayyūm Imām; Qārī Muḏaffar; Mīrzā Raḥīm; Mīrzā ‘Ināyat-Allāh; Qārī ‘Abd al-Majīd; and others.	
	^a mukhbīr bih ism wa nasab-i khūd; ^b tangah-yi rā’ijah-yi bukhārīyat al-ḍarb
176 x 234; 7 lines. Persian.	

131

tpq 23 Rabī‘ II 1302 (9 August 1885): hereditary transfer of estate

765: KP 261

<p>On the above date the estate of the late Sa‘d-Allāh Bāy was divided according to the divine laws of inheritance^a between his widow ‘Allāmah Āy (receiving 2/16), and his two pre-adult sons Dhakariyā Bāy and Faṭḥ-Allāh Bāy (each receiving 7/16). ‘Allāmah Āy received as her share of the estate 2 properties in the rural settlement of Rabāṭ-i Pāyān¹, Janūbī-Rūd. (i) The first of these is a plot of <i>milk-i ḥurr-i khālīṣ</i> land abutting in the west onto a common canal, in the north and east onto a public thoroughfare, and in the south onto land belonging to Mullā Sharāf b. the late Qāḍī Mullā Muḥammad Raḥīm. (ii) The second is the <i>suknīyāt</i> on 1¼ <i>ṭanābs</i> of <i>mamlakah-yi sulṭānīyah</i> land² abutting in the west onto a public thoroughfare, in the north onto a common canal, in the east onto land belonging to Ni‘mat-Allāh Bāy b. Mullā Manṣūr and in the south onto land belonging to Mullā Ṣādiq b. Mullā Muḥammad ‘Alī Bāy.</p>	
Stamp: Muḥammad ‘Ārif Khwājah Ra’īs Ṣadr ³ b. Mullā ‘Abd al-Mu’min Khwājah, 1300	
Witnesses: Arbāb Yūldāsh; Arbāb Badī‘; Mullā Sharāf; and others.	
<p>¹ It is unclear whether this settlement is to be identified also as the ‘Jūy-i Pāyān’ noted in doc. 126.</p> <p>² For the status of <i>mamlakah-yi sulṭānīyah</i> land, see Semenov, ‘Ocherk pozemel’no-podatnogo i nalogovogo ustroistva b. Bukharskogo khanstva’, pp. 36-41. For references to <i>suknīyāt</i> in the context of <i>mamlakah</i> land (for which → doc. 60a⁽³⁾ above), → also docs. 345, 448, 461a, 463, 464, 465, 467, 468, 470, 498, 501, 515, 519, 525, 534, 547, 568, 598, 599, 600 and 616.</p> <p>³ See Kazakov, <i>Bukharan Documents: The Collection in the District Library</i>, p. 82, for a further document relating to this individual.</p>	<p>^a ‘alā farā’iḍ Allāh ta‘ālā</p>
162 x 220; 13 lines. Persian.	

132

tpq Dhu'l-Qa'dah 1302 (12 August – 10 September 1885): reported declaration of sale

771: KP 255

On the above date 'Āliyah Bīgīm b. Mullā 'Abd al-Raḥmān Bāy declared as a competent agent before the courthouse of Bukhara's Janūbī-Rūd that she has sold^a to Mullā Ni'mat-Allāh Makhdūm b. Mullā Maṣṣūr Makhdūm [$3\frac{1}{2}$ *chār-yaks* and $\frac{1}{2}$ *ṭanāb*?^b] of *milk-i ḥurr-i khāliṣ* land located in the rural settlement of Chahār-Bāgh-i Kathīr, Janūbī-Rūd. The property abuts in the west onto land comprising the estate of the late Sa'd-Allāh Bāy, in the north onto land comprising the estate of the late Sharīf Makhdūm, in the east onto land belonging to Qābil Bāy b. Muḥammad Amīn Bāy which in turn abuts onto a common canal, and in the south onto land belonging to Mullā Sharāf b. Qāḍī Mullā Muḥammad Raḥīm; the sale, for 360 *tangah*^c, was completed, with each party to the transaction receiving what was due.

Stamp: Muḥammad 'Arīf Khwājah Ṣadr Ra'īs b. 'Abd al-Mu'min Khwājah, 1300

Witness: Sharāf Makhdūm.

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b sih nīm chār-yak wa nīm [xxx] ṭanāb; ^c tangah-yi rā'ijah-yi maḍrūbah bih ḍarb

175 x 216; 9 lines. Persian.

133

tpq 18 Ramaḍān 1314 (20 February 1897): reported declaration of sale

761: KP 264

On the above date Jūrah Bāy, Luṭf-Allāh Bāy and 'Ādil Bāy, sons of 'Awaḍ Bāy, declared as competent agents before the courthouse of Bukhara's Janūbī-Rūd that they have sold^a to Dhākir Bāy and Faṭḥ-Allāh Bāy b. Sa'd-Allāh Bāy a courtyard property located in the rural settlement of Rabāṭ-i Pāyān, Janūbī-Rūd, and abutting in the west, north and east onto land belonging to the purchasers, and in the south onto a courtyard property belonging to Raḥmat-Allāh b. Qābil Bāy; the sale, for 17 *ashrafi*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn Ṣadr

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b ashrafi-yi nuzdah-tangah-gī -yi rā'ijah

160 x 212; 9 lines. Persian.

134

tpq 14 Muḥarram 1284 (18 May 1867): reported declaration of cessation of claim

770: KP 256

On the above date Ustā Tursūn Bāy b. Ustā Karīm, attesting to his own name and ancestry^a and speaking as a competent agent, declared before Bukhara's courthouse that he has received 2800 *tangah*^b from Muḥammad Sharīf Makhdūm b. Mullā Raḥīm, and that in return he has dropped both in whole and in part^c his claim for restitution of a 5184-*tangah* debt.

Stamp: Qāḍī al-quḍāt Qāḍī Mīr Ṣadr al-Dīn b. Mullā Mīr Baydā, 1280

^a mukhbir bih ism wa nasab-i khūd; ^b tangah-yi rā'ijah-yi maḍrūbah bih ḍarb; ^c kullīyatan wa juz'īyatan

167 x 212; 9 lines. Persian.

135

tpq Rabī' II 1285 (22 July – 19 August 1868): reported declaration of sale

178: KP 3791/57

On the above date Mullā Mīr Muqammar b. Mullā Mīr Jalāl, acting as attorney^a to 'Umar Khwājah b. Mullā Sayyid Khwājah, and 'Uthmān Khwājah b. Mīrzā Khwājah, acting as attorney^b to Yaḥyā Khwājah b. Sayyid Khwājah – their respective authority as attested by the competent witnesses^{(c(1))} Mullā Niyāz b. Ustā Ḥājī and Mīrzā Ḥabīb b. Mīrzā Ma'rūf – declared as competent agents before Bukhara's courthouse that they have sold^d to Fūlād Bāy b. Mullā Īsh Bāy a courtyard property comprising multiple residences located in Bukhara's 'Azīzān quarter², abutting in the west onto a public thoroughfare, in the north onto a courtyard property belonging to Mullā Niyāz b. Ustā Ḥājī, in the east onto a courtyard property belonging to Faqīr Khwājah b. Ya'qūb Khwājah and in the south onto a house belonging to Ustā Mīr 'Arif b. Mīr 'Abdallāh; the sale, for 60 *ashrafi*^e, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā 'Abd al-Ḥamīd Makhdūm b. Dāmullā Bāqī Muḥammad A'lam

Witnesses: Faqīr Khwājah; Ḥabīb-Allāh Khwājah; Mullā 'Abd al-Ḥafīz; Mullā Mīr Muṣliḥ al-Dīn Mudarris; 'Iṣmat-Allāh Khwājah [Lūdan?]; Dāmullā Nu'mān; Ustā Mīr 'Arif; and others.

¹ The formulation differs from the more conventional *jā'iz al-shahādat*, which appears 16 times amongst our documents: for discussion of the this formula, → doc. 185.

² Located in the east of the city, by the Zargarān dome: *Kvartal'naia obshchina pozdnefeodal'nogo goroda Bukhary*, p. 205-208.

^a wakālatan mushāfahatan; ^b wakālatan fī mā nadhkur; ^c mu'addal wa maqbūl al-shahādah¹; ^d bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^e ashrafi-yi nuzdah-tangah-gī-yi nuqrah-yi sarah-yi rā'ijah-yi maḍrūbah bih ḍarb

214 x 340; 12 lines. Persian.

136

1285 (24 April 1868 – 12 April 1869): instructions

56: KP 1130

[Amīr Muẓaffar al-Dīn ¹] informs Tūkhtamīsh Bīk Bī that Ḥakīm Bīk Mīrākḥūr Khūqandī, a member of the addressee's party ^a , has informed [the <i>amīr</i>] that a grey saddle-horse belonging to him has been sold, but that the details of the sale have not been noted in the register of the royal court ^b . The addressee should establish the truth of the matter.	
Stamp (side b): al-ḥukm bi'l-'adl, 1277	
¹ For the use of the seal type encountered here as an alternative to the <i>amīr</i> 's own personal seal, → doc. 14(*).	^a dastah; ^b daftar-i 'ālī
105 x 161; 7 lines. Persian.	

137

1285 (24 April 1868 – 12 April 1869): instructions

59: KP 1133

[Amīr Muẓaffar al-Dīn ¹] informs Tūkhtamīsh Bīk Bī Tūpchī-Bāshī that Shā Muḥammad Dah-Bāshī was in captivity in Samarqand. Upon his being freed, he expressed the desire to enter Mullā Muḥammadī Tūqsābah's party ^a . Tūkhtamīsh Bīk should do what he can to facilitate this wish.	
Stamp (side b): al-ḥukm bi'l-'adl, 1277	
¹ For the use of the seal type encountered here as an alternative to the <i>amīr</i> 's own personal seal, → doc. 14(*).	^a dastah
105 x 162; 6 lines. Persian.	

138

Rabī' I 1288 (21 May – 19 June 1871): instructions

55: KP 1129

Amīr Muẓaffar informs Tūkhtamīsh Bī Īnāq that he has not yet paid the sum of 500 <i>tangah</i> , the price of the courtyard property which he bought from the pre-adult Ḥusayn 'Alī; he should pay the vendor as soon as possible.	
Stamp (side b): Amīr Muẓaffar Sayyid, 1277	
61 x 121; 6 lines. Persian.	

139

tpq 2 Muḥarram 1288 (24 March 1871): reported declaration of sale

285: KP 5991/37

<p>On the above date ‘Abd al-Khalīl Bāy, Ḥasan Bāy, ‘Abd al-Ghanī Bāy and ‘Abd al-Khāliq, sons of Bāqī Bāy, declared¹ as competent agents that they have sold^a to Ustā Shākīr Bāy b. Ustā ‘Āshūr Muḥammad approximately 2½ <i>tanābs</i> of vineyard located in the rural settlement of Kulābiyān, Janūbī-Rūd, and abutting in the west onto land belonging to Ustā Rūzī Bāy b. ‘Abdallāh, in the north onto a courtyard property belonging to the vendors, in the east onto a public thoroughfare, and in the south onto land belonging to the vendor. The sale, for 30 <i>ashrafi</i>^b, was completed, with each party to the transaction receiving what was due; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged.</p>	
<p>Stamp: Qāḍī Muḥammad Yūsuf Khwājah Ṣadr b. Qāḍī Abū Ya‘qūb Mīrasad Naqshbandī</p>	
<p>Witnesses: Mīrzā ‘Abd al-Wahhāb Āqsaqāl; Qārī ‘Abd al-Mu‘min; ‘Abd al-Wāsi‘; Arbāb Bāltah; Khāl Muḥammad; and others.</p>	
<p>¹ Unusually for a document of this date, there is no mention of where the declaration was made.</p>	<p>^a bay‘-i bātt-i qaṭ‘ī-yi shar‘ī; ^b ashrafi-yi rā’ijah-yi nuzdah-tangah-gī</p>
<p>200 x 338; 10 lines. Persian.</p>	

140

tpq 20 Ṣafar 1288 (11 May 1871): reported declaration of mortgage

950: KP 1237

<p>On the above date Yūldāsh Bāy b. ‘Arab Bāy declared as a competent agent before Bukhara’s courthouse that he has temporarily sold^a to Ustā Shākīr Bāy b. Ustā ‘Āshūr Muḥammad the <i>suknīyāt</i> on 2 <i>tanābs</i> of <i>waqf</i> land, comprising a courtyard property and an ass-mill, located in the rural settlement of Īlāt-i Chuziq-Khānah, in Bukhara’s Janūbī-Rūd. The property abuts in the west onto a courtyard property belonging to the vendor, and in the north, east and south onto the embankment of a common canal. The sale is for 400 <i>tangah</i>^b; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged. The speaker also states¹ that he has undertaken to rent the property under transaction for 10 <i>tangah</i> per month.</p>	
<p>Stamp: Qāḍī al-quḍāt Qāḍī Mīr Ṣadr al-Dīn b. Mullā Mīr Bayḍā</p>	
<p>Witnesses: Khwājah Bīk; Mīrzā ‘Abd al-Wahhāb Āqsaqāl; Mullā ‘Ināyat-Allāh; ‘Abd al-Wāsi‘; and others.</p>	
<p>¹ Unusually, the <i>aydan</i> addendum is presented here as the <i>muqirr</i>’s direct statement, rather than as an additionally cited <i>iqrār</i>. → also doc. 563.</p>	<p>^a bay‘-i jā’iz-i shar‘ī; ^b tangah-yi rā’ijah bih ḍarb</p>
<p>176 x 210; 10 lines. Persian.</p>	

141.1, n/d: spiritual genealogy

1014: KP 1545/3

The genealogy first runs from the Prophet Muḥammad → Ḥaḍrat-i ‘Alī b. Abī Tālib → Ḥaḍrat-i Ḥusayn → Ḥaḍrat-i Imām Zayn al-‘Ābidīn → Ḥaḍrat-i Sayyid ‘Abdallāh → Ḥaḍrat-i Sayyid Ismā‘īl → Ḥaḍrat-i Sayyid Ḥusayn → Ḥaḍrat-i Sayyid Pādishāh → Ḥaḍrat-i Sayyid Muḡtabā → Ḥaḍrat-i Sayyid Sharaf al-Dīn → Ḥaḍrat-i Sayyid Nizām al-Dīn → Ḥaḍrat-i Sayyid ‘Alī → Ḥaḍrat-i Sayyid Amīr Ḥājj → Ḥaḍrat-i Sayyid ‘Imād al-Dīn → Ḥaḍrat-i Sayyid ‘Imād al-Mulk wa’l-Dīn → Ḥaḍrat-i Sayyid Amīr Ibrāhīm → Ḥaḍrat-i Sayyid Amīr Shams al-Dīn → Ḥaḍrat-i Sayyid Amīr Maḡmūd → Ḥaḍrat-i Sayyid Amīr Taqī al-Dīn → Ḥaḍrat-i Khwājah ‘Abd al-Bāsiṭ → Ḥaḍrat-i Khwājah ‘Abdallāh → Ḥaḍrat-i Khwājah ‘Abd al-Laṭīf → Ḥaḍrat-i Khwājah Faṭḡ-Allāh → Ḥaḍrat-i Khwājah Fayḡ-Allāh → Ḥaḍrat-i Khwājah Luṭṭ-Allāh → Ḥaḍrat-i Khwājah Ḥasan → Ḥaḍrat-i Sulṭān Khwājah → Ḥaḍrat-i ‘Uṭhmān Khwājah → Muḥammad Yūsuf Khwājah.

Mawlānā Khudāyḡdād had 1 son and 3 daughters. His son was called Ṣāliḡ ‘Azīzān, and died aged 16, leaving no children. Mawlānā Khudāyḡdād’s eldest daughter was called Bībī Ṣāliḡah; she left no children. His second daughter was called Bībī Maḡhdūmah; she left no children. His youngest daughter was called Bībī Haḡyiah: she produced a son, Ḥaḍrat-i Khwājah ‘Abd al-Bāsiṭ, who in turn → Ḥaḍrat-i Khwājah ‘Abdallāh → Ḥaḍrat-i Khwājah ‘Abd al-Laṭīf → Ḥaḍrat-i Khwājah Faṭḡ-Allāh → Ḥaḍrat-i Khwājah Fayḡ-Allāh → Khwājah Luṭṭ-Allāh → Ḥasan Khwājah → Sulṭān Khwājah → ‘Uṭhmān Khwājah → Muḥammad Yūsuf Khwājah.

Stamp: ‘Abd al-[xxx] Khwājah b. ‘Abd al-Raḡīm Khwājah

216 x 480; 22 lines. Persian.

141.2, 1288 (23 March 1871 – 10 March 1872): a Shi’ite apocalyptic testament

The speaker Sayyid ‘Imrānī states that he has been appointed by God to warn sinners of their wrongfulness. He was performing pilgrimage to Madīnah^a when God instructed him to go into the lands of the east and spread the message of impending doom. If people do not take heed of this testament^b and modify their behaviour, they render themselves party to their own punishment. People are presently committing many sins and wrongs, and fail to observe repeated laws and warnings; wives do not obey their husbands, and reveal themselves to strangers. But the time when the last Imām will reveal himself is close, and the speaker has thus been obliged to urge repentance on his fellow men, communicating this testament from city to city and from village to village. Those who receive the message and fail to pass it on to fellow friends of faith will die before 40 days are up, or will encounter a fate which is worse than death: but he who communicates the warning will enjoy a long life in place of a short one. The last Imām will reveal himself on 17 Ramaḡān^{1c}: so people should repent.

Stamp: [xxx]

<p>¹ He did no such thing.</p>	<p>^a bih khāk-būsī, ya‘nī az barā-yi ṭawāf wa ziyārat [...] bih maqbarah-yi ḥaḍrat-i rasālat-panāhī; ^b waṣīyat; ^c zuhūr-i julūs-i imām-i Mahdī-yi akhīr al-zamān dar haftdahum-i māh-i sharīf-i Ramaḍān al-mubārak khwāhad shud</p>
<p>215 x 550; 36 lines. Persian.</p>	

142

1289 (11 March 1872 – 28 February 1873): astronomical calendar

1026: KP 1544/2

The calendar states the length in hours and minutes of the days and nights over the coming year, as reckoned according to both lunar and solar months. The calendar opens, f. 2b, with spring equinox 1872, Wednesday 11 Muḥarram (Thursday (*sic*) 21 March), when daylight and nighttime both last 12.00 hours. It closes, f. 8b, with spring equinox 1873, Thursday 21 Muḥarram (Friday (*sic*) 21 March), when daylight and nighttime again both last 12.00 hours. In between it notes, ff. 3b-4a, summer solstice 1289 – Thursday 14 Rabī‘ II (Friday (*sic*) 21 June), when daylight lasts 14.50 hours, and nighttime lasts 9.10 hours, and winter solstice 1289 – Friday 20 Shawwāl (Saturday (*sic*) 21 December) when daylight lasts 9.10 hours, and nighttime lasts 14.50 hours.

8 folios; each page 151 x 260, with 30 lines of astronomical calculations. Persian.

143

n/d¹: solicited legal opinion

51: KP 1125

If Mullā Muḥammad Nāṣir manumits for gratis^a his share^b of a slave-girl^c whom he owns together with Mullā Muḥammad Ṭāhir and Bīgīm Āy, should these latter two individuals receive compensation for their own respective shares from their co-owner?

No answer.

Stamp: Mullā ‘Abd al-Ḥakīm Muftī b. Mullā Raḥmān Birdī Mudarris, 1289

Citations: (i) *wa law a ‘taq sharīk khazẓahu a ‘taq al-ākhar aw istaghnā aw ḍammanahu al-mu ‘tiq mūsiran la mu ‘siran* (Niḡāyah); (ii) *li-ṣudūr al- ‘itq kullihi min jihatīn li-annah milḥ naṣīb al-ākhar bi-adā’ ḍamānihi* (Shumunnī Sharḥ-i Mukhtaṣar²); (iii) *li-ḥuṣūl ‘itq al- ‘abd kullihi min jihat mabn hādḥā bi-khilāf ‘alā aṣlayn aḥaduhumā an al-ḥurriyat thabat fī’l-kull bi- ‘itq ba ‘ḍihi ‘indahumā wa lā yathbut ‘indahu wa thānīhumā anna yasār al-mu ‘tiq lā yamna’ al-si ‘āyat ‘ind Abī Hanīfah ‘indahumā lā* (Shumunnī Sharḥ-i Mukhtaṣar).

<p>¹ <i>tpq</i> 1289 (11 March 1872 – 28 February 1873). ² [=Otherwise known as the <i>Kamāl al-Dirāyah fī Sharḥ al-Niqāyah</i>]: a work by the Ottoman jurist Taqī al-Dīn Abu'l-‘Abbās Aḥmad b. Muḥammad b. Muḥammad b. Ḥasan b. ‘Alī al-Shumunnī al-Iskandarī (1399-1468), composed as a commentary to the <i>Mukhtaṣar al-Wiqāyah</i> (→ doc. 90a⁽³⁾): see Brockelmann, <i>GAL</i> suppl. I.648.</p>	<p>^a majjānan; ^b naṣīb-i khūd; ^c jāriyah</p>
<p>352 x 219; 4 lines. Persian.</p>	

144

144a, n/d¹: claim for restitution

43: KP 1117

<p>Acting on behalf of himself and as attorney^a to his wife Bābāq Āy bint Shāh Khwājah, Muḥammad Ṣafar presents a claim against Nāṣir Makhdūm b. Shākir Makhdūm, a resident of Bukhara’s Khalīfah Khudāydād quarter. The plaintiff claims that the respondent has kicked his wife in the belly while she was pregnant, resulting in her miscarrying the child. The respondent should thus pay them, within a year, blood-money^b to the sum of 500 <i>tangah</i>, to be divided between the plaintiff and his wife (he receiving 2/3, she receiving 1/3): but the aggressor is refusing to pay.</p>	
<p>Stamp: Mullā Mīr ‘Abd al-Majīd Khwājah Muftī b. Mullā Mīr Maḥmūd Ākhūnd Muftī-yi ‘askar, 1285</p>	
<p>Citations: (i) <i>wa’l-ghurrah hiya khamsat diram fī janīn huwa ḥurr</i> (‘Imādī); (ii) <i>idhā darab baṭn imra’at, fa’l-taqat janīnan mayyitan fa-fīhi ghurrah niṣf</i> [xxx] (Tabṣirat al-fatāwā²); (iii) <i>wa ghurrah janīn al ḥurrah ‘alā al-‘āqilah min</i> [xxx] (Fuṣūl ‘Imādī).</p>	
<p>¹ <i>taq</i> Ṣafar 1290 (30 March – 28 April 1873): → doc. 144b.ii. ² The editors have been unable to identify a work of this name.</p>	<p>^a wakālatan muṭlaqatan ‘āmmatan; ^b diyat</p>
<p>214 x 228; 12 lines. Persian.</p>	

144b.i, n/d¹: instructions

<p>Amīr Muḥaffar informs Mullā Mīr Ṣadr al-Dīn, <i>qāḍī-yi kalān</i>, that the above-noted plaintiff has made the above-noted claim for restitution. The speaker notes that he has instructed ‘Umūr Qarāwul-Bīgī Yasāwul to question the parties and assist them in reaching a settlement^a.</p>	
<p>Stamp: Amīr Muḥaffar Sayyid, 1277</p>	
	<p>^a bih qaṭ‘ rasānad</p>
<p>4 lines. Persian.</p>	

144b.ii, *tpq* Šafar 1290 (31 March – 28 April 1873): reported declaration of cessation of claim

On the above date the afore-mentioned plaintiff declared as a competent agent that <i>gratis</i> ^a he has dropped his claim against the respondent.	
Stamp: Qāḍī al-quḍāt Qāḍī Mīr Šadr al-Dīn b. Mullā Mīr Bayḍā, 1280	
	^a <i>majjānan</i>
7 lines. Persian.	

145

tpq Šafar 1290 (31 March – 28 April 1873): reported declaration of debt

169: KP 3791/49

On the above date ‘Abd al-Raḥmān b. ‘Abd al-Jabbār declared before the courthouse of Bukhara’s Kharqān-Rūd <i>tūmān</i> that he owes Ḥusayn Bāy b. Īsh Niyāz Bāy 57 <i>tangah</i> , and that he will repay the sum 2 full lunar months after the present date ^a .	
Stamp: Qāḍī ‘Abdallāh Khwājah Ūbānī Šudūr b. Sayyid Amān-Allāh Khwājah	
Witnesses: Arbāb Ni‘mat-Allāh; Arbāb Tūkhtah; and others.	
Side b: various calligraphic scribbles	
	^a <i>ba‘d az inqīḍā-yi dū māh-i kāmīlah-yi qamarī az ta’rīkh-i madhkūr</i>
103 x 175; 8 lines. Persian.	

146

n/d¹: solicited legal opinion

271: KP 5991/23

Upon the death of Tūkhtah Āy, her estate, comprising a courtyard property located in Janfar-i Jūybār quarter ² , passed into the possession of her two sons (‘Abd al-Ḥamīd and ‘Abd al-Ghafūr) and one daughter (Muẓaffarah Āy). ‘Abd al-Ghafūr claims that Tūkhtah Āy sold him this courtyard property during her lifetime; in support of his claim he produces a set of deeds. But the other heirs deny the claim. Given that the afore-mentioned document does not constitute conclusive evidence ^a , is it not the case that he should either present evidence based on truthful witness testimony ^b or drop his claim with a refusal to go on oath ^{3c} ? Answer: yes.
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Stamps: (i) Mīr Abu'l-Ḥayy Khwājah Ṣudūr Muftī ⁴ b. Qāḍī al-quḍāt Mīr Abū Ḥasan Khwājah al-Ḥusaynī, 1291; (ii) Mullā 'Abd al-Ḥakīm Muftī b. Mullā Raḥmān Birdī Mudarris, 1289; (iii) Ākhūnd Mullā Ṣūfī Khwājah b. Ākhūnd Mullā Amān-Allāh Khwājah Muftī, 1291	
Citations: (i) <i>wa'l-ḥujjat thalathah: bayyinah wa iqrār wa nukūl</i> (Khizānat al-Muftīyin); (ii) <i>al-shar' qaṣar al-ḥujjah 'alā al-bayyinah aw al-iqrār aw al-nukūl ilakh; al-khaṭṭ laysa min hādhihi al-ḥujaj bal qad yuzawwaru wa yufta 'alu</i> (Bazzāzīyah); (iii) <i>wa qad dhukir fī Fatāwā al-Zahīriyah ann al-'illat fī 'adam al-'amal bi'l-khaṭṭ li-kawnihi mim mā yuzawwar wa yufta 'al</i> (Tanwīr ⁵); (iv) <i>lā yajūz li'l-qāḍī an yufī bi'l-ṣakk mā lam yashhad al-shuhūd</i> (Khulāṣah).	
<p>¹ <i>tpq</i> 1291 (18 February 1874 – 6 February 1875).</p> <p>² Perhaps to be identified as the Khānaqāh-yi Jūybār quarter, not noted in Sukhareva but noted in A. Gangler, H. Gaube and A. Petruccioli, <i>Bukhara – The Eastern Dome of Islam</i> (Stuttgart/London: Edition Axel Menges, 2004), p. 75.</p> <p>³ i.e. and thus drop his claim.</p> <p>⁴ Attested active from 1282/1865-66 (see Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i>, p. 75).</p> <p>⁵ [=Otherwise known as the <i>Tanwīr al-abṣār</i>]: a work by Shams al-Dīn Muḥammad b. 'Abdallāh b. Aḥmad Khaṭīb al-'Umarī al-Timur-Tāshī al-Ghazzī al-Khwārazmī al-Ḥanafī (1532-96): see Brockelmann, <i>GALI</i> 311, pp. 403-404. The work is the subject of (i) the <i>Minah al-ghaffār</i> by the afore-mentioned Shams al-Dīn Muḥammad (→ doc. 105⁽⁴⁾) and (ii) the <i>Durr al-mukhtār</i>, a work by 'Alā' al-Dīn Muḥammad b. 'Alī b. 'Abd al-Raḥmān al-Ḥiṣnī al-Asarī al-Ḥanafī (1616-77): → doc. 152⁽²⁾.</p>	<p>^a ḥujjat-i muthabbatah; ^b ḥujjat-i bayyinah-yi mu'addalah; ^c nukūl az yamīn</p>
356 x 215; 5 lines. Persian.	

n/d¹: claim for restitution

294: KP 5991/46

<p>Acting as attorney^a to Muẓaffarah Āy bint Mullā 'Abd al-Ḥafīz, Mullā Muḥammad Nāṣir presents a claim against her brother 'Abd al-Ghafūr Bāy b. Mullā 'Abd al-Ḥafīz, a resident of Janfar-i Jūybār, Bukhara.</p> <p>The speaker claims that the late mother of the plaintiff and respondent divided her property, comprising various goods and articles, and 7 <i>tangah</i>^b, into five lots, giving two of these to each of her sons ('Abd al-Ḥamīd and 'Abd al-Ghafūr) and one to her daughter Muẓaffarah Āy. But 'Abd al-Ghafūr has seized all of Muẓaffarah Āy's share.</p>
Stamp: Mīr Abu'l-Ḥayy Khwājah Ṣudūr b. Qāḍī al-quḍāt Mīr Abū Ḥasan Khwājah, 1291
Citation: <i>man tarak mālan aw ḥaqqan fa-huwa li-warathatihi</i> (Kāfī).

¹ <i>tpq</i> 1291 (18 February 1874 – 6 February 1875).	^a wakālatan muṭlaqatan ‘āmmatan; ^b tangah-yi nuqrah-yi sarah-yi wazn-i sab‘ah-yi rā’ijah bih ḍarb
216 x 321; 18 lines. Persian.	

148

tpq Rabī‘ II 1291 (18 May – 16 June 1874): hereditary transfer of estate

649: KP 5991/370

On the above date the unencumbered estate ^a of the late Bīk Muḥammad was divided according to the divine laws of inheritance ^b between his widow Sayyidah Āy (receiving 3/24), and his sons Shīr ‘Alī Bāy, Īr ‘Alī Bāy, and Nūr ‘Alī Bāy (each receiving 7/24). Following the confirmation of the legality of the division ^c , Sayyidah Āy received as her share of the estate various movable items (itemised at the outset); Nūr ‘Alī Bāy as his share received 1 horse and 1 animal for riding ^d , and Shīr ‘Alī Bāy and Īr ‘Alī Bāy received between them 240 <i>tangah</i> .	
Stamp: Qāḍī al-quḍāt Qāḍī Mīr Ṣadr al-Dīn b. Mullā Mīr Bayḍā	
	^a matrūkah-yi fārighah; ^b ‘alā farā’iḍ Allāh ta‘ālā; ^c ba‘d taḥaqquq jamī‘ sharā’iṭ-i ṣiḥḥat al-qismah; ^d markab
208 x 310; 10 lines. Persian.	

149

Sha‘bān 1293 (22 August – 19 September 1876): instructions

806: KP 5991/504

[The <i>amīr</i> ?] states that he has received 18 <i>tangah</i> from Āq Muḥammad Chārjū’ī as <i>zakāt</i> on the sale of silk, and instructs functionaries to make no further claims on the individual in question.	
No stamp.	
53 x 102; 5 lines. Persian.	

150

tpq Dhu’l-Hijjah 1293 (18 December 1876 – 15 January 1877): reported declaration of cessation of claim

177: KP 3791/56

On the above date Mīr ‘Aẓīm Chuhrah-Āqāsī b. Mīr Kamāl declared as a competent agent before the Chahārjūy *wilāyat* courthouse that in return for 30 *tangah*^a he has dropped both in whole and in part^b his former claim for 195 *tangah* against ‘Abd al-Karīm Qarāwul-Bīgī b. Muḥammad Amīn Bī; any subsequent claim against said respondent will be void and inadmissible.

Stamp: Qāḍī Mullā ‘Abd al-Shukūr Ṣadr b. Mullā ‘Abd al-Rasūl Bukhārī

^a tangah-yi nuqrah-yi sarah-yi maḍrūbah bih ḍarb; ^b kullīyatan wa juz’īyatan

135 x 196; 8 lines. Persian.

151

tpq Rajab 1297 (9 June – 8 July 1880): reported declaration of cessation of claim¹

174: KP 3791/54

On the above date Āy Nāzar Āqsaqāl b. Ūdah Niyāz declared before the Chahārjūy *wilāyat* courthouse that he has assisted^a ‘Abd al-Karīm Qarāwul-Bīgī, his *amlākdār*², and that having made a reckoning^b he has passed on to him all which he was due^c. He acknowledged that he has no future claim against ‘Abd al-Karīm, and if he thereafter makes any claim towards him it will be void.

Stamp: Qāḍī Muḥammad ‘Ālim Khwājah Ṣudūr³ b. Qāḍī al-quḍāt Mawlawī Muḥammad Sharīf Khwājah ‘Alawī

¹ The background to this document is unclear. Usually it is the party who acknowledges receipt of payment who then disavows future claims; this here is not the case.

² There is ongoing debate as to the office and function of *amlākdār*. See e.g. Mīrzā Badī‘ Dīwān, *Majma‘ al-arqām*, p. 113 and elsewhere, and Abduraimov, *Ocherki agrarnykh otnoshenii v Bukharskom khanstve v XVI – pervoi polovine XIX veka*, vol. 2 (Tashkent: Fan, 1970), pp. 11-12.

³ Attested active from *ca.* Rajab 1297/June-July 1880 (→ doc. 151) to 1304/1886-87 (see Kurbanov, *Materialy po sredneaziatskoi sfragistike*, p. 103. This figure is perhaps also to be identified as that ‘Qāḍī Muḥammad [xxx] Mawlawī Muḥammad Sharīf Khwājah ‘Alawī’ encountered as a Nasaf *qāḍī* in doc. 171, dating from Rajab 1304 (26 March – 24 April 1887).

^a hamrāh; ^b ḥisābī namūdah; ^c mā fī’l-dhimmah-yi khūd-rā

172 x 219; 6 lines. Persian.

n/d¹: solicited legal opinion

293: KP 5991/45

If errors or malpractices^a occur while the functionary responsible for dividing estates^b in Janūbī-Rūd-i Shahr is dividing up the estate of the late Bībī Tūkhtah between her heirs, should the process of division and allocation not be restarted properly from scratch^c?

Answer: yes.

Stamps: (i) Mīr Abu'l-Ḥayy Khwājah Ṣadr Muftī b. Qāḍī al-quḍāt Mīr Abu'l-Ḥasan Khwājah al-Ḥusaynī, 1293; (ii) 'Abd al-Ḥaqq Muftī Ṣadr b. Dāmullā Bāqī Muḥammad A'lam; (iii) Ākhūnd Mullā Ṣūfī Khwājah b. Ākhūnd Mullā Amān-Allāh Khwājah Muftī

Citations: (i) *wa fī'l-Kāfī, wa law zahar fī'l-qismah ghabn fāḥish, in kānat al-qismah bi-qaḍā'ī al-qāḍī tabṭul 'ind al-kull li-ann taṣarrufahu muqayyad bi'l-'adl wa in kānat bitarāḍin lahu an yabṭula al-qismah kamā law kānat bi-qaḍā' al-qāḍī fī'l-ṣaḥīḥ* (Qāḍī Khān); (ii) *wa law zahar ghabn fāḥish, lā yadkhul taḥt al-taqwīm in kānat bi-qaḍā' baṭalat ittifaqan* (Durr Mukhtār²); (iii) *inna mūjib al-qismat al-mu'āḍalat bayn al-anṣibā' mā amkan* (Muḥīṭ); (iv) *wa law zahar ghabn fāḥish fī'l-qismat ann kānat fī'l-qismat bi-qaḍā' al-qāḍī tabṭulu 'ind al-kull li-ann taṣarrufahu muqīd bi'l-'adl wa in kānat bi'l-tarāḍī lahu an tabṭul al-qismah kamā law kānat bi-qaḍā' al-qāḍī fī'l-ṣaḥīḥ* (Kāfī).

¹ *tpq* 1293 (28 January 1876 – 15 January 1877).

² [Otherwise known as the *Durr al-mukhtār*]: a work by 'Alā' al-Dīn Muḥammad b. 'Alī b. 'Abd al-Raḥmān al-Ḥiṣnī al-Asarī al-Ḥanafī (1616-77), comprising a commentary on the *Tanwīr al-abṣār* by al-Timur-Tāshī (d. 1004/1595): → doc. 146⁽⁴⁾. The work has been published on several occasions in lithograph editions, and has been translated into Hindi and English. It is the subject of 6 glosses, including the *Radd al-muḥtār* by Ibn 'Ābidīn (1783-1836). See Brockelmann, *GAL* I.311, p. 404.

^a ghabn-i fāḥish; ^b qāsim-i tarikāt; ^c istīnāf-i qismat-i madhkūrah 'alā sabīl al-'adl lāzim bāshad

352 x 200; 3 lines. Persian.

Rajab 1294 (12 July – 10 August 1877): instructions

606: KP 5991/327

Amīr Muẓaffar writes to Mullā Qāḍī Khwājah Ṣadr Ra'īs. The addressee has informed him that the plaster walls of the graveyard by the shrine to Khalīfah Khudāyḍād have collapsed^a, and it has been estimated that they will cost 170 *tangah* to replace; given that the shrine is not endowed with *waqf*^b, Mullā Qāḍī Khwājah has proposed to undertake the restoration himself. Amīr Muẓaffar approves this suggestion.

Stamp (side b): Amīr Muẓaffar Sayyid, 1277

	^a dīwār-hā-yi pākhsah-yi aṭrāf-i maqbarah-yi sar-i mazār-i Khalīfah Khudāyḍād tamāman ghalṭīdah wayrān shudah būdah ast; ^b sar-i mazār-i madhkūr waqf na-dāshtah ast
108 x 181; 10 lines. Persian.	

154

n/d¹: claim for restitution

381: KP 5991/130

Qumrī Āy presents a claim against her husband Hamrāh Bāy b. Ḥasan Bāy. The plaintiff claims that the respondent hit her without justification, and divorced her with a 3-fold repudiation ^a . She is thus appealing for the return of various possessions presently in the possession of the respondent and itemised at the outset, whose combined value is 200 <i>tangah</i> ^b ; these constitute the remainder of the plaintiff's two dowries ^{2c} .	
Stamp: Mullā Mīr Ḥusām al-Dīn Ṣudūr b. Mullā Mīr Muftī, 1294	
Citations: (i) <i>wa lā taḥill ḥurrah ba'd thalāth</i> (Nihāyah); (ii) <i>al-mahr dayn ka-sā'ir al-duyūn</i> (Jawāhir Akhlāṭī ³); (iii) <i>wa radd al-'ayn qā'imah</i> (Niqāyah).	
¹ <i>tpq</i> 1294 (16 January 1877 – 4 January 1878). ² i.e. the <i>mahr-i mu'ajjal</i> and the <i>mahr-i mu'ajjal</i> . ³ A work by the 17th-/18th-century Ottoman jurist Burhān al-Dīn Ibrāhīm b. Abū Bakr b. Muḥammad b. Ḥusayn al-Akhlāṭī: see Brockelmann, <i>GAL</i> suppl. II, p. 650.	^a ma-rā bar khūd bih sih ṭalāq ḥarām gardānīdah; ^b tangah-yi nuqrah-yi sarah-yi wazn-i sab'ah-yi rā'ijah bih ḍarb; ^c baqīyah-yi mahrayn
222 x 182; 9 lines. Persian.	

155

tpq 1 Muḥarram 1295 (5 January 1878): reported declaration of sale

1024: KP 1557/2

On the above date Bībī Ma'šūmah b. Ustā Fayḍī declared as a competent agent before Bukhara's courthouse that she has sold ^a to Muḥammad Rajab b. 'Abd al-Shukūr a courtyard property located in Bukhara's Khalīfah Khudāyḍād quarter and abutting in the west onto a house belonging to Muḥammad Rajab b. 'Abd al-Qādir, in the north partly onto a house belonging to the afore-mentioned Muḥammad Rajab and partly onto a house belonging to Sharīf b. Qārī Bīk Muḥammad, and in the east and south onto Shish Bastah street; the sale, for 570 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due.
Stamp: Qāḍī al-quḍāt Qāḍī Mīr Ṣadr al-Dīn b. Mullā Mīr Bayḍā

Witnesses: Qārī ‘Abd al-Rāziq; Qārī Tursūn Bāqī Āqsaqāl; ‘Abd al-Qādir Bīk; Ustā ‘Abd al-Ghafūr; Šūfī Sharāf.	
	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah-yi bukhārīyat al-ḍarb
190 x 261; 9 lines. Persian.	

156 – 187: documents relating to a *waqf* foundation in Nasaf

156

tpq Dhu’l-Qa‘dah¹ 1295 (27 October – 25 November 1878): reported declaration of sale

740: KP 5991/460

On the above date Qābil Bāy, ‘Awaḍ Bāy and Muḥammad Sharīf, sons of Ghafūr Bāy, acting on their own behalf, and ‘Abd al-Ghaffār Bāy b. Muḥammad Raḥīm Bāy, acting as attorney ^a to Kāmil Bāy and Tuḥfah Āy, children of Ghafūr Bāy, and Maydah Āy bint Qurbān Bāy – his authority attested by witnesses ‘Abd al-Shukūr Bāy b. Muḥammad Raḥīm Bāy and Mullā ‘Abd al-Shukūr b. ‘Abd al-Ghaffār Bāy – declared as competent agents before the Nasaf <i>wilāyat</i> courthouse that they have sold ^b to ‘Abd al-Shukūr Bāy b. Ṭālib Bāy and Qalmāq Āy bint Mullā Bābā Jān a butcher’s shop located in the butcher’s market in Nasaf <i>wilāyat</i> ’s lesser bazaar, abutting in the west onto a shop belonging to ‘Abd al-Karīm b. Ḥusayn Bāy, in the north onto a public thoroughfare, in the east onto a shop belonging to Turdī Bāy b. ‘Abd al-Karīm, and in the south onto a shop belonging to Ustā ‘Abd al-Khāliq b. Mu’min Bāy ² ; the sale, for 1500 <i>tangah</i> ^c , was completed, with each party to the transaction receiving what was due. Qalmāq Āy paid 1000 <i>tangah</i> , and ‘Abd al-Shukūr paid the remaining 500.	
Stamp: Qāḍī Mīr Muḥyī al-Dīn Šudūr ³ b. Qāḍī al-quḍāt Mullā Mīr Šadr al-Dīn, 129x	
Witnesses: ‘Abd al-Shukūr Āqsaqāl; Naẓīr Āqsaqāl; Mullā Muḥammad Rajab; Iskandar Khwājah; Mullā Ḥātam Bāy; Mullā ‘Abd al-Shukūr; Mullā ‘Abd al-Ghaffār; Bābā Šafar; and others.	
¹ The text reads Dhī’l-Qa‘dah. ² Property subsequently endowed as <i>waqf</i> by ‘Abd al-‘Azīz Bāy in 1305: → doc. 172. ³ Son of Mullā Mīr Šadr al-Dīn (for whom → doc. 85(?)). He is attested active in Bukhara from 1292/February 1875-January 1876 (see Kurbanov, <i>Bukharskie pechati XVIII-XX vekov</i> , p. 23), as <i>qāḍī</i> in Nasaf from Dhu’l-Qa‘dah 1295/27 October – 25 November 1878 (→ doc. 156) to some point in 1879, when he was replaced by Dāmullā ‘Abd al-Shukūr (→ doc. 82(?)): see Muḥammad-Sharīf-i Šadr-i Ziyā, <i>The Personal History of a Bukharan Intellectual</i> , p. 121), and as <i>qāḍī</i> in Bukhara in 1308/August 1890-August 1891: see Kurbanov, <i>Bukharskie pechati XVIII-XX vekov</i> , p. 25.	^a wakīl-i thābit al-wakālah; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c tangah-yi rā’ijah-yi bukhārīyat al-ḍarb
165 x 348; 15 lines. Persian.	

tpq Sha‘bān 1301 (27 May – 24 June 1884): reported declaration of sale

744: KP 5991/464

On the above date ‘Abd al-Ghafūr Bīk b. ‘Azīz Bīk and Sharāf Bāy b. ‘Abd al-Ghafūr Bīk, this latter acting on his own behalf and as attorney by testimony^a to his sisters Iqlimah Āy and Tiniq Āy – his authority as attested by Bābā Tīlaw b. Naṣr-Allāh Bāy and Jūrah Bāy b. ‘Abd al-Raḥmān Bīk – declared as competent agents before the Nasaf *wilāyat* courthouse that they have sold^b to Ḥātām Bāy¹ b. Bābā Jān a fixed-structure shop with an upstairs store-room^c located in Tāqī-Dūz quarter², inside the citadel, and abutting in the west onto a public thoroughfare, and in the north, east and south onto a courtyard property belonging to Nāṣir Bāy b. Rajab Bāy³; the sale, for 775 *tangah*^d, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā Mīr Abū-Sa‘īd Ṣudūr⁴ b. Mullā Mīr Najm al-Dīn Muftī Ṣudūr

Witnesses: ‘Abd al-Ṣamad Bāy; Burhān Khwājah; Ma‘ṣūm Khwājah; Fayḍ-Allāh Āqsaqāl

¹ ≈ endower of Nasaf’s eponymous Ḥātām Bāy madrasah: see A. Jumanazar, *Nasaf* (Tashkent: Alisher Navoiy nomidagi O’zbekiston milliy kutubxonasi nashriyoti, 2006), pp. 145-146.

² Perhaps to be identified as that Takīyah quarter noted in Sukhareva, *K istorii gorodov Bukharskogo khanstva*, p. 134. → doc. 315.

³ Property subsequently endowed as *waqf* by ‘Abd al-‘Azīz Bāy and Ḥājījī Qurbān Bāy in 1304: → doc. 171.

⁴ This individual was appointed as Nasaf *qāḍī* to replace the former incumbent Mullā Sirāj al-Dīn b. Mullā Ṣadr al-Dīn: see Muḥammad-Ṣharīf-i Ṣadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, p. 123.

^a wakīl bi’l-bayyinah; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c ma‘ bālā-khānah; ^d tangah-yi rā’ijah bih ḍarb

141 x 210; 11 lines. Persian.

tpq Muḥarram 1303 (10 October – 8 November 1885): reported declaration of sale

729: KP 5991/449

On the above date Jalāl Qul b. Khāliq Naẓar Bāy declared as a competent agent before the Nasaf *wilāyat* courthouse that he has sold^{a(1)} to ‘Abd al-‘Azīz Bāy b. Ḥātām Bāy the *raqabah*² on 1 *ṭanāb* of garden land, constituting *milk-i ḥurr-i khāliṣ* and located in the rural settlement of Kamandī, a subsidiary settlement of Nasaf *wilāyat*, abutting in the west onto a garden belonging to the vendor, in the north onto a garden belonging to ‘Iṣmat-Allāh b. Nadir Bāy, and in the east and south onto a public thoroughfare; the sale, for 200 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah Ṣudūr³ b. Qāḍī Mīr Ma'ṣūm Khwājah, 1302

Witnesses: 'Awaḍ Jān Āqsaqāl; Raḥīm Qul Bīk; 'Abd al-Wāḥid Makhdūm; Bāzār Bāy; and others.

¹ This formula is highly conventional amongst the Nasafi sub-collection of documents.

² The meaning of *raqabah* is somewhat unclear. Pace McChesney, who glosses the term as denoting a 'form of property tenure [...] the meaning of which is not yet entirely certain' (idem, 'Central Asia xi', p. 219), the term appears to denote the bare substance of the land, in contradistinction to its improvements (*suknīyāt*). Unlike *suknīyāt*, *raqabah* does not appear in our documents in the context of *mamlakah* (→ doc. 131^(?)) or *waqf* (→ doc. 126^(?)) land. As McChesney notes, 'At other times [*raqabah*] seems to coincide with *soknīyāt* in describing the developed feature of a given piece of land'. (McChesney, *loc. cit.*): → docs. 483-491 and 608.

³ Attested active in the Bukhara region from 1287/1870-71 (see Kurbanov, *Materialy po sredneaziatskoi sfragistike*, p. 76).

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī¹; ^b tangah-yi rā'ijah-yi maḍrūbah bih ḍarb

160 x 268; 11 lines. Persian.

159

tpq Ṣafar 1303 (9 November – 7 December 1885): reported declaration of sale

730: KP 5991/450

On the above date Īsh Qul Bāy b. 'Abd al-Raḥīm Bāy, acting on his own behalf, and Sulṭān Bāy b. the afore-mentioned 'Abd al-Raḥīm, acting as attorney to Amān Bāy b. Nār Muḥammad Bāy – his authority as attested by witnesses Qarah Bāy b. Dhākīr Bāy and Bābā Qul Bāy b. the afore-mentioned 'Abd al-Raḥīm Bāy – declared as competent agents before the Nasaf *wilāyat* courthouse that they have sold^a to 'Abd al-'Azīz Bāy b. Ḥātām Bāy, through his attorney Ibrāhīm Bay b. Barāt Bāy, the *raqabah* on 1 *ṭanāb* of garden land, constituting *milk-i ḥurr-i khāliṣ* and located in the rural settlement of Kamandī, Nasaf *wilāyat*, abutting in the west onto a garden belonging to 'Ibād-Allāh Bīk b. Niyāz 'Alī Bīk, in the north onto a public thoroughfare, in the east onto a garden belonging to the afore-mentioned Sulṭān Bāy, and in the south onto a garden belonging to Khāl Muḥammad Bāy b. Yār Muḥammad Bāy¹; the sale, for 180 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah Ṣudūr b. Qāḍī Mīr Ma'ṣūm Khwājah, 1302

Witnesses: 'Abd al-Sattār Bāy; Khāl Muḥammad Bāy; 'Abd al-Wāḥid Makhdūm; Bābā Jān Bāy; and others.

¹ Property subsequently endowed as <i>waqf</i> by ‘Abd al-‘Azīz Bāy and Ḥājji Qurbān Bāy in 1304: → doc. 171.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^b tangah-yi rā’ijah-yi maḍrūbah bih ḍarb
161 x 292; 14 lines. Persian.	

160

tpq Šafar 1303 (9 November – 7 December 1885): reported declaration of sale

741: KP 5991/461

<p>On the above date Sulṭān Bāy and Īsh Qul Bāy, sons of ‘Abd al-Raḥīm Bāy, acting on their own behalf, and Bābā Qul Bāy b. the afore-mentioned ‘Abd al-Raḥīm Bāy, acting on his own behalf and as attorney to Chūchūk Āy bint Dhākir Bāy and Tāsh Āy bint Raḥmān Qul Bāy – his authority as attested by witnesses ‘Abd al-Sattār Bāy b. Dhākir Bāy and Khāl Muḥammad Bāy b. Yār Muḥammad Bāy – declared as competent agents before the Nasaf <i>wilāyat</i> courthouse that they have sold^a to ‘Abd al-‘Azīz Bāy b. Ḥātam Bāy, through his attorney Ibrāhīm Bay b. Barāt, the <i>raqabah</i> on 2 plots located in the rural settlement of Kamandī, Nasaf <i>wilāyat</i>. (i) The first of these comprises $\frac{1}{2}$ <i>tanāb</i> of garden land, constituting <i>milk-i ḥurr-i khāliṣ</i> and abutting in the west onto a garden belonging to Sulṭān Bāy b. ‘Abd al-Raḥīm Bāy, in the north onto a public thoroughfare, in the east onto a garden belonging to Hamrāh Āy bint Raḥmān Qul Bāy, and in the south onto a garden belonging to Jūrah Bāy b. Yār Muḥammad Bāy. (ii) The second comprises $\frac{1}{2}$ <i>tanāb</i> of garden land, constituting <i>milk-i ḥurr-i khāliṣ</i> and abutting in the west onto a garden belonging to the afore-mentioned Hamrāh Āy, in the north onto a public thoroughfare, and in the south onto a garden belonging to the afore-mentioned Jūrah Bāy. The sale, for 180 <i>tangah</i>^b, was completed, with each party to the transaction receiving what was due.</p>	
Stamp: Qāḍī Mullā Mīr Abu’l-Ḥayy Khwājah Ṣudūr b. Qāḍī Mīr Ma‘šūm Khwājah, 1302	
Witnesses: ‘Abd al-Sattār Bāy; ‘Abd al-Wāḥid Makhdūm; Khāl Muḥammad Bāy; Bābā Jān Bāy; and others.	
¹ Property subsequently endowed as <i>waqf</i> by ‘Abd al-‘Azīz Bāy and Ḥājji Qurbān Bāy in 1304: → doc. 171.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^b tangah-yi rā’ijah-yi maḍrūbah bih ḍarb
170 x 352; 19 lines. Persian.	

161

tpq Rabī‘ I 1303 (8 December 1885 – 6 January 1886): reported declaration of sale

728: KP 5991/448

<p>On the above date Khidr¹ Bīk b. ‘Abd al-Rāziq Bīk declared as a competent agent before the Nasaf <i>wilāyat</i> courthouse that he has sold^a to ‘Abd al-‘Azīz Bāy b. Ḥātam Bāy the <i>uskunah</i> on 1 <i>tanāb</i> of <i>milk-i kharājī</i> land located in the rural settlement of Kamandī, Nasaf <i>wilāyat</i>,</p>	
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and abutting in the west, east and south onto land belonging to Yūsuf Bīk b. Fāḍil Bīk, and in the north onto land belonging to the vendor²; the sale, for 180 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah Ṣudūr b. Qāḍī Mīr Ma'ṣūm Khwājah, 1302

Witnesses: Ibrāhīm Bāy; 'Iṣmat Bāy; Yūsuf Bīk; and others.

¹ A variant on the Arabic original Khidr.

² Property subsequently endowed as *waqf* by 'Abd al-'Azīz Bāy and Ḥājji Qurbān Bāy in 1304: → doc. 171.

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^b tangah-yi rā'ijah-yi maḍrūbah bih ḍarb

176 x 284; 9 lines. Persian.

162

tpq Rabī' I 1303 (8 December 1885 – 6 January 1886): reported declaration of sale

731: KP 5991/451

On the above date Yūsuf Bīk b. Fāḍil Bīk declared as a competent agent before the Nasaf *wilāyat* courthouse that he has sold^a to 'Abd al-'Azīz Bāy b. Ḥātām Bāy the *uskunah* on 1 *ṭanāb* of *milk-i kharājī* land¹ located in the rural settlement of Kamandī, Nasaf *wilāyat*, and abutting in the west onto land belonging to Khidr Bīk b. 'Abd al-Rāziq Bīk, in the north and east onto land belonging to the vendor, and in the south onto land comprising the estate of the late Imām Bīk; the sale, for 180 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah Ṣudūr b. Qāḍī Mīr Ma'ṣūm Khwājah, 1302

Witnesses: Ibrāhīm Bāy; Bābā Jān Bāy; 'Iṣmat Bāy; and others.

¹ Property subsequently endowed as *waqf* by 'Abd al-'Azīz Bāy and Ḥājji Qurbān Bāy in 1304: → doc. 171.

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^b tangah-yi rā'ijah-yi maḍrūbah bih ḍarb

162 x 290; 10 lines. Persian.

163

tpq Rabī' I 1303 (8 December 1885 – 6 January 1886): reported declaration of sale

734: KP 5991/454

On the above date 'Iṣmat-Allāh Bāy b. Nadīr Bāy declared as a competent agent before the Nasaf *wilāyat* courthouse that he has sold^a to 'Abd al-'Azīz Bāy b. Ḥātām Bāy the *uskunah* on $\frac{3}{4}$ *ṭanāb* of *milk-i ḥurr* land¹ located in the rural settlement of Kamandī, a subsidiary settlement in Nasaf *wilāyat*, and abutting in the west and south onto land belonging to Jalāl Qul b. Khāliq Naẓar, in the north onto land belonging to 'Ināyat-Allāh b. Nadīr Bāy and in the east onto a public thoroughfare; the sale, for 135 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah Ṣudūr b. Qāḍī Mīr Ma'ṣūm Khwājah, 1302	
Witnesses: Ibrāhīm Bāy; 'Ināyat-Allāh; Ismā'īl Bāy; and others.	
¹ Property subsequently endowed as <i>waqf</i> by 'Abd al-'Azīz Bāy and Ḥājji Qurbān Bāy in 1304: → doc. 171.	^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^b tangah-yi rā'ijah-yi maḍrūbah bih ḍarb
160 x 220; 9 lines. Persian.	

164

tpq Rabī' II 1303 (7 January – 4 February 1886): reported declaration of sale

737: KP 5991/457

On the above date Bīk Tīmūr Bīk b. Tursūn Murād Mīrzā-Bāshī declared as a competent agent before the Nasaf <i>wilāyat</i> courthouse that he has sold ^a to 'Abd al-'Azīz Bāy b. Ḥātam Bāy, through this latter's attorney 'Awaḍ Jān Āqsaqāl b. Sharīf Bāy, 1 <i>ṭanāb</i> of garden land, constituting <i>milk</i> and located in the rural settlement of Kamandī, Nasaf <i>wilāyat</i> , abutting in the west onto land belonging to Ibrāhīm Bīk Mīrzā-Bāshī b. Fāḍil Bīk Mīrākhūr, in the north onto land belonging to Niyāz Qul Bāy b. Tursūn Murād Mīrzā-Bāshī, and in the east and south onto land belonging to the vendor; the sale, for 180 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah Ṣudūr b. Qāḍī Mīr Ma'ṣūm Khwājah, 1302	
Witnesses: 'Abd al-Raḥīm Bīk; Muḥammad Yūsuf Bīk; [Chārī?] Bīk.	
	^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^b tangah-yi rā'ijah-yi maḍrūbah bih ḍarb
164 x 216; 10 lines. Persian.	

165

tpq Jumādā I 1303 (5 February – 6 March 1886): reported declaration of sale

735: KP 5991/455

On the above date 'Abd al-Qādir Bīk b. Subḥān Qul Bīk ¹ declared as a competent agent before the courthouse of Nasaf <i>wilāyat</i> , Bukhara ² , that he has sold ^a to 'Abd al-'Azīz b. Ḥātam Bāy the <i>raqabah</i> on 1½ <i>ṭanāb</i> of <i>milk-i ḥurr</i> land located in the rural settlement of Kamandī, Nasaf <i>wilāyat</i> , and abutting in the west and south onto a public thoroughfare, in the north onto land belonging to Tangrī Qulī b. 'Abdallāh, and in the east onto a garden belonging to the vendor ³ ; the sale, for 270 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah Ṣudūr b. Qāḍī Mīr Ma'ṣūm Khwājah, 1302	
Witnesses: Yūsuf Bīk; 'Ibād Bīk; Ibrāhīm Bāy; and others.	

<p>¹ The orthography of this individual's patronymic varies: → doc. 171.</p> <p>² Note the identification of Nasaf as a constituent territory within Bukhara; → also docs. 167, 172 and 174.</p> <p>³ Property subsequently endowed as <i>waqf</i> by 'Abd al-'Azīz Bāy and Ḥājjī Qurbān Bāy in 1304: → doc. 171.</p>	<p>^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^b tangah-yi rā'ijah-yi maḍrūbah bih ḍarb</p>
<p>145 x 215; 8 lines. Persian.</p>	

166

tpq Jumādā I 1303 (5 February – 6 March 1886): reported declaration of sale

732: KP 5991/452

<p>On the above date 'Ibād Bīk b. Niyāz 'Alī Bīk declared as a competent agent before the Nasaf <i>wilāyat</i> courthouse that he has sold^a to 'Abd al-'Azīz Bāy b. Ḥātam Bāy, through this latter's attorney Ibrāhīm Bāy b. Barāt Bāy, the <i>raqabah</i> on 1 <i>ṭanāb</i> of garden land¹, constituting <i>milk-i ḥurr-i khāliṣ</i> and located in the rural settlement of Kamandī, Nasaf <i>wilāyat</i>, abutting in the west onto a garden belonging to Asad Bīk b. the afore-mentioned Niyāz 'Alī Bīk, in the north onto a public thoroughfare, in the east onto a garden belonging to Amān Bāy b. Nār Bāy, and in the south onto a garden belonging to Qurbān Bāy b. Ṣāhib Naẓar; the sale, for 180 <i>tangah</i>^b, was completed, with each party to the transaction receiving what was due.</p>	
<p>Stamp: Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah Ṣudūr b. Qāḍī Mīr Ma'ṣūm Khwājah, 1302</p>	
<p>Witnesses: Yūsuf Bīk; Bābā Jān Bāy; Yūldāsh Bīk; and others.</p>	
<p>¹ Property subsequently endowed as <i>waqf</i> by 'Abd al-'Azīz Bāy and Ḥājjī Qurbān Bāy in 1304: → doc. 171.</p>	<p>^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^b tangah-yi rā'ijah-yi maḍrūbah bih ḍarb</p>
<p>156 x 217; 10 lines. Persian.</p>	

167

tpq Jumādā I 1303 (5 February – 6 March 1886): reported declaration of sale

733: KP 5991/453

<p>On the above date Asad-Allāh Bāy b. Niyāz 'Alī Chuhrah-Āqāsī declared as a competent agent before the courthouse of Bukhara's Nasaf <i>wilāyat</i>¹ that he has sold^a to Mullā 'Abd al-'Azīz Bāy b. Ḥātam Bāy the <i>raqabah</i> on 1 <i>ṭanāb</i> of <i>milk-i ḥurr</i> land² located in the rural settlement of Kamandī, Nasaf <i>wilāyat</i>, and abutting in the west onto land belonging to the vendor, in the north onto a public thoroughfare, in the east onto land belonging to 'Abdallāh b. Niyāz 'Alī and in the south onto land belonging to Qurbān Bāy b. Ṣāhib Bāy; the sale, for 180 <i>tangah</i>^b, was completed, with each party to the transaction receiving what was due.</p>	
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Stamp: Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah Ṣudūr b. Qāḍī Mīr Ma'ṣūm Khwājah, 1302	
Witnesses: Ibrāhīm Bāy; Ismā'īl Bāy; Yūsuf Bīk; and others.	
¹ Note the identification of Nasaf as a constituent territory within Bukhara; → also docs. 165, 172 and 174.	^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^b tangah-yi rā'ijah-yi maḍrūbah bih ḍarb
² Property subsequently endowed as <i>waqf</i> by 'Abd al-'Azīz Bāy and Ḥājji Qurbān Bāy in 1304: → doc. 171.	
143 x 211; 10 lines. Persian.	

168

tpq Jumādā I 1303 (5 February – 6 March 1886): reported declaration of sale

738: KP 5991/458

On the above date Ḥaqq Naẓar Bāy b. Fūlād Bīk declared as a competent agent before the Nasaf <i>wilāyat</i> courthouse that he has sold ^a to 'Abd al-'Azīz Bāy b. Ḥātām Bāy, through this latter's attorney, Ibrāhīm b. Barāt, the <i>raqabah</i> on 1 <i>tanāb</i> of garden land ¹ constituting <i>milk-i hurr</i> and located in the rural settlement of Kamandī, Nasaf <i>wilāyat</i> , and abutting in the west onto land belonging to Bābā Bīk b. Mu'min Bīk, in the north onto land belonging to the vendor, in the east onto land belonging to Samī' Bāy b. 'Abd al-Sattār Bāy, and in the south onto land belonging to Khidr Naẓar b. 'Abd al-Rāziq Bāy; the sale, for 180 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah Ṣudūr b. Qāḍī Mīr Ma'ṣūm Khwājah, 1302	
Witnesses: Yūsuf Bīk; Bābā Jān Bāy; Yūldāsh Bīk; and others.	
¹ Property subsequently endowed as <i>waqf</i> by 'Abd al-'Azīz Bāy and Ḥājji Qurbān Bāy in 1304: → doc. 171.	^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^b tangah-yi rā'ijah-yi maḍrūbah bih ḍarb
182 x 228; 8 lines. Persian.	

169

tpq Jumādā I 1303 (5 February – 6 March 1886): reported declaration of sale

749: KP 5991/469

On the above date Ulūgh Āy bint Muḥammad Yār Bāy declared as a competent agent before Nasaf's courthouse that she has sold ^a to Mullā 'Abd al-'Azīz b. Ḥātām Bāy 2 shops ¹ located by the Tūtāk gate ² and abutting in the west onto the citadel of Nasaf <i>wilāyat</i> , in the north and east onto a public thoroughfare and in the south onto land belonging to Tūkhtah Murād b. 'Abdallāh; the sale, for 250 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah Ṣudūr b. Qāḍī Mīr Ma'ṣūm Khwājah, 1302	

Witnesses: ‘Awaḍ Jān Āqsaqāl; Mullā ‘Abd al-Qādir; Mullā Nāṣir Khalīfah; ‘Abd al-Rāziq; Fayḍ-Allāh; and others.	
¹ Property subsequently endowed as <i>waqf</i> by ‘Abd al-‘Azīz Bāy and Ḥājjī Qurbān Bāy in 1304: → doc. 171.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^b tangah-yi rā’ijah-yi maḍrūbah bih ḍarb
² For Nasaf’s Tütak gate and surrounding district, see Sukhareva, <i>K istorii gorodov Bukharskogo khanstva (Istoriko-etnograficheskie ocherki)</i> (Tashkent: Fan, 1958), p. 114, Abduraimov, <i>Voprosy feodal’nogo zemlevladieniia</i> , p. 84 (doc. 129a), and Jumanazar, <i>Nasaf</i> , p. 100.	
150 x 222; 9 lines. Persian.	

170

tpq Jumādā II 1303 (7 March – 4 April 1886): reported declaration of sale

736: KP 5991/456

On the above date Niyāz Qul Bāy b. Tursūn Murād Mīrzā-Bāshī declared as a competent agent before the Nasaf <i>wilāyat</i> courthouse that he has sold ^a to ‘Abd al-‘Azīz Bāy b. Ḥātām Bāy, through this latter’s attorney, Ḥājjī Bāy b. the afore-mentioned Ḥātām Bāy ¹ , the <i>raqabah</i> on 1 <i>ṭanāb</i> of garden land ² , constituting <i>milk-i ḥurr-i khālīṣ</i> and located in the rural settlement of Kamandī, Nasaf <i>wilāyat</i> , abutting in the west onto land belonging to Sharīf Bāy b. Yādgār Bāy, in the north and south onto land belonging to Bīk Tīmūr Bāy b. Tursūn Murād Mīrzā-Bāshī, and in the east onto land belonging to the vendor; the sale, for 180 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī Mullā Mīr Abu’l-Ḥayy Khwājah Ṣudūr b. Qāḍī Mīr Ma‘ṣūm Khwājah, 1302	
Witnesses: Ibrāhīm Bāy; Yūsuf Bīk; and others.	
¹ Thus a second attorney in the service of ‘Abd al-‘Azīz Bāy: note also Ibrāhīm [Bāy] b. Barāt [Bāy], docs. 159, 160, 166 and 168.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^b tangah-yi rā’ijah-yi maḍrūbah bih ḍarb
² Property subsequently endowed as <i>waqf</i> by ‘Abd al-‘Azīz Bāy and Ḥājjī Qurbān Bāy in 1304: → doc. 171.	
163 x 212; 10 lines. Persian.	

tpq Rajab 1304 (26 March – 24 April 1887): reported declaration of endowment

722: KP 5991/442

On the above date ‘Abd al-‘Azīz Bāy and Ḥājījī Qurbān Bāy, sons of Ḥātam Bāy, declared and acknowledged^a as competent agents before the Nasaf *wilāyat* courthouse that they have converted into *waqf* a number of unencumbered properties to the benefit of the new mosque and wash-house complex which they have recently built by the vegetable market in the lesser bazaar outside the citadel of the afore-mentioned *wilāyat*, and which abuts in the west onto some shops belonging to Ibrāhīm Bāy b. [–]¹, in the north onto shops belonging to ‘Ibād-Allāh Bāy b. Ya‘qūb Bāy, in the east onto the afore-mentioned market and in the south onto the afore-mentioned wash-house².

The properties thus endowed are as follows:

(a) The *raqabah* on $12\frac{1}{4}$ *tanābs* of garden land, constituting *milk-i ḥurr-i khāliṣ* and given over to the cultivation of numerous types of grapes^{b(3)} and located in the rural settlement of Kamandī, Nasaf *wilāyat*. The land comprises 13 plots:

- (i) 1 *tanāb*, abutting in the west onto a garden belonging to ‘Ibād-Allāh Bīk b. Niyāz ‘Alī Bīk, in the north onto a public thoroughfare, in the east onto a garden belonging to Sulṭān Bāy b. ‘Abd al-Raḥīm Bāy, and in the south onto a garden belonging to Khāl Muḥammad Bāy b. ‘Abdallāh⁴
- (ii) 1 *tanāb*, abutting in the west onto a garden belonging to Ibrāhīm Bīk b. Fāḍil Bīk Mīrākhūr, in the north onto land belonging to Niyāz Qul Bāy b. Tursūn Murād Mīrzā-Bāshī, and in the east and south onto land belonging to Tīmūr Bīk b. Tursūn Murād Mīrzā-Bāshī⁵
- (iii) 1 *tanāb*, abutting in the west and south onto a garden belonging to Jalāl Qul b. Khāliq Naẓar, in the north onto land belonging to ‘Iṣmat-Allāh b. Nadīr Muḥammad Bāy, and in the east onto a public thoroughfare⁶
- (iv) 1 *tanāb*, abutting in the west, east and south onto land belonging to Yūsuf Bīk b. Fāḍil Bīk, and in the north onto land belonging to Khidr Bīk b. Yādgār Bāy ‘Abd al-Rāziq Bīk⁷
- (v) 1 *tanāb*, abutting in the west onto a garden belonging to Sharīf Bāy b. Yādgār Bāy, in the north and south onto a garden belonging to Bīk Tīmūr Bāy b. Tursūn Murād Mīrzā-Bāshī, and in the east onto land belonging to the afore-mentioned Niyāz Qul Bāy⁸
- (vi) $1\frac{1}{2}$ *tanābs*, abutting in the west and south onto a public thoroughfare, in the north onto land belonging to Tangrī Qulī b. ‘Abdallāh, and in the east onto a garden belonging to ‘Abd al-Qādir b. Subḥān Qulī Bāy⁹
- (vii) 1 *tanāb*, abutting in the west onto land belonging to Khidr Bīk b. ‘Abd al-Rāziq Bīk, in the north and east onto land belonging to the vendor, and in the south onto land comprising the estate of the late Imām Bīk¹⁰
- (viii) $\frac{1}{2}$ *tanāb*, abutting in the west onto a garden belonging to Sulṭān Bīk b. ‘Abd al-Raḥīm Bāy, in the north onto a public thoroughfare, in the east onto a garden belonging to Hamrāh Āy bint Raḥmān Qul Bāy, and in the south onto a garden belonging to Jūrah Bāy b. Yār Muḥammad Bāy¹¹

- (ix) $\frac{1}{2}$ *ṭanāb*, abutting in the west and east onto a garden belonging to Hamrāh Āy bint ‘Abdallāh, in the north onto a public thoroughfare, and in the south onto a garden belonging to Jūrah Bāy b. ‘Ibād-Allāh¹²
- (x) 1 *ṭanāb*, abutting in the west onto a garden belonging to Asad-Allāh Bāy b. Niyāz ‘Alī Bāy, in the north onto a public thoroughfare, in the east onto land belonging to ‘Abdallāh b. the afore-mentioned Niyāz ‘Alī, and in the south onto a garden belonging to Qurbān Bāy b. Sāhib Bāy¹³
- (xi) 1 *ṭanāb*, abutting in the west onto a garden belonging to the afore-mentioned Asad-Allāh, in the north onto a public thoroughfare, in the east onto a garden belonging to Amān Bāy b. Nār Bāy, and in the south onto a garden belonging to Qurbān Bāy b. Sāhib Naẓar¹⁴
- (xii) $\frac{3}{4}$ *ṭanāb*, abutting in the west and south onto land belonging to Jalāl Qul b. Khāliq Naẓar, in the north onto land belonging to ‘Ināyat-Allāh b. Nadīr Bāy, and in the east onto a public thoroughfare¹⁵
- (xiii) 1 *ṭanāb*, abutting in the west onto land belonging to Bābā Bīk b. Mu’min Bīk, in the north onto land belonging to Ḥaqq Naẓar Bāy b. Fūlād Bīk, in the east onto land belonging to Samī‘ Bāy b. ‘Abd al-Sattār, and in the south onto land belonging to Khidr Naẓar b. ‘Abd al-Rāziq Bāy¹⁶
- (b) A potter’s shop located in Kulālī quarter¹⁷, outside the Tūtak gate, and abutting in the west and east onto a public thoroughfare, in the north onto a *sarāy* belonging to the two endowers, and in the south onto a shop belonging to Shukr-Allāh Bāy b. Ustā Zārīf Bāy¹⁸
- (c) 2 adjoining fixed-structure shops located outside the Tūtak gate, and abutting in the west onto the *wilāyat*’s earth ramparts, in the north and east onto a public thoroughfare, and in the south onto land belonging to Tūkhtah Murād b. ‘Abdallāh¹⁹
- (d) A fixed-structure 2-storey shop^c located in Mīrzā Laṭīf quarter, inside the citadel, and abutting in the west onto a public thoroughfare, and in the north, east and south onto a courtyard property belonging to the heirs of Nāṣir Jān²⁰

The endowers stipulate that Ḥājji Qurbān should serve as *mutawallī* for as long as he lives, and after his death he should be succeeded by a male descendent of either himself or ‘Abd al-‘Azīz Bāy, whosoever is most pious and fitting^d. Having deducted 10% of the rental income for his own salary^e, and having remitted the tithe, the *mutawallī* should divide the remaining revenue into 9, giving 3 parts to the *imām* of the mosque, $1\frac{1}{2}$ to the *mu’adhdhin* and $4\frac{1}{2}$ to the person responsible for the maintenance of the wash-house. In return, the *imām* of the mosque should say either one long prayer or three short prayers every Friday and Monday for the souls of the endowers. The endowment has thus become valid, authenticated, legal, bound and endorsed until God inherits the earth.

Stamp: Qāḍī Muḥammad [xxx] Mawlawī Muḥammad Sharīf Khwājah ‘Alawī²¹

¹ ≈ Ibrāhīm Bāy b. ‘Abdallāh: → doc. 172.

² The mosque/wash-house abutting onto the afore-mentioned wash-house: this would appear to be an error. → doc. 173, where the mosque is identified instead, and more convincingly, as abutting in the south onto the city’s earth ramparts.

^a iqrār-i ṣaḥīḥ wa i’tirāf-i ṣarīḥ-i mu’tabar-i shar‘ī; ^b kurūm-i mutanawwi‘at al-a‘nāb³; ^c dukān-i taḥṭānī [wa?] fawqānī; ^d kudāmī kih aṣṣaḥ wa akfā bāshad; ^e awwalan ‘ushr-i ān-rā bih jiḥat-i ḥaqq al-tawliyat-i khūd giriftah

³ A conventional formula: → 75⁽³⁾.

⁴ Purchase notarised in doc. 159 (where Khāl Muḥammad is however identified instead as the son of Yār Muḥammad).

⁵ No purchase deed.

⁶ Purchase feasibly notarised in doc. 163 (where the owner of the adjacent property to the north is identified instead as ‘Ināyat-Allāh’); see however also plot (xii).

⁷ Purchase notarised in doc. 161.

⁸ Purchase notarised in doc. 170.

⁹ Purchase notarised in doc. 165.

¹⁰ Purchase notarised in doc. 162.

¹¹ Purchase notarised in doc. 160.

¹² Purchase notarised in doc. 160. It is unclear why Hamrāh Āy is identified as the daughter of ‘Abdallāh, since she is clearly the same individual as the owner of property abutting in the east onto plot no. (viii).

¹³ Purchase notarised in doc. 167.

¹⁴ Purchase notarised in doc. 166, where Asad-Allāh is identified as Asad Btk b. Niyāz ‘Alī Btk.

¹⁵ Purchase feasibly notarised in doc. 163; see however also plot no. (iii).

¹⁶ Purchase notarised in doc. 168.

¹⁷ Kulālī is mentioned 5 times in the documents (docs. 171, 179, 180, 181 and 185). The terminology with which it is described varies: docs. 171, 181 and 185 describe it as a *gudhar* (‘quarter’) and docs. 179 and 180 describe it as a *mawḍī* (‘rural settlement’); for a possible similar instance of terminological variation, → doc. 585b. Kulālī ≈ the ‘Kulol’-guzar’ noted in Sukhareva, *K istorii gorodov Bukharskogo khanstva*, p. 115.

¹⁸ No purchase deed.

¹⁹ Purchase notarised in doc. 169.

²⁰ Purchase notarised in doc. 157.

²¹ This figure is perhaps to be identified as that ‘Qāḍī Muḥammad ‘Ālim Khwājah Ṣudūr b. Qāḍī al-quḍāt Mawlawī Muḥammad Sharīf Khwājah ‘Alawī’ encountered as a Chahārjūy *qāḍī* in doc. 151, dated Rajab 1297 (9 June – 8 July 1880).

270 x 1200; 70 lines. Persian.

tpq Rabī' I 1305 (17 November – 16 December 1887): declaration of endowment

723: KP 5991/443

On the above date 'Abd al-Shukūr Bāy b. Muḥammad Ṭālib Bāy declared as a competent agent before the courthouse of Bukhara's Nasaf *wilāyat*¹, that he has converted into *waqf* from his exclusive possession and sound property an unencumbered wooden-made fixed-structure shop to the benefit of the Chūbkārī mosque², which is located in the vegetable market in Nasaf's smaller market, abutting in the west onto a shop belonging to Ibrāhīm Bāy b. 'Abdallāh, in the north partly onto a shop belonging to Īgām Birdī b. Ghayb-Allāh, partly onto a shop endowed as *waqf* and partly onto a shop belonging to 'Ibād-Allāh Bāy b. Ya'qūb Bāy, in the east onto the terrace of the vegetable bazaar, and in the south onto the *wilāyat*'s earth ramps. The property thus converted is located in the *qaṣṣābī* commercial row in Nasaf's smaller market, and abuts in the west onto a shop belonging to 'Abd al-Karīm b. Ḥusayn Bāy, in the north onto a public thoroughfare, in the east onto a shop belonging to Turdī Bāy b. 'Abd al-Karīm, and in the south onto a shop belonging to Ustā 'Abd al-Khāliq Bāy b. Mu'min Bāy³. The endower has stipulated that Ḥājjī Mullā 'Abd al-'Azīz Bāy⁴ b. Ḥātām Bāy should serve as *mutawallī*, and in turn be succeeded by whomsoever is most pious and fitting^a amongst his own descendents. Said *mutawallī* should put the endowed property out to rent. Having deducted 10% of the rental income for his own salary^b, he should divide the residue into 3, giving 2/3 to the *imām* and 1/3 to the *mu'adhdhin*, who is whichever student who is in attendance at the Friday prayer^c. Having relinquished ownership of the afore-mentioned property, the endower subsequently sought to reestablish possession, on the grounds that the endowment lacked binding force^d. But the judge ruled first for the rectitude of the endowment, and secondly for its binding force^e. The endowment has thus become valid, legal, necessary, bound and endorsed until God inherits the earth.

Stamp: Qāḍī Mullā Mīr Muṣliḥ al-Dīn b. Mullā Mīr Zayn al-Dīn

Witnesses: Mullā 'Abd al-Hafiz; Mullā 'Abd al-Jamīl; Dāmullā Nāṣir; 'Awaḍ Jān Āqsaqāl; Ḥājjī Qurbān Bāy; Īshān Pārsā Khwājah; Īshān Tūrah Khwājah; Īshān Aḥmad Khwājah; Ḥājjī Ḥusayn; Muḥammadī Makhdūm; Mullā Aḥmad; Shāh Mardān Qulī Bīk; Ustā Dhākir; Ustā Qurbān Bāy; and others.

¹ Note the identification of Nasaf as a constituent territory within Bukhara; → also docs. 165, 167 and 174.

² i.e. the mosque built and endowed by 'Abd al-'Azīz Bāy and Ḥājjī Qurbān Bāy: → doc. 171.

³ Purchase by 'Abd al-Shukūr and Qalmāq Āy notarised in doc. 156.

⁴ This is the earliest reference amongst our documents to 'Abd al-'Azīz as a *Ḥājjī*. It is possible that he made the pilgrimage in the 12-month period between Jumādā II 1303/March-April 1886 (→ doc. 170) and Rajab 1304/March-April 1887 (→ doc. 171).

^a kudāmī kih aṣlah wa akfā bāshad; ^b az badal-i ijārah-yi waqf-i madhkūr, ḥaqq al-tawliyah-yi khūd 'ushr gīrad; ^c kudām ṭālib al-'ilmī dar ṣalāt-i khamsah qā'im shudah; ^d ān-rā bih 'illat-i 'adam-i luzūm, mī-khwāst bih milkīyat mutaṣarrif shawad; ^e awwalan bih ṣiḥhat-i īn waqf, wa thāniyan bih luzūm-i īn waqf

270 x 594; 23 lines. Persian.

173

tpq Jumādā II 1305 (14 February – 13 March 1888): reported declaration of sale

745: KP 5991/465

On the above date Qurbān Qul b. Bāy Muḥammad Bāy declared as a competent agent before the Nasaf *wilāyat* courthouse that he has sold^a to Qalmāq¹ bint Bābā Jān Bāy, through her attorney ‘Awaḍ Jān Āqsaqāl, the *raqabah* on ½ *ṭanāb* of *milk-i ḥurr-i khālīs* land located in the rural settlement of Mīr Mīrān, Nasaf, and abutting in the west onto land belonging to Bāy Qul b. Āy Muḥammad Bāy, in the north onto land belonging to Muḥyī al-Dīn b. Ya‘qūb Bāy, in the east onto land belonging to Rajab Bāy b. Mu‘min Bāy, and in the south onto land belonging to Khāl Niyāz Bāy b. ‘Abdallāh Bāy²; the sale, for 75 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā Mīr Muṣliḥ al-Dīn b. Mullā Mīr Zayn al-Dīn

Witnesses: ‘Awaḍ Murād Bāy; Quwwat Bāy; Mullā Ḥaḍrat Qulī Bāy.

¹ i.e. Qalmāq Āy: → docs. 174, 175 and elsewhere.

² Property subsequently endowed as *waqf* by Qalmāq Āy in 1306: → doc. 177.

^a bay‘-i bātt-i batāt; ^b tangah-yi rā’ijah-yi maḍrūbah bih ḍarb

145 x 218; 9 lines. Persian.

174

tpq Jumādā II 1305 (14 February – 13 March 1888): reported declaration of sale

746: KP 5991/466

On the above date Mullā Ḥaḍrat Qulī b. Qārī Sayyid Qulī declared as a competent agent before the courthouse of Nasaf *wilāyat*, a dependent territory of Bukhara^{1a(2)}, that he has sold^b to Qalmāq Āy bint Bābā Jān Bāy, through her attorney ‘Awaḍ Jān Āqsaqāl b. Muḥammad Sharīf Bāy, the *raqabah* on 1 *ṭanāb* of garden land, constituting *milk-i ḥurr-i khālīs* and given over to the cultivation of numerous types of grapes^{c(3)}. The property is located in the rural settlement of Shāhī Khwājah, and abuts in the west and north onto a garden belonging to Khudāyār Bāy b. Bahādur Qul Bāy, and in the east and south onto a garden belonging to the vendor^d. The sale, for 150 *tangah*^d, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā Mīr Muṣliḥ al-Dīn b. Mullā Mīr Zayn al-Dīn

Witnesses: Ḥājjī Mullā ‘Abd al-‘Azīz; Ḥājjī Qurbān; Mullā Ināq; Ināyat-Allāh [Āqsaqāl?]; ‘Awaḍ Murād Bāy; and others.

¹ Note the identification of Nasaf as a constituent territory within Bukhara; → also docs. 165, 167 and 172.

² The epithet here for Bukhara is unusual; see also just docs. 104, 318, 378 and 504.

³ The formula is conventional: → 75⁽³⁾.

⁴ Property subsequently endowed as *waqf* by Qalmāq Āy in 1306: → doc. 177.

^a az maḥkūm-i dār al-fākhīrah-yi Bukhārā-yi sharīf²; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c kurūm-i mutanawwi‘at al-a‘nāb³; ^d tangah-yi rā’ijah-yi maḍrūbah bih ḍarb

138 x 201; 11 lines. Persian.

175

tpq Jumādā II 1305 (14 February – 13 March 1888): reported declaration of sale

747: KP 5991/467

On the above date Khudāyār Bāy b. Bahādur Qul Bāy declared as a competent agent before the Nasaf *wilāyat* courthouse that he has sold^a to Qalmāq Āy bint Bābā Jān Bāy, through her attorney ‘Awaḍ Jān Āqsaqāl, the *raqabah* on 2 plots of land located in the rural settlement of Shāhī Khwājāh. (i) The first of these measures $\frac{1}{2}$ *tanāb* of garden land, constituting *milk-i ḥurr-i khālīṣ* and given over to the cultivation of numerous types of grapes^{b(1)}, abutting in the west onto a garden belonging to Allāh Yār b. Bahādur Bāy, in the north and south onto a garden belonging to Khudāyār Bāy, son of the afore-mentioned Bahādur Bāy, and in the east onto a garden belonging to Mullā Ḥaḍrat Qulī b. Qārī Sayyid Qul². (ii) The second measures $\frac{1}{2}$ *tanāb* of garden land, constituting *milk-i ḥurr-i khālīṣ* and also comprising a vineyard which abuts in the west onto a garden belonging to Muḥammad Raḥīm Bāy b. ‘Abd al-Raḥīm Bāy, in the north onto land belonging to Quwwat Bāy b. Mūsā Bāy, and in the east and south onto a garden belonging to the afore-mentioned Khudāyār Bāy. The sale, for 150 *tangah*^c, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā Mīr Muṣliḥ al-Dīn b. Mullā Mīr Zayn al-Dīn

Witnesses: ‘Awaḍ Murād Bāy; Quwwat Bāy; Mullā Ḥaḍrat Qulī; and others.

¹ The formula is conventional: → doc. 75⁽³⁾.

² Property subsequently endowed as *waqf* by Qalmāq Āy in 1306: → doc. 177.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b kurūm-i mutanawwi‘at al-a‘nāb¹; ^c tangah-yi rā’ijah-yi maḍrūbah bih ḍarb

130 x 212; 14 lines. Persian.

176

tpq Jumādā II 1305 (14 February – 13 March 1888): reported declaration of sale

748: KP 5991/468

On the above date Mullā Ḥaḍrat Qulī b. Sayyid Qul Qārī declared as a competent agent before the Nasaf *wilāyat* courthouse that he has sold^a to Qalmāq Āy bint Bābā Jān Bāy, through her attorney ‘Awaḍ Jān Āqsaqāl, the *raqabah* on 1 *tanāb* of garden land, constituting *milk-i ḥurr-i khālīṣ* and located in the rural settlement of Shāhī Khwājāh, abutting in the west onto a garden belonging to the purchaser, in the north onto a garden belonging to the heirs of ‘Āshūr Muḥammad, and in the east and south onto a garden belonging to the vendor¹; the sale, for 150 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā Mīr Muṣliḥ al-Dīn b. Mullā Mīr Zayn al-Dīn

Witnesses: ‘Abd al-‘Azīz Ḥājjī; ‘Awaḍ Murād Bāy; Quwwat Bāy; Khudāyār.

¹ Property subsequently endowed as *waqf* by Qalmāq Āy in 1306: → doc. 177.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah-yi bih ḍarb

138 x 201; 12 lines. Persian.

tpq Dhu'l-Hijjah 1306 (29 July – 27 August 1889): reported declaration of endowment

724: KP 5991/444

On the above date Qalmāq Āy bint Bābā Jān Bāy declared and acknowledged^{a(1)} as a competent agent before the Nasaf *wilāyat* courthouse^{b(2)} that she has converted into *waqf* from her exclusive possession and sound property various unencumbered plots of land in order to endow two adjoining cells located in the mosque of Hājī 'Abd al-'Azīz Bāy, located inside the market, outside the citadel, and abutting in the west onto the mosque's courtyard, in the north onto a shop belonging to the heirs of Ustā 'Abd al-Nazar Bāy, in the east partly onto a greengrocer's stall and partly onto a shop belonging to 'Abd al-Qādir b. 'Abdallāh, and in the south onto one of the mosque's other cells.

The properties thus converted are as follows:

(a) 3 *ṭanābs* of garden land, constituting *milk-i ḥurr-i khālīṣ* and given over to the cultivation of numerous types of grapes^{c(3)}, and located in the rural settlement of Shāhī Khwājah. The property comprises 4 plots:

- (i) 1 *ṭanāb* abutting in the west and north onto a garden belonging to Khudāyār Bāy b. Bahādur Qul Bāy, and in the east and south onto a garden belonging to Mullā Ḥaḍrat Qulī b. Qārī Sayyid Qul⁴
- (ii) 1 *ṭanāb* abutting in the west onto a garden belonging to the endower, in the north onto a garden belonging to the heirs of 'Āshūr Muḥammad, and in the east and south onto a garden belonging to Mullā Ḥaḍrat Qulī⁵
- (iii) $\frac{1}{2}$ *ṭanāb* abutting in the west onto a garden belonging to Allāh Yār Bāy b. Bahādur Bāy, in the north and south onto a garden belonging to Khudāyār Bāy b. Bahādur Bāy, and in the east onto a garden belonging to Mullā Ḥaḍrat Qulī b. Qārī Sayyid Qul⁶
- (iv) $\frac{1}{2}$ *ṭanāb* abutting in the west onto a garden belonging to Muḥammad Raḥīm Bāy b. 'Abd al-Raḥīm Bāy, in the north onto land belonging to Quwwat Bāy b. Mūsā Bāy, and in the east and south onto a garden belonging to the Khudāyār Bāy⁷

(b) Approximately 1 *ṭanāb* of garden land, constituting *milk-i ḥurr-i khālīṣ* and given over to grape production, and located in the rural settlement of Mīr Mīrān, Nasaf *wilāyat*. The property comprises 2 plots:

- (i) $\frac{1}{2}$ *ṭanāb* abutting in the west onto land belonging to Bāy Qul b. Āy Muḥammad Bāy, in the north onto land belonging to Muḥyī al-Dīn b. Ya'qūb Bāy, in the east onto land belonging to Rajab Bāy b. Mu'min Bāy, and in the south onto land belonging to Khāl Niyāz Bāy b. 'Abdallāh Bāy⁸
- (ii) $\frac{1}{2}$ *ṭanāb* abutting in the west onto a garden belonging to Pīrīm Qulī Bāy b. Būrī Bāy, in the north onto a garden belonging to Bābā Qul Bāy b. Khidīr Nazar Bāy, in the east onto a garden belonging to Pāyān Qul Bāy, son of the afore-mentioned Būrī Bāy, and in the south onto a garden belonging to Ṣafar Bāy b. Raḥmat-Allāh Bāy⁹

The endower stipulates that the *mutawallī* should be whosoever is the *mu'adhdhin* of the afore-mentioned mosque. Having deducted 10% of the rental income for his own salary^d, the *mutawallī* should divide the remaining revenue into seven parts, allocating 1/7 for the alleviation of want and the upkeep of the two afore-mentioned cells^e and the remaining 6/7 for the maintenance of the two students who reside there engaged in their study of the religious sciences.

Having relinquished ownership of the afore-mentioned property, the endower subsequently sought to reestablish possession, on the grounds that the endowment lacked binding force^f. But the judge ruled first for the rectitude of the endowment, and secondly for its binding force^g. The endowment has thus become valid, legal, bound and endorsed until God inherits the earth.

Stamp: Qāḍī Mullā Abu'l-Faḍl Muḥammad Ṣudūr¹⁰ b. Mullā Mīr 'Abd al-Wahhāb, 130x

Witnesses: 'Awaḍ Jān Āqsaqāl; Ḥājjī 'Abd al-'Azīz; Ḥājjī Qurbān; Abu'l-Fayḍ Khwājah; Ustā Qurbān; Ustā Dhākīr; Qābil Khwājah; Mullā Amīn; 'Abd al-Aḥad Makhdūm Mu'adhdhin.

¹ An unusual variation on the conventional formula; → also doc. 187.

² The epithet here for Nasaf is unusual; → also just doc. 187 (noting the variant rendering).

³ A conventional stock phrase: → doc. 75⁽³⁾.

⁴ Purchase notarised in doc. 174.

⁵ Purchase notarised in doc. 176.

⁶ Purchase notarised in doc. 175.

⁷ Purchase also notarised in doc. 175.

⁸ Purchase notarised in doc. 173.

⁹ No purchase deed.

¹⁰ Attested active from *ca.* Dhu'l-Hijjah 1306/July-August 1889 (→ doc. 177) until 1314/June 1896-June 1897 (see Kurbanov, *Bukharskie pečati XVIII-XX vekov*, pp. 55-56).

^a iqrār-i ṣahīḥ wa i'tirāf-i ṣarīḥ-i mu'tabar-i shar'ī namūd¹; ^b dār al-qaḍā-yi wilāyat-i Nasaf-i Dhu'l-sharaf²; ^c kurūm-i mutanawwi'at al-a'nāb³; ^d ḥaqq al-tawlīyah; ^e bih jihat-i shikast-i ranjah wa 'imārat-i ḥujrah-hā-yi madhkūrah; ^f bih 'illat-i 'adam-i luzūm; ^g awwalan bih ṣiḥḥat-i īn waqf, thānīyan bih luzūm-i ān

228 x 440; 28 lines. Persian. Document reproduced at back of volume.

178

tpq 9 Rabī' I 1308 (23 October 1890): reported declaration of sale

739: KP 5991/459

On the above date Mullā Shākīr Bāy b. Manṣūr Bāy declared¹ before the Nasaf *wilāyat* courthouse that he has sold^a to 'Abd al-'Azīz Ḥājjī and Qurbān Ḥājjī, sons of Ḥātām Bāy, through their attorney 'Awaḍ Jān Āqsaqāl, of a wooden-made ceilingless shop located outside Nasaf's Tūtāk gate and abutting in the west onto a shop belonging to the purchasers, in the north onto a public thoroughfare, in the east onto a shop belonging to [–], and in the south onto a shop belonging to Ni'mat Bāy b. Amīn Bāy; the sale, for 150 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā Ṣāliḥ Khwājah b. Mullā Muḥammad Tursūn Mudarris, 1307

Witnesses: Sharāf Āqsaqāl; Shāh Mardān Qul; ‘Abdū Bāy; and others.	
¹ Neither this document nor the two following, which were similarly produced in 1308, include the conventional formulation “as a competent agent”. The formulation appears just sporadically in our Nasaf documents produced subsequent to this date.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah-yi bih ḍarb
162 x 210; 9 lines. Persian.	

179

tpq Dhu’l-Ḥijjah 1308 (8 July – 6 August 1891): reported declaration of sale

750: KP 5991/470

On the above date Ṣan‘at Āy bint Tāsh Muḥammad declared before the Nasaf <i>wilāyat</i> courthouse that she has sold ^a to ‘Abd al-‘Azīz Ḥājjī and Ḥājjī Qurbān, sons of Ḥātām Bāy, a fixed-structure shop located in the rural settlement of Kulālī, outside Nasaf’s citadel, and abutting in the west and south onto a shop belonging to the two purchasers, in the north onto a shop belonging to Rajab Bībī bint ‘Abdallāh and in the east onto a public thoroughfare; the sale, for 450 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī Mullā Ḥājjī ‘Ināyat-Allāh Ṣudūr ¹ b. Qāḍī Mullā Mīrzā Karāmat-Allāh	
Witnesses: ‘Awaḍ Jān Āqsaqāl; Qāḍī Jān Makhdūm; Ṭāhir Makhdūm; Tursūn Bāqī Bāy.	
¹ This individual was father-in-law to Dāmullā ‘Abd al-Shukūr (→ doc. 82 ⁽⁹⁾) and maternal grandfather of Muḥammad Sharīf-Jān Makhdūm, Ṣadr-i Ḍiyā’, who relates (<i>The Personal History of a Bukharan Intellectual</i> , pp. 148-150) the details of his eminent academic career at the Ibrāhīm Ākhūnd Madrasah and the circumstances of his subsequent departure to the lands of the west.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^b tangah-yi rā’ijah
125 x 195; 10 lines. Persian.	

180

tpq Dhu’l-Ḥijjah 1308 (8 July – 6 August 1891): reported declaration of sale

751: KP 5991/471

On the above date ‘Ināyat Bāy b. Sayf-Allāh Bāy declared before the Nasaf <i>wilāyat</i> courthouse that he has sold ^a to Ḥājjī ‘Abd al-‘Azīz Bāy and Ḥājjī Qurbān, sons of Ḥātām Bāy, a fixed-structure shop with a terrace, located in the rural settlement of Kulālī, outside the citadel, and abutting in the west onto a bakery belonging to the purchasers, in the north onto a shop belonging to the heirs of Ūrūn Bāy, in the east onto a public thoroughfare, and in the south onto a shop belonging to Pīrīm Qul b. Ghayb-Allāh; the sale, for 600 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due.	
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Stamp: Qāḍī Mullā Ḥājī ‘Ināyat-Allāh Ṣudūr b. Qāḍī Mullā Mīrzā Karāmat-Allāh	
Witnesses: Muḥammad Sharīf Āqsaqāl; ‘Abd al-Ṣamad; Ṭāhir Makhdūm.	
	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^b tangah-yi rā’ijah
130 x 211; 10 lines. Persian.	

181

tpq Rabī‘ I 1310 (23 September – 22 October 1892): reported declaration of sale

742: KP 5991/462

On the above date Amīn Bāy and Aḥmad Bāy, sons of ‘Abd al-Ḥamīd Bāy, declared as competent agents ^{a(1)} before the Nasaf <i>wilāyat</i> courthouse that they have sold ^b to Mullā Ḥājī Qurbān b. Ḥātām Bāy a fixed-structure shop located in the afore-mentioned <i>wilāyat</i> ’s Kulālī quarter ² , and abutting in the west and south onto a shop belonging to Sharāf Bāy b. ‘Aṭā-Allāh, and in the north and east onto a public thoroughfare; the sale, for 450 <i>tangah</i> ^c , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī Mullā Muḥammad Baqā Khwājah Ṣudūr ³ b. Mullā Muḥammad Qāḍī Khwājah Ṣadr	
Witnesses: [Īshīm?] Khwājah; ‘Awaḍ Murād Bāy; ‘Awaḍ Jān Āqsaqāl; and others.	
¹ The use here of the single form is evidently a notarial error.	^a ḥāl jawāz iqrārihi ¹ ; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c tangah-yi rā’ijah-yi maḍrūbah bih ḍarb
² Property subsequently endowed as <i>waqf</i> by Qimmat Āy bint Ṣābir Bāy in 1312: → doc. 185.	
³ Attested active as <i>qāḍī</i> in Bukhara from <i>ca.</i> Jumādā I 1308/December 1890-January 1891 (→ doc. 256), as <i>qāḍī</i> in Nasaf from <i>ca.</i> Rabī‘ I 1310 (→ doc. 181), as <i>mufī-yi ‘askar</i> in Bukhara from 1321/March 1903-March 1904 (see Kurbanov, <i>Bukharskie pechaty XVIII-XX vekov</i> , pp. 53-54) and as <i>qāḍī al-quḍāt</i> in Bukhara from <i>ca.</i> Shawwāl 1326/October-November 1908 (→ doc. 332.i; see also Kurbanov, <i>op. cit.</i> , p. 40) to <i>ca.</i> Rajab 1329/June-July 1911 (→ doc. 268). In Muḥammad-Sharīf-i Ṣadr-i Ziyā, <i>The Personal History of a Bukharan Intellectual</i> , pp. 248-249, we learn that immediately prior to his appointment as Bukharan <i>qāḍī al-quḍāt</i> in 1908 he served an additional term of office as <i>qāḍī</i> in Nasaf. For further material, see Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i> , p. 79.	
142 x 172; 7 lines. Persian.	

182a, n/d¹: solicited legal opinion

753: KP 5991/473

Acting as guardian to the pre-adult Jūrah Khwājah, Mīrzā Khwājah sells for a certain sum 2/3 of a jointly-owned commercial property, fearing that it would otherwise fall into disrepair and ruin^a. Is it not the case that a legal opinion should deem this sale both justified and operative?

No answer.

Stamp: Mullā Ismā‘īl Khwājah Ra’īs b. Ākhūnd Mullā Šūfī Khwājah Muftī

Citation: *wa qāl al-Ḥalwā’i raḥimahu Allāh in bī‘a lā yajūz ‘ind al-mutā’khhirīn illā idhā raghib fīhi al-mushtarī naṣīb al-qīmat aw ištāj al-ṣaghīr illā thamanihi li ‘l-naḥaḥatīh ilakh; aw kān bay ‘uhu khayran lahu bi-an kān ḥānūtan aw dāran yukhāf ‘alayhi al-nuṣṣan aw mū’natan tarbū ‘alā irtifā’ihi fa-ḥīnāidh yajūz bay ‘u ‘aqārihi ka-mā fī ‘l-Zahīriyah wa ‘l-fatwā ‘alā qawlihim ka-mā fī ‘al-Umm’ (?) (Jāmi‘ al-rumūz).*

¹ *taq* 1 Jumādā II 1310 (Wednesday 21 December 1892): → doc. 182b.

^a binā bar khawf-i nuṣṣan wa kharābī-yi ān

336 x 220; 3 lines. Persian.

182b, *tpq* 1 Jumādā II 1310 (21 December 1892): reported declaration of sale

On the above date Mīrzā Khwājah, acting as guardian^a to the above-mentioned Jūrah Khwājah, and as attorney^b to Āyim Pāchā bint Ayyūb Khwājah – his authority as attested by witnesses Ṭāhir b. ‘Abd al-Khalīl Khwājah and ‘Abd al-Shukūr Khwājah b. Abu ‘l-Fayḍ Khwājah – declared as a competent agent before the Nasaf *wilāyat* courthouse that he has sold^c to Turdī Āy bint Fūlād Bāy, through her attorney ‘Awaḍ Jān Āqsaqāl, the above-mentioned property belonging to Jūrah Khwājah. The property comprises a fixed-structure shop located in Nasaf’s halva-sellers’ commercial row^d and abutting in the west onto a shop belonging to the heirs of ‘Abd al-Mannān, in the north onto a shop belonging to ‘Abd al-Karīm Bāy b. ‘Abdallāh, in the east onto a shop endowed as *waqf*, and in the south onto a public thoroughfare; the sale, for 1550 *tangah*^e, was completed, with each party to the transaction receiving what was due.

The sale is valid on account of the fear lest the property otherwise fall into disrepair and ruin^f. It should be noted that the value of the afore-mentioned Jūrah Khwājah’s 1/3 share in that part of the property thus sold will be put to rent.

Stamp: Qāḍī Mullā Muḥammad Baqā Khwājah Šudūr b. Mullā Muḥammad Qāḍī Khwājah Šadr

Witnesses: ‘Awaḍ Jān Āqsaqāl; Ustā ‘Abd al-Qādir Khwājah; Qābil Khwājah; Ustā Dhākīr; Ustā Qurbān Ghā’ib; Ūrūn Bāy; ‘Abd al-‘Azīz Ḥājījī; ‘Azīm Bāy; and others.

¹ A statement such as this, offering specific grounds for the validity of a sale, is unusual amongst our *iqrār*-type documents: → also just doc. 459b.

^a waṣāyatan shar‘īyatan; ^b wakālatan shar‘īyatan; ^c bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^d rastah-yi rustah-furūsh; ^e tangah-yi rā’ijah-yi bukhārīyat al-ḍarb; ^f binā bar khawf-i nuṣṣan wa rū bih kharābī āwardan-i mabī‘-i madkhur

9 lines. Persian.

tpq 1310 (26 July 1892 – 14 July 1893¹): reported confirmation of endowment

725: KP 5991/445

On the above date ‘Awaḍ Jān Āqsaqāl b. Muḥammad Sharīf Bāy, Mullā ‘Abd al-Aḥad Ṣūfī b. Dāmullā Shīr Muḥammad, Ustā Dhākīr b. ‘Abd al-Nazar Bāy and Qābil Khwājah b. Ṣābir Khwājah reported and testified^a before the Nasaf *wilāyat* courthouse that, during her lifetime, the late Turdī Āy bint Fūlād Bāy converted into *waqf* from her exclusive possession and sound property the unencumbered^b sum of 2000 *tangah*^c.

The endower stipulated that ‘Abd al-‘Azīz Ḥājī should serve as *mutawallī*, to be succeeded after his death by whomsoever is most pious and fitting^d of his own descendents. Said *mutawallī* should use the money to buy a shop, the revenues of which should serve to endow two student cells located in the southeast corner of the mosque located inside the afore-mentioned *wilāyat*’s fosse^e. Having deducted 10% of the rental income for his own salary^f, the *mutawallī* should allocate the remaining revenue evenly between the two Qur’anic reciters presently residing in the cells thus endowed^{g(2)}.

In Jumādā II 1310 (21 December 1892 – 18 January 1893), the *mutawallī* came before the Nasaf *wilāyat* courthouse and with the money in question he bought^h a fixed-structure shop located in Nasaf’s halva-sellers’ commercial rowⁱ, and abutting in the west onto the estate of the late ‘Abd al-Mannān, in the north onto a shop belonging to ‘Abd al-Karīm b. ‘Abdallāh, in the east onto a shop endowed for a designated purpose as *waqf*^j, and in the south onto a public thoroughfare. He then converted the shop into *waqf*, in keeping with the endower’s afore-mentioned stipulations.

Stamp: Qāḍī Mullā Muḥammad Baqā Khwājah Ṣudūr b. Mullā Muḥammad Qāḍī Khwājah Ṣadr

Witnesses: Mullā Nāṣir Mudarris; Mullā Ṣalāḥ al-Dīn; ‘Abd al-Qādir Khwājah Āqsaqāl; Qurbān Bāy; Mīrzā Khwājah; Ūrūn Bāy; Ustā Dhākīr; ‘Azīm Bāy; and others.

¹ *tpq* Jumādā II 1310 (21 December 1892 – 18 January 1893).

² This verbal element appears in a similar context in an endowment deed held as TsGA RUz.f. i-323, *op.* 1, *d.* 1236, and discussed in Reichmuth, ‘Semantic Modeling of Islamic Legal Documents’, p. 82.

^a ikhbār wa shahādat namūdand; ^b khāliyan ‘an ḥaqq al-ghayr wa ‘amā yamna‘ jawāz al-waqf wa luzūmuhu; ^c tangah-yi nuqrah-yi sarah-yi wazn-i sab‘ah-yi rā’ijah-yi bukhārīyat al-ḍarb; ^d har kudāmī kih aṣlah wa akfā bāshad; ^e masjid-i darūn-i khandaq; ^f awwalan martabah ḥaqq al-tawliyat ‘ushr giriftah; ^g baqīyah az ‘ushr-rā bih dū nafar-i qarī-yi ḥāfiḡ-i kalām-i Allāh, kih bih dū bāb ḥujrah-yi madhkūr istiḡāmat mī-namūdah bāshand, ‘alā al-sawīyah² qismat namūdah bi-dihad; ^h bay‘an bāttan shar‘an namūdah; ⁱ rastah-yi rustah-furūshī; ^j waqf bar maṣraf-i mu‘ayyan

255 x 570; 20 lines. Persian.

tpq Rabī‘ II 1311 (12 October – 9 November 1893): reported declaration of sale

743: KP 5991/463

On the above date Īmīn Bāy b. Mullā Muḥammad Amīn declared before the Nasaf *wilāyat* courthouse that he has sold^a to Ḥājjī ‘Abd al-‘Azīz and Ḥājjī Qurbān Bāy b. Ḥātām Bāy, through the latter’s attorney ‘Awaḍ Jān Āqsaqāl, a cotton stall^b, measuring 19 x 4 *gaz* – as reckoned by conventional *gaz* measurements^c – located in the great bazaar of the aforementioned *wilāyat* and abutting in the west onto the onion market, in the north onto a roofed stall belonging to Muḥammad Rāfi‘ Afghān b. ‘Abdallāh Afghān, in the east onto a public thoroughfare, and in the south onto a stall belonging Qābil Bāy b. Sulṭān¹; the sale, for 800 *tangah*^d, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī Mullā Ghiyāth al-Dīn Ṣudūr² b. Mullā Muḥammad ‘Ārif Ṣadr

Witnesses: ‘Awaḍ Murād; ‘Abd al-Ṣamad Bāy; Mīnglī Bāy; Ḥājjī Ḥasan.

¹ Property subsequently endowed as *waqf* by Qimmat Āy bint Ṣābir Bāy in 1312: → doc. 185.

² Muḥammad-Ṣharīf-i Ṣadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, makes repeated reference to an individual of this name. Mullā Ghiyāth al-Dīn is identified, p. 257, as an associate of Mullā Burhān al-Dīn b. Badr al-Dīn (→ doc. 156⁽³⁾), with whom he was jointly blamed for inciting sectarian hostilities during the early 1900s; he is identified also, p. 267, as Ṣadr-i Ḍiyā’s own replacement as Nasaf *qāḍī* in Ramaḍān 1330/August-September 1912.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b kappān-i ghūzah; ^c bih *gaz*-i ma‘rūf; ^d *tangah*-yi rā’ijah

140 x 190; 11 lines. Persian.

tpq Rajab 1312 (29 December 1894 – 27 January 1895): declaration of endowment

726: KP 5991/446

On the above date Ḥayit Murād Bāy b. Mullā ‘Abd al-Khalīl, acting as attorney with confirmation by witness testimony^s to Qimmat Āy bint Ṣābir Bāy – his authority as attested by the competent witnesses^{b(1)} Mullā Sayyid b. Mullā Ṭayyib and Ḥājjī Ḥasan, sons of ‘Abd al-Khalīl – declared as a competent agent before the Nasaf *wilāyat* courthouse that on behalf of his client he has converted into *waqf* from his exclusive possession and sound property two unencumbered properties, to the benefit of the Ḥājjī ‘Abd al-‘Azīz mosque located in Nasaf’s *bazār-i khandaq*.

(i) The first of these properties is a roofed stall located in the cotton market, in the aforementioned *wilāyat*’s great bazaar, abutting in the west onto the shoe market, in the north onto a terrace belonging to Muḥammad Rāfi‘ Bāy b. ‘Abdallāh Afghān, in the east onto a public thoroughfare, and in the south onto a terrace belonging to Qābil Bāy b. Sulṭān

Bāy². (ii) The second endowed property is a fixed-structure shop located in Kulālī quarter, outside the Tūtak gate in the afore-mentioned *wilāyat*, abutting in the west and south onto a shop belonging to Sharāf Bāy b. ‘Aṭā-Allāh, and in the north and east onto a public thoroughfare³.

The endower stipulates that Ḥājjī ‘Abd al-‘Azīz, founder of the eponymous mosque, serve as *mutawallī* for the length of his life, thereafter to be followed by whomsoever is most pious and fitting^c of his male descendents (and in the absence of male issue, by whichever student is presently serving as *imām* at the mosque). Having deducted 10% of the rental income for his own salary^d, and having remitted the tithe, the *mutawallī* should divide the remaining revenue into 4, allocating ¼ for the upkeep of the mosque, ½ for the *imām* of the mosque, and ¼ for the *mu’adhdhin*. In return, the *imām* should say prayers every Friday and Monday for the soul of Qimmat Āy and her ancestors and descendents. The endowment has thus become valid, legal, necessary, bound and endorsed until God inherits the earth.

Stamp: Qāḍī Mullā Ghiyāth al-Dīn Ṣudūr b. Mullā Muḥammad ‘Ārif Ṣadr

Witnesses: Ustā Dhākir; ‘Awaḍ Jān Āqsaqāl; Qurbān Jān Bāy; Nasīm Jān; Jūrah Bāy.

¹ A highly conventional formula, encountered 16 times in the collection: → docs. 185, 211, 236, 259, 262, 267, 270, 344, 348, 477, 529a, 549, 550, 551, 559, 562a. Unless we specify otherwise, we henceforth assume its use in references to the validity of witness testimony.

² Purchase by Ḥājjī ‘Abd al-‘Azīz and Ḥājjī Qurbān notarised in doc. 184.

³ Purchase by Ḥājjī Qurbān notarised in doc. 181.

^a wakīl-i shar‘ī bi’l-bayyinah ast; ^b kih har kudām jā’iz al-shahādat būd¹; ^c kudāmī kih aṣlah wa akfā bāshad; ^d ḥaqq al-tawlīyah

195 x 562; 26 lines. Persian.

186

tpq 12 Rabī‘ II 1326 (14 May 1908): reported declaration of sale

752: KP 5991/472

On the above date Murād-Allāh Bāy b. Karāmat-Allāh Bāy declared before the Nasaf *wilāyat* courthouse that he has sold^a to ‘Abd al-‘Azīz Ḥājjī and Ḥājjī Qurbān Bāy b. Ḥātām Bāy a fixed-structure shop with a terrace located in the rural settlement of Darwāzah-yi Tūtak¹, and abutting in the west and north onto a *sarāy* belonging to Ḥaḍrat Qul Bāy, in the east onto a public thoroughfare, and in the south partly onto land belonging to the heirs of Rajab Bāy and partly onto land belonging to the heirs of Ḥaḍrat Qul; the sale, for 1500 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: [xxx] al-Dīn Khwājah b. xxx [Khwājah]

Witnesses: Abd al-Khalīl Āqsaqāl; Ustā Najm al-Dīn; Jūrah Āqsaqāl.

¹ i.e. a settlement named after the eponymous Tūtak gate (→ doc. 169).

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah bih ḍarb

131 x 185; 8 lines. Persian.

tpq Shawwāl 1330 (13 September – 11 October 1912): declaration of endowment

727: KP 5991/447

On the above date ‘Abd al-Ḥalīm Āqsaqāl b. Ḥasan Bāy declared and acknowledged^{a(1)} as a competent agent before the Nasaf *wilāyat* courthouse^{b(2)} that he has converted into *waqf* from his exclusive possession and sound property an unencumbered fixed-structure shop with an upstairs store-room^c in favour of the wash-house at the Rastah mosque inside Nasaf *wilāyat*’s enclosing fosse^{3d}.

The property thus endowed is located in the Khandaq row, and abuts in the west and north onto a public thoroughfare, and in the east and south onto the afore-mentioned endower’s own *sarāy*.

The endower stipulates that Nasīm Bāy b. Ustā Dhākīr should serve as *mutawallī* for as long as he lives, to be succeeded thereafter by whomsoever is most pious and fitting^e of his consecutive descendents. Having deducted 10% of the rental income for his own salary^f; having remitted the tithe^g, the *mutawallī* should allocate the remaining 90% of the revenue to whomsoever oversees the running of the wash-house.

Having relinquished ownership of the afore-mentioned property, the endower subsequently sought to revoke the endowment on the grounds that it lacked binding force^h. But the judge ruled first for the rectitude of the endowment, and secondly for its binding forceⁱ. The endowment has thus become valid, legal, bound and endorsed until God inherits the earth.

Stamp: Qāḍī Mullā ‘Abd al-Ḥakīm Ṣudūr⁴ b. Mullā Muḥammad Fuḍayl

Witnesses: Muḥammad Laṭīf Bāy; Ustā Muḥammad Laṭīf Bāy; Qurbān Bāy Ḥājī.

¹ An unusual variation on a conventional formula; → also doc. 177.

² The epithet here for Nasaf is unusual; → also just doc. 177 (noting this document’s alternative rendering).

³ This same mosque is the beneficiary also of the endowment notarised in doc. 184.

⁴ This individual is attested active from 1322/1904-05 (see Kurbanov, *Bukharskie pechaty XVIII-XX vekov*, p. 96, and idem, *Materialy po sredneaziatskoi sfragistike*, pp. 84-85) to Shawwāl 1330/September-October 1912 (→ doc. 187). He may well also be that Mullā ‘Abd al-Ḥakīm Ṣudūr noted in Muḥammad-Sharīf-i Ṣadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, p. 215, as having served as *qāḍī* in Shahrīsabz in *ca.* 1905 until replaced by Ṣadr-i Ḍiyā’ himself.

^a iqrār-i ṣaḥīḥ wa i’tirāf-i ṣarīḥ-i mu’tabar-i shar‘ī namūd¹; ^b dār al-qaḍā-yi wilāyat-i Nasaf-i dhī sharaf²; ^c ma’ bālā-khānah; ^d ṭahārat-khānah-yi masjid-i rastah-yi khandaq-i wilāyat-i madhkūrah; ^e kudāmī kih aṣlah wa akfā bāshad; ^f ḥaqq al-tawlīyah; ^g ba’d az raf‘-i ‘ushr; ^h bih ‘illat-i ‘adam-i luzūm; ⁱ ḥukm kardand awwalan bih ṣiḥḥat-i īn waqf, thānīyan bih luzūm-i ān

255 x 518; 21 lines. Persian.

tpq 25 Dhu'l-Ḥijjah 1296 (10 December 1879): reported declaration of sale

166: KP 3791/46

On the above date Mullā Ḥabīb-Allāh b. Mīrzā Naṣr-Allāh Bāy, acting as attorney with confirmation by witness testimony^a to Bakhshandah Āy bint Mīrzā Asad-Allāh – his authority as attested by witnesses Ṭāhir Makhdūm b. Shākir Makhdūm and Mullā ‘Abd al-Rashīd b. Mullā Tursūn Bāqī¹—declared as a competent agent before Bukhara’s courthouse that in his capacity as attorney he has sold^b to Raḥmat-Allāh Bāy b. Mīrzā Asad-Allāh² 1/3 of a jointly-owned courtyard property located in Bukhara’s Ḥaḍrat-i ‘Azīzān quarter, and abutting in the west onto a public thoroughfare, in the north onto a courtyard property belonging to Nuṣrat Āy bint Mullā Sayyid Khwājah, in the east onto a courtyard property comprising the estate of the late Faqīr Khwājah, and in the south onto a courtyard property comprising the estate of the late Ustā ‘Ārif; the sale, for 600 *tangah*^c, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mīr Ṣadr al-Dīn b. Mullā Mīr Bayḍā, 1286

Witnesses: ‘Uthmān Khwājah Āqsaqāl; Hidāyat-Allāh Khwājah; Mullā ‘Abd al-Ḥafīz; ‘Umar Khwājah; and others.

¹[?] ≈ son of that Mullā Tursūn Bāqī active *ca.* 1220-67: → docs. 42-51.

² i.e. the vendor’s brother. The vendor is perhaps selling her share of a parental estate.

^a wakīl-i shar‘ī-yi thābit al-wakālat bi’l-bayyinah ast fī mā yudhkar; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c tangah-yi rā’ijah-yi bukhārīyat al-ḍarb

208 x 322; 11 lines. Persian.

1296 (26 December 1878 – 14 December 1879): instructions

878: KP 5991/571

[Amīr Muẓaffār] informs [his son^a] Sayyid Mīr ‘Abd al-Mu’min¹ that he has received his earlier communication regarding the arrival of men from Āb-i Garmī². If Sayyid Bī Dādkhwāh is ungrateful^b he should be rebuked. Sayyid Mīr ‘Abd al-Mu’min should look into the matter and report back, giving instructions if necessary to Raḥmān Qulī Bīk Īshīk-Aqā-Bāshī.

No stamp.

¹ Mīr ‘Abd al-Mu’min b. Amīr Muẓaffār: see Kurbanov, *Bukharskie pečati XVIII-XX vekov* (Tashkent: Uzbekistan, 1987), p. 20, and Kazakov, *Bukharan Documents: The Collection in the District Library*, p. 34. ² Settlements of this name are recorded in the regions of both Ḥiṣār and Qarātīgīn: see Mukhammadzhanov *et al.*, *Naselennye punkty Bukharskogo emirata*, p. 14. It is likely that the reference in the present document is to the former of these settlements, since Mīr ‘Abd al-Mu’min is known to have served as governor of

^a nūr-i chashmī; ^c ḥarām-namakī kunad

the Hişār region: see e.g. Muḥammad-Sharīf-i Ṣadr-i Zīyā, <i>The Personal History of a Bukharan Intellectual</i> , p. 127. (The editors are grateful to Dr Sharifa Tasheva for this information.)	
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150 x 240; 21 lines. Persian.

190

190a, 1297 (15 December 1879 – 3 December 1880): instructions

396: KP 5991/142

Amīr Muẓaffar informs Mullā Mīr Ṣadr al-Dīn, <i>qāḍī-yi kalān</i> , that Mullā ‘Abd al-Sattār Ṭabīb has made an appeal, noting that Nār Muḥammad and Khwājah Nafas have paid only 500 <i>tangah</i> of the 930 <i>tangah</i> of the rent for that part of the library of the Ja‘far Khwājah <i>madrasah</i> of which they are tenants: they have failed to repay the remaining 430 <i>tangah</i> , and thus are causing the plaintiff distress ^a . Mullā Mīr Ṣadr al-Dīn should go and investigate whether the situation is indeed so; if appropriate, he should enforce payment of the outstanding sum.

Stamp (side b): Amīr Muẓaffar Sayyid, 1277
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^a tashwīsh mī-dihand

111 x 195; 11 lines. Persian.

190b, 1312 Dhu’l-Ḥijjah (26 May – 23 June 1895): instructions

A near-identical draft of the same document.
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9 lines. Persian.

191

n/d¹: instructions

391: KP 5991/137

[The <i>amīr</i> ?] informs Mullā Mīr Ṣadr al-Dīn, <i>qāḍī-yi kalān</i> , that the population of the Chahār Baqqālī quarter ² and the congregation of the local <i>madrasah</i> have presented an appeal, complaining that Qārī Fāḍil, the person responsible for reciting the Qur’an during the month of Ramaḍān in their mosque, is incapable at his job ^a , and hoping that the better-qualified ^b Qārī Mullā Mīr Yūsuf might be appointed in his place. The speaker informs Mīr Ṣadr al-Dīn to look into the matter, and do whatever is necessary.

Stamp removed ³ .

<p>¹ → doc. 85^(?) for Mullā Mīr Ṣadr al-Dīn’s attested career dates.</p> <p>² Located in the north-east of the city, in the direction of the Samarqand gate: see Sukhareva, <i>Kvartal’naia obshchina pozdnefeodal’nogo goroda Bukhary</i>, p. 241.</p> <p>³ The seal appears to have been removed upon the addressee’s fulfillment of the stipulated task. For a wide-ranging discussion of this practice, see E. Karimov, <i>Regesty kaziiskikh dokumentov i khanskikh iarlikov Khivinskogo khanstva XVII – nachala XX v.</i> (Tashkent: Fan, 2007), p. 29.</p>	<p>^a bī-quwwat wa ghalat-khwān; ^b bih quwwat wa khūsh-khwān</p>
<p>105 x 162; 9 lines. Persian.</p>	

192

n/d¹: instructions

392: KP 5991/138

<p>[The <i>amīr</i>?] informs Mullā Mīr Ṣadr al-Dīn, <i>qāḍī-yi kalān</i>, that Mullā Khayr-Allāh, <i>mu’adhdhin</i> of the Bābā-yi Nānkash mosque, has presented an appeal, saying that ‘Aẓīm Bāy, a tenant occupying a covered stall^a in the flour bazaar, is not paying his share of the <i>mu’adhdhin</i>’s upkeep^b as stipulated in the set of deeds; Mullā Mīr Ṣadr al-Dīn should investigate and, if necessary, enforce payment of the outstanding sum.</p>	
<p>Stamp removed.</p>	
<p>¹ → doc. 85^(?) for Mullā Mīr Ṣadr al-Dīn’s attested career dates.</p>	<p>^a kappān; ^b sahm-i mu’adhdhinī</p>
<p>106 x 166; 8 lines. Persian. Document reproduced at back of volume.</p>	

193

n/d¹: instructions

393: KP 5991/139

<p>[The <i>amīr</i>?] informs Mullā Mīr Ṣadr al-Dīn, <i>qāḍī-yi kalān</i>, that Mullā ‘Abd al-Raḥmān, “Mullā-Jalāl-khān”², has presented an appeal, saying that a certain Mullā Walī has left his <i>imām</i> position at the Ark mosque, having been promoted to teacher at the Yāsh Uzāq Bīk <i>madrasah</i>; with the <i>imāmat</i> empty, the plaintiff has requested that it be appointed to somebody else. Mullā Mīr Ṣadr al-Dīn is instructed to investigate the matter.</p>	
<p>Stamp removed.</p>	
<p>¹ → doc. 85^(?) for Mullā Mīr Ṣadr al-Dīn’s attested career dates.</p>	

² An epithet apparently identifying the individual as one who studies/teaches Jalāl al-Dīn Dawwānī's <i>Sharḥ 'Aqā'id al-'Aḍadīyah</i> .	
102 x 164; 7 lines. Persian.	

194

n/d¹: instructions

394: KP 5991/140

[The <i>amīr</i> ?] informs Mullā Mīr Ṣadr al-Dīn, <i>qāḍī-yi kalān</i> , that the blind Muḥammad Murād Khwājah b. Īshān Mawlawī has presented an appeal. The plaintiff relates that, with [the <i>amīr</i> 's?] authorisation ^a , he formerly used after the Friday prayer to perform the vocal <i>dhikr</i> ^b in an endowed courtyard property which has now been converted into private property and sold off ^c . Sulaymān Khwājah, his brother, has now destroyed the property.	
Stamp removed.	
¹ → doc. 85 ⁽²⁾ for Mullā Mīr Ṣadr al-Dīn's attested career dates.	^a bih mubārak-nāmah-yi 'ālī; ^b dhikr-i jahr; ^c ḥawālī-yi waqf-rā bih milkīyat bar-āwardah furūkhtah
98 x 173; 12 lines. Persian.	

195

n/d¹: instructions

395: KP 5991/141

[The <i>amīr</i> ?] informs Mullā Mīr Ṣadr al-Dīn, <i>qāḍī-yi kalān</i> , that a certain Yūsuf Khwājah from Hārūn-i Shāfirkām has presented an appeal. The plaintiff claims that his cousin Tīmūr Khwājah has died in the Dīwān-Bīgī <i>khānaqāh</i> , without any designated heirs; finding that he himself was unable to establish any claim to the inheritance, and that the property would therefore become trove ² , he has engaged Qāḍī Mullā 'Izām al-Dīn ³ to investigate the matter among the knowledgeable people of the vicinity. These latter made clear that the dead man was indeed his cousin, but gave no attestation: the plaintiff hopes that the authorities might thus be able to intervene. Mullā Ṣadr al-Dīn is instructed to investigate the matter, sending someone to said <i>tūmān</i> and investigate the matter [page torn, but presumably 'to determine whether or not the plaintiff's claim is valid.']	
Stamp removed.	
¹ → doc. 85 ⁽²⁾ for Mullā Mīr Ṣadr al-Dīn's attested career dates.	
² <i>Luqṭah</i> , literally 'that which is picked up or found'; the meaning here appears to be 'court trove' (→ the usage in docs. 422-424). For a discussion of	

Islamic juridical precepts regarding <i>luqṭah</i> , see e.g. <i>Spravochnaia knizhka Samarkandskoi oblasti. 1898. vyp. VI</i> , pp. 41-42. ³ Chronology suggests that this person ≠ Qāḍī Mullā ‘Izām al-Dīn b. Mullā Muḥammad ‘Ārif Ṣadr (for whom → doc. 345).	
122 x 217; 13 lines. Persian.	

196

n/d¹: instructions

397: KP 5991/143

[The <i>amīr</i> ?] informs Mullā Mīr Ṣadr al-Dīn, <i>qāḍī-yi kalān</i> , that Mullā Muḥammad Shafī‘, a resident of Dilkushā-yi Darūn quarter ² , has presented an appeal, saying that Mullā Maḥmūd Mīrākhūr assaulted him without justification. Mullā Mīr Ṣadr al-Dīn is instructed to investigate and, if necessary, deliver punishment.	
Stamp removed.	
(side b: abortive draft of the above text)	
¹ → doc. 85(2) for Mullā Mīr Ṣadr al-Dīn’s attested career dates. ² Located in the northeast of the city, close to the Mazār-i Sharīf gate. See Sukhareva, <i>Kvartal’naia obshchina pozdnefeodal’nogo goroda Bukhary</i> , pp. 254-55, and idem, <i>Bukhara XIX – nachalo XX v.</i> , p. 32.	
102 x 172; 8 lines. Persian.	

197

n/d¹: instructions

398: KP 5991/144

[The <i>amīr</i> ?] informs Mullā Mīr Ṣadr al-Dīn, <i>qāḍī-yi kalān</i> , that Sayyid Bāy Sarbāz has presented an appeal. The appellant says that he is, as everybody knows, a poor man: but that a certain Jūrah Bāy has spread the slanderous rumour that he is a thief, thus causing him distress and loss of face ^a . Mullā Ṣadr al-Dīn is instructed to investigate the matter, and protect Jūrah Bāy from further humiliation; if the matter is otherwise, he should resolve it appropriately.	
Stamp removed.	
¹ → doc. 85(2) for Mullā Mīr Ṣadr al-Dīn’s attested career dates.	^a <i>bī wajh bih tuhmat-i duzdī, ma-rā tashwīsh dādah, īdhā-yi ḥaqārat mī-rasānad</i>
104 x 175; 9 lines. Persian.	

198

n/d¹: practice document

7: KP 1081

Draft opening lines of a letter from <i>qāḍī al-quḍāt</i> Qāḍī Mīr Ṣadr al-Dīn, <i>qāḍī-yi kalān</i> , to Najm al-Dīn Khwājah Ūrāq, plus various other unrelated jottings.	
No stamp.	
¹ → doc. 85 ⁽²⁾ for Mullā Mīr Ṣadr al-Dīn's attested career dates.	
128 x 212.19 lines. Persian.	

199

n/d¹: instructions

8: KP 1082

[The <i>amīr</i> ?] informs Mullā Mīr Ṣadr al-Dīn, <i>qāḍī-yi kalān</i> , that 'Abd al-Mu'min, an individual renting property in the Rīgistān, has presented an appeal, saying that the property in question was rented to him for 1 <i>lak</i> and 15 000 <i>tangah</i> , and [requesting that he be given leave to pay an outstanding] 10 000 <i>tangah</i> [Document torn, but presumably 'at a later date'.]	
Stamp removed.	
¹ → doc. 85 ⁽²⁾ for Mullā Mīr Ṣadr al-Dīn's attested career dates.	
103 x 169; 8 lines. Persian.	

200

1297 (15 December 1879 – 3 December 1880): instructions

70: KP 1144

Amīr Muẓaffar informs [his son ^a] Sayyid Mīr 'Abd al-Ṣamad that he has elevated Mu'min Khwājah b. Ḥakīm Khwājah Tūqsābah Chirāghchīgī ¹ into the rank of <i>nawkar</i> in Chirāghchī <i>wilāyat</i> ^a . The addressee should add this name of this latter to the <i>nawkar</i> lists.	
Stamp (side b): Amīr Muẓaffar Sayyid, 1277	
¹ Chirāghchī/Chirāqchī is a settlement located between Qarshi and Shahrīsabz.	^a nūr-i chashmī; ^b bih qatār-i nawkarīyah-yi wilāyat-i Chirāghchī
105 x 188; 6 lines. Persian.	

201

Rabī‘ II 1298 (3 March – 31 March 1881): instructions

53: KP 1127

[Amīr Muẓaffar] informs [his son] Sayyid Mīr ‘Abd al-Şamad that he has dispatched 10 *mann* of grain to Mullā ‘Abd al-Qādir, *khaṭīb* at the Qarah Tīlpak mosque, according to annual practice^a. Sayyid Mīr ‘Abd al-Şamad should in turn deliver the grain to Mullā ‘Abd al-Qādir.

Stamp (side b): Amīr Muẓaffar Sayyid, 1277

^a bih dastūr-i har-sālah

61 x 111; 5 lines. Persian.

202

1297 (15 December 1879 – 3 December 1880): instructions

267: KP 5991/19

[Amīr Muẓaffar] informs Qāḍī Mullā Ḥāmid that his letter arrived, and grants his request for permission to go and welcome the prince^{a(1)} with a bundle of ceremonial clothing^a.

Stamp (side b): Amīr Muẓaffar Sayyid, 1277

¹ i.e. one of the *amīr*'s sons.

^a tūrah¹; ^b yak bugchah sarūpā

107 x 196; 9 lines. Persian.

203

tpq 20 Dhu'l-Ḥijjah 1297 (23 November 1880): reported declaration of receipt

318: KP 5991/70

On the above date Qarah Yasāwul-Bāshī, acting as attorney to Muḥammad Şafar Yūzah-Bāshī, declared that he had received 32 *tangah* from Allāh Yār Bīk, his tenant, as *tankhwāh* revenue^a.

[Bottom of page, in different hand]: 5 *mann* of wheat; 3 *mann* of raw cotton^{b(1)}; 4 *mann* of lucerne^c; 3 *mann* of barley^d.

Stamo: Qāḍī Mullā Afāq Khwājah Şudūr b. ‘Abd al-Ghanī Khwājah Şudūr Naqshbandī, 1296

¹ For the use of this term see also Abduraimov, *Voprosy feodal' nogo zemlevladieniia*, p. 66.

^a az wajh-i māliyat-i tankhwāh; ^b ghūzah¹; ^c juwārī; ^d jaw

121 x 150; 4 lines. Persian.

204 – 212: documents relating to the lines of Ustā ‘Abd al-Raḥīm and Sayyid Bīk*

204

tpq 9 Rabī‘ II 1298 (11 March 1881): reported declaration of sale

82: KP 1146

<p>On the above date Zāhid Bīk b. Mīrzā Umīd declared¹ as a competent agent that he has sold^a to Nādirah Āy bint Mullā ‘Abd al-Sattār approximately [$3\frac{1}{2}$ <i>ṭanābs</i>^b?] of <i>milk-i khāliṣ</i> land located in the rural settlement of Charmgarān², Janūbī-Rūd. The property abuts in the west onto land belonging to Mīr Ḥamīd b. Mīr Ḥakīm, in the north and east onto land belonging to Ustā Yūldāsh b. Ustā Raḥīm, and in the south onto land belonging to Ustā Fūlād b. the afore-mentioned Ustā Raḥīm; the sale, for 160 <i>tangah</i>^c, was completed, with each party to the transaction receiving what was due.</p>	
<p>Stamp: Qāḍī Mullā Afāq Khwājah Ṣudūr b. ‘Abd al-‘Ghanī Khwājah Ṣudūr Naqshbandī, 1296</p>	
<p>Witnesses: Ustā Yūldāsh; Qārī Shākīr; Mīr Ḥabīb-Allāh; and others.</p>	
<p>¹ Unusually for a document of this date, there is no reference to where the statement is notarised. ² See Mukhammadzhanov <i>et al.</i>, <i>Naseleanye punkty Bukharskogo emirata</i>, p. 145.</p>	<p>^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b takhminan sih nīmchah ṭanāb; ^c tangah-yi rā’ijah</p>
<p>167 x 220; 7 lines. Persian.</p>	

* The taxonomic logic behind this particular sub-collection is somewhat unclear, and it is difficult to tell who – or even members of which family – was/were responsible for accumulating and preserving its contents. There are nevertheless strong grounds for regarding docs. 204-212 as a single collection, given the fact that (i) the names of several legal protagonists regularly appear throughout the documents, and (ii) the documents’ collection series numbers run sequentially, suggesting that they entered the possession of the Samarqand Kraevedcheskii Museum as a single batch. For a similar instance of a collection whose logic is difficult to ascertain, see docs. 360-368 below.

205

tpq Dhu'l-Qa'dah 1307 (19 June – 18 July 1890): hereditary transfer of estate

73: KP 1145

On the above date the estate of the late Mīr Ḥalīm Jān, comprising land and a courtyard property, was divided between his sons Mīr Ḥamīd and Mīr Ḥabīb and his daughters Ḥikmat Āy and Ma'mūrah Āy, as well as Ḥāmid Bīk b. Sayyid Bīk and Farmān Bīk and Ṣiddīq Bīk, sons of the afore-mentioned Ḥāmid Bīk.

Following the confirmation of the legality of the division^a, Ḥikmat Āy received as her share of the estate two properties. (i) The first is a plot of *milk* land measuring 15 x 13 *gaz* and located in Bukhara's Ḥaḍrat-i Ḥājjī Ḥabīb-Allāh quarter¹, abutting in the west and south onto a courtyard property comprising the estate of the late Muḥammad Ṣādiq, in the north onto a house comprising the estate of the late Ma'mūrah Āy and in the east onto a house comprising the estate of the late Mīr Ḥalīm Jān. (ii) The second measures approximately [$\frac{1}{4}$ *ṭanāb*^{b?}] of *milk-i ḥurr* land and is located in the rural settlement of Charmgarān, Janūbī-Rūd, abutting in the west onto land comprising the estate of the late Ma'mūrah Āy bint Mīr Ḥalīm, in the north onto a canal, in the east onto land belonging to Ustā Yūldāsh b. Ustā Raḥīm, and in the south onto land belonging to Ustā Fūlād b. the afore-mentioned Ustā Raḥīm.

Stamp: Qāḍī Aqdā al-quḍāt Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Mullā Mīr Ṣadr al-Dīn

¹ Located southwest of the Ark, in the direction of the Qarākūl gate. See Sukhareva, *Kvartal'naia obshchina pozdnefeodal'nogo goroda Bukhary*, pp. 161-162.

^a ba'd taḥaqquq sharā'it ṣiḥḥat al-ifrāz; ^b chahār-yak ṭanāb nīmchah

166 x 221; 11 lines. Persian.

206

tpq 27 Sha'bān 1308 (7 April 1891): reported declaration of sale

77: KP 1146

On the above date Farmān Bīk b. Ḥāmid Bīk declared as a competent agent before Bukhara's courthouse that he has sold^a to Ustā Yūldāsh b. 'Abd al-Raḥīm approximately [$\frac{1}{4}$ *ṭanāb*^{b?}] of *milk-i ḥurr* land located in the rural settlement of Khāmīrān¹, Janūbī-Rūd, and abutting in the west onto land belonging to Mīr Ḥabīb b. 'Abd al-Ḥalīm, in the north onto land belonging to Ḥamīd Bīk b. Sayyid Bīk, in the east onto land comprising the estate of the late Ḥikmat Āy, and in the south onto land belonging to Ustā Fūlād b. Ustā Raḥīm; the sale, for 310 *tangah*^c, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

Witnesses: Fūlād Bāy; 'Abd al-Ḥamīd; and others.

¹ Probably located close to Charmgarān, if not simply an alternative name for this last: note the congruity of landowners encountered here and in docs. 204 and 205.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b chahār-yak nīm nīmchah tanāb; ^c tangah-yi rā’ijah-yi bukhārīyat al-ḍarb
171 x 220; 9 lines. Persian.	

207

tpq Dhu’l-Ḥijjah 1313 (14 May – 11 June 1896): reported declaration of sale

84: KP 1149

On the above date Ustā Khāl Muḥammad b. Fūlād declared as a competent agent before Bukhara’s courthouse that he has sold ^a to Ustā Yūldāsh b. Raḥīm Jān 1 ³ / ₄ <i>tanābs</i> of <i>milk-i ḥurr-i khāliṣ</i> land located in the rural settlement of Shīr Badan ¹ , Janūbī-Rūd, and abutting in the west and north onto land belonging to the purchaser, in the east onto a public thoroughfare, and in the south onto a designated shared canal ^b ; the sale, for 2025 <i>tangah</i> ^c , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306	
Witnesses: Arbāb Nadhr-Allāh; Mīrzā Ghafūr Āqsaqāl; Mīr Ḥabīb.	
¹ The settlement is today more commonly known as Shīrbadūn/Shīrbudūn.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b jūy-i mu‘ayyan-i mushtarakah; ^c tangah-yi rā’ijah bih ḍarb
164 x 212; 8 lines. Persian.	

208

tpq 19 Jumādā II 1316 (4 November 1898): reported declaration of sale

78: KP 1146

On the above date Farmān Qul Bīk and Ṣiddīq Bīk, sons of Ḥāmid Bīk, declared as competent agents before Bukhara’s courthouse that they have sold ^a to Ustā Yūldāsh b. Ustā Muḥammad Raḥīm approximately 1 <i>tanāb</i> of <i>milk-i ḥurr</i> land located in the rural settlement of Shīr Badan, Janūbī-Rūd, and abutting in the west onto land belonging to the purchasers, in the north onto land belonging to Ṣiddīq Jān b. ‘Abdallāh, and in the east and south onto shared canals; the sale, for 1100 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306	
	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah-yi bukhārīyat al-ḍarb
168 x 218; 8 lines. Persian.	

209

tpq 29 Sha‘bān 1319 (11 December 1901): reported declaration of sale

80: KP 1146

On the above date Mas‘ūd Bāy b. Mīr Ḥamīd¹ and Mīr Ḥabīb b. Mīr Ḥalīm declared as competent agents before Bukhara’s courthouse that they have sold^a to Ustā Yūldāsh b. Ustā ‘Abd al-Raḥīm approximately 1 *ṭanāb* of *milk-i ḥurr* land located in the rural settlement of Shīr Badan, Janūbī-Rūd, and abutting the west partly onto land belonging to Ghulām Jān b. Mullā Muqīm and partly onto land belonging to the vendor, and in the north, east and south onto land belonging to the purchaser; the sale, for 950 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ ≈ son of the Mīr Ḥamīd noted in doc. 205?

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah-yi bukhārīyat al-ḍarb

169 x 213; 8 lines. Persian.

210

tpq 21 Ramaḍān 1322 (29 November 1904): reported declaration of sale

79: KP 1146

On the above date Ustā Maqṣūd b. ‘Abd al-Ḥamīd declared before Bukhara’s courthouse that he has sold^a to Yūldāsh Bāy b. ‘Abd al-Raḥīm approximately $\frac{3}{4}$ *ṭanāb* of *milk-i ḥurr* land located in the rural settlement of Shīr Badan, Janūbī-Rūd, and abutting in the west, east and south onto land belonging to the purchaser, and in the north onto land belonging to ‘Abd al-Raḥmān b. ‘Abdallāh Bāy; the sale, for 1000 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah-yi bukhārīyat al-ḍarb

163 x 220; 10 lines. Persian.

211

tpq 16 Ṣafar 1329 (16 February 1911): reported declaration of sale

81: KP 1147

On the above date ‘Abd al-Ḥafīz Āqsaqāl b. ‘Abd al-Qaḥḥār Āqsaqāl, acting as attorney^a to ‘Ā’ishah Pāchā and Shamsīyah Pāchā, daughters of Khayr-Allāh Khwājah – his authority as attested by the competent witnesses Bāy Bīk b. Bābā Qul Bīk and ‘Abd al-Waḥḥāb Bāy

<p>b. ‘Abd al-Qahhār – declared as a competent agent before Bukhara’s courthouse that he has sold^b to Rajab Bāy b. Ustā ‘Abd al-‘Azīz a courtyard property located in Ḥaḍrat-i Ḥājjī Ḥabīb-Allāh quarter, and abutting in the west and north onto a property belonging to Khadijah Āyim bint Ustā Yūldāsh, in the east onto a blocked thoroughfare, and in the south onto a public thoroughfare; the sale, for 2000 <i>tangah</i>^c, was completed, with each party to the transaction receiving what was due.</p>	
<p>Stamp: Qāḍī al-quḍāt Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā Muḥammad Qāḍī Khwājah Ṣadr</p>	
	<p>^a wakālatan shar‘īyatan; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c tangah-yi rā’ijah-yi bi-ḡarb</p>
<p>171 x 220; 9 lines. Persian.</p>	

212

tpq 8 Rabī‘ I 1335 (2 January 1917): reported declaration of debt

88: KP 1150

<p>On the above date Ḥātam Bāy b. Yūldāsh Bāy, a resident of the rural settlement of Tāsh Kūfrūk¹, Janūbī-Rūd, declared as a competent agent before Bukhara’s courthouse that he owes Sayyid Murād b. Mīr Muqīm 2000 <i>tangah</i>, and that he will repay the debt upon demand^a.</p>	
<p>Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Burhān al-Dīn² b. Qāḍī al-quḍāt Badr al-Dīn</p>	
<p>¹ See Mukhammadzhanov <i>et al.</i>, <i>Naseleanye punkty Bukharskogo emirata</i>, p. 125.</p> <p>² Son of Mullā Mīr Badr al-Dīn b. Mullā Mīr Ṣadr al-Dīn (→ 87⁽⁴⁾), and attested active as <i>qāḍī</i> from 1315/June 1897-May 1898 (see Kurbanov, <i>Bukharskie pechatī XVIII-XX vekov</i>, pp. 35-36), as <i>ra’īs</i> from 1318/May 1900-April 1901 (see Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i>, p. 112) and as <i>qāḍī al-quḍāt</i> from 1331/December 1912-November 1913 (see Kurbanov, <i>Bukharskie pechatī XVIII-XX vekov</i>, pp. 46-47) to Shawwāl 1337/July 1919 (→ doc. 361). Muḥammad-Sharīf-i Ṣadr-i Ziyā, <i>The Personal History of a Bukharan Intellectual</i>, offers some further details about the course of this individual’s career: thus (i) immediately prior to his appointment as <i>ra’īs</i> in 1900, Burhān al-Dīn had been serving as <i>qāḍī</i> in Chahārjūy (<i>op. cit.</i>, p. 188), and (ii) upon the death of his father Mullā Mīr Badr al-Dīn in April-May 1908 he was re-appointed as Bukharan <i>ra’īs</i> (<i>op. cit.</i>, p. 248). For further attestation to his activities, see Semenov, <i>Izdaniia Turkestanakogo vostochnogo instituta</i>, pp. 9-10 (doc. no. 11), Kazakov, ‘Analyse structurelle des actes de <i>waqf</i> provenant d’Asie centrale, XIIIe-début XXe siècles’, p. 216, and <i>idem</i>, <i>Bukharan Documents: The Collection in the District Library</i>, pp. 43-44.</p>	<p>^a ‘ind al-ṭalab</p>
<p>161 x 221; 6 lines. Persian.</p>	

213

tpq 15 Dhu'l-Qa'dah 1299 (28 September 1882): reported declaration of mortgage

321: KP 5991/73

On the above date Tūrah Khwājah and Ismā'īl Khwājah, sons of 'Abd al-Mu'min Khwājah, declared as competent agents before the courthouse of Janūbī-Rūd that they have temporarily sold^a to Mīrzā Burhān b. Mullā Mīrzā Badal two plots of land located in the rural settlement of Pāk-Shūyān-i Mazār-i Sharīf, Janūbī-Rūd. (i) The first of these measures 2 *tanābs*, and abuts in the west onto land belonging to Zafar Khwājah b. Tūkhtah Khwājah, in the north onto a shared canal, in the east onto land belonging to Qābil Bāy b. Muḥammad Amīn, and in the south onto land belonging to 'Abd al-Ḥamīd b. 'Abdallāh. (ii) The second measures ½ *tanāb*, and abuts in the west and north onto a common canal, and in the east and south onto land belonging to the afore-mentioned Zafar Khwājah. The sale is for 600 *tangah*^b; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged.

Stamp removed.

Witnesses: Īshān 'Uthmān Khwājah; Mullā 'Abd al-Mubīn Āqsaqāl; and others.

^a bay'-i jā'iz-i shar'ī; ^b tangah-yi rā'ijah-yi bukhāriyat al-ḍarb

170 x 215; 10 lines. Persian.

214

1300 (12 November 1882 – 1 November 1883): instructions

326: KP 5991/78

[Amīr Muẓaffār] informs Qāḍī Mullā Nāṣir of a complaint made by Nuskhah Bībī, resident of Qarah Bāgh, who asserts that Yūsuf, husband of her daughter Qīrlār [=Qīzlār] Āy, attacked and hit her, breaking two teeth, destroying possessions and forcibly divorcing her^a. Qāḍī Mullā Nāṣir is thus dispatched to investigate the matter. If the situation is as described, he should extract retribution for the woman's humiliation in accordance with *sharī'ah*. If the situation is otherwise, he should inform the *amīr*.

Stamp (side b): Amīr Muẓaffar Sayyid, 1277

^a ṭalāq jabran kardah

103 x 174; 9 lines. Persian.

215

tpq 17 Shawwāl 1300 (21 August 1883): statement of surety

327: KP 5991/79

On the above date Muḥammadī Qul Bāy b. Qurbān Naẓar Bāy declared as a competent agent before the courthouse of Yartī Tipah-i Chīm¹ that he has become guarantor^a for Tūlaghān Āy bint Amān Qul. Whenever Nārbāsh Bāy b. Jum‘ah Qul Bāy demands Tūlaghān Āy’s presence, Muḥammadī Qul Bāy will find and deliver her^b.

Stamp: Qāḍī Mullā Muḥammad Nāṣir Ra’īs b. Mullā Muḥammad Shākīr Mudarris, 1300

¹ The location of this settlement is unclear. Note however that (i) a settlement called Yartī Tipah is located in the vicinity of Khuzār, and (ii) a *tūmān* called Chīm is located in the Qashqadarya region.

^a kafīl; ^b dar makān-i mumkin al-mukhāṣamat paydā sākhtah taslīm mī-namāyam

149 x 218; 7 lines. Persian.

216

1300 (12 November 1882 – 1 November 1883): personal letter

22: KP 1096

The speaker informs Īshān Ṣudūr, the addressee, that he is sending him gifts as a token of his love: his son Shāh Mardān Qulī Bīk Qarāwul-Bīgī is coming to Īshān Ṣudūr’s court^a, bringing with him as a gift a small rug.

No stamp.

^a darbār-i ma‘dalat-madār-i ‘ālī

148 x 321; 23 lines. Persian.

217

Jumādā II 1306 (2 February – 2 March 1889): appeal

14: KP 1088

The speaker informs Īshān Ṣudūr, the addressee, that he is dispatching a gift as a token of his regard, accompanied with all good wishes and prayers. The speaker expresses the hope that in return the addressee will not wholly forget him. In an addendum, the speaker notes that he has additionally sent the addressee a packet of tea.

No stamp.

145 x 340; 21 lines. Persian.

218

n/d¹: appeal

16: KP 1090

Mullā Amān-Allāh Makhdūm informs Īshān Qāḍī Şudūr, the addressee, who has helped him in the past, that he is presently in difficulty. He is thus dispatching the present communication care of Mīrzā ‘Abd al-Ghaffār, whom he has entrusted to pass on his prayers and good wishes. He hopes that the addressee will send back care of said intermediary both news of his good health and some help to cover expenses for the month of Ramaḍān.

Stamp: Mullā Amān-Allāh Makhdūm, 1312 (x 26)

¹ *tpq* 1312 (5 July 1894 – 23 June 1895).

143 x 344; 31 lines. Persian. Document reproduced at back of volume.

219

n/d: appeal

20: KP 1094

The speaker requests of Īshān Qāḍī Şudūr, the addressee, that he might be permitted to become his associate^a. If this were possible, the speaker would redouble his prayers on the addressee’s behalf^b.

No stamp.

^a *umīd ast kih mūmā ilayhi bih qaṭār-i mulāzim-hā khidmat farmāyand; ^b bā‘ith-i mazīd-i du‘ā khwāhad shud*

167 x 305; 16 lines. Persian.

220

n/d: personal letter

21: KP 1095

The speaker informs Īshān Şudūr, the addressee, that he is sending him some modest gifts as a token of his love, together with two packets of tea.

No stamp.

Side b: various fragments of verse.

170 x 338; 21 lines. Persian.

221

n/d: appeal

23: KP 1097

The speaker informs Īshān Ṣudūr, the addressee, that he is heavily burdened with the responsibilities of having a family, and that the income which, with the addressee's assistance, he has been drawing during the past six or seven months as <i>qāḍī</i> still leaves his family in a state of poverty. The speaker hopes that the addressee will not withhold his support; he also hopes that he will take no notice of certain unjustified rumours pertaining to the author's activities ^a .	
No stamp.	
	^a az wajh-i du'ā-gūy az khayr ū sharr chīzī masmū' shudah bāshad, bih jāhil guftah shawad
131 x 232; 22 lines. Persian.	

222

n/d: personal letter

24: KP 1098

The speaker informs Īshān Qāḍī Ṣudūr, the addressee, that he has returned from fulfilling his duties. He ask the addressee now to send him if possible halva and sherbet.	
No stamp.	
Side b: a breakdown of unidentified expenses and verse 23 from the <i>sūrat al-A'rāf</i> .	
184 x 333; 18 lines. Persian.	

223

Thursday 2 Rajab [no year]: personal letter

25: KP 1099

The speaker apologises to Ṣudūr, the addressee, for his absence on the occasion when the addressee visited and enquired on his behalf. He further communicates good wishes on the part of his siblings, both young and old alike.	
No stamp.	
Side b: fragments of unidentified verse, plus two lines written in an illegible hermetic script	
168 x 335; 18 lines. Persian.	

224

n/d: appeal

26: KP 1100

The speaker informs Īshān Qāḏī Ṣudūr, the addressee, that his cousin Qārī ‘Abd al-Ghanī, a resident of Chahār-Jūy *wilāyat*, has inherited approximately 14 *tanābs* of land from his father. Qārī ‘Abd al-Ghanī has therefore sent to a certain Īshān Khwājah a confirmation of power of attorney^a, entrusting him to sell said property on his behalf, and dispatching him to Īshān Qāḏī Ṣudūr, with the hope that this latter may assist him.

No stamp.

^a *khatt-i wakālat*

182 x 328; 24 lines. Persian.

225

n/d: personal letter

27: KP 1101

The speaker informs Qāḏī Ṣudūr, the addressee, that that he has received with great pleasure the letter which the addressee sent to him care of Mīrzā Luqmān, and that he prays ceaselessly for the addressee’s good fortune. The speaker has also just received a second letter, dispatched care of Mīr Dādkhwāh, whom the speaker is now entrusting with the present communication by way of reply.

No stamp.

Side b: various calligraphic samples

178 x 341; 21 lines. Persian.

226

n/d, personal letter

29: KP 1103

The speaker informs the addressee¹ that he is pleased to have learned from others of his safe arrival in Bukhara, and reassures him that he too is presently well. He enquires whether the addressee knows the date of Fakhr al-Dīn Khwājah’s circumcision ceremony^a, and passes on the good wishes of his grandson Mīr Muḥammad.

No stamp.

¹ i.e. Īshān Qāḏī Ṣudūr?^a *iftitāh*

133 x 215; 16 lines. Persian.

227

n/d, personal letter

32: KP 1106

The speaker informs Īshān Ṣudūr, the addressee, that he has received the 300 *tangah* which the addressee sent him care of Ma'mūr Bīk, and says that he was pleased to learn of the addressee's good health. He further expresses his gratitude for the addressee's undertaking to send him funds by the start of 'Īd-i Qurbān.

Stamp (side b): Mīrzā 'Abd al-Salām Khwājah

Side b: a list of the twelve Shi'i imāms

129 x 206; 16 lines. Persian.

228

n/d: personal letter¹

33: KP 1107

The speaker² informs his son, the addressee, that this latter needs to sell [something], and to take a part [of something else] from Mīr Dādkhwāh. Before the sale, he needs to secure a postponement from the *qūsh-bīgī*. Mīrzā 'Iṣmat will deliver 2000 *tangah* by tomorrow. The speaker has dispatch Mīrzā 'Iṣām. Amongst other recent events, the *muftī-yi 'askar* has died in [Kāgān?].

No stamp.

¹ Much of the letter is unclear: it is composed in non-standard dialectal form.

² The speaker may well be Īshān Qāḍī Ṣudūr: note reference to Mīr Dādkhwāh, encountered also in docs. 223 (where similarly a go-between for father and son), and 225.

148 x 277; 30 lines. Persian.

229

n/d: instructions

333: KP 5991/85

[The *amūr*?] informs Īshān Qāḍī Ṣudūr that Mullā Mīrzā, the bearer of this letter^a and a personal associate of the speaker^b, holds the position of *imām* in the mosque of Zarchah Bī¹ in Shāfirkām *tūmān*, with responsibility for administration of the mosque's *waqf*. Although the tenants of the property are flourishing, they are failing to pay rent to said *imām*, who accordingly has written a letter requesting assistance. Īshān Qāḍī Ṣudūr is therefore instructed to go, collect the stipulated rent from the tenants^c, and render it over (to the *imām*)^d.

No stamp.	
¹ See Mukhammadzhanov <i>et al.</i> , <i>Naselemye punkty Bukharskogo emirata</i> , p. 59.	^a dārandah; ^b az jumlah-yi mustanidān-i īn jānib; ^c ḥiṣṣat al-waqf-i ū-rā az rū-yi ijārah-yi ān az kārandah-gān-i ān sitānīdah; ^d bih janāb-ashān ajr-i ‘aẓīm ḥāṣil gardīdah
157 x 354; 21 lines. Persian.	

230

n/d: personal letter

595: KP 5991/316

The speaker thanks Mīr Bī Īnāq-i kalān for his recent letter, which brought him great happiness, and he assures him that both he and Ḥājji Muḥammad Rajab Qarāwul-Bīgī are constantly praying for his wellbeing. He ends by expressing the hope that he in turn has not been wholly forgotten by the addressee.
No stamp.
183 x 355; 34 lines. Persian.

231

tpq 9 Rabī^c II 1301 (7 February 1884): reported acknowledgement of receipt of surety

339: KP 5991/91

On the above date Mīrzā Bīk b. Mullā ‘Abd al-Ḥafīẓ declared as a competent agent before the office of Bukhara’s <i>ra’īs</i> ^{a(1)} that he has accepted a black Kashmīrī shawl belonging to Mullā Ṭāhir b. Mullā Shākir Jān as surety ^b for 22 <i>qadāqs</i> ² weight of lapis lazuli. In a month’s time he will take possession of the lapis lazuli, and return the shawl to its owner.	
Stamp: Muḥammad ‘Ārif Khwājah Ṣadr Ra’īs b. Mullā ‘Abd al-Mu’min Khwājah Ākhūnd, 1300	
Witnesses: Mullā Luqmān; Mullā Sharīf; Ṣāliḥ Bāy.	
¹ For <i>dār al-iḥtisāb</i> , → doc. 101. Formulation (^a) is conventional, and unless specified otherwise subsequent references to the <i>dār al-iḥtisāb</i> / office of <i>ra’īs</i> will assume its usage.	^a <i>dār al-iḥtisāb</i> -i baldah-yi fākhīrah-yi Bukhārā-yi sharīf; ^b dar ‘iwaḍ-i [...]
² In 19 th -century Samarqand, 1 <i>qadāq</i> weighed 409.5 grammes; its accepted value however varied widely across the region. See Davidovich, <i>Materialy po metrologii srednevekovoï Srednei Azii</i> , p. 83.	
175 x 222; 8 lines. Persian.	

tpq 4 Ramaḍān 1301 (28 June 1884): hereditary transfer of estate

650: KP 5991/371

On the above date the unencumbered estate^a of the late Ustā Ni‘mat was divided according to the divine laws of inheritance^b between his widows Khāwar Āy and Bībī Jān Bīgīm (each receiving 5/80), his pre-adult son Raḥmat-Allāh (28/80), his pre-adult daughter Mu‘azzamah Āy (14/80), and Khāwar Āy’s unborn child (28/80).

Following the confirmation of the legality of the division^c, Khāwar Āy and Bībī Jān Bīgīm received as their joint share of the estate ¼ of the value of a jointly-owned courtyard property and an adjoining bakery valued at 4000 *tangah* and located in Bukhara’s Ustā Rūhī quarter, abutting in the west onto a public thoroughfare, in the north onto a shop endowed as *waqf* and partly onto a house belonging to Āchildī b. ‘Abdallāh, in the east onto a house belonging to Murād Bāy b. ‘Abd al-Mu‘min, and in the south onto a wash-house^d belonging to the ‘Abd al-‘Azīz Khān *madrasah*; they also received 32 *tangah*^e in cash.

Raḥmat-Allāh and Mu‘azzamah Āy received as their joint share 42/80 of the aforementioned property, plus 3/5 of both various movable possessions itemised at the outset and a further jointly-owned bakery valued at 600 *tangah* and located in Ustā Rūhī, abutting in the west onto a house belonging to ‘Azīm Bāy b. Rajab Bāy, in the north onto a pool of water in the vicinity of the Rīgistān, in the east onto a public thoroughfare, and in the south onto a house belonging to Khursand Āy bint Abu’l-Qāsim; they additionally received 1326 *tangah*.

The unborn child received as his/her share 28/80 of the first property, plus 2/5 of the specified movable possessions and the second bakery, as well as 884 *tangah*. Khāwar Āy was appointed as guardian to the pre-adult beneficiaries.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā ‘Abd al-Shukūr Ṣadr b. Mullā ‘Abd al-Rasūl Bukhārī (x 2)

^a matrūkah-yi fārighah; ^b ‘alā farā’id Allāh ta‘ālā; ^c ba’d taḥaqquq jamī‘ sharā’it ṣiḥḥat al-qismah; ^d mabraz-khānah; ^e tangah-yi rā’ijah bih ḍarb

283 x 436; 28 lines. Persian.

tpq Shawwāl 1301 (25 July – 22 August 1884): reported declaration of cessation of claim

648: KP 5991/369

On the above date Mīrzā ‘Uthmān b. Mīrzā Sharāf, acting – by the terms of a conferral of powers of attorney notarised by the same *qāḍī* whose stamp follows below^a – as attorney to Qalmāq Jān bint Sharīf Jān, declared as a competent agent before Bukhara’s courthouse that his client has no claim or contention whatsoever^b against her brother Ustā ‘Abd al-Shukūr b. Sharīf Jān for a share of the estate of the late Sharīf Jān, Qīmat Āy, Sharāfat Āy, Qamar Āy and Rajab Bāy.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā ‘Abd al-Shukūr b. Mullā ‘Abd al-Rasūl Bukhārī	
Witnesses: ‘Azīz Bāy Āqsaqāl; Bābā Kamāl; Mīrzā Bāy Yūz-Bāshī; Sulṭān Khwājah; Mullā ‘Abd al-Mu‘min; Mīr Khwājah; Jūrah Bīk; Ustā Rajab Bāqī; ‘Azīm Bāy Āqsaqāl; Mīrzā Fūlād; Shāh Mardān Qulī; and others.	
	^a bih khaṭṭ-i wakālat-i khātim fi’l-dhayl; ^b bih wajh min al-wujūh wa sabab min al-asbāb
161 x 209; 7 lines. Persian.	

234-238: documents relating to the line of Mīrzā Kamāl

234

tpq 5 Jumādā II 1301 (2 April 1884): reported declaration of sale¹

513: KP 273

On the above date Rābi‘ah Bīgīm bint ‘Ālim Bāy declared as a competent agent before the courthouse of Janūbī-Rūd that she has sold ^a to her daughter Sayyidah Āy bint Mīrzā Kamāl the <i>suknīyāt</i> on 1 <i>ṭanāb</i> of <i>waqf</i> land located in the rural settlement of Pāk-Shūyān, Janūbī-Rūd. The property abuts in the west onto land belonging to ‘Alī Bāy b. ‘Abdallāh and partly onto land belonging to Mullā Sharāf b. Mullā Raḥīm, in the north onto land belonging to Qābil Bāy b. Muḥammad Amīn Bāy, in the east onto a public thoroughfare, and in the south onto land belonging to Nār Jān and Āchildī Āy, daughters of ‘Abd al-Karīm. The sale, for 15 <i>ashrafi</i> ^b , was completed: the purchaser duly took receipt of the property, and the vendor rebated the afore-mentioned payment ^c .	
Stamp: Qāḍī Muḥammad Islām Khwājah Ṣudūr b. Muḥammad Burhān Khwājah Naqshbandī, 1301	
Witnesses: Yūldāsh Āqsaqāl; Fayḍ-Allāh Bāy; Arbāb [xxx].	
¹ The present document is grouped alongside docs. 235-238 below on circumstantial grounds: figures called ‘Mīrzā Kamāl’ are encountered only rarely, and the chronology fits with doc. 235. Several individuals encountered in the document appear also in docs. 126 and 132.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b ashrafi-yi nuzdah-tangah-gī-yi rā’ijah bih ḍarb; ^c ma‘ qabḍ al-mabī‘ al-madhkūr wa isqāṭ al-thaman al-madhkūr ‘an dhimmatihā
175 x 220; 11 lines. Persian.	

235

tpq 21 Shawwāl 1302 (3 August 1885): reported declaration of sale

85: KP 1149

<p>On the above date Mullā Mīr Sadīd b. Qārī Mīr Sayyid, acting as attorney^a to Zulaykhā Bīgīm bint Mīrzā Kamāl – his authority as attested by witnesses Dāwud Khwājah b. ‘Abd al-Zāhir Khwājah and Mīr ‘Ubayd b. Qārī Mīr Sayyid – declared as a competent agent before Bukhara’s courthouse that he has sold^b to his client’s brother Mīrzā Maḥmūd b. Mīrzā Kamāl his client’s 5/18-share of a jointly-owned property located in Ḥaḍrat-i Ḥājjī Ḥabīb-Allāh quarter and abutting in the west onto a blocked street, in the north onto a shared thoroughfare, in the east onto a courtyard property belonging to the purchaser and in the south onto a house belonging to Rayḥān Bīgīm bint ‘Abdallāh; the sale, for 140 <i>tangah</i>^c, was completed, with each party to the transaction receiving what was due.</p>	
<p>Stamp removed.</p>	
<p>Witnesses: ‘Abd al-Shukūr Āqsaqāl; Mīrzā Sa‘īd; Mīrzā Sharīf.</p>	
	<p>^a wakālatan shar‘īyatan; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c tangah-yi rā’ijah-yi maḍrūbah bih ḍarb</p>
<p>180 x 217; 10 lines. Persian.</p>	

236

tpq 1 Rajab 1310 (19 January 1893): reported declaration of sale

86: KP 1149

<p>On the above date ‘Abd al-Qahhār Āqsaqāl b. ‘Abd al-‘Azīz, acting as attorney with confirmation by witness testimony^a to Ghazālah Āy and Naḍārah Āy, daughters of Mīrzā Maḥmūd Bāy – his authority as attested by the competent witnesses Mīrzā Sadīd b. Mīr Sayyid and Qārī Yūsuf b. Ūrāz Bāy – declared as a competent agent before Bukhara’s courthouse that he has sold^b to his clients’ brother Ghulām Jān b. Mīrzā Maḥmūd a perfume shop located in the Khiyābān commercial row in the perfumers’ bazaar, abutting in the west onto a public thoroughfare, in the north onto a shop belonging to Mīrzā Maḥmūd b. Mīrzā Kamāl, in the east onto a shop belonging to ‘Abd al-Raḥmān b. Rajab Bāy, and in the south onto a shop belonging to the purchaser and partly onto a shop belonging to Ḥafīz Āy bint Maḥmūd Bāy; the sale, for 500 <i>tangah</i>^c, was completed, with each party to the transaction receiving what was due.</p>	
<p>Stamp removed.</p>	
<p>Witness: ‘Abd al-Shukūr Āqsaqāl.</p>	
	<p>^a wakat bi’l-bayyinah fī mā yudhkar; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c tangah-yi nuqrah-yi sarah-yi rā’ijah bih ḍarb</p>
<p>165 x 250; 10 lines. Persian.</p>	

237

tpq 27 Rabī' I 1311 (8 October 1893): reported declaration of mortgage

89: KP 1149

On the above date Mīrzā Maḥmūd b. Mīrzā Kamāl al-Dīn declared as a competent agent before Bukhara's courthouse that he has temporarily sold^a to Luṭf-Allāh Bāy b. Fayḍ-Allāh¹ two adjoining shops located in Ḥaḍrat-i Ḥājjī Ḥabīb-Allāh quarter and abutting in the west onto a public thoroughfare, in the north onto a shop belonging to 'Abd al-Rasūl b. Raḥīm Bāy, in the east onto a courtyard property belonging to Ḥājjī 'Umar b. Rajab Bāy and in the south onto a shop belonging to Ghulām Muḥammad b. Mīrzā Maḥmūd. The sale is for 2000 *tangah*^b; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged².

Stamp removed.

Witnesses: 'Abd al-Shukūr Āqsaqāl; 'Abd al-Qahhār Āqsaqāl; Qārī 'Abd al-Wahhāb; Ṣiddīq Khwājah.

¹ This figure appears also in doc. 87.

² No schedule is provided for repayment.

^a bay'-i jā'iz-i shar'ī; ^b tangah-yi rā'ijah-yi bukhāriyat al-ḍarb

167 x 215; 7 lines. Persian.

238

tpq 13 Jumādā II 1311 (22 December 1893): reported declaration of sale

87: KP 1149

On the above date Ghulām Qādir b. Mīrzā Maḥmūd declared as a competent agent before Bukhara's courthouse that he has sold^a to his father Mīrzā Maḥmūd b. Mīrzā Kamāl, through this latter's attorney Muḥammad Ṣiddīq, a perfume shop located in the Khiyābān commercial row in Ḥaḍrat-i Ḥājjī Ḥabīb-Allāh quarter and abutting in the west onto a public thoroughfare, in the north onto a shop belonging to the purchaser, in the east onto a courtyard property belonging to Ḥājjī 'Umar b. Mullā Bāltah Bāy and in the south onto a shop endowed as *waqf*; the sale, for 2000 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp removed.

Witnesses: 'Abd al-Shukūr Āqsaqāl; 'Abd al-Qahhār Āqsaqāl; Yūldāsh Bāy.

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b tangah-yi rā'ijah-yi bukhāriyat al-ḍarb

159 x 219; 9 lines. Persian.

239

Sha‘bān 1302 (16 May – 13 June 1885): instructions

385: KP 5991/134

[Mullā Muḥammadī Bī Qūsh-Bīgī] informs [–¹] that Allāh Yār Bīk b. Ḥaydar Qulī Bīk Bī has presented himself at court. Stating that Kamāl Bāy and Jamāl Bāy, two residents of the rural settlement of Ākhūnd Badīn³, Janūbī-Rūd, wrongly cut down four of his mulberry trees, and carried away the wood, Allāh Yār Bīk has requested for somebody to be appointed as *amīn*⁴ to oversee the case. ‘Abd al-Khāliq Chuhrah-Āqāsī has thus been appointed to this position. He should summon together the parties, investigate the matter and secure a reconciliation in accordance with *sharī‘ah*^a, thus restoring amity to the two sides. He should inform the court of what transpires, and should levy a *khidmatānah* payment for his services.

Stamp (side b): Mullā Muḥammadī Bī Kull-i Qūsh-Bīgī

¹ Document torn; name obscured.² ≈the individual encountered in doc. 318? Chronology would certainly permit this identification.³ Noted in Chekhovich and Arends, *Dokumenty k istorii agrarnykh otnoshenii v Bukharskom khanstve*, p. 191 [doc. 42].⁴ The term here presumably has a meaning other than ‘trustee’.^a muwāfiq-i shar‘-i sharīf pursīdah, bih qaṭ‘ rasānīdah

140 x 190; 18 lines. Persian.

240

1303 (10 October 1885 – 29 September 1886): appeal

15: KP 1089

The speaker informs the anonymous addressee that he is dispatching to him an inventory of the marriages and probate cases^a which he has conducted during Ramaḍān, together with the month’s fees for officiating at weddings^b. The speaker hopes that the addressee will duly notarise the inventory.

In an addendum, the speaker notes that he is sending the addressee two marriage contracts^c and sixteen summonses^d for notarisation.

No stamp.

^a tarikah; ^b muhrānah; ^c khaṭṭ-i nikāḥ; ^d khaṭṭ-i iḥḍār

157 x 280; 20 lines. Persian.

241

n/d: appeal

18: KP 1092

The speaker informs the anonymous addressee that he is sending him an inventory of the marriages and probate cases^a which he has conducted. He then relates a problematic case. Shaykhī Mīrzā-Bāshī, a troublemaker from the rural settlement of Būynī Ūzūn, insulted somebody from Ghuzārchī. Now that the speaker has settled the case^b, Shaykhī Mīrzā-Bāshī should pay the fee for his services^c. But he rudely refuses to, and threatens to instigate proceedings^d. The speaker requests that the addressee appoint a court attendant to oversee the case.

No stamp.

^a ān-chih nikāh wa tarikah-rā jam‘ namūdah, wathā’iq-rā taḥrīr kardah; ^b šāf shudan; ^c muhrānah; ^d ‘az jā-yat khīz, murāfa‘ah-rā mī-rasam’ guftah

170 x 369; 30 lines. Persian.

242

tpq 11 Rabī‘ II 1303 (17 January 1886): reported declaration of mortgage

637: KP 5991/358

On the above date ‘Ibād-Allāh Khwājah b. Šafā Khwājah declared before the Sāmjan *tūmān* courthouse¹ that he has temporarily sold^a to Sharāf al-Dīn Khwājah b. Mīr Khwājah 1 *tanāb* of *milk-i ḥurr* land located in the rural settlement of Qaramān², Sāmjan *tūmān*, and abutting in the west and north onto land belonging to the mortgager, in the east onto land belonging to Ūzbek Khwājah b. Sulaymān Khwājah and in the south onto the embankment of a private canal^{3b}; the sale is for 10 *ashrafi*^c.

The speaker additionally declared that he has undertaken to rent the property under transaction for 4 *tangah* per month^d.

Stamp: Qāḍī Mullā ‘Abdallāh Khwājah⁴ b. Mullā Afāq Khwājah Mudarris Ḥusaynī, 1302

Witnesses: Arbāb Ḥikmat; Mīrzā ‘Abd al-Rasūl; Raḥīm Khān; Ūzbek Khwājah; and others.

¹ See Kazakov, *Bukharan Documents: The Collection in the District Library*, p. 64, noting 3 references to this institution in the Bukharan collection.

² See Mukhammadzhanov *et al.*, *Naseleunnye punkty Bukharskogo emirata*, p. 74.

³ One of only three references to a ‘private’ canal in our documents; → also just docs. 28 and 369.

⁴ Attested active from *ca.* Rabī‘ II 1303/January-February 1886 (→ doc. 242) to 1315/1897-98 (see document 111 in Urunbaev *et al.*, *Katalog sredneaziatskikh zhalovannykh gramot*, pp. 62-63).

^a bay‘-i jā’iz-i shar‘ī; ^b ḥarīm-i jūy-i khāṣṣ; ^c ashrafi-yi nuzdah tangah-gī-yi rā’ijah; ^d bih gudhashtan-i har yak māh-i kāmīl-i qamarī az ta’rikh-i madhkūr bih badal-i 4 tangah-yi mawṣūfah

Kurbanov, *Materialy po sredneaziatskoi sfragistike*, p. 72, dating a stamp with this individual's name and parentage to 1209/1794-95, appears to be incorrect.

170 x 220; 12 lines. Persian.

243

n/d¹: report

399: KP 5991/145

Qāḍī Mullā ‘Abdallāh Khwājah presents a request to the *amīr*^a.

The speaker relates that Muḥammad Qāsim, Mullā Hādī, Ghā’ib Naẓar and ‘Abd al-Naẓar, residents of the rural settlement of Ishkān-i Khutfar, claimed that they enjoyed the status of *amlāk-kārs* on a plot of land: however, the *mutawallī* of the Masjid-i Kalān has demanded that they pay a tithe^b, and thus caused them worry. They thus asked Qāḍī Mullā ‘Abdallāh Khwājah to go and investigate.

The speaker states that he did as requested, and found that the relevant endowment deed identifies as the property belonging as *waqf* to the Masjid-i Kalān approximately 400 *ṭanābs* of land located in Ishkān and abutting in the south onto a designated canal^{c(2)}. The petitioning residents claimed that the canal specified in the document refers to an ancient drainage channel^d which flows from the Khutfar river, from within the land endowed as *waqf* to the Masjid-i Kalān. But the *mutawallī* of the Masjid-i Kalān claimed to the contrary that the canal was rather a common stream leading out from land endowed as *waqf* to [the *madrasah* of] Nadir Dīwān-Bīgī. The matter is complicated by the fact that over a number of years the boundaries of the *waqf* have been somewhat changed^e: the speaker deemed it preferable, when determining the matter, to observe the original terms of the endowment^f. The *mutawallī* of the *waqf* showed him a royal ruling^g in his possession, saying that the late Qāḍī Mullā Yūsuf Jān demarcated the lands endowed as *waqf* for the Masjid-i Kalān, and that the lands presently in the hands of Qurbān Bāy, Rūzī Bāy and Bīk Naẓar sit within the afore-mentioned *waqf* territory. He also showed him a further 2 rulings, confirming that this act of separation by the afore-mentioned *qāḍī* was justified and authoritative^h, and a further document stating that, by the confirmation of Qāḍī Mullā Aḥmad and Tūkhtamīsh Yasāwul, the northern bank of the Sāj-Muyūn canal, which belongs to the land under disputeⁱ, is part of the *waqf* of the Masjid-i Kalān. Qāḍī Mullā ‘Abdallāh has dispatched the endowment deed and the 4 other documents for inspection at court.

In the light of his investigation, Qāḍī Mullā ‘Abdallāh has determined that, by the original terms of the endowment, 2/3 of the lands of Ishkān were rendered over to the *amlākdār*, with a tithe payable to the Masjid-i Kalān [on the remaining 1/3]. In times gone by, *mutawallīs* charged the petitioning residents a modest fixed sum for the use of 40 *ṭanābs* of *waqf* land: as a result of increased productivity, however, the present *mutawallī* has raised the level of assessment. The petitioning residents have no grounds for objection, though, since the property under discussion lies within the 400-*ṭanāb* plot of territory endowed as *waqf*. But the *amīr* of course knows more about such matters than the speaker does.

No stamp.

<p>¹ We have placed this document chronologically next to doc. 242 on the assumption that the Qāḍī Mullā ‘Abdallāh Khwājah encountered here is to be identified as Qāḍī Mullā ‘Abdallāh Khwājah b. Mullā Afāq Khwājah Mudarris Ḥusaynī, as encountered in the latter document. But this may well be unfounded: Qāḍī Mullā ‘Abdallāh Khwājah could very well here be the eponymous son of the Samarqandi <i>qāḍī al-quḍāt</i> Mīr ‘Abd al-Ḥayy Khwājah Shaykh al-Islām (1169/October 1755-September 1756-1243/July 1827-July 1828: → doc. 410.ii⁽²⁾); if so, the document would be substantially earlier than is suggested by the present arrangement.</p> <p>² → doc. 13.</p> <p>³ For the location and course of the Khutfar river, see Schwarz, ‘Bukhara and Its Hinterland’, p. 81.</p>	<p>^a bih janāb-i ‘ālī-ḥaḍrat-i šāḥibam wa mawlām; ^b dah-yak; ^c afdaq²; ^d zihkash; ^e ḥudūd-hā taghyīr wa tabdīl yāftah ast; ^f bih ta‘āmul-i qadīm ‘amal kardah mī-shawad; ^g ḥukm-i ‘ālī; ^h durust wa mu‘tabar; ⁱ zamīn-i nizā‘ī</p>
<p>190 x 520; 30 lines. Persian.</p>	

244

244a, n/d¹: claim for restitution

1027: KP 1544/3

<p>Acting as attorney^a to Qalandar Khwājah b. Ṣadr al-Dīn Khwājah, Ghulām Muḥammad presents a claim against Maḥmūd Khwājah and Junayd-Allāh Khwājah, sons of Mullā Mīrak Khwājah, Sayyid Khwājah b. Shā Khwājah, Ayyūb Khwājah, Fākhīr Khwājah and Qalandar Khwājah, sons of Sayyid Khwājah, ‘Abd al-Raḥīm Khwājah b. Ṭālib Khwājah, and Akram Khwājah b. ‘Abdallāh Khwājah, residents of the rural settlement of Maḥallah-yi Mīrān², in Bukhara’s Nīm-Hazārah <i>tūmān</i>.</p> <p>The speaker claims that, while his client was a child, the above respondents seized his ancestral property, comprising 7000 <i>tangah</i> and the <i>suknīyāt</i> on 1¼ <i>ṭanābs</i> of <i>waqf</i> land located in Maḥallah-yi Mīrān, which abuts in the west onto land belonging to ‘Abd al-Nabī Khwājah b. Shā Khwājah, in the north onto land comprising the estate of the late Mīr Samī‘ b. ‘Abdallāh, in the east onto a public thoroughfare. The respondents should yield the property to its rightful owner, but refuse to do so. Should they not be compelled to?</p>	
<p>Stamp: Mullā Mīr Muḥammad Ṣudūr Muftī-yi ‘askar b. Qāḍī Mullā Mīr Sayyid ‘Ālim</p>	
<p>Citations: (i) <i>al-wājib fi’l-qard radd al-mithl</i> (‘Imādī); (ii) <i>wa lidhā ‘lim al-qāḍī amar bi’l-taslīm ilayhi</i> (‘Imādī).</p>	
<p>¹ <i>taq</i> Rajab 1304 (26 March – 24 April 1887): → doc. 244b.ii.</p> <p>² Mukhamedzhanov <i>et al</i> identify 2 settlements of this name, 1 in Pīrmast, the other in Khutfar; there is no mention of Nīm-Hazārah <i>tūmān</i>. See Mukhammadzhanov <i>et al.</i>, <i>Naseleanye punkty Bukharskogo emirata</i>, p. 95.</p>	<p>^a wakālatan muṭlaqatan ‘āmmatan</p>
<p>220 x 204; 14 lines. Persian.</p>	

244b.i, 1304 (30 September 1886 – 18 September 1887): instructions

Amīr ‘Abd al-Aḥad ¹ informs Qāḍī Mullā ‘Abd al-Khalīl Ṣudūr ² that the afore-mentioned plaintiff has made the above claim against the afore-mentioned respondent. The speaker has dispatched Raḥmat-Allāh Mīrzā-Bāshī to investigate the matter and secure a resolution ^a .	
Stamp: Sayyid Amīr ‘Abd al-Aḥad	
¹ Amīr ‘Abd al-Aḥad b. Amīr Muẓaffār, ruler of Bukhara, 1303-1328/1886-1910.	^a bih qat‘ rasānad
² This individual may well have been the eponymous son of Mullā ‘Abd al-Jalīl, identified in Muḥammad-Ṣarīf-i Ṣadr-i Zīyā, <i>The Personal History of a Bukharan Intellectual</i> , p. 214, as a kinsman of the author’s father Dāmullā ‘Abd al-Shukūr (→ doc. 82 ^o).	
3 lines. Persian.	

244b.ii, *tpq* Rajab 1304¹ (26 March – 24 April 1887): reported declaration of cessation of claim

On the above date Ghulām Muḥammad, the above-noted plaintiff, declared before the courthouse that in return for 45 <i>tangah</i> he has dropped his claim against ‘Abd al-Raḥīm for restitution of 200 <i>tangah</i> .	
Stamp: Qāḍī [xxx] ² b. Qāḍī al-quḍāt Dāmullā ‘Abd al-Shukūr Ṣudūr, [13xx]	
¹ The year ‘1304’ is written in such a way as to resemble ‘1302’. However, doc. 244b.ii must logically be chronologically later than doc. 244b.i.	
² ≈ the son of that Mullā ‘Abd al-Shukūr discussed in 82 ^o .	
5 lines. Persian.	

245

tpq 3 Ṣafar 1305 (21 October 1887): reported declaration of debt

659: KP 5991/380

On the above date ‘Abd al-Raḥīm b. ‘Nawrūz Bāy declared as a competent agent before Bukhara’s courthouse that he owes Niẓām al-Dīn b. Shihāb al-Dīn 30 <i>tangah</i> ^a , and that he will repay the sum within 6 months.	
Stamp: Mullā Mīr Badr al-Dīn Ṣadr Ra’īs b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn	
	^a tangah-yi rā’ijah-yi maḍrūbah bih ḍarb
147 x 196; 6 lines. Persian.	

246

246a, 1305 (19 September 1887 – 6 September 1888): acknowledgment of receipt¹

951: KP 1237

The anonymous speaker acknowledges receipt of 145.5 <i>tangah</i> paid as <i>kharāj-i tankhwāhā</i> by ‘Ālim Khān Mīrzā-Bāshī.	
Unidentified stamp on the (lost) original document	
¹ The document is a modern copy of the original.	
73 x 150; 6 lines. Persian.	

246b, 1 Rajab 1310 (14 March 1888): statement of debt¹

The anonymous speaker states that he owes Naṣr-Allāh Bāy 500 <i>tangah</i> , and undertakes to repay the sum on demand at a rate of 6 <i>tangah</i> per month, thus with the approval of Qārī Ma‘rūf the brick salesman ^a .	
¹ The document is a modern copy of the original; it is unclear how the contents of each side relate to one another.	^a <i>khisht-furūsh</i>
7 lines. Persian.	

247

247a, n/d¹: claim for restitution

383: KP 5991/132

Before the office of Bukhara’s <i>ra’īs</i> , Nadhrī Bāy presents a claim against Raḥmān Qulī Āqsaqāl b. ‘Abdallāh for restitution of 420 <i>tangah</i> ^a . The plaintiff claims that he gave the respondent 700 <i>tangah</i> to cover expenses ^b accruing from his marriage to Bībī Rayḥān. The respondent spent 280 <i>tangah</i> on wedding costs, as instructed: but he spent the rest of the money on his own necessities. Given that the respondent is liable for the outstanding sum, he should hand it back: but he refuses to.	
Stamp: Mullā ‘Ināyat-Allāh Khwājah Mudarris b. Mullā Aḥmad Khwājah Mudarris Muftī, 1299	
Citation: <i>al-mā’ mūr idhā khālaf fī amr al-āmir yaḍman bi’l-ijmā’, wa ‘alayhi al-fatwā</i> (Khulāṣah).	
¹ <i>taq</i> Shawwāl 1306 (31 May – 28 June 1889): → doc. 247b.	^a <i>tangah-yi nuqrah-yi sarah-yi wazn-i sab’ah-yi rā’ijah-yi maḍrūbah bih ḍarb</i> ; ^b <i>bi-mā yulāzim</i>
216 x 176; 9 lines. Persian.	

247b, Shawwāl 1306 (31 May – 28 June 1889): reported cessation of claim

The afore-mentioned plaintiff dropped his claim in return for payment of 40 *tangah*.

Stamp: Mullā Mīr Badr al-Dīn Ṣadr Ra'īs b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn

4 lines. Persian.

248

248a n/d¹: claim for restitution

1005: KP 1506

Muḍrāb Khwājah Chuhrah-Āqāsī presents a claim against [his wife] Ḥanīfah Āy bint 'Awaḍ Birdī Khwājah, a resident of the rural settlement of Shaghālak, a subsidiary settlement of Mazār-i Sharīf, Bukhara.

The plaintiff claims that at a time when this woman was not of legal age, not yet married and unbetrothed, her father 'Awaḍ Birdī Khwājah gave her to the plaintiff, who at the time was also still pre-adult, and whose father Shams al-Dīn Khwājah, acting with paternal authority^a, accepted the union on his behalf. Although the union was contracted in the presence of witnesses^b, and although the woman thus became legally married, she did not display conjugal obedience^c, and consorted with another individual^d. Given that she has received the prompt dowry^e, she should comply with her husband's wishes, but refuses to do so: should she not be compelled?

Stamp: Mullā Sayyid Ghanī Muftī Mudarris b. Qāḍī Mīr 'Awaḍ [xxx]

Citation: *wa li'l-walī inkāḥ al-ṣaghīr wa'l-ṣaghīrah thumm in zawwajahā al-ab aw al-jadd lazim* (Niqāyah).

¹ *taq* Jumādā II 1306 (2 February – 2 March 1889):
→ doc. 248b.ii.

^a wilāyatan ubūwatan; ^b bih ḥuḍūr-i shuhūd-i aḥrār-i muslimīn mukallaḥīn sāmi'īn ma' ijāb wa qabūl-i muta'āqidayn-i madhkūrayn; ^c iṭā'at na-namūdah; ^d nafs-i khūd-rā bih shakḥ-i dīgarī fāṭīṭah kardah ast; ^e mahr-i mu'ajjal

211 x 236; 13 lines. Persian.

248b.i, n/d¹: instructions[Amīr 'Abd al-Aḥad] instructs Mullā Mīr Badr al-Dīn Ṣadr Ra'īs to investigate and secure a resolution^a.

Stamp: Sayyid Mīr 'Abd al-Aḥad

¹ *taq* Jumādā II 1306 (2 February – 2 March 1889):
→ doc. 248b.ii.

^a bih qat' rasānad

3 lines. Persian.

248b.ii, *tpq* Jumādā II 1306 (2 February – 2 March 1889): reported declaration of cessation of claim

On the above date the afore-mentioned plaintiff Muḍrāb Khwājah declared that, in return for $\frac{1}{2}$ *tanāb* of *milk-i kharājī* land located in the rural settlement of Kurāk¹, Janūbī [Rūd] – the geographical outline of which specified in the deeds – plus 150 *tangah*^a, he has dropped his claim against his wife Ḥanīfah Āy.

Stamp: Mullā Mīr Badr al-Dīn Ṣadr Raʿīs b. Qāḍī al-quḍāt Qāḍī Mīr Ṣadr al-Dīn

Witnesses: Aḥmad Khwājah; Burhān Khwājah; Raḥmat-Allāh [Bāy?]

¹ See Mukhammadzhanov *et al.*, *Naselennye punkty Bukharskogo emirata*, p. 86.

^a *tangah-yi rāʿijah*

7 lines. Persian.

249 – 253: documents relating to the line of Ustā Ghulām

249

tpq 24 Shawwāl 1306 (23 June 1889): hereditary transfer of estate¹

72: KP 1145

On the above date the estate of the late Ustā Ghulām was divided between his widow Mukarramah Āy, his sons ‘Abd al-Ghafūr, Ustā Barakah, ‘Abd al-Shukūr, Ustā Akram, Ustā Ikrām, and the pre-adult Bahrām, Qurbān, Burhān and ‘Ārif, and his daughters Sharāfat Āy and Khāṣīyat Āy.

Following the confirmation of the legality of the division^a, Mukarramah Āy received as her share of the estate 20/111 of three jointly-owned properties – these together comprising part of the ancestral estate – of which two are in Ḥaḍrat-i Īshān Ḥājī Ḥabīb-Allāh quarter. (i) The first of these properties is a building measuring 11 x 5 *gaz* – as reckoned by the conventional Bukharan *gaz* measure^{2b} – and abutting in the west onto a courtyard property belonging to Ustā Baqā b. Ustā Qul Jān, in the north onto a shared passageway, in the east onto the share of property belonging to ‘Abd al-Ghafūr, Barakah, ‘Abd al-Shukūr and Sharāfat Āy, children of the late Ustā Ghulām, and in the south partly as in the west and partly onto a public thoroughfare. (ii) The second is a building measuring $12\frac{1}{2} \times 5\frac{3}{4}$ *gaz*, abutting in the west onto a house belonging to Qurbān Bīk, pre-adult son of the late Ustā Ghulām, in the north onto a raised resting-place^c belonging to Ustā Ghafūr, Ustā Barakah, ‘Abd al-Shukūr and Sharāfat Āy, afore-mentioned children of the late Ustā Ghulām, in the east onto a house belonging to Muḥammad Sharīf b. Khāl Bāy, and in the south onto a house belonging to Qārī ‘Abd al-Razzāq b. Mullā Ismā‘īl. (iii) The third property is located in the Khiyābān row, Mihtar ‘Ārif quarter³, and comprises two adjoining shops measuring 8 x 5 *gaz*, abutting in the west onto a house belonging to Ḥusayn b. Qārī Shākir, in the north onto a shop belonging to the afore-mentioned Ḥusayn, in the east onto a public thoroughfare, and in the south onto a shared passageway.

The remaining 91/111 of the afore-mentioned properties passed to Ustā Akram, Ustā Ikrām, Qurbān, Burhān, ‘Ārif, Bahrām and Khāṣīyat Āy. The adults among these individuals took receipt on their own behalf, and the afore-mentioned Ustā Ghulām Bābā⁴ took receipt in his capacity as guardian^d to the pre-adult heirs.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā ‘Abd al-Shukūr Ṣadr b. Mullā ‘Abd al-Rasūl Bukhārī	
Witnesses: Ma’mūr-i khidmat Mīrzā ‘Ināyat-Allāh; ‘Abd al-Shukūr Āqsaqāl; Mīrzā Sa‘īd; Mullā Ashraf Makhdūm; Qārī Mullā Fākhīr; Mullā ‘Abd al-Ghaffār; Mullā ‘Abd al-Karīm; Dāwud Khwājah; Ustā Baqā; Mīrzā ‘Umar; and others.	
<p>¹ Correlative document to doc. 250.</p> <p>² For the specificity of Bukharan measurements, → also docs. 6, 60b.i, 90, 250, 378 and 431a.</p> <p>³ Located southwest of the Ark, in the direction of the Qarākūl gate: see Sukhareva, <i>Kvartal’naia obshchina pozdnefeodal’nogo goroda Bukhary</i>, pp. 158-59.</p> <p>⁴ This individual is not mentioned anywhere else in the document, although he is noted in doc. 250.</p>	<p>^a ba‘d-i taḥaqquq-i jamī‘-i sharā‘i-i shiḥhat al-ifrāz;</p> <p>^b bih gaz-i muta‘arif-i baldah-yi fākhīrah; ^c ṣuffah; ^d waṣāyatan shar‘īyatan</p>
271 x 395; 19 lines. Persian.	

250

tpq 24 Shawwāl 1306 (23 June 1889): hereditary transfer of estate¹

678: KP 5991/399

On the above date the estate of the late Ustā Ghulām was divided between his widow Mukarramah Āy, his sons ‘Abd al-Ghafūr Bāy, Barakah Bāy, ‘Abd al-Shukūr, Akram, Ikrām, and the pre-adult Bahrām, Qurbān, Burhān and ‘Ārif, and his daughters Sharāfat Āy and Khāṣīyat Āy.

Following the confirmation of the legality of the division^a, Ustā ‘Abd al-Ghafūr, Ustā Barakah, Ustā ‘Abd al-Shukūr and Sharāfat Āy together received three properties as their joint share of the estate, according to the principle that each man’s share should equal that of two women. Two of these are located in Ḥaḍrat-i Īshān Ḥājjī Ḥabīb-Allāh quarter. (i) The first comprises a shop measuring $4\frac{1}{4} \times 4$ *gaz* – as reckoned by the conventional Bukharan *gaz* measure^{2c} – adjoining a courtyard property and abutting in the west onto the share of property belonging as shares to Ustā Ghulām’s other children Akram, Ikrām, Qurbān Bāy, Bahrām Bāy, Burhān, ‘Ārif and Khāṣīyat Āy and to Mukarramah Āy, his widow; in the north onto a shared passageway; and in the east and south onto a public thoroughfare. (ii) The second comprises a building with *dahlīz* and *aywān* measuring $12\frac{1}{2} \times 2\frac{3}{4}$ *gaz*, and abutting in the west onto a shared thoroughfare, in the north onto a *ḥawīlī-yi sulṭānī*, in the east onto a house belonging to Muḥammad Sharīf b. Khāl Bāy, and in the south onto the estate of the afore-mentioned late Ustā Ghulām. (iii) The third property comprises two adjoining shops measuring 8×2 *gaz* located in the Khiyābān row, Mihtar ‘Ārif quarter, abutting in the west onto a house belonging to Ustā Ḥusayn b. Qārī Shākīr, in the north onto a shop belonging to the afore-mentioned Ḥusayn, in the east onto a public thoroughfare and in the south onto a share of the property belonging to Ustā Ghulām’s other children Ustā Akram, Ikrām, Qurbān Bāy, Bahrām Bāy, Burhān Bāy, ‘Ārif Bāy and Khāṣīyat Āy, and to his widow Mukarramah Āy. The terms of the division were approved by Ustā Ghulām’s adult heirs, acting on their own behalf, and by Ustā Ghulām Bābā, acting in his capacity as guardian^d to the afore-mentioned pre-adult heirs.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā ‘Abd al-Shukūr Ṣadr b. Mullā ‘Abd al-Rasūl Bukhārī	
Witnesses: Ma’ mūr-i khidmat Mīrzā ‘Ināyat; ‘Abd al-Shukūr Āqsaqāl; Mīrzā Sa’īd; Ashraf Makhdūm; Qārī Mullā Fākhir; Mullā ‘Abd al-Ghaffār; Mullā ‘Abd al-Karīm; Dāwud Khwājah; Ustā Baqā; Mīrzā ‘Umar; and others.	
¹ Correlative document to doc. 249. ² For the specificity of Bukharan measurements, → also docs. 6, 60b.i, 90, 249, 378 and 431a.	^a ba’d al-taḥaqquq jamī‘ sharā’iṭ ṣiḥḥat al-ifrāz; ^b li’l-dhakar mithl ḥazz al-unthayayn; ^c bih gaz-i muta‘arif-i baldah-yi fākhirah-yi Bukhārā-yi sharīf; ^d waṣāyatan shar‘īyatan
202 x 368; 24 lines. Persian.	

251

tpq Jumādā II 1323 (3 August – 31 August 1905): hereditary transfer of estate¹

71: KP 1145

<p>On the above date the joint estate of Qurbān Bīk² and the late Ustā Akram³ was divided following Ustā Akram’s death. The property was divided into the share belonging to Qurbān Bīk and the share belonging to the late Ustā Akram; of the latter portion, the property was divided between Ustā Akram’s widow Khadījah (receiving 2/16), and his sons, the pre-adult Islām Qulī and Raḥmat Bāy (each receiving 7/16). Raḥmat then died in turn: of his property, his mother Khadījah received 1/3 and his brother Islām Qulī received 2/3. Following the confirmation of the legality of the division^a, Qurbān Bīk received two properties. (i) The first is a building with <i>dahlīz</i> and <i>aywān</i> valued at 1550 <i>tangah</i> and measuring 10½ x ¾ <i>gaz</i>, located in Ḥājī Hābīb-Allāh quarter and abutting in the west onto a courtyard property already in his possession, in the north onto a house belonging to the heirs of Ustā Akram, in the east onto a house belonging to Muḥammad Sharīf b. Khāl Bāy, and in the south onto a house belonging to Baqā Jān b. Qulī Jān. (ii) The second is a shop valued at 1250 <i>tangah</i> and located in Mihtar ‘Ārif quarter, abutting in the west onto a house comprising the estate of the late Ustā Ḥusayn Ṣūfī (?), in the north onto a shop comprising the estate of the afore-mentioned late Ustā Ḥusayn, in the east onto a public thoroughfare and in the south onto a passageway belonging to Mīrzā Qulī b. ‘Abdallāh. The arrangement was to the satisfaction of Qurbān Bīk’s attorney [and brother] Ustā Barakah. Other portions of the divided estate are specified in further sets of deeds.</p>	
Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306	
Witnesses: ‘Abd al-Qahhār Āqsaqāl; Ustā Yūldāsh; and others.	
¹ For the terms of this division, → also docs. 252 and 253. ² b. Ustā Ghulām: → docs. 249, 250. ³ Brother of Qurbān Bīk: → docs. 249, 250.	^a ba’d taḥaqquq sharā’iṭ ṣiḥḥat al-qismah
176 x 246; 12 lines. Persian.	

252

Jumādā II 1323 (3 August – 31 August 1905): hereditary transfer of estate¹

76: KP 1145

On the above date the unencumbered estate^a of the late Ustā Akram was divided according to the divine laws of inheritance^b between his widow Khadījah Āy and his son Islām Qulī. Following the confirmation of the legality of the division^c, Khadījah Āy received 65/240 of two jointly-owned properties. (i) One of these is a building with *dahlīz* and *aywān* valued at 2450 *tangah* and measuring $8\frac{3}{4} \times 5\frac{1}{2}$ *gaz*, located in Ḥājjī Ḥabīb-Allāh quarter and abutting in the west and south onto a courtyard property belonging to Qurbān Bīk, as noted elsewhere^d, in the north onto a house comprising the estate of the late Qamar Jān, and in the east onto a house belonging to Muḥammad Sharīf b. Khāl Bāy. (ii) The other property is a shop valued at 1250 *tangah* and located in Mihtar ‘Ārif quarter, abutting in the west and north onto a house comprising the estate of the late Ustā Ḥusayn, in the east onto a public thoroughfare, and in the south onto a shop belonging to the afore-mentioned Qurbān Bīk.

Islām Qulī received the other 175/240.² The arrangement was to Khadījah Āy’s satisfaction, both on her own behalf and as [Islām Qulī’s] guardian.

Qurbān Bīk’s share of the divided estate is specified in a further document³.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

Witnesses: ‘Abd al-Qahhār Āqsaqāl; Ustā Barakah; Ustā Yūldāsh; and others.

¹ For the terms of this division, → also docs. 251 and 253.

² There is no mention here of the share accruing to Islām Qulī’s brother Raḥmat Bāy [→ doc. 251]. Raḥmat Bāy may either have died or sold his stake.

³ → doc. 251.

^a matrūkah-yi fāriḡhah; ^b ‘alā farā’iḍ Allāh ta‘ālā; ^c ba‘d taḥaqquq sharā’it-i ṣiḡḡhat al-qismah; ^d fī mā nadhkur

177 x 247; 15 lines. Persian.

253

tpq Dhu’l-Ḥijjah 1323 (27 January – 24 February 1906): hereditary transfer of estate

75: KP 1145

On the above date the unencumbered estate^a of the late Ustā Akram was divided according to the divine laws of inheritance^b between his widow Khadījah Āy and his sons, the pre-adult Islām Qulī and Raḥmat Bāy. Raḥmat Bāy then died, and his property was divided between his mother Khadījah Āy and his brother Islām Qulī.

Following the confirmation of the legality of the division^c, Islām Qulī received a house with *dahlīz* and *aywān* valued at 2450 *tangah* and measuring $8\frac{3}{4} \times 5\frac{1}{2}$ *gaz*, located in Ḥājjī Ḥabīb-Allāh quarter and abutting in the west and south onto a courtyard property

belonging to Qurbān Bīk b. the late Ghulām Qarāwul-Bīgī, as noted elsewhere^d, in the north onto a courtyard property comprising the estate of the late Qamar Jān, and in the east onto a courtyard property belonging to Muḥammad Sharīf b. Khāl Bāy; he also received various movable possessions, itemised at the outset. This was with the consent and satisfaction of Khadijah Āy, Islām Qulī's mother, whose own share of the estate is specified in another document; Ustā Barakah, Islām Qulī's uncle, is additionally appointed as trustee^e. Khadijah Āy's share of the divided estate is specified in a further document².

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

Witnesses: 'Abd al-Jabbār Āqsaqāl; Fayḍī Bāy; and others.

¹ For the terms of this division, → also docs. 251 and 252.

² → doc. 252.

^a matrūkah-yi fārighah; ^b 'alā farā'id Allāh ta'ālā; ^c ba'd taḥaqquq sharā'it-i ṣiḥḥat al-qismah; ^d fi mā nadhkur; ^e amīn-i shar'ī

182 x 296; 11 lines. Persian.

254

tpq Dhu'l-Ḥijjah 1306 (29 July – 27 August 1889): hereditary transfer of estate

185: KP 3791/61

On the above date the estate of the late Mullā 'Abd al-Salām was divided according to the divine laws of inheritance^a between his widow Bībī Khūrsand (*sic*) (receiving 3/24 of the total), his pre-adult son Sayyid Bāy (receiving 14/24), and his pre-adult daughter Nār Jān (receiving 7/24).

Following the confirmation of the legality of the division^b, Bībī Khūrsand received as her share 1/8 of six plots of property. Three of these plots comprise *milk-i kharāj* land, and are located in the rural settlement of Qarluqān-i Tūt-i Khushk¹, Shimālī-Rūd. (i) The first of these measures 9 *tanābs*, and abuts in the west and south onto the embankment of a common canal, in the north onto land comprising the estate of Mallah Bāy, and in the east onto land belonging to Sharīf b. 'Ashūr Bāy. (ii) The second measures 1 *tanāb*, and abuts in the west onto land belonging to Qamar Āy bint 'Abd al-Qayyūm, in the north onto the embankment of a common canal, in the east onto land belonging to Khūrsand Āy bint Mullā Shākīr, and in the south onto land belonging to 'Abd al-Mu'min b. Mullā Salīm. (iii) The third measures 1½ *tanābs*, and abuts in the west and north onto land belonging to Nī'mat Bāy b. Muqīm Bāy, in the east onto land belonging to Nadhr-Allāh b. Naṣr-Allāh, and in the south onto a public thoroughfare.

Three other plots are located in Tīkānchī². (i) The first of these measures 4½ *tanābs* of *milk-i ḥurr* land, and abuts in the west and north onto a public thoroughfare, in the east partly onto the embankment of a common canal and partly onto land belonging to Hamrāh Āy bint [Mullā?] Amīn, and in the south onto land belonging to Mullā Sulṭān b. Mullā 'Abdallāh. (ii) The second measures 2½ *tanābs* of *milk*, and abuts in the west onto a public thoroughfare, in the north onto land belonging to 'Abd al-Mu'min b. [xxx], in the east onto land belonging to Qurbān Bāy b. Mīrzā Bāy, and in the south onto land belonging

<p>to ‘Āshūr Bāy b. Barāt Bāy. (iii) The third comprises the <i>suknīyāt</i> on 2 <i>tanābs</i> of <i>waqf</i> land, and abuts in the west onto land belonging to Bībī Khāl bint Mullā Fayḍ-Allāh, in the north onto land belonging to the afore-mentioned ‘Āshūr Bāy, in the east onto land belonging to Mullā ‘Abd al-Wāsi‘ b. Fayḍ-Allāh, and in the south onto a public thoroughfare. As their joint share of the estate, Sayyid Bāy and Nār Jān received the remaining 7/8 of the property, according to the principle that each man’s share should equal that of two women^c. Bībī Khūrsand was further appointed to act as guardian to the children.</p>	
<p>Stamp: Mullā Mīr Badr al-Dīn Ṣadr Ra’īs b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1303</p>	
<p>Witnesses: Mullā ‘Abd al-Mu’min Āqsaqāl; Mullā ‘Abd al-Wāsi‘; Rajab Bāy; Sayf-Allāh; ‘Awaḍ Badal; and others.</p>	
<p>¹ See Mukhammadzhanov <i>et al.</i>, <i>Naselellye punkty Bukharskogo emirata</i>, p. 129. ² <i>ibid.</i>, p. 126.</p>	<p>^a ‘alā farā’iḍ Allāh ta‘ālā; ^b ba’d taḥaqquq sharā’it-i ṣiḥḥat al-qismah; ^c li’l-dhakar mithl ḥazz al-unthayayn</p>
<p>243 x 428; 16 lines. Persian.</p>	

255

1308 (17 August 1890 – 6 August 1891): instructions

603: KP 5991/324

<p>[Khwājah Qulī Bī b. ‘Ādil Bī Dīwān-Bīgī] informs Mullā Fayḍ-Allāh that he has received his letter. As soon as Mullā Fayḍ-Allāh receives the present communication he and Khwājah Nazar Bīk should come before the speaker in order to justify themselves^a. They should not tarry^b.</p>	
<p>Stamp (side b): Khwājah Qulī Bī b. ‘Ādil Bī Dīwān-Bīgī [?]</p>	
	<p>^a daf^ʿatan; ^b musāhala na-kunīd albattah</p>
<p>89 x 152; 10 lines. Persian.</p>	

256 – 258: marriage warrant notes

256

Jumādā I 1308 (13 December 1890 – 11 January 1891): marriage warrant note

329: KP 5991/81

<p>The <i>mullā-imām</i> of the rural settlement of Mughīyān¹ should note that Tūkhtah Murād b. Bābā Bīk has contracted a marriage^a with Munawwar Āy bint Hamdam Bāy, a virgin. Having established that there is no hostility between the parties and without exceeding his conventional officiating duties^{2b}, the <i>imām</i> should proceed to solemnize the union; if matters are otherwise, he should consult with the speaker. In the meanwhile, the marriage fee [i.e. from a previous wedding?] has arrived^c.</p>
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Stamp (side b): Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā Muḥammad Qāḍī Khwājah Ṣadr

¹ See Mukhammadzhanov *et al.*, *Naseleanye punkty Bukharskogo emirata*, p. 98.

² For discussion of this specification, → doc. 66⁽³⁾.

^a irādah-yi tazwīj-i nafs-i musammāt [...] dāshtah ast; ^b az dū amr-i muta‘ārif wa mashhūr bayn al-nās tajāwuz na-kardah; ^c nikāhānah rasīd

98 x 172; 8 lines. Persian.

257

Ramaḍān 1308 (10 April – 9 May 1891): marriage warrant note

340: KP 5991/92

The *mullā-imām* of the rural settlement of Mughīyān should note that Īrgash Bāy b. ‘Abd al-Qādir has contracted a marriage^a with [xxx] Āy bint Rajab Bāy, a virgin. Having established that there is no hostility between the parties or any other impediment to rightful marriage, the *imām* should proceed to solemnize the union; if matters are otherwise, he should consult with the speaker. In the meanwhile, the marriage fee [i.e. from a previous wedding?] has arrived.

Stamp (side b): Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā Muḥammad Qāḍī Khwājah Ṣadr

^a irādah-yi tazwīj-i nafs-i musammāt [...] dāshtah ast

98 x 177; 7 lines. Persian. Document reproduced at back of volume.

258

Muḥarram 1309 (7 August – 5 September 1891): marriage warrant note

325: KP 5991/87

The *mullā-imām* of the rural settlement of Mughīyān should note that Ḥājjī Murād Bāy b. Bahādur Bāy has contracted a marriage agreement with Sayyidah Āy bint Bābā Bīk, a virgin; Having established that there is no hostility between the parties, the *imām* should proceed to solemnize the union; if not, he should confer with the speaker. In the meanwhile, the marriage fee [i.e. from a previous wedding?] has arrived. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā Muḥammad Qāḍī Khwājah Ṣadr

113 x 170; 6 lines. Persian.

259

tpq Rabī‘ I 1309 (5 October – 3 November 1891): reported declaration of sale

524: KP 370

<p>On the above date Wafā Khwājah b. Aḥmad Khwājah, acting on behalf of himself and as attorney with confirmation by testimony^a to ‘Aqīq Āy bint ‘Abd al-Raḥmān Bāy – his authority as attested by the competent witnesses Nadhrī Bāy b. Fūlād Bāy and ‘Abd al-Qādir b. ‘Abd al-Khāliq – declared before the office of Bukhara’s <i>ra’īs</i>¹ that he has sold^b to ‘Abd al-Shukūr Khwājah b. Mīr Khwājah approximately [$1\frac{3}{4}$ <i>tanābs</i>?^c] of <i>milk-i kharājī</i> located in Dīhah-yi Shaykh-i Bālā, Shimālī-Rūd, and abutting in the west and north onto land belonging to the purchaser, and in the east and south onto a designated canal; the sale, for 250 <i>tangah</i>^d, was completed, with each party to the transaction receiving what was due.</p>	
<p>Stamp: Mullā ‘Abd al-Ḥamīd Khwājah Ṣadr Ra’īs² b. Mullā ‘Abd al-‘Azīz Khwājah Ūrāq</p>	
<p>Witnesses: Mullā Ismā‘īl; Bābā Khwājah; and others.</p>	
<p>¹ The following group of documents (docs. 259-267) are striking for the regularity with which they refer not to the <i>dār al-qaḍā</i> but to the <i>dār al-iḥtisāb</i>; doc. 265 is the sole exception.</p> <p>² Attested active from 1306/1888-89 (see Kurbanov, <i>Materialy po sredneaziatskoi sfragistike</i>, p. 111) to ca. Rabī‘ I 1311/September-October 1893 (→ doc. 267).</p>	<p>^a <i>aṣālatan wa wakālatan bi’l-bayyinah</i>; ^b <i>bay’-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī</i>; ^c <i>yak nīm chahār-yak tanāb</i>; ^d <i>tangah-yi rā’ijah</i></p>
<p>161 x 214; 11 lines. Persian.</p>	

260

tpq 5 Rabī‘ I 1309 (9 October 1891): reported declaration of sale

529: KP 375

<p>On the above date Mullā Ismā‘īl Khwājah b. Dhakariyā Khwājah¹ declared before the office of Bukhara’s <i>ra’īs</i> that he has sold^a to ‘Abd al-Shukūr Khwājah b. Mīr Khwājah of approximately $\frac{1}{2}$ <i>tanāb</i> of <i>milk-i kharājī</i> land located in the rural settlement of Dīhah-yi Shaykh-i Bālā, Shimālī-Rūd, and abutting in the west and south onto a designated canal, in the north onto land belonging to the vendor, and in the east onto land belonging to Wafā Khwājah b. Aḥmad Khwājah; the sale, for 440 <i>tangah</i>^b, was completed, with each party to the transaction receiving what was due.</p>	
<p>Stamp: Mullā ‘Abd al-Ḥamīd Khwājah Ṣadr Ra’īs b. Mullā ‘Abd al-‘Azīz Khwājah Ūrāq</p>	
<p>Witnesses: Bābā Khwājah; Ḍiyā al-Dīn Khwājah; Bābā Jān Bāy.</p>	

¹ Apparently to be distinguished from figures in noted Shimālī-Rūd line of Zakariyā (see doc. 80, where not mentioned among Zakariyā's male descendents).	^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b tangah-yi rā'ijah bih qarab
163 x 221; 10 lines. Persian.	

261

tpq Jumādā II 1309 (2 January – 30 January 1892): reported declaration of sale

533: KP 379

On the above date Mīr Diyā al-Dīn b. Mullā 'Ābid declared before the office of Bukhara's <i>ra'īs</i> that he has sold ^a to 'Abd al-Shukūr Khwājah b. Mīr Khwājah a house located in the rural settlement of Dīhah-yi Shaykh-i Bālā, Shimālī-Rūd, and abutting in the west onto a house belonging to Mukhtār Khwājah b. Maḥmūd Khwājah, in the north partly onto a house belonging to Āy Tūrah Bīgīm bint 'Azīz Khwājah and partly onto a house belonging to 'Abd al-Ṣamad Bāy b. 'Abdallāh, in the east onto a public thoroughfare and in the south onto a house belonging to Wafā Khwājah b. Aḥmad Khwājah; the sale, for 320 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due.	
Stamp: Mullā 'Abd al-Ḥamīd Khwājah Ṣadr Ra'īs b. Mullā 'Abd al-'Azīz Khwājah Ūrāq	
Witnesses: Bābā Khwājah; Ismā'īl Khwājah; Jum'ah Bāy; Nizām al-Dīn; and others.	
	^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b tangah-yi rā'ijah
166 x 215; 9 lines. Persian.	

262

tpq 4 Rajab 1309 (3 February 1892): reported declaration of sale

530: KP 376

On the above date Ismā'īl Khwājah b. Dhakariyā Khwājah, acting as attorney ^a to Āy Tūrah Bīgīm b. 'Azīz Khwājah – his authority as attested by the competent witnesses Bābā Khwājah b. 'Umar Khwājah and Jum'ah Bāy b. Badal Bāy – declared before the office of Bukhara's <i>ra'īs</i> that he has sold ^b to 'Abd al-Shukūr Khwājah b. Mīr Khwājah [5/8 <i>ṭanāb</i> ? ^c] of <i>milk-i kharājī</i> land located in the rural settlement of Dīhah-yi Shaykh-i Bālā, Shimālī-Rūd, and abutting in the west onto land belonging to the vendor, in the north onto land belonging to Tāsh Bāy b. Ḥayit Bāy, in the east onto land belonging to 'Abd al-Ṣamad b. 'Abdallāh Bāy and in the south onto land belonging to the purchaser; the sale, for 76 <i>tangah</i> ^d , was completed, with each party to the transaction receiving what was due.	
Stamp: Mullā 'Abd al-Ḥamīd Khwājah Ṣadr Ra'īs b. Mullā 'Abd al-'Azīz Khwājah Ūrāq	
Witnesses: Bābā Jān; Wafā Khwājah; 'Abd al-Nabī; and others.	

	^a wakālatan shar‘īyatan bi’l-bayyinah; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c nīm chahār-yak ṭanāb; ^d tangah-yi rā’ijah
170 x 216; 11 lines. Persian.	

263

tpq 10 Rajab 1309 (9 February 1892): reported declaration of sale

526: KP 372

On the above date Mullā ‘Abd al-Ṣamad ¹ b. Ustā ‘Abd al-Qādir declared before the office of Bukhara’s <i>ra’īs</i> that he has sold ^a to ‘Abd al-Shukūr Khwājah b. Mīr Khwājah a courtyard property located in the rural settlement of Dīhah-yi Shaykh-i Bālā, Shimālī-Rūd, and abutting in the west and south onto a house belonging to the purchaser, in the north onto a house belonging to Tāsh Bāy b. Ḥayit Bāy and in the east onto a public thoroughfare; the sale, for 8 <i>ashrafi</i> ^b , was completed, with each party to the transaction receiving what was due.	
Oval stamp of Mullā ‘Abd al-Ḥamīd Khwājah Ṣadr Ra’īs b. Mullā ‘Abd al-‘Azīz Khwājah Ūrāq	
Witnesses: Bābā Khwājah; Mullā Ismā‘īl Khwājah; Mullā Fayḍ-Allāh; and others.	
¹ ≈ that figure of the same name noted in doc. 458 and elsewhere? If so, a rare instance of mobility between Bukhara and Samarqand.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b ashrafi-yi nuzdah-tangah-gī-yi rā’ijah
161 x 220; 9 lines. Persian.	

264

tpq 11 Sha‘bān 1309 (11 March 1892): reported declaration of mortgage

531: KP 377

On the above date Ḥasan Bāy b. Mīrzā Ḥayāt declared before the office of Bukhara’s <i>ra’īs</i> that he has temporarily sold ^a to ‘Abd al-Shukūr Khwājah b. Mīr Khwājah $\frac{1}{2}$ <i>ṭanāb</i> of <i>milk-i kharājī</i> land located in the village of Dīhah-yi Shaykh-i Bālā, Shimālī-Rūd, and abutting in the west and south onto land belonging to Mīrzā Khwājah b. Mīrzā Bābā Jān, in the north onto the estate of the late Mīrzā Ḥayāt and in the east onto land belonging to the purchaser; the sale is for 200 <i>tangah</i> ^b . The speaker further declared that he has undertaken to rent the property under transaction for 40 <i>tangah</i> per lunar year ^c .	
Stamp: Mullā ‘Abd al-Ḥamīd Khwājah Ṣadr Ra’īs b. Mullā ‘Abd al-‘Azīz Khwājah Ūrāq	
Witnesses: Bābā Khwājah; Mullā Ismā‘īl Khwājah; Jum‘ah Bāy; and others.	

	^a bay‘-i jā‘iz-i shar‘ī; ^b tangah-yi rā‘ijah; ^c bih gudhashtan-i yak sāl-i kāmīl-i qamarī bih badal-i chihil tangah-yi mawṣūfah
170 x 216; 8 lines. Persian.	

265

tpq 24 Dhu‘l-Ḥijjah 1309 (20 July 1892): reported declaration of mortgage

527: KP 373

On the above date Ḥasan Bāy b. Mīrzā Ḥayāt declared ¹ that he has temporarily sold ^a to Mullā ‘Abd al-Shukūr Khwājah b. Mīr Khwājah of $\frac{3}{4}$ <i>ṭanāb</i> of <i>milk-i ḥurr</i> land, located in the rural settlement of Dīhah-yi Shaykh-i Bālā, Shimālī-Rūd, and abutting in the west onto land belonging to Nazar Bāy, in the north onto land belonging to Sulṭān Murād b. ‘Awaḍ Murād, in the east onto land belonging to Mullā Ismā‘īl Khwājah b. Dhakariyā Khwājah and in the south onto land belonging to the vendor. The sale was for 20 <i>ṭilā</i> ^b , each party to the transaction receiving what was due; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged ² .	
Stamp: Mullā ‘Abd al-Ḥamīd Khwājah Ṣadr Ra‘īs b. Mullā ‘Abd al-‘Azīz Khwājah Ūrāq	
¹ Unusually amongst the documents in this sub-collection, and amongst documents of this date more generally, there is no reference to the courthouse where the statement was made. ² There is no stipulation as to the rental payment.	^a bay‘-i jā‘iz-i shar‘ī; ^b ṭilā-yi nuzdah-tangah-gī-yi rā‘ijah
160 x 220; 7 lines. Persian.	

266

tpq Muḥarram 1311 (15 July – 13 August 1893): reported declaration of sale

523: KP 361

On the above date Mullā Ismā‘īl Khwājah b. Dhakariyā Khwājah declared before the office of Bukhara’s <i>ra‘īs</i> that he has sold ^a to ‘Abd al-Shukūr Khwājah b. Mīr Khwājah, through this latter’s attorney Barnā Khwājah, [$\frac{5}{8}$ <i>ṭanāb</i> ? ^b] of <i>milk-i kharājī</i> land located in the rural settlement of Dīhah-yi Shaykh-i Bālā, Shimālī-Rūd, and abutting in the west onto land belonging to the heirs of ‘Umar Khwājah, in the north onto land belonging to the vendor and in the east and south onto land belonging to the purchaser; the sale, for 500 <i>tangah</i> ^c , was completed, with each party to the transaction receiving what was due.	
Stamp: Mullā ‘Abd al-Ḥamīd Khwājah Ṣadr Ra‘īs b. Mullā ‘Abd al-‘Azīz Khwājah Ūrāq	

	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b nīm ṭanāb nīm-chahār yak ṭanāb; ^c tangah-yi rā’ijah bih ḍarb
165 x 216; 11 lines. Persian.	

267

tpq 19 Rabī‘ I 1311 (30 September 1893): reported declaration of mortgage

528: KP 374

<p>On the above date Ḥasan Bāy b. Mīrzā Ḥayāt, acting both on his own behalf and as authorised attorney^{a(1)} to his sisters, ‘Abīrah Āy and Zuhrā Bīgīm, daughters of Mīrzā Ḥayāt – his authority as attested by the competent witnesses Mullā Ismā‘īl Khwājah b. Dhākīr and Jum‘ah Bāy b. Badal Bāy – declared before the office of Bukhara’s <i>ra’īs</i> that he has temporarily sold^b to ‘Abd al-Shukūr Khwājah b. Mīr Khwājah of approximately 1 <i>ṭanāb</i> of <i>milk-i kharājī</i> land located in the rural settlement of Dīhah-yi Shaykh-i Bālā, Shimālī-Rūd, and abutting in the west onto land belonging to Mīrzā Khwājah b. Bābā Jān, in the north onto land belonging to the vendor, in the east onto a designated canal, and in the south onto land belonging to Mallah Bāy b. Muqīm Bāy. The sale was for 600 <i>tangah</i>^c, with each party to the transaction receiving what was due; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged¹.</p>	
Stamp: Mullā ‘Abd al-Ḥamīd Khwājah Ṣadr Ra’īs b. Mullā ‘Abd al-‘Azīz Khwājah Ūrāq	
¹ There is no stipulation as to the rental payment.	^a wakālatan shar‘īyatan bi’l-bayyinah; ^b bay‘-i jā’iz-i shar‘ī; ^c tangah-yi rā’ijah bih ḍarb
171 x 221; 9 lines. Persian.	

268

tpq 30 Rajab 1329 (27 July 1911): reported declaration of sale

525: KP 371

<p>On the above date Ma‘šūm Khwājah b. Mīr Khwājah declared as a competent agent before Bukhara’s courthouse that he has sold^a to his brother Tursūn Khwājah b. Mīr Khwājah the <i>uskunah</i> on a courtyard property located in Bukhara’s Ṭabībān quarter¹, and abutting in the west onto a house belonging to the heirs of Qāsīm Bāy, in the north onto a public thoroughfare, and in the east and south partly onto a <i>hawīlī-yi sultānī</i> and partly onto a house belonging to ‘Abdallāh Bāy; the sale, for 7000 <i>tangah</i>^b, was completed, with each party to the transaction receiving what was due.</p>	
Stamp: Qāḍī al-quḍāt Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā Muḥammad Qāḍī Khwājah Ṣadr	

Witnesses: Mīrzā Akram Āqsaqāl; Luṭf-Allāh Bāy; Mīrzā Yaḥyā; and others.	
¹ Located due east of the Ark, on the road towards the Tall-i Pūch gate: see Sukhareva, <i>Kvartal'naia obshchina pozdnefeodal'nogo goroda Bukhary</i> , p. 140.	^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b tangah-yi rā'ijah bih ḍarb
163 x 222; 10 lines. Persian.	

269

269a, n/d¹: claim for restitution²

522: KP 360

Sharāfat Bīgīm presents a claim against her husband Tursūn Khwājah b. Mīr Khwājah, a resident of Ṭabībān quarter, Bukhara. The plaintiff claims that, for no reason, the respondent assaulted her and irrevocably repudiated her as his wife ^a ; consequently, he owes her 1000 <i>tangah</i> ^b by way of deferred dowry ^c . But the respondent is refusing to hand over this money.	
Stamp: Mullā Muḥammad Yūsuf Mudarris Ūrāq b. Mullā 'Abdallāh Muftī, 1331	
Citations: (i) <i>wa yaqa 'ṭalāq kull zawj, idhā kān 'āqilan bālighan</i> (Hidāyah); (ii) <i>al-mu'ajjal tu 'ajjal bi'l-ṭalāq</i> (Farā'iq Sharḥ-i Kanz).	
¹ <i>tpq</i> 1331 (11 December 1912 – 29 November 1913); <i>taq</i> 26 Ramaḍān 1336 (5 July 1918): → doc. 269b. ² The document is a typical illustration of the process undertaken by a wife in order to secure a <i>khul'</i> -type divorce.	^a nafs-i man mudda'īyah-rā bih yak ṭalāq-i bā'in bar khūd ḥarām gardānīd; ^b tangah-yi nuqrah-yi wazn-i sab'ah-yi rā'ijah-yi maḍrūbah bih ḍarb; ^c az wajh-i mahr-i mu'ajjal
220 x 353; 8 lines. Persian.	

269b, *tpq* 26 Ramaḍān 1336 (5 July 1918): reported cessation of claim

On the above date the afore-mentioned plaintiff dropped for gratis ^a her claim against the afore-mentioned respondent.	
Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Burhān al-Dīn Ra'īs b. Qāḍī Mullā Mīr Badr al-Dīn	
	^a majjānan
3 lines. Persian.	

270

tpq 23 Šafar 1310 (16 September 1892): reported registration of power of attorney

382: KP 5991/131

On the above date Shāhīm Bīk b. ‘Abd al-Rasūl Bīk was registered before Bukhara’s courthouse as attorney^a to his wife Maqṣad Āy bint ‘Abd al-Ḥamīd; the registration was witnessed by the competent witnesses Qārī Šalāḥ al-Dīn b. Mullā Muḥammad Sayyid and Rajab Qul Bīk b. ‘Abd al-Mu’min Bīk.

The appointee should secure receipt of 500 *tangah*, this comprising Maqṣad Āy’s share of the estate of the late Malāḥat Bīgīm, which is presently in the possession of ‘Abdallāh Bāy Āqsaqāl b. Mu’min Bāy. If he encounters resistance^b [the attorney should initiate legal proceedings?^c]

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Šadr al-Dīn, 1306

^a wakīl-i muṭlaq-i ‘āmm; ^b nazd-i inkār; ^c ḥasab al-shar‘ al-sharīf

154 x 220; 6 lines. Persian.

271 – 272: documents relating to the line of Niẓām al-Dīn, Ustā Rūḥī quarter

271

tpq 17 Rajab 1310 (4 February 1893): reported declaration of sale

639: KP 5991/360

On the above date Ustā Shams al-Dīn b. Niẓām al-Dīn Bāy declared as a competent agent before Bukhara’s courthouse that he has sold^a to his brother Najm al-Dīn b. Niẓām al-Dīn the *uskunah* on a courtyard property located in Bukhara’s Ustā Rūḥī quarter, in a square endowed as *waqf*, and abutting in the west onto a house belonging to the vendor, in the north onto a house belonging to Burhān b. Bābā Jān, in the east onto the wall of the Ustā Rūḥī mosque and in the south onto a house belonging to Maḥmūd Bāy b. Fāḍil Bāy; the sale, for 800 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Šadr al-Dīn, 1306

Witnesses: ‘Abd al-‘Azīz Āqsaqāl; Sayyid Khwājah; Bābā Jān; and others.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah-yi bukhārīyat al-ḍarb

170 x 212; 9 lines. Persian.

272

tpq Muḥarram 1323 (8 March – 6 April 1905): hereditary transfer of estate

641: KP 5991/362

On the above date the unencumbered estate^a of the late Najm al-Dīn was divided according to the divine laws of inheritance^b between his widow, Khursand Āy (receiving 3/24), his pre-adult son Ghulām Jān (14/24) and his pre-adult daughter Istad Āy (7/24). Following the confirmation of the legality of the division^c, Khursand Āy received as her share the *suknīyāt* on 1/8 of a courtyard property valued at 2500 *tangah* and located in Bukhara's Ustā Rūhī quarter (abutting in the west onto a house comprising the estate of the late Mīrzā 'Abd al-Qayyūm, in the north onto a *ḥawīlī-yi sulṭānī*, in the east onto a blocked thoroughfare, and in the south onto a house belonging to 'Abd al-Zāhir), plus various other movable possessions; Ghulām Jān and Istad Āy together received the remaining 7/8 of said property. Khursand Āy was entrusted to act as guardian^d to her children, who are still pre-adult; Usta Shams al-Dīn, the children's uncle, was appointed as trustee on behalf of Khursand Āy.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

^a matrūkah-yi fārighah; ^b 'alā farā'id Allāh ta'ālā; ^c ba'd taḥaqquq sharā'it ṣiḥḥat al-qismah; ^d waṣīyah; ^e amīn

176 x 228; 15 lines. Persian.

273

18 Rabī' I 1311 (29 September 1893): statement of debt

28: KP 1102

The anonymous speaker states that he owes Muḥammad Yūsuf 1 *ṭilā*^a to the value of 20 *tangah*, which he undertakes to repay at the time specified by his creditor^b.

¹ *sic*: i.e. bīst-tangah-gī.

^a ṭilā-yi bīst-tangah¹; ^b dar waqt-ash

59 x 121; 6 lines. Persian.

274-299: marriage warrant notes

274

Rajab 1311 (8 January – 6 February 1894): marriage warrant note

409: KP 5991/155

The *imām* of the mosque of Chahār-Bāgh-i Bāqī Khān quarter¹ should note that Mīrzā Muḥammad Sharīf b. Muḥammad ‘Alī has contracted a marriage agreement with Fāṭimah Āy bint Muḥammad Sharīf, a virgin. Having established that there is no hostility between the parties, the *imām* should proceed to solemnize the union.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ For this quarter, → doc. 10(?).

97 x 170; 6 lines. Persian.

275

Ramaḍān 1311 (8 March – 6 April 1894): marriage warrant note

343: KP 5991/95

The *imām* of the mosque of Chahār-Bāgh-i Bāqī Khān quarter should note that Mīrzā Muḥyī al-Dīn b. Mīrzā Baqā has contracted a marriage agreement with ‘Alāḥidah Bīgīm bint Barakah Khwājah, a virgin. Having established that there is no hostility between the parties, the *imām* should proceed to solemnize the union.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

102 x 174; 6 lines. Persian.

276

Shawwāl 1311 (7 April – 5 May 1894): marriage warrant note

417: KP 5991/163

The *imām* of the mosque of Bāqī Khān quarter should note that ‘Abd al-Khāliq b. ‘Abd al-Mu’min Bāy has contracted a marriage agreement with Ḥājar Āy bint Qurbān Bāy, veteran of a previous marriage. Having established that the bride-to-be is not in a post-divorce waiting period, in receipt of post-divorce financial support from elsewhere^a or pregnant, the *imām* should proceed to solemnize the union. In the meanwhile, the marriage fee [i.e. from a previous wedding?] has arrived^b.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

^a nafaqah-yi ghayr; ^b nikāḥānah rasīd

99 x 170; 5 lines. Persian.

277

Dhu'l-Ḥijjah 1311 (5 June – 4 July 1894): marriage warrant note

412: KP 5991/158

The *imām* of the mosque of Chahār-Bāgh-i Bāqī Khān quarter should note that Bābā Jān Bāy b. Mīr Aḥmad Bāy has contracted a marriage agreement with Sharīfah Āy bint ‘Ābid Bāy, a virgin. Having established that there is no impediment to rightful marriage, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

The instructions are then repeated.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

105 x 171; 10 lines. Persian.

278

Ṣafar 1312 (4 August – 2 September 1894): marriage warrant note

350: KP 5991/102

The *imām* of the mosque of Bāqī Khān quarter should note that Muḥammad Rajab Bāy b. ‘Abd al-Karīm has contracted a marriage agreement^a with Fāṭimah Āy bint Muḥammad Ṣādiq, veteran of a previous marriage. Having established that the bride-to-be is not in a post-divorce waiting period, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

^a bih khūdāsh ‘aqd namūdāh mī-giriftāh ast

102 x 175; 6 lines. Persian.

279

279a, Jumādā II 1312 (30 November – 28 December 1894): marriage warrant note

411: KP 5991/157

The *imām* of the mosque of Chahār-Bāgh-i Bāqī Khān quarter should note that Bībī Hājarah bint Ustā Muḥammad Ṣādiq, veteran of a previous marriage, has contracted a marriage agreement with Ustā Jalīl b. Ustā ‘Abd al-Qādir. Having established that there is no hostility between the parties nor any impediment to rightful marriage, and that the bride-to-be is not in a post-divorce waiting period, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

102 x 173; 5 lines. Persian.

279b, Dhu'l-Ḥijjah 1322 (6 February – 7 March 1905¹): marriage warrant note

The *imām* of the mosque of Chār-Bāgh-i Bāqī Khān quarter should note that Bābā Jān Bāy b. Mīr Aḥmad Bāy has contracted a marriage agreement with Sharīfah Āy bint ‘Ābid Bāy, a virgin². Having established that there is no impediment to rightful marriage, the *imām* should proceed to solemnize the union.

No stamp³.

¹ Note 10-year period between 279a and 279b.

² The parties here are those identified earlier in doc. 277, produced 11 years earlier.

³ There is a stamp on 279b, but it is likely to have been affixed earlier to notarise doc. 279a above.

5 lines. Persian.

280

Rajab 1312 (29 December 1894 – 27 January 1895): marriage warrant note

402: KP 5991/148

The *imām* of the mosque of Chahār-Bāgh-i Bāqī Khān quarter should note that Hājarah Āy bint Ḥakīm Bāy, veteran of a previous marriage, has been contracted to Muḥammad Kāẓim b. ‘Abd al-Raḥmān. Having established that there is no hostility between the parties, and that the bride-to-be is not in a post-divorce waiting period, the *imām* should proceed to solemnize the union; if matters are otherwise, he should consult with the speaker. In the meanwhile, the marriage fee [i.e. from a previous wedding?] has arrived^a.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

^a nikāḥānah rasīd

104 x 175; 6 lines. Persian.

281

Ramaḍān 1312 (26 February – 27 March 1895): marriage warrant note

405: KP 5991/151

The *imām* of the mosque of Chahār-Bāgh-i Bāqī Khān quarter should note that Mu’min Bāy b. Ustā Ḥasan has contracted a marriage agreement with Muḥsinah Āy bint Karbalā-yi Ṣādiq, a virgin. Having established that there is no hostility between the parties nor any impediment to rightful marriage, the *imām* should proceed to solemnize the union.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

101 x 169; 6 lines. Persian.

282

Dhu'l-Ḥijjah 1312 (26 May – 23 June 1895): marriage warrant note

344: KP 5991/96

The *imām* of the mosque of Chahār-Bāgh-i Bāqī Khān quarter should note that 'Āshūr Chuhrah-Āqāsī b. 'Abd al-Mu'min has contracted a marriage agreement with Fāṭimah Āy bint Mullā 'Azīm, veteran of a previous marriage. Having established that the bride-to-be is not in a post-divorce waiting period or in receipt of post-divorce financial support from anyone else, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

106 x 171; 6 lines. Persian.

283

Dhu'l-Ḥijjah 1312 (26 May – 23 June 1895): marriage warrant note

348: KP 5991/100

The *imām* of the mosque of Chahār-Bāgh-i Bāqī Khān quarter should note that Ḥakīm Bāy b. 'Abd al-Raḥmān has contracted a marriage agreement with Bībīsh Āy bint 'Abd al-Raḥīm, veteran of a previous marriage. Having established that there is no hostility between the parties, and that the bride-to-be is not in a post-divorce waiting period, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

102 x 171; 5 lines. Persian.

284

Dhu'l-Ḥijjah 1312 (26 May – 23 June 1895): marriage warrant note

401: KP 5991/147

The *imām* of the mosque of Chahār-Bāgh-i Bāqī Khān quarter should note that Murād Bāy b. 'Abdallāh has taken Bībī Rajab bint Yūldāsh Bāy, veteran of a previous marriage.

Having established that the bride-to-be is not in a post-divorce waiting period or in receipt of post-divorce financial support from anyone else, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

102 x 172; 7 lines. Persian.

285

Jumādā I 1313 (20 October – 18 November 1895): marriage warrant note

301: KP 5991/53

The *imām* of the mosque of Chahār-Bāgh-i Bāqī Khān quarter should note that ‘Abdallāh Bāy b. Ustā ‘Abd al-Shukūr has contracted a marriage agreement with Ṣubḥīyah Bīgīm bint Mīr Sayyid Jalāl, veteran of a previous marriage. Having established that there is no hostility between the parties nor any impediment to rightful marriage, and that the bride-to-be is not in a post-divorce waiting period, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

102 x 175; 5 lines. Persian.

286

Rajab 1313 (18 December 1895 – 16 January 1896): marriage warrant note

407: KP 5991/153

The *imām* of the mosque of Bāqī Khān quarter should note that Muḥammad Sharīf b. ‘Abd al-Mu’min has contracted a marriage agreement with Nuṣrat Āy bint Allāh Qul, a virgin. Having established that there is no hostility between the parties nor any impediment to rightful marriage, and without exceeding his conventional officiating duties¹, the *imām* should proceed to solemnize the union.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ For discussion of this specification, → doc. 66⁽³⁾.

98 x 163; 7 lines. Persian.

287

Rajab 1313 (18 December 1895 – 16 January 1896): marriage warrant note

415: KP 5991/161

The *imām* of the mosque of Bāqī Khān quarter should note that ‘Abd al-Ghaffār b. ‘Azīm Bāy has contracted a marriage agreement with Ḥājī Bībī bint Jamshīd Bāy, a virgin. Having established that there is no hostility between the parties nor any impediment to rightful marriage, and without exceeding his conventional officiating duties¹, the *imām* should proceed to solemnize the union.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ For discussion of this specification, → doc. 66(3).

96 x 180; 7 lines. Persian.

288

Dhu’l-Ḥijjah 1313 (14 May – 11 June 1896): marriage warrant note

302: KP 5991/54

The *imām* of the mosque of Bāqī Khān quarter should note that Rajab ‘Alī b. Yūldāsh Bāy has taken Marḍīyah Āy bint Barāt Bāy, a virgin. Having established that there is no hostility between the parties nor any impediment to rightful marriage, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

105 x 169; 5 lines. Persian.

289

Rajab 1314 (6 December 1896 – 4 January 1897): marriage warrant note

347: KP 5991/99

The *imām* of Bāqī Khān quarter should note that Rūzī Bāy b. ‘Abd al-Raḥmān has contracted a marriage agreement with Muḥarram Āy bint Sharīf Bāy, a virgin. Having established that there is no hostility between the parties nor any impediment to rightful marriage, and without exceeding his conventional officiating duties¹, the *imām* should proceed to solemnize the union.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ For discussion of this specification, → doc. 66(3).

102 x 171; 7 lines. Persian.

290

1314 Sha‘bān (5 January – 2 February 1897): marriage warrant note

416: KP 5991/162

The *imām* of the mosque of Bāqī Khān quarter should note that Muḥammad Ṣāliḥ b. Ḥājī Muḥammad Sharīf has contracted a marriage agreement with Yāqūt Āy bint Muḥammad Sharīf, a virgin. Having established that there is no impediment to rightful marriage, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

102 x 173; 7 lines. Persian.

291

1315 (2 June 1897 – 21 May 1898): marriage warrant note

406: KP 5991/152

The *imām* of Bāqī Khān quarter should note that Sharāf Khwājah b. Sayyid Jān has contracted a marriage agreement with Subḥīyah Āy bint Mīr Jiyān Bāy, veteran of a previous marriage. Having established that there is no hostility between the parties nor any impediment to rightful marriage, and without exceeding his conventional officiating duties¹, the *imām* should proceed to solemnize the union². If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ For discussion of this specification, → doc. 66⁽³⁾.

² Unusually in a marriage warrant note relating to a previously married woman, there is no stipulation here regarding the post-divorce waiting period.

109 x 165; 7 lines. Persian.

292

n/d¹: marriage warrant note

349: KP 5991/101

The *imām* of Bāqī Khān quarter should note that Mīrzā Ḥasan b. ‘Azīz Jān has taken Nāzūk Āy bint Ṣafar Bāy, a virgin. Having established that there is no hostility between the parties nor any impediment to rightful marriage, and without exceeding his conventional officiating duties², the *imām* should proceed to solemnize the union.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ For Qāḍī Mullā Mīr Badr al-Dīn's attested career dates → however doc. 87⁽⁴⁾.

² For discussion of this specification, → doc. 66⁽³⁾.

100 x 170; 6 lines. Persian.

293

n/d¹: marriage warrant note

403: KP 5991/149

The *imām* of Chār-Bāgh-i Bāqī Khān quarter should note that Muḥammad ‘Alī Bāy b. Rajab Bāy has contracted a marriage agreement with Tursūn Āy bint ‘Abd al-‘Aẓīm, veteran of a previous marriage. Having established that there is no hostility between the parties nor any impediment to rightful marriage, and that the bride-to-be is not a post-divorce waiting period, and without exceeding his conventional officiating duties², the *imām* should proceed to solemnize the union.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ For Qāḍī Mullā Mīr Badr al-Dīn's attested career dates → however doc. 87⁽⁴⁾.

² For discussion of this specification, → doc. 66⁽³⁾.

105 x 168; 7 lines. Persian.

294

1315 (2 June 1897 – 21 May 1898): marriage warrant note

404: KP 5991/150

The *imām*¹ of the mosque in Qīrghīz Āyim quarter² should note that Ḥakīm Bāy b. Mīrzā Muḥammad Jān has contracted a marriage agreement with Tūlah Āy bint Ṣafar Bāy, veteran of a previous marriage. Having established that there is no hostility between the parties nor any impediment to rightful marriage, and that the bride-to-be is not in a post-divorce waiting period, and without exceeding his conventional officiating duties³, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ This individual may well previously have been *imām* in Bāqī Khān quarter, as above: the earliest extant communications to Qīrghīz Āyim commence swiftly after the last dated communications (with the exception of outlier document 279b) to Bāqī Khān. For further instances of officials being transferred from one posting to another, → e.g. docs. 46, 48, 49,

50 and 51. ² Located southwest of the Ark, in the direction of the Qarākūl gate. See Sukhareva, <i>Kvartal'naia obshchina pozdnefeodal'nogo goroda Bukhary</i> , pp. 160-161. ³ For discussion of this specification, → doc. 66 ⁽³⁾ .	
101 x 174; 7 lines. Persian.	

295

Shawwāl 1315 (23 February – 23 March 1898): marriage warrant note

303: KP 5991/55

The <i>imām</i> of the mosque in Qīrghīz Āyim quarter should note that ‘Abd al-Wāhid b. Ḥājjī Salāh al-Dīn has contracted a marriage agreement with Maḥbūbah Āy bint Qārī Fath-Allāh, veteran of a previous marriage. Having established that the bride-to-be is not in a post-divorce waiting period or in receipt of post-divorce financial support from anyone else, the <i>imām</i> should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.
Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306
106 x 176; 5 lines. Persian.

296

Dhu'l-Qa'dah 1315 (24 March – 22 April 1898): marriage warrant note

345: KP 5991/97

The <i>imām</i> of the mosque in Qīrghīz ¹ Āyim quarter should note that Turāb Bīk b. Kattah Bīk has contracted a marriage agreement with Maḥwak Āy bint Ghiyāth Khwājah Mīrākhūr, a virgin. Having established that there is no hostility between the parties, the <i>imām</i> should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.
Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306
¹ Rendered in the document as Qīrghīr.
105 x 171; 5 lines. Persian.

297

1316 (22 May 1898 – 11 May 1899): marriage warrant note

346: KP 5991/98

The <i>imām</i> of the mosque in Qīrghīz ¹ Āyim quarter should note that Mawlān Bāy b. Badal

Bāy has contracted a marriage agreement with Sulṭān Āy bint Maṣṣūr Bāy, a virgin. Having established that there is no hostility between the parties nor any impediment to rightful marriage, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹Rendered in the document as Qīrghīr.

102 x 171; 7 lines. Persian.

298

Muḥarram 1316 (22 May – 20 June 1898): marriage warrant note

342: KP 5991/94

The *imām* of the mosque in Qīrghīz¹ Āyim quarter should note that Āstānah Qul Bīk b. Shāh Mardān Qulī Mīrākhūr has contracted a marriage agreement with Bībīsh Āy bint Nūr Mīrākhūr, veteran of a previous marriage. Having established that the bride-to-be is not in a post-divorce waiting period or in receipt of post-divorce financial support from anyone else, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹Rendered in the document as Qīrghīr.

107 x 174; 5 lines. Persian.

299

Jumādā I 1316 (17 September – 16 October 1898): marriage warrant note

410: KP 5991/156

The *imām* of the mosque in Qīrghīz Āyim quarter should note that Zuhṛā Āy bint Ḥājjī Mīr Kamāl, a virgin, has contracted a marriage agreement with Mīr Ismā‘īl b. Ḥājjī Mīr Muḥsin. Having established that there is no hostility between the parties, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

101 x 171; 5 lines. Persian.

300

tpq 7 Shawwāl 1311 (13 April 1894): reported declaration of debt

640: KP 5991/361

On the above date Jūrah Bāy b. Ḥāmid Bāy declared as a competent agent before Bukhara's courthouse that he owes [Ḥabūy?] Hindū b. [Parī?] Hindū 37 <i>tangah</i> ^a , and that he will repay 5 <i>tangah</i> every [month?].	
Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306	
168 x 212; 5 lines. Persian.	
	^a tangah-yi rā'ijah-yi maḍrūbah bih ḍarb
168 x 212; 5 lines. Persian.	

301

301a, 1311 (15 July 1893 – 4 July 1894): statement of conferral of appointment

408: KP 5991/154

[Amīr 'Abd al-Aḥad] informs 'Abd al-Qayyūm Tūqsābah Mīrāb that, in deference to his request, he has appointed the people whom he has mentioned to oversee the maintenance of the Jūy-i Zar ¹ in Shimālī-Rūd ^a .	
Stamp (side b): Sayyid Amīr 'Abd al-Aḥad	
¹ See Mukhammadzhanov <i>et al.</i> , <i>Naseleunnye punkty Bukharskogo emirata</i> , p. 56.	^a amīnī wa arbābī-yi Jūy-i Zar-i Shimālī-Rūd-rā bih ādamān-i 'arḍ kardah-atān mihribānī namūdīm
91 x 173; 6 lines. Persian.	

301b, n/d, solicited legal opinion¹

If the <i>imām</i> of a certain mosque is odious to all those who frequent the mosque ^a , is his own authority <i>qua imām</i> not odious as well ^b ? No answer.	
No stamp.	
Citations: (i) <i>lā yajūz al-imāmat illā bi-riḍā al-qawm</i> (citation unclear); (ii) <i>ruwī 'an al-nabī 'alayhi al-salām annahu, qāl man ammā qawman wa hum kārihūn lahu fa-'alayhi la'nat Allāh ta'ālā wa'l-malā'ikat wa'l-nās ajma'īn</i> (Khizānat al-muftīyin).	
¹ A rare instance where a solicited legal opinion is produced on the reverse of another text: the document thus as a strongly different appearance from most other instances of the document type.	^a qawm-i īn masjid imāmat-i ū-rā makrūh mī-shumārānd; ^b imāmatī [...] shar'an makrūh bāshad bih sharā'iṭ, yā nī?
2 lines. Persian.	

302-304: marriage warrant notes

302

1312 (5 July 1894 – 23 June 1895): marriage warrant note

328: KP 5991/79

The *imām* of the mosque in Khwājah Asp-Gardān quarter¹ should note that Sayyid Khwājah b. Šābir Khwājah has contracted a marriage agreement with ‘Afīfah Āy bint Tursūn Khwājah, a virgin. Having established that there is no impediment to rightful marriage, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Šadr al-Dīn, 1306

¹ Located southwest of the Ark, in the direction of the Qarākūl gate. See Sukhareva, *Kvartal’naia obshchina pozdnefeodal’nogo goroda Bukhary*, p. 166.

106 x 176; 6 lines. Persian.

303

Ramaḍān 1313 (15 February – 15 March 1896): marriage warrant note

322: KP 5991/74

The *imām* of the mosque in Khwājah Asp-Gardān quarter should note that Hamrāh Khwājah b. Bābā Khwājah has contracted a marriage agreement with Muṭahharah Pāchā bint Manšūr Khwājah, a virgin. Having established that there is no hostility between the parties, and without exceeding his conventional officiating duties¹, the *imām* should proceed to solemnize the union.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Šadr al-Dīn, 1306.

¹ For discussion of this specification, → doc. 66(3).

98 x 175; 6 lines. Persian.

304

Rabī‘ I 1313 (22 August – 20 September 1895): marriage warrant note

341: KP 5991/93

The *imām* of the mosque in Taḥt-i Chahār-bāgh quarter should note that ‘Abd al-Qādir b. ‘Abd al-Mu’min has contracted a union^a with Zuhrā Āy bint Šādiq Bāy, veteran of a previous marriage. Having established that there is no impediment to rightful marriage,

and that the bride-to-be is not in a post-divorce waiting period or in receipt of post-divorce financial support from anyone else, and without exceeding his conventional officiating duties¹, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ For discussion of this specification, → doc. 66(3).

^a irādah-yi tazwīj

102 x 180: 6 lines. Persian.

305

Jumādā I 1305 [?] (15 January – 13 February 1888): statement of conferral of appointment

617: KP 5991/338

[Amīr ‘Abd al-Aḥad] announces that he has appointed^a Qārī Pīr Muḥammad in charge of reciting prayers for the deceased^b at [the mosque of] Zaynab Āyim, a subsidiary settlement of Mazār-i Sharīf. Said office was recently vacated by Qārī ‘Awaḍ Khwājah, who has been appointed to [the mosque of] Qazāq Āyim quarter. Others should recognize said appointment and refrain from interfering.

Stamp (side b): Sayyid Amīr ‘Abd al-Aḥad

^a mihribānī namūdīm; ^b maqṣūrah-khwānī

112 x 218; 7 lines. Persian.

306

Rabī‘ II 1313 (21 September – 19 October 1895): statement of conferral of appointment

616: KP 5991/337

[Amīr ‘Abd al-Aḥad] announces that he has appointed^a Qārī Pīr Muḥammad in charge of reciting prayers for the deceased^b at [the mosque of?] the mother of the martyred khān^{c(1)}, recently vacated by Qārī Ḥājjī Murād. Others should recognize said appointment and refrain from interfering.

Stamp (side b): Sayyid Amīr ‘Abd al-Aḥad

¹ Reference to the *khān-i shahīd* is to Muḥammad Shībānī Khān, killed in battle against the Safavid Shāh Ismā‘īl in 1510. For the quarter of the same name, i.e. Wālidah-yi khān-i shahīd, see Mukhammadzhanov *et al.*, *Naselennye punkty Bukharskogo emirata*, p. 179.

^a mihribānī namūdīm; ^b maqṣūrah-khwānī; ^c wālidah-yi khān-i shahīd¹

108 x 210; 5 lines. Persian.

307

1314 (12 June 1896 – 1 June 1897): appeal

362: KP 5991/113

An anonymous speaker informs the eminent addressee^a that he constantly prays for his good fortune. He proceeds to outline his appeal. Qārī Muḥammad ‘Azīm, the *ṣūfī* at the Station^b mosque, has been promoted to the position of *imām*, this in turn necessitating a new appointment to his former position. Several young *mullās* have appealed to be appointed to the position; of these it is Mullā ‘Abd al-‘Azīz, the bearer of this appeal^c, who enjoyed most popular support, and who was accordingly elevated to the office^d. The speaker thus requests the addressee to issue a formal conferral of appointment^e both of Qārī Muḥammad ‘Azīm in place of Qārī Sulṭān Khwājah and of Mullā ‘Abd al-‘Azīz in place of Qārī Muḥammad ‘Azīm. He additionally hopes that the newly-appointed *imām* may confer upon the newly-appointed *ṣūfī* a share of the payment for tending the grave of Subḥān Qulī Khān^f.

The speaker dispatches this communication along with 5 large loaves of bread by way of a gift.

No stamp.

^a janāb-i ‘ālī-ḥaḍratam wa mawlāyam; ^b istansah; ^c dārandaḥ-yi du‘ā-nāmah; ^d bih khidmat-i dhī-sharāfat āgāhī bakhshīdah shud; ^e manshūr-i mubārak-i ‘ālī rasad; ^f yak sahm-i gūr-bānī-yi Subḥān Qulī Khān

171 x 351; 23 lines. Persian.

308

1314 (12 June 1896 – 1 June 1897): letter

600: KP 5991/321

The speaker informs the *aqdā al-quḍāt* that Sa‘d-Allāh Khwājah, a resident of the rural settlement of Ghardiyān¹ in Kām-i Abī Muslim *tūmān*, has rented lands in his vicinity belonging to the family *waqf* of the Jūybārī shaykhs, but that the rental price has recently increased. In response to a request by the *mutawallī* of the afore-mentioned *waqf*, the speaker has dispatched an associate to investigate the matter, only to find that Sa‘d-Allāh Khwājah has disappeared to the city. The speaker is thus dispatching to the addressee an associate^a of Sa‘d-Allāh Khwājah called Bahādur Khwājah, who he hopes will resolve the matter.

No stamp.

¹ See Mukhammadzhanov *et al.*, *Naselennye punkty Bukharskogo emirata*, p. 37. ^a sharīk

191 x 413; 19 lines. Persian.

309

tpq Jumādā I 1314 (8 October – 6 November 1896): reported declaration of sale

515: KP 275

On the above date Mullā Mīr Ḥasan b. Mullā Mīr Badr al-Dīn declared as a competent agent before Bukhara's courthouse that he has sold^a to Mīr Ḥabīb-Allāh b. Bābā Mīr, through the latter's attorney^b Mīr 'Aẓīm b. Mīr Ṣalāḥ, approximately 2 *tanābs* of *zamīn-i ḥurr-i khāliṣ* located in Turūn-Būrūn¹, in Bukhara's Shimālī-Rūd. The property comprises two plots. (i) The first abuts in the west onto land belonging to Mīr 'Aẓīm b. Mīr Ṣalāḥ, in the north onto the embankment of a common canal, in the east partly onto land belonging to the purchaser and partly onto land belonging to Asad-Allāh b. Tāsh Fūlād, and in the south onto a designated drainage channel^c. (ii) The second abuts in the west onto land belonging to the purchaser, in the north onto a public thoroughfare, in the east onto a common canal, and in the south partly onto land belonging to 'Iṣmat-Allāh b. Shafī' Bāy and partly onto a courtyard property belonging to the afore-mentioned Mīr 'Aẓīm. The sale, for 2000 *tangah*^d, was completed, with each party to the transaction receiving what was due.

Stamp: Mullā 'Abd al-Ḥamīd Khwājah Ṣadr Ra'īs b. Mullā 'Abd al-'Azīz Khwājah Ūrāq

Witnesses: Mīr Ṣiddīq; Nizām al-Dīn; and others.

¹ See Mukhammadzhanov *et al.*, *Naseleanye punkty Bukharskogo emirata*, p. 129.

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b wakālatan; ^c zihkash; ^d tangah-yi rā'ijah-yi maḍrūbah bih ḍarb

195 x 312; 11 lines. Persian.

310

16 Ṣafar [1317?] (26 June 1899?): letter

609: KP 5991/330

A former *madrasah* student writes to his master. He relates how, having left study and service, he has come to Khujand. The author relates that in material terms he has little to complain of^a, but that his studies are not going very well^b. He requests that the master remember him in his prayers. The speaker states that he has dispatched a letter to Mullā 'Abd al-Jalīl Ākhūnd with a Khujandī *ḥājjī*.

The speaker requests the addressee to communicate his greetings to Mullā 'Abd al-Jalīl Ākhūnd, Dāmullā Ṣāliḥ Khwājah Īshān, Mullā Mīr 'Abdallāh, 'Abdallāh Shākīr and other colleagues.

Stamp: Muḥammad 'Āshūr, 1317

^a az wajh-i ma'īshat khūrsand (*sic*) shūdah (*sic*); ^b az wajh-i taḥṣīl ghamgīn mī-bāsham

109 x 221; 27 lines. Persian.

311

tpq 28 Rabī‘ II 1319 (14 August 1901): reported declaration of sale

756: KP 269

On the above date Mīrzā Hikmat-Allāh b. Mīrzā Luṭf-Allāh declared before Bukhara’s courthouse that he has sold^a to Mīr Ashraf b. Ni‘mat-Allāh Bāy¹ and [Ma‘rūfah?] Bīgīm bint ‘Abd al-Qādir Bīk (through her attorney Baqā Qul Āqsaqāl) a courtyard property located in Bukhara’s Qūchqār Qurchī quarter², and abutting in the west onto a public thoroughfare, in the north onto a house belonging to Bābā Qul Āqsaqāl b. Mullā Qurbān, in the east onto the estate of the late ‘Abd al-Ḥakīm Bāy and in the south onto a lane^b; the sale, for 5800 *tangah*^c, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ Mīrzā Hikmat-Allāh and Mīr Ashraf are perhaps to be identified as offspring of figures encountered in doc. 87, above.

² This is perhaps to be identified with Bukhara’s ‘Abdallāh Qūchqār quarter, noted in Mukhammadzhanov *et al.*, *Naselemye punkty Bukharskogo emirata*, p. 179.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b rāh-i mashra‘; ^c tangah-yi rā’ijah-yi maḍrūbah

170 x 220; 9 lines. Persian.

312

tpq 10 Muḥarram 1320 (19 April 1902): reported declaration of sale

1035: KP 1554

On the above date Ni‘mat-Allāh Bāy b. Raḥmat-Allāh Āqsaqāl declared as a competent agent before the courthouse of Janūbī-Rūd that he has sold^a to Fūlād Bāy b. ‘Abd al-Raḥmān two plots of land located in the rural settlement of Rabāṭak, Janūbī-Rūd. (i) The first plot measures 3½ *tanābs* of *milk-i kharājī* land and abuts in the west onto land belonging to Shādī b. ‘Abd al-Raḥīm, in the north and east onto a designated canal, and in the south onto land belonging to Khāl Murād b. Bābā Bīk. (ii) The second measures 1½ *tanābs* and abuts in the west onto land belonging to ‘Abd al-Nazar b. ‘Abd al-Raḥmān, in the north onto property belonging to the vendor, in the east onto a shared canal and in the south onto land belonging to Hamrāh Bāy b. Jūrah Bāy. The sale, for 1000 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Mullā Mīr Badr al-Dīn b. [xxx]

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah

170 x 220; 9 lines. Persian.

313

Muḥarram 1320 (10 April – 9 May 1902): statement of conferral of appointment

332: KP 5991/84

[Amīr ‘Abd al-Aḥad] states that he has appointed ^a Mullā Abū Naṣr to the position of <i>imām</i> in the mosque of Dilkushā-yi Darūn quarter, formerly held by Mullā Jum‘ah, who foresook the position ^b . The speaker stipulates that the appointee should be in office during the times of the 5 daily prayers ^c , and should not leave without good cause. If he fails to present himself, people should recognise the authority of his deputy instead.	
Stamp (side b): Sayyid Amīr ‘Abd al-Aḥad	
	^a mihribānī namūdīm; ^b salb namūdah; ^c awqāt-i ṣalāt-i khamsah
218 x 116; 6 lines. Persian.	

314

Rajab 1321 (23 September – 22 October 1903): statement of conferral of appointment

331: KP 5991/83

[Amīr ‘Abd al-Aḥad] states that he has appointed ^a Mullā Abu’l-Naṣr as <i>imām</i> of the mosque of Īshān Pīr quarter ¹ , formerly held by Mullā Jalāl Khwājah, recently promoted to position of Qur’anic reciter ^b . The speaker stipulates that the appointee should be present in his office during the times of the 5 daily prayers ^c , and should not leave without good cause.	
Stamp (side b): Sayyid Amīr ‘Abd al-Aḥad	
¹ For this quarter see Mukhammadzhanov <i>et al.</i> , <i>Naselemye punkty Bukharskogo emirata</i> , p. 179.	^a mihribānī namūdīm; ^b ṣaḥīḥ-khwānī; ^c awqāt-i ṣalāt-i khamsah
116 x 217; 6 lines. Persian.	

315-317: marriage warrant notes

315

Jumādā I 1321 (26 July – 24 August 1903): marriage warrant note

586: KP 5991/308

The <i>imām</i> of the mosque of Takīyah quarter ¹ should note that Īshān Qul Bāy b. ‘Abdallāh Bāy has contracted a marriage agreement with Hamrāh Āy bint ‘Āshūr Bāy, veteran of a previous marriage. Having established that the bride-to-be is not in a post-divorce waiting period, the <i>imām</i> should proceed to solemnize the union.

No stamp.	
¹ Located east of the Ark, in the direction of the Tall-i Pūch gate. See Sukhareva, <i>Kvartal'naia obshchina pozdnefeodal'nogo goroda Bukhary</i> , p. 134.	
106 x 172; 5 lines. Persian.	

316

1322 (18 March 1904 – 7 March 1905): marriage warrant note

324: KP 5991/76

The <i>imām</i> of the mosque of Īshān Pīr quarter should note that Ṣābir Bāy b. Kamāl al-Dīn has contracted a marriage agreement with Musharrafah Āy bint Jūrah Bāy, veteran of a previous marriage. Having established that there is no hostility between the parties nor any impediment to rightful marriage, and that the bride-to-be is not in a post-divorce waiting period, the <i>imām</i> should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.	
No stamp.	
98 x 170; 7 lines. Persian.	

317

n/d¹: marriage warrant note

323: KP 5991/75

The <i>imām</i> of the mosque of the Shīshah-Khānah quarter ² should note that Mullā ‘Abd al-Karīm b. ‘Abdallāh Bāy has contracted a marriage agreement with ‘Anbar Āy bint Birdī Murād Bāy, veteran of a previous marriage. Having established that there is no hostility between the parties nor any impediment to rightful marriage, and that the bride-to-be is not in a post-divorce waiting period, the <i>imām</i> should proceed to solemnize the union.	
Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn d. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306	
¹ See however the attested career dates of Qāḍī Mullā Mīr Badr al-Dīn: → doc. 87(4).	
² Located west of the Ark, in the direction of the Shīrgirān gate. See Sukhareva, <i>Kvartal'naia obshchina pozdnefeodal'nogo goroda Bukhary</i> , pp. 126-127.	
96 x 162; 6 lines. Persian.	

318

tpq 1321 Rajab (23 September – 22 October 1903): reported declaration of endowment

630: KP 5991/351

On the above date [–] b. ‘Abd al-‘Azīm declared before Bukhara’s courthouse^{a(1)} that he has converted into *waqf* from his exclusive possession and sound property two plots of unencumbered land to endow the annual recitation of the Qur’an in the month of Ramaḍān at the *khānaqāh* of the shrine to Khalīfah Khudāyḍād.

The two plots are located in the rural settlement of Qarah Bābāy², Shimālī-Rūd. (i) The first measures $1\frac{1}{4}$ *tanābs* and abuts in the west onto the embankment of a common canal, in the north and east onto land belonging to Sulṭān Āy bint Raḥmat Bāy, and in the south onto a public thoroughfare. (ii) The second measures $\frac{1}{2}$ *tanāb* and abuts in the west onto land belonging to Īrkah Āy bint Fāḍil Bāy, in the north onto land belonging to Zuhrā Āy bint Fāḍil, in the east onto land belonging to Bakhshandah Āy bint Ni‘mat Bāy, and in the south onto land belonging to Būrī Āy bint Murād Bāy.

The endower stipulates that for as long as he lives^b he should be *mutawallī*; thereafter, whoever serves as *mutawallī* of the *khānaqāh*’s other *waqf* properties should be appointed to the role. Having deducted 10% of the rental income for his own salary^c, the *mutawallī* should divide the remaining revenue into 4, giving $\frac{1}{2}$ to a Qur’anic reciter to recite the Qur’an in the last 10 days of every Ramaḍān, $\frac{1}{4}$ to a second such reciter to point out any errors which the first individual might make, and $\frac{1}{4}$ to cover other expenses incurred during the evenings of recitation. The endowment has thus become valid, legal, bound and endorsed until God inherits the earth.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ The epithet here for Bukhara is unusual. → also just docs. 104, 174, 378 and 504.

² See Mukhammadzhanov *et al.*, *Naseleunnye punkty Bukharskogo emirata*, p. 71.

^a dār al-qaḍā-yi dār al-fākhīrah-yi Bukhārā-yi sharīf’;
^b mā dām al-ḥayāt; ^c awwalan ḥaqq al-tawliyat-i khūd ‘ushr giriftah

240 x 420; 20 lines. Persian.

319

tpq Jumādā II 1322 (13 August – 10 September 1904): reported declaration of endowment

629: KP 5991/350

On the above date Mīr Bahrām Āqsaqāl b. Mīr Aḥmad declared as a competent agent before Bukhara’s courthouse that he has converted into *waqf* from his exclusive possession and sound property an unencumbered plot of land measuring 10 x $6\frac{1}{2}$ *gaz* and located in Khalīfah Khudāyḍād quarter, to the benefit of the *madrasah* and *khānaqāh* located at the shrine of Khalīfah Khudāyḍād.

The land thus endowed abuts in the west onto a passageway belonging to the endower, in the north onto a courtyard property similarly belonging to the endower, in the east onto the refectory^a of the afore-mentioned shrine, and in the south onto a thoroughfare belonging to the afore-mentioned Khalīfah Khudāyād *madrasah*.

The endower stipulates that during his lifetime he himself should be *mutawallī*, and that the *mutawallī* should act to maintain the *khānaqāh* and the afore-mentioned *madrasah* in perpetuity^b.

Having relinquished ownership of the afore-mentioned property, the endower subsequently sought to revoke the endowment on the grounds that it lacked binding force^c. But the judge ruled first for the rectitude of the endowment, and secondly for its binding force^d. The endowment has thus become valid, legal, bound and endorsed until God inherits the earth.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

^a āsh-khānah; ^b bih jihat-i ābādī-yi khānaqāh wa madrasah-yi madhkūrah; ^c bih ‘illat-i ‘adam-i luzūm; ^d awwalan bih ṣiḥḥat-i īn waqf, thānīyan bih luzūm-i ān

200 x 350; 14 lines. Persian.

320

tpq Sha‘bān 1322 (11 October – 8 November 1904): hereditary transfer of estate

400: KP 5991/146

On the above date the unencumbered estate^a of the late Ḥalīmah Āy was divided according to the divine laws of inheritance^b between her widowed husband Qudrat-Allāh (receiving ¼), and her daughters Muḥarramah Āy (receiving ½) and Munawwarah Āy (receiving ¼); the estate comprises various possessions itemised at the outset, plus 1000 *tangah* owing to Ḥalīmah Āy in unpaid debts^c. The document notes that, since Muḥarramah Āy has actually received more than her stipulated share of the estate^d, she should contribute 356 *tangah* towards funeral expenses¹.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

¹ For similar compensatory provisions → docs. 338, 339 and 517.

^a matrūkah-yi fārighah; ^b ‘alā farā’id; ^c mablagh-i yak hazār tangah-yi rā’ijah-yi dayn dar dhimmah-yi khūd; ^d az barā-yi ziyādatī-yi sahm-i khūd

197 x 281; 15 lines. Persian.

321a, n/d¹: claim for restitution

384: KP 5991/133

Acting as attorney to Muḥarramah Āy bint Luṭf-Allāh Bāy, Qilīch Bāy presents a claim against Quḍrat-Allāh Bāy b. Nār Bīk, a resident of Khalīfah Khudāyḍād quarter. The speaker claims that his client entrusted various possessions (itemised at outset, and valued at 2000 <i>tangah</i> ^a), together with 5000 <i>tangah</i> in cash, into the willing safekeeping ^b of the respondent, who has since refused to give them back.	
Stamp: Mullā Mīr ‘Abd al-Qādir Mudarris Muftī b. Qāḍī Mullā Mīr Zayn al-Dīn, 1308	
Citation: <i>wa fi’l-amānāt yajib al-takhliyah</i> (Jāmi‘ al-Fuṣūlayn ²).	
¹ <i>tpq</i> 1308 (17 August 1890 – 6 August 1891); <i>taq</i> Dhu’l-Ḥijjah 1323 (14 April – 13 May): → doc. 321b.	^a <i>tangah-yi nuqrah-yi wazn-i sab‘ah-yi rā’ijah-yi maḍrūbah bih ḍarb</i> ; ^b <i>amānat [...] ma‘ qabūlihi wa qabḍihi wa iltizāmihi al-ḥifz</i>
² A work compiled in 1411 by the Ottoman jurist Badr al-Dīn Maḥmūd b. Isrā’īl al-Ḥanafī, known as Qāḍī Samāwanah (d. 823/1420). The work comprises an abbreviated compilation of material from 2 Ḥanafī works, namely (i) the <i>Fuṣūl-i Ustrūshanī</i> by Muḥammad b. Maḥmūd al-Ustrūshanī (ca. 1180-1240), and (ii) the <i>Fuṣūl-i ‘Imādī</i> by ‘Imād al-Dīn Abu’l-Faṭḥ ‘Abd al-Raḥīm Zayn al-Dīn b. Abū Bakr al-Samarqandī (d. 651/1254). See Brockelmann, <i>GAL</i> II.225, pp. 290-291.	
221 x 179; 8 lines. Persian.	

321b, *tpq* Dhu’l-Ḥijjah 1323 (27 January – 24 February 1906): reported cessation of claim¹

On the above date Qilīch Bāy, acting in his capacity as attorney – his authority as attested by witnesses Mullā ‘Abd al-Raḥmān b. Mullā Bahādur and Ṣādiq Khwājah b. Ḥamīd Khwājah-, fully, partially and for gratis ^a withdrew the afore-mentioned claim for restitution. Acting also as attorney to ‘Abd al-Qaḥhār Bāy, Nār Bāy and Munawwarah Āy, he further declared in the presence of the afore-mentioned witnesses that he has no claim or contention against the respondent.	
Stamp: Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306	
¹ A mixed-format document, notarising first an actual cessation of claim (→ doc. 248b.ii and elsewhere) and secondly an <i>iqrār</i> -type declaration of future abstention. → docs. 469b.ii and 478b for further examples.	^a <i>kullīyatan wa juz’īyatan, majjānan</i>
5 lines. Persian.	

322

322a n/d¹: claim for restitution

284: KP 5991/36

<p>Ḥājji ‘Abd al-Ḥakīm presents a claim against Arbāb ‘Abd al-Karīm b. ‘Abdallāh, a resident of the rural settlement of Qawālah-yi Maḥmūd², Shimālī-Rūd. The plaintiff claims that he entrusted 1000 <i>tangah</i>^a to the safekeeping^b of the respondent. He seeks the return of this sum, together with another 324 <i>tangah</i> as the cost of various materials which he sold to the respondent, and for which the respondent has thus far made only part payment.</p>	
<p>Stamp: Mullā ‘Abd al-Karīm Mudarris b. Ṭaghāy Muḥammad Muftī, 1317</p>	
<p>Citations: <i>wa fī’l-amānāt yajib al-takhlīyah</i> (‘Ālamgīrī); <i>al-dayn māl wājib bi’l-‘aqd</i> (Jāmi‘ al-rumūz).</p>	
<p>¹ <i>taq</i> Jumādā I 1323 (4 July – 2 August 1905): → doc. 322b. ² See Mukhammadzhanov <i>et al.</i>, <i>Naselennye punkty Bukharskogo emirata</i>, p. 66.</p>	<p>^a <i>tangah-yi nuqrah-yi wazn-i sab‘ah-yi rā’ijah-yi maḍrūbah bih ḡarb</i>; ^b <i>amānat [...] ma‘ qabūlihi wa qabḍihi wa iltizāmihi al-ḥifẓ</i></p>
<p>212 x 176; 10 lines. Persian.</p>	

322b, *tpq* Jumādā I 1323 (4 July – 2 August 1905): reported cessation of claim

<p>On the above date the above-mentioned plaintiff fully, partially and for gratis^a dropped his claim.</p>	
<p>Stamp: Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306</p>	
	<p>^a <i>kullīyatan wa juz’īyatan, majjānan</i></p>
<p>3 lines. Persian.</p>	

323

tpq Jumādā I 1323 (4 July – 2 August 1905): hereditary transfer of estate

635: KP 5991/356

<p>On the above date the unencumbered estate^a of the late Mīrzā Bāy was divided according to the divine laws of inheritance^b between his widow Tursūn Āy (receiving 4/32), his pre-adult daughters Rābi‘ah Āy and Maghfirat Āy (each receiving 7/32), and his son Nūr-Allāh Bāy (14/32). Following the confirmation of the legality of the division^c, Tursūn Āy received as her share a variety of movable possessions itemised at the outset; Rābi‘ah Āy and Maghfirat Āy jointly received a second collection of possessions, and Nūr-Allāh Bāy received 374 <i>tangah</i>. The division was approved by Tursūn Āy, on behalf of herself and as guardian^d to her children.</p>
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Stamp: Qāḏī al-quḏāt Qāḏī Mullā Mīr Badr al-Dīn b. Qāḏī al-quḏāt Mullā Mīr Ṣadr al-Dīn	
	^a matrūkah-yi fārighah; ^b ‘alā farā’iḏ Allāh ta‘ālā; ^c ba‘d taḥaqquq sharā’iṭ ṣiḥḥat al-qismah; ^d waṣāyatan shar‘īyatan
178 x 220; 11 lines. Persian.	

324

tpq Ramaḏān 1323 (30 October – 28 November 1905): hereditary transfer of estate

519: KP 279

<p>On the above date the unencumbered estate^a of the late Sharāf Bāy was divided according to the divine laws of inheritance^b between his widow ‘Allāmah Āy (receiving 2/16), his pre-adult son Ḥasan Jān (7/16), and his unborn son (7/16). The estate comprises three courtyard properties located in Bukhara’s Qāḏī Sa‘īd Jūybār quarter¹. (i) The first abuts in the west onto a shared passageway, in the north onto a courtyard property belonging to Ashraf Bāy b. ‘Abd al-Ḥamīd, in the east onto a courtyard property belonging to Fayḏ-Allāh Bāy b. Nūr-Allāh Bāy and partly onto a courtyard property belonging to Āypārah Āy, and in the south partly onto a courtyard property belonging to Sharāf Bāy b. [–] and partly onto a courtyard property comprising the estate of the late Akram Bāy; it is valued at 9000 <i>tangah</i>. (ii) The second abuts in the west onto a courtyard property belonging to ‘Abd al-Karīm b. ‘Abd al-Majīd, in the north onto a courtyard property comprising the estate of the late Sharāf Bāy, in the east onto a courtyard property belonging to ‘Abdallāh Bāy b. ‘Abd al-Mu‘min, and in the south onto a courtyard property belonging to Aypārah Āy bint ‘Abd al-Rashīd; it is valued at 1400 <i>tangah</i>. (iii) The third abuts in the west onto a blocked thoroughfare, in the north onto a courtyard property belonging to Naṣr-Allāh Bāy b. Ustā Maḥmūd, and in the east and south onto a blocked thoroughfare; it is valued at 7000 <i>tangah</i>.</p> <p>Following the confirmation of the legality of the division^c, Ḥasan Jān received as his share half of the above three jointly-owned properties, together with 7061 <i>tangah</i> as the value of Sharāf Bāy’s silk and other holdings.</p> <p>Sharāf Bāy’s unborn child is to receive the other half of these three properties. ‘Allāmah Āy were appointed to act as guardian to [Ḥasan Jan], and as trustee on behalf of the unborn child^d. Ashraf Bāy b. ‘Abd al-Ḥamīd was additionally appointed to act as trustee for the afore-mentioned guardian.</p>	
Stamp: Qāḏī al-quḏāt Qāḏī Mullā Mīr Badr al-Dīn b. Qāḏī al-quḏāt Qāḏī Qāḏī Mullā Mīr Ṣadr al-Dīn	
Witnesses: ‘Alā’ al-Dīn Khwājah Āqsaqāl; Qārī [xxx] Āqsaqāl; Qārī ‘Abd al-Ḥafīz; Muḥammad Sharīf; ‘Abd al-Karīm Bāy; Mīrzā ‘Abd al-Ḥalīm; and others.	
¹ Mukhammadzhanov <i>et al.</i> , <i>Naselennye punkty Bukharskogo emirata</i> , p. 68, giving Qāḏī Sa‘īd as a subsidiary settlement in Shimālī-Rūd.	^a matrūkah-yi fārighah; ^b ‘alā farā’iḏ Allāh ta‘ālā; ^c ba‘d taḥaqquq sharā’iṭ ṣiḥḥat al-qismah; ^d waṣīyah-yi shar‘īyah-yi ṣaghīr-i madhkūr, wa amīnah-yi ḥaml-i madhkūr
212 x 330; 16 lines. Persian.	

325

1324 (25 February 1906 – 13 February 1907): marriage warrant note

598: KP 5991/319

The *imām* of the rural settlement of Raḥīmābād¹ should note that Ḥasan Bāy b. ‘Abdallāh has contracted a marriage agreement with Karāmat Āy bint ‘Abdallāh Bāy². Having established that there is no impediment to rightful marriage, the *imām* should proceed to solemnize the union.

Stamp: (side b): Qāḍī Mullā Karāmat-Allāh Khwājah³ b. Mullā ‘Ināyat-Allāh Khwājah Muftī Ṣudūr, 1317

¹ Mukhammadzhanov *et al.*, *Naselellye punkty Bukharskogo emirata*, p. 109, notes 2 settlements of this name, 1 in Shimālī-Rūd and the other in Khayrābād.

² Unusually, the document does not specify whether or not she has previously been married.

³ See also Kurbanov, *Materialy po sredneaziatskoi sfragistike. Bukhara. XIX–nachalo XX vv.* (Tashkent: Gafur Gulyam, 2006), p. 81.

92 x 178; 8 lines. Persian.

326

tpq 21 Ṣafar 1325 (5 April 1907): reported declaration of mortgage

311: KP 5991/63

On the above date Sharāf Bāy b. Mullā Tūrah Bāy declared as a competent agent before Bukhara’s courthouse that he has temporarily sold^a to Sulṭān Qarāwul-Bīgī b. ‘Abd al-Mu’min Bāy a courtyard property located in the rural settlement of Ṭāq-i Miyānah-yi Mazār-i Sharīf, Janūbī-Rūd, and abutting in the west onto a common canal, in the north onto a house belonging to Mullā Ḥakīm Murād, in the east onto a house belonging to Mubārak Āy and in the south onto the territory of a bazaar; the sale is for 900 *tangah*^b, and is contracted on the understanding that it will be terminated after 1 lunar year^c.

Stamp: Qāḍī al-quḍāt Qāḍī Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Ṣadr al-Dīn, 1306

^a bay‘-i jā‘iz-i shar‘ī, ^b tangah-yi rā’ijah-yi bukhārīyat al-ḍarb; ^c bih wa‘dah-yi iqālah-yi yak sāl-i kāmīl-i qamarī

169 x 210; 7 lines. Persian.

327

tpq Rabī‘ I 1325 (14 April – 13 May 1907): hereditary transfer of estate

644: KP 5991/365

On the above date the unencumbered estate^a of the late ‘Allāmah Āy was divided according to the divine laws of inheritance^b between her husband Fūlād Bāy (receiving $\frac{1}{4}$), her pre-adult daughter Hamrāh Āy ($\frac{1}{2}$), and her sister Khulāṣah Āy ($\frac{1}{4}$).

Following the confirmation of the legality of the division^c, Fūlād Bāy received as his share various possessions itemised at the outset. Khulāṣah Āy received approximately $\frac{3}{4}$ *tanāb* of *milk-i kharājī* land valued at 300 *tangah* and located in the rural settlement of Yār Jān¹, Shimālī-Rūd, abutting in the west and east onto land belonging to ‘Abdallāh Bāy, in the north onto land belonging to Muqīm Bīk, and in the south onto land belonging to Āchildī Murād.

Stamp: Qāḏī al-Qudāt Qāḏī Mullā Mīr Badr al-Dīn b. Qāḏī Mīr Ṣadr al-Dīn

¹ See Mukhammadzhanov *et al.*, *Naseleanye punkty Bukharskogo emirata*, p. 65.

^a matrūkah-yi fārighah; ^b ‘alā farā’iq Allāh ta‘ālā; ^c ba‘d taḥaqquq sharā’it ṣiḥḥat al-qismah

176 x 221; 9 lines. Persian.

328

Jumādā II 1325 (12 July – 9 August 1907): instructions

363: KP 5991/114

The speaker instructs Mullā Muḥammad Amīn Khwājah Qarāwul-Bīgī to take 933 *tangah* from the estate of the late ‘Alī Bāy Pāytīnchī, who died without heir and whose property thus accrues to the treasury^a, and given to Mullā Īshān Khwājah, the official in charge of overseeing the hereditary transfer of estate^b, who should in turn pass it on to the dead man’s creditor.

No stamp.

^a bayt al-māl; ^b tarikah-chī

77 x 126; 7 lines. Persian.

329

5 Sha‘bān 1325 (13 September 1907): blank declaration of mortgage

625: KP 5991/346

A blank document for notarising mortgage^a: stipulation of mortgage of property located in [–] for [–] *tangah*; stipulation of monthly payment^b for the afore-mentioned property to the sum of [–] *tangah*^c.

No stamp.	
	^a bay‘-i jā‘iz-i shar‘ī; ^b bih muḍī-yi har yak māh-i kāmīl-i qamarī; ^c tangah-yi mawṣūfah
161 x 218; 8 lines. Persian.	

330

tpq 13 Dhu‘l-Qa‘dah 1325 (18 December 1907): reported declaration of mortgage

330: KP 5991/82

<p>On the above date Qarah Khwājah b. Yūldāsh Khwājah declared as a competent agent before the courthouse of Bukhara’s Janūbī-Rūd that he has temporarily sold^a to ‘Abd al-Ḥamīd Bāy b. ‘Abd al-Wāḥid Bāy the <i>uskunah</i> on $\frac{3}{4}$ <i>ṭanāb</i> of <i>mamlakah</i> land located in the rural settlement of Chālākī-yi Miyānah, Janūbī-Rūd, and abutting in the west onto the embankment of a common canal, in the north onto land belonging to the mortgager, in the east onto a public thoroughfare, and in the south onto a shared canal. The sale is for 300 <i>tangah</i>. The speaker has also rented^{lb} the property under transaction for 4.32 <i>tangah</i> per month^c.</p>	
<p>Stamp: Mullā Mīr Muḥsin Khwājah Mīrākhūr², nā‘ib-i Qāḍī al-quḍāt Mullā Mīr Badr al-Dīn</p>	
<p>¹ Unusually, the <i>ayḍan</i> addendum is presented here as a direct report of action, rather than as an additionally cited <i>iqrār</i>. → also doc. 334 below. ² Attested active from <i>ca.</i> Dhu‘l-Qa‘dah 1325/December 1907-January 1908 (→ doc. 330) to Dhu‘l-Ḥijjah 1326/December 1908-January 1909 (→ doc. 334).</p>	<p>^a bay‘-i jā‘iz-i shar‘ī; ^b istījār namūd; ^c bih muḍī-yi muddat-i yak māh-i qamarī bih badal-i chahār tangah-yi mawṣūfah, wa sī dū fulūs</p>
173 x 220, 8 lines. Persian.	

331

tpq Shawwāl 1326 (27 October – 24 November 1908): hereditary transfer of estate¹

265: KP 5991/17

<p>On the above date the estate of the late Mīr Muẓaffar was transferred according to the divine laws of inheritance^a to his pre-adult heir^b Sulṭān Āy². The property in question comprises approximately 5 <i>ṭanābs</i> of <i>milk-i ḥurr</i> land, comprising two plots in the rural settlement of Turūn-Burūn, Shimālī-Rūd. (i) The first plot abuts in the west onto land belonging to Mīr ‘Azīm, in the north onto a public thoroughfare, in the east partly onto a courtyard property belonging to Mīr ‘Azīm and partly onto a public drainage ditch^c and in the south onto a drainage ditch. (ii) The second plot abuts in the west onto a public drainage ditch, in the north and east onto land belonging to Sharāf Āqsaqāl, and in the south onto a public thoroughfare. The property was entrusted for the moment to Sulṭān Āy’s mother, Ṣabāḥat Āy, who was appointed to serve as her guardian^d.</p>
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Stamp: Mullā Mīr Burhān al-Dīn Ṣadr Ra'īs b. Qāḏī al-quḏāt Mullā Mīr Badr al-Dīn, 1322

¹ Correlative document to doc. 332.i.

² Neither here nor in doc. 332 is Sultān Āy's relationship to Mīr Muẓaffar specified. Given that it is her mother rather than her father who is appointed to administer her holdings, however, she is presumably the dead man's daughter.

^a 'alā farā'iq Allāh ta'ālā; ^b wāriṭh-i munḥaṣirah; ^c zihkash; ^d waṣṭiyah-yi shar'iyah

155 x 212; 9 lines. Persian.

332

332.i, *tpq* Shawwāl 1326 (27 October – 24 November 1908): hereditary transfer of estate¹

757: KP 268

On the above date the estate of the late Mīr Muẓaffar was transferred according to the divine laws of inheritance^a to his heir^b, the pre-adult Sultān Āy. The property in question comprises various movable objects itemised at the outset, plus 6800 *tangah*^c. Sultān Āy's mother Ṣabāḥat Āy is appointed to act as guardian on her behalf, with the understanding that she should look after the property^d and keep accounts of the money according to accepted practice^e.

Stamp: Qāḏī al-quḏāt Qāḏī Mullā Muḥammad Baqā Khwājah b. Mullā Muḥammad Qāḏī Khwājah

¹ Correlative document to doc. 331.

^a 'alā farā'iq Allāh ta'ālā; ^b wāriṭh-i munḥaṣirah; ^c tangah-yi rā'ijah-yi maḏrūbah bih ḏarb; ^d kih nīk muḥāfazat namūdah; ^e mablagh-i madhkūr-rā bih mu'āmalah-yi shar'iyah [xxx] muḥāṣabah mī-namāyad

180 x 271; 11 lines. Persian.

332.ii, *tpq* Dhu'l-Qa'dah 1326 (25 November – 24 December 1908): an addendum to this last

On the above date Ṣabāḥat Āy, who had failed to act as expected^a in her capacity as Sultān Āy's guardian, was replaced in this role by Mīrzā Baqā Khwājah b. Pārsā Khwājah. The 6684 *tangah* have been transferred to him, and he should keep accounts of the money according to accepted practice^b. Qārī Ni'mat has been appointed as trustee^c over Mīrzā Baqā.

Stamp: Qāḏī al-quḏāt Qāḏī Mullā Muḥammad Baqā Khwājah b. Mullā Muḥammad Qāḏī Khwājah

^a binā bar salb namūdan; ^b kih bih mu'āmalah-yi shar'iyah [...] muḥāṣabah mī-namāyad; ^c amīn

11 lines. Persian. Written in the margin of 332.i.

tpq 16 Shawwāl 1326 (11 November 1908): hereditary transfer of estate

335: KP 5991/87

On the above date the unencumbered estate^a of the late Nadhr-Allāh Bāy was divided according to the divine laws of inheritance^b between his widow Khāshīyat Āy (receiving 8/64), his sons Sayyid Muḥammad Jān and the pre-adult Aḥmad Jān (each receiving 14/64), and his daughters Ṣāliḥah Āy, ‘Izzat Āy, Nazākat Āy and the pre-adult Rābi‘ah Āy (each receiving 7/14).

Following the confirmation of the legality of the division^c, Khāshīyat Āy received as her share 1/8 of three properties: (i) a courtyard property and 2½ *tanābs* of *chahār-bāgh* land and 1½ *tanābs* of agricultural land^d, all of which are *milk-i ḥurr* and are located in the rural settlement of Jūy-i Būd¹, Shimālī-Rūd, abutting in the west onto *chahār-bāgh-i sulṭānī*, in the north partly onto a common canal and partly onto land belonging to Aḥmad Khwājah, and in the east and south onto the embankment of a common canal and partly onto a public thoroughfare; (ii) a courtyard property and 11 *tanābs* of *milk-i ḥurr* land located in the rural settlement of Shīrgīrān², Shimālī-Rūd, and abutting in the west, north and east onto the embankment of a common canal, and in the south onto a public thoroughfare; and (iii) the *uskunah* on a courtyard property together with a tanning factory^e, located in Jūy-i Būd and abutting in the west and east onto a common canal, in the north onto land belonging to ‘Alī Āqsaqāl and in the south onto land belonging to Amān Bāy.

The children together received the remaining 7/8 of the above-mentioned properties, according to the principle that each man’s share should equal that of two women^f; Khāshīyat Āy was appointed as guardian to the 2 youngest children, and was entrusted with their respective shares of the estate.

It should further be noted^g that, out of the total value of 40 000 *tangah*, the heirs have together paid 24 000 *tangah* to the afore-mentioned Muḥammad Jān, to acquit themselves of the late Nadhr-Allāh Bāy’s debt. Acting on their own behalf and as guardians to others, the heirs consented to this.

Stamp: Mullā Mīr Burhān al-Dīn Ṣadr Ra’īs b. Qāḍī al-Quḍāt Mīr Badr al-Dīn

¹ Presumably to be identified as that settlement also referred to as ‘Jūy-i Būt’: → doc. 106.

² See Mukhammadzhanov *et al.*, *Naseleanye punkty Bukharskogo emirata*, p. 155. There is some variation in the orthography of this name, which is sometimes rendered as ‘Shīrgīrān’: see Sukhareva, *Kvartal’naia obshchina pozdnefeodal’nogo goroda Bukhary*, pp. 126-127.

^a *matrūkah-yi fārighah*; ^b ‘alā farā’iḍ Allāh ta‘ālā; ^c *ba’d taḥaqquq jamī’ sharā’iṭ ṣiḥḥat al-qismah*; ^d *zamīn-i mazra‘ah*; ^e *zāwut-i charmgarī*; ^f *li’l-dhakar mithl ḥazz al-unthayayn*; ^g *mastūr ma-bād*

200 x 352; 17 lines. Persian.

334

tpq 3 Dhu'l-Hijjah 1326 (27 December 1908): reported declaration of mortgage

315: KP 5991/67

On the above date the one-eyed^a Bābā Qul Bāy b. Rajab Bīk declared as a competent agent before the courthouse of Bukhara's Janūbī-Rūd that he has temporarily sold^b to 'Abd al-Ḥamīd Bāy b. 'Abd al-Wāḥid Bāy $\frac{3}{4}$ *ṭanāb* of *milk-i kharājī* land located in Chālākī-yi Miyānah, Janūbī-Rūd, and abutting in the west onto the embankment of a common canal, in the north onto land belonging to Qārī Pīr Muḥammad, in the east onto a public thoroughfare, and in the south onto land belonging to Yādgār Bāy. The sale is for 200 *tangah*^c.

The speaker has also rented^d the property under transaction for 40 *tangah* per year^e.

Stamp: Mullā Mīr Muḥsin Khwājah Mīrākḥūr, na'ib-i Qāḍī Mullā Mīr Burhān al-Dīn Ṣadr Ra'īs

¹ → doc. 330.

^a wāḥid al-'ayn; ^b bay'-i jā'iz-i shar'ī; ^c tangah-yi rā'ijah bih ḍarb; ^d istījār namūd; ^e bih muḍī-yi muddat-i har yak sāl bih badal-i chihil tangah-yi mawṣūfah

168 x 216, 8 lines. Persian.

335

Muḥarram 1327 (23 January – 21 February 1909): instructions

313: KP 5991/65

[Mullā Mīr Burhān al-Dīn Ṣadr Ra'īs] informs Mullā Muḥsin Khwājah¹, na'ib-i Mazār-i Sharīf, that the share of property from the *waqf* of Muḥammad 'Alī Ḥājī, together with various movable possessions belonging as the children's share to the pre-adult Ḥaydar Qulī and Laṭāfat Āy, is being held by a certain Bahādur. Mullā Muḥsin Khwājah should look into the matter, and ensure that said property is placed in the guardianship and trusteeship^a of an authorised agent^b.

Stamp (side b): Mullā Mīr Burhān al-Dīn Ṣadr Ra'īs b. Qāḍī al-Quḍāt Mīr Badr al-Dīn

¹ i.e. son of Qāḍī Mīr Burhān al-Dīn, as identified in doc. 346?

^a waṣī wa amīn namūdah sipārīdah; ^b ādam-i mu'tamad-i durust

113 x 215; 7 lines. Persian.

336

tpq 13 Ṣafar 1327 (6 March 1909): reported declaration of mortgage

317: KP 5991/69

On the above date Qarah Khwājah b. Yūldāsh Khwājah declared as a competent agent before the courthouse of Bukhara's Janūbī-Rūd that he has temporarily sold^a to Tāsh Fūlād Bīk b. Dāwud Bīk a courtyard property located in the rural settlement of Chālākī-yi

Miyānah, Janūbī-Rūd, and abutting in the west onto the embankment of a common canal, in the north onto a house belonging to the heirs of ‘Abd al-Ṣamad Bāy, in the east onto a house belonging to Jūrah Bāy, and in the south onto a house belonging to ‘Abd al-Qahhār Bāy. The sale is for 1000 *tangah*^b.

The speaker has also rented^{1c} the property under transaction for 15 *tangah* per month^d.

Stamp removed.

¹→ doc. 330.

^a bay‘-i jā‘iz-i shar‘ī; ^b tangah-yi rā‘ijah bih ḡarb; ^c istījār namūd; ^d bih muḡī-yi yak māh-i qamarī bih badal-i pānzdah tangah-yi mawṣūfah

171 x 217; 7 lines. Persian.

337

tpq 29 Jumādā I 1327 (18 June 1909): reported declaration of abstention from claim

647: KP 5991/368

On the above date Khūrsandah (*sic*) Āy bint Ustā Būrī declared as a competent agent before Bukhara’s courthouse that she has no claim or contention against her ex-husband^a Jūrah Bāy b. Mullā Jum‘ah for dowries and resources owed to her as post-divorce financial support; any subsequent claim will be void and inadmissible.

Stamp: Qāḍī al-quḍāt Mullā Muḡammad Baqā Khwājah b. Mullā Muḡammad Qāḍī Khwājah Ṣadr, 1326

^a shawhar-i ṭāliqam

168 x 209; 5 lines. Persian.

338

tpq Ramaḡān 1327 (16 September – 15 October 1909): hereditary transfer of estate¹

336: KP 5991/88

On the above date the unencumbered estate^a of the late Ibrāhīm Khwājah was divided according to the divine laws of inheritance^b between his widow Mu‘aṭṭarah Āy (receiving $\frac{1}{4}$) and his maternal aunt Musharrafah Āy ($\frac{3}{4}$).

Following the confirmation of the legality of the division^c, Mu‘aṭṭarah Āy received as her share $\frac{1}{4}$ of a courtyard property valued at 3000 *tangah* and located in Bukhara’s Ḥājī Hābīb-Allāh quarter (abutting in the west onto a blocked thoroughfare, in the north onto a public thoroughfare, in the east onto a house belonging to Khulāṣah Āy bint ‘Abd al-Rahmān, and in the south onto a house comprising the estate of the late ‘Abd al-Wāḡid), plus a number of moveable possessions itemised at the outset. Because Mu‘aṭṭarah Āy’s acquisition of said additional possessions means that her share amounts to more than that $\frac{1}{4}$ of the total estate stipulated for her^d, she is to pay 111 *tangah* to Musharrafah Āy².

Stamp: Qāḍī al-quḍāt Mullā Muḥammad Baqā Khwājah b. Qāḍī Muḥammad Khwājah Ṣadr, 1326	
¹ Correlative document to doc. 339. ² For similar compensatory provisions see docs. 320, 339 and 517.	^a matrūkah-yi fārighah; ^b ‘alā farā’iḍ Allāh ta‘ālā; ^c ba‘d taḥaqquq sharā’iṭ ṣiḥḥat al-qismah; ^d az wajh-i ziyādatī-yi sahm-i khūd az wajh-i manqūlāt
167 x 240; 12 lines. Persian.	

339

tpq 1 Ramaḍān 1327 (16 September 1909): hereditary transfer of estate¹

337: KP 5991/89

On the above date the unencumbered estate ^a of the late Ibrāhīm Khwājah was divided according to the divine laws of inheritance ^b between his widow Mu‘aṭṭarah Āy (receiving ¼) and his maternal aunt Musharrafah Āy (¾). Following the confirmation of the legality of the division ^c , Musharrafah Āy received as her share ¾ of a courtyard property located in Bukhara’s Ḥājī Hātib-Allāh quarter, and abutting in the west onto a blocked thoroughfare, in the north onto a public thoroughfare, in the east onto a house belonging to Khulāṣah Āy bint ‘Abd al-Raḥmān, and in the south onto a house comprising the estate of the late ‘Abd al-Wāḥid), worth 3000 <i>tangah</i> , plus an additional 111 <i>tangah</i> to be paid by Mu‘aṭṭarah Āy, on account of this latter’s share of the estate exceeding the stipulated ¼ ^d .	
Stamp: Qāḍī al-quḍāt Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā Muḥammad Qāḍī Khwājah Ṣadr, 1326	
¹ Correlative document to doc. 338.	^a matrūkah-yi fārighah; ^b ‘alā farā’iḍ Allāh ta‘ālā; ^c ba‘d taḥaqquq sharā’iṭ ṣiḥḥat al-qismah; ^d az wajh-i ziyādatī-yi sahm-i khūd
170 x 241; 10 lines. Persian.	

340

tpq 1327 (23 January 1909 – 12 January 1910): acknowledgement of receipt

63: KP 1137

The <i>mutawallī</i> in charge of the A‘lam <i>madrasah</i> ¹ acknowledges receipt from the <i>mutawallī</i> Mullā Ishāq Qazāq of 125 <i>tangah</i> as rent for one of the student cells in the <i>madrasah</i> for the years 1327 and 1328.	
No stamp.	
¹ Located in central Bukhara, opposite Pushaymān Madrasah and immediately north of Gāwkushān Madrasah.	
90 x 228; 8 lines. Persian.	

341

Dhu'l-Qa'dah 1328 (4 November – 4 December 1910): acknowledgement of receipt

61: KP 1135

Īshān Khwājah, the *mutawallī* in charge of the A'lam Madrasah, acknowledges receipt of 66 *tangah* as rent for one of the student cells in the *madrasah*.

Stamp: Mīrzā Farmān-Qul Qarāwul-Bīgī, 1323

64 x 118; 6 lines. Persian.

342

tpq Shawwāl 1328 (6 October – 3 November 1910): conferral of guardianship

953: KP 1237

On the above date 'Awaḍ Murād, the pre-adult son of the late Sayyid Bāy, received^a from this latter's estate 1440 *tangah*^b. Fūlād Āy, 'Awaḍ Murād's mother, was appointed as guardian with responsibility for looking after the money^c, and Sharīf Bāy was charged as trustee over said guardian^d.

No stamp.

^a dar sahm-i 'Awaḍ Murād [...] ta'alluq yāftah būdah ast; ^b tangah-yi rā'ijah-yi maḍrūbah bih ḍarb; ^c az barā-yi ḍabṭ wa sarishtah [...] waṣīyah-yi shar'īyah naṣb namūdah; ^d Sharīf Bāy-rā bih waṣīyah-yi madhkūrāh amīn ta'yīn kardah shud

171 x 212; 6 lines. Persian.

343

tpq Shawwāl 1328 (6 October – 3 November 1910): reported declaration of debt

952: KP 1237

On the above date Sharīf Bāy b. Zārīf Bāy declared as a competent agent before Bukhara's courthouse that he owes the pre-adult 'Awaḍ Murād b. Sayyid Bāy 1440 *tangah*^a, and that he will repay the sum upon request^b.

No stamp.

^a tangah-yi rā'ijah bih ḍarb; ^b 'ind al-ṭalab

172 x 212; 5 lines. Persian.

tpq 14 Jumādā II 1331 (21 May 1913): reported declaration of endowment

1052: KP 1590

On the above date Mullā Sayyid ‘Abd al-Karīm Khwājah Mudarris b. Mullā Muḥammad Īsā Khwājah, acting as attorney^a to Malīkah Āy bint Kamāl Bāy – his authority as attested by the competent witnesses Mullā ‘Abd al-Raḥmān Khwājah b. Arslān Khwājah and Šūfī Qārī Fakhr al-Dīn b. Mullā Sa‘īd – declared as a competent agent before the office of Bukhara’s *ra’īs* that his client has converted into *waqf* from her exclusive possession and sound property one *ṭanāb* of *milk-i kharājī* land and two *ṭanābs* of *milk-i dah-yakī* land¹, in order to endow the annual recitation of the Qur’an in the month of Rajab at the tomb^b of the late Īshān Sayyid Āfāq Khwājah Makhtūm-i (*sic*) A‘zamī.

The property thus converted is located in the rural settlement of Qarah Yaghāch², Shimālī-Rūd, and comprises two plots. (i) The first of these abuts in the west onto the embankment of a common canal, in the north onto land belonging to Asad-Allāh Bāy and partly onto land belonging to Ḥusayn Bāy, in the east onto land belonging to Āstān Qul, and in the south partly onto land belonging to the afore-mentioned Asad-Allāh Bāy and partly onto land belonging to the afore-mentioned Ḥusayn Bāy. (ii) The second plot abuts in the west onto land belonging to the pre-adult Aḥmad, in the north onto land belonging to ‘Īsā Khwājah, in the east onto a common canal, and in the south onto land belonging to Ismā‘īl Khwājah.

The endower stipulates that Mullā Buzurg Khwājah Ūrāq b. ‘Abd al-‘Azīz Khwājah should be *mutawallī* for as long as he lives^c, and thereafter should be succeeded by whomsoever is most pious and fitting^d of his subsequent descendents. Having remitted the *kharāj* and *dah-yakī*^e and having deducted 10% of the rental income for his own salary^f, the *mutawallī* should allow tenants to keep 4/5 of the remaining revenue, and devote the rest for the sake of the souls of the endower, of her mother, Khān Bībī, and of her husband, Bīk Murād.

Having relinquished ownership of the afore-mentioned property, the endower subsequently sought to revoke the endowment, on the grounds that it lacked binding force^g. But the *mutawallī* refused to submit ownership, and went before a judge who ruled first for the rectitude of the endowment, and secondly for its binding force^h. The endowment has thus become valid, legal, bound and endorsed until God inherits the earth.

Stamp: Mullā ‘Izām al-Dīn Mudarris b. Mullā Muḥammad ‘Ārif Ṣadr Muftī

¹ *milk-i dah-yakī*: a category of tax-privileged land on which a tithe is payable in place of the more heavily assessed *kharāj* tax. See Chekhovich, ‘Novaia kolleksiia dokumentov po istorii Uzbekistana’, in *Istoricheskie zapiski* 36 (1951), pp. 263-268 [p. 263], and Schwarz, ‘Contested grounds’, p. 35.

² See Mukhammadzhanov *et al.*, *Naselennye punkty Bukharskogo emirata*, p. 73.

^a wakālatan shar‘īyatan bi’l-bayyinah fī mā yudhkar; ^b sar-i qabrī; ^c mā dām al-ḥayāt; ^d kudāmī kih aṣlah wa akfā bāshad; ^e ba‘d az raf‘-i kharāj wa dah-yak; ^f ‘ushr; ^g binā bar ‘illat-i ‘adam-i luzūm-i waqf; ^h awwalan bih ṣiḥḥat-i īn waqf, thānīyan bih luzūm-i ān

250 x 655; 26 lines. Persian.

345

tpq 15 Jumādā II 1331 (22 May 1913): hereditary transfer of estate

74: KP 1145

On the above date the unencumbered estate^a of the late Barāt Bāy was divided according to the divine laws of inheritance^b between his mother Khūrsand (*sic*) Āy and his sister Ma'mūrah Āy.

Following the confirmation of the legality of the division^c, Khūrsand Āy received as her share the *uskunah* on 4/10 of a property comprising 1½ *tanābs* of *mamlakah* land located in the rural settlement of Yūrūn-i Bālā¹, Shimālī-Rūd. The property abuts in the west onto a private canal, in the north onto a blocked lane, in the east onto land belonging to Qurbān Dah-Bāshī and in the south onto land belonging to Khūrshīd Āy. Ma'mūrah Āy received the remaining 6/10.

Stamp: Mullā 'Izām al-Dīn Şadr Ra'īs² b. Mullā Muḥammad 'Ārif Şadr

Witnesses: Arbāb 'Abd al-Karīm; Mīr Sharīf; Ustā Ḥayit Bāy; Qurbān Dah-Bāshī; 'Umar Bāy; Hamrāh Bāy.

¹ See Mukhammadzhanov *et al.*, *Naselennye punkty Bukharskogo emirata*, p. 66.

² Attested active as *ra'īs* from 1323/1905-06 (see Kurbanov, *Materialy po sredneaziatskoi sfragistike*, p. 85), and as *qāḍī* from 1335 (→ doc. 360; see also Kurbanov, *Materialy po sredneaziatskoi sfragistike*, p. 89) to Jumādā I 1338/January-February 1920 (→ doc. 363 and ff.). See also Kazakov, *Bukharan Documents: The Collection in the District Library*, pp. 84-85.

^a matrūkah-yi fāriḡah; ^b 'alā farā'iḡ Allāh ta'ālā; ^c ba'd taḡaqquq sharā'iḡ ṣiḡḡat al-qismah

162 x 222; 8 lines. Persian.

346

tpq Rajab 1332 (26 May – 24 June 1914): reported declaration of sale

319: KP 5991/71

On the above date Ustā Tursūn b. Ustā Ḥayit Bāy declared as a competent agent before the courthouse of Bukhara's Janūbī-Rūd that he has sold^a to Mullā Naqshband Qulī Bīk b. Mullā Yakhshī Bīk 1¼ *tanābs* of *milk-i kharājī* land located in the rural settlement of Kūl-i Khūrak, Janūbī-Rūd. The property comprises two plots. (i) The first of these measures ¾ *tanāb*, and abuts in the west onto a shared canal, in the north onto land belonging to 'Abd al-Razzāq b. Murād Bāy, and in the east and south onto a public thoroughfare. (ii) The second plot measures ½ *tanāb*, and abuts in the west onto land belonging to Murād Bāy b. Yūldāsh Bāy, in the north onto land belonging to the afore-mentioned Murād, and in the east onto a shared canal and in the south onto a common canal. The sale, for 600 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Mullā Muḥsin Khwājah Ūrāq¹ b. Qāḍī al-quḍāt Mullā Mīr Burhān al-Dīn

Witnesses: Mullā ‘Abd al-Ghanī; ‘Abd al-Jabbār Bāy Āqsaqāl; Arbāb Sayyid Bāy; and others.	
¹ i.e. the son of Qāḍī Mullā Mīr Burhān al-Dīn b. Badr al-Dīn: → doc. 212(2).	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijāt al-waqt
169 x 219; 11 lines. Persian.	

347

tpq 18 Šafar 1333 (5 January 1915): reported declaration of sale

532: KP 378

On the above date Mullā Muḥammad Yūsuf b. Mullā ‘Abd al-Wahhāb declared before Bukhara’s courthouse that he has sold ^a to Muṭahharah Āy bint Yūldāsh Bāy, through this latter’s attorney Tursūn Khwājah Āqsaqāl, ½ <i>tanāb</i> of <i>milk-i ḥurr-i khāliš</i> , located in the rural settlement of Jūy-i ‘Awaḍ Bīk ¹ , Shimālī-Rūd, and abutting in the west onto land belonging to Ūghūl Pāchā, daughter of the late Mullā Mukarram, in the north and south onto a small shared canal, and in the east onto land belonging to Muṭahharah Āy, daughter of the afore-mentioned late Mullā Mukarram; the sale, for 500 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Burhān al-Dīn b. Qāḍī al-quḍāt Mullā Mīr Badr al-Dīn	
¹ See Mukhammadzhanov <i>et al.</i> , <i>Naseleanye punkty Bukharskogo emirata</i> , p. 56.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah
176 x 218; 7 lines. Persian.	

348

tpq Rabī‘ II 1333 (16 February – 16 March 1915): reported acknowledgement of receipt

613: KP 5991/334

On the above date Ḥājjī Mullā Niyāz b. Mullā Barakah, acting as attorney ^a to [his sister] Maghfirat Āy bint Mullā Barakah, and as guardian ^b to Ni‘mat-Allāh Bāy, Sa‘d-Allāh Bāy and the pre-adult ‘Abdallāh Bāy, children of the late Qārī Raḥmat-Allāh and heirs of Ḥikmat-Allāh Bāy – his authority as attested by the competent witnesses Tūlah Bāy b. Qul Muḥammad and ‘Abd al-Ghaffār Bāy b. ‘Abd al-Jabbār – declared as a competent agent before the courthouse of Bukhara’s Janūbī-Rūd that he has received 2900 <i>tangah</i> . The sum in question comprises the value of a prompt dowry ^c which the late Ḥikmat-Allāh paid upon his betrothal to ‘Ā’ishah Āy bint Ḥājjī Bāy. Because Ḥikmat-Allāh died before the union could be solemnised ^d , the money passed hereditarily to Qārī Raḥmat-Allāh’s afore-mentioned children: but now Dāmullā Yakhshī Bīk, the son of ‘Ā’ishah Āy’s attorney Shahsuwār Bīk Qarāwul-Bīgī, has repaid the advanced sum.	
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Stamp: Qāḍī al-quḍāt Qāḍī Mīr Burhān al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn	
	^a wakālatan shar‘īyatan; ^b waṣāyatan shar‘īyatan; ^c mahr-i mu‘ajjal; ^d qabl jarayān al-‘aqd baynuhumā
170 x 218; 11 lines. Persian.	

349

1333 Jumādā II (16 April – 14 May 1915): marriage warrant note

305: KP 5991/57

The <i>imām</i> of the mosque of Khalīfah Khudāyād quarter should note that Ikrām Khwājah b. Gadāy Khwājah has taken Sayyidah Āy bint Gadāy Niyāz Bāy, veteran of a previous marriage. Having established that there is no hostility between the parties nor any impediment to rightful marriage, and that the bride-to-be is not pregnant or a post-divorce waiting period, the <i>imām</i> should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.	
Stamp (side b): Qāḍī al-quḍāt Qāḍī Mullā Mīr Burhān al-Dīn b. Qāḍī al-quḍāt Badr al-Dīn	
111 x 171; 7 lines. Persian.	

350

350.1, 6 Dhu’l-Ḥijjah 1333 (15 October 1915)^a 1 October 1915¹: instructions

1010: KP 5991/630

The <i>qūsh-bīgī</i> of Bukhara states that the bearer of the document, the Russian artist Lev Yuri ^b , has come to Bukhara for the purpose of producing drawings ^c . He should not be obstructed from traveling wherever he wishes in order to pursue his work.	
Stamp: Mīrzā Naṣr-Allāh Bī Kull-i Qūsh-Bīgī	
¹ It is unclear why there should be so large a disparity here between the two dates.	^a muṭābiq-i yakum-i māh-i ūktābir; ^b Lūf Būrī (<i>sic</i>); ^c bih jihat-i taṣwīr kashīdan
175 x 220; 6 lines. Persian.	

350.2, Ramaḍān 1334 (2 July – 31 July 1916): instructions

The speaker informs officials ^a in [the settlements of] Chakīr, Chaqīr, Sulaymān, Qābah-Saqāl, Qarahchah, Ītbāsh and Chahār-Shanghū ¹ that the honoured ^b Lev Yuri has been visiting various <i>qishlāqs</i> in order to produce drawings. The speaker has dispatched Tūkhtah Murād Chuhrah-Aqāsī to accompany him. Officials should not obstruct the bearer of the letter from traveling wherever he wishes in order to pursue his work.	
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No stamp.

¹ A variety of settlements in Karkī *wilāyat*, in the vicinity of the citadel of Karkī and close to the Amū Daryā river: see Mukhammadzhanov *et al.*, *Naselellye punkty Bukharskogo emirata*, p. 282 and elsewhere.

^a ‘amaldārān wa āqsaqālān; ^b tūrah

11 x 21; 14 lines. Persian.

351

tpq Šafar 1334 (9 December 1915 – 6 January 1916): reported declaration of debt

518: KP 278

On the above date Jum‘ah Bāy b. ‘Abd al-Rahmān Bāy, a resident of Qizīl Qishlāq, declared before the courthouse of Yakkah Bāgh *wilāyat* that he owes 260 *tangah*^b to ‘Abd al-Karīm Bāy b. ‘Abd al-Ghafūr Bāy, and that he will repay said sum within 8 months^a. ‘Ashūr Bāy b. Khidīr Bāy will act as guarantor^c.

Stamp: Qāḍī Mullā Muḥammad Idrīs Khwājah b. Mullā Mīr Khwājah Muftī, 1331

Witness: Mullā Īrgash Bāy.

^a ba‘d az muḍī-yi muddat-i hasht māh-i kāmil-i qamarī; ^b tangah-yi rā’ijah bih ḍarb; ^c kafīl-i zar

162 x 216; 6 lines. Persian.

352

tpq Rabī‘ II 1334 (6 February – 5 March 1916): confirmation of *waqf* endowment

759: KP 266

On the above date, [the late] Aḥmad Jān b. Mīrzā ‘Aṭṭār rendered the *uskunah* on an unencumbered shop into *waqf*, to provide for the monthly recitation of the *Khatm-i Yāzdahum* dedicated to Pīr-i Dastgīr, namely Ḥaḍrat-i Ghawth al-A‘zam¹.

The shop thus converted is located in a square which is endowed as *waqf*, located in the knife row under the cupola of Bukhara’s Chahār-Sūq arcade, and abutting in the west and east onto a public thoroughfare, in the north onto a wall of the arcade, and in the south onto a shop comprising the estate of the late Qārī Sayyid Khwājah.

The endower stipulated that he himself should be *mutawallī* for as long as he lived^a, to be succeeded first by Mullā ‘Abd al-Ḥamīd, *āqsaqāl* of Šābūngarān quarter², and thereafter by whomsoever succeeds this latter as *āqsaqāl* of the quarter^b. The *mutawallī* should put the endowed shop out to rent; having deducted for his own salary 10%^c of the rental income remaining after any necessary building repairs, the *mutawallī* should spend the rest on food for those praying for the Prophet Muḥammad^d and the endower’s own family. He should recite the *Khatm-i Yāzdahum* either in his own home or in the Šābūngarān mosque. The endower died before the *waqf* document was drafted. Accordingly ‘Abd al-Ḥamīd

and the endower's heirs – Ḥamīdah Āy, Anwar Āy and Maqṣad Āy – have all come to Bukhara's courthouse, and hereby state that they willingly consent to the terms of his endowment. The endowment has thus become valid, legal, bound and endorsed until God inherits the earth.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Burhān al-Dīn b. Qāḍī al-quḍāt Mullā Mīr Badr al-Dīn

¹ = 'Abd al-Qādir al-Jīlānī.

² Situated southwest of the Ark, in the direction of the Qarākūl gate. See Sukhareva, *Kvartal'naia obshchina pozdnefeodal'nogo goroda Bukhary*, pp. 164-165.

^a mā dām al-ḥayāt; ^b har shakhṣī kih bih muhimm-i āqsaqālī-yi gudhar-i madhkūr manṣūb bāshad; ^c ḥaqq al-tawlīyah; ^d zubdah-yi mawjūdāt shafī'-i 'uṣāt-i banī ādam

252 x 622; 26 lines. Persian.

353

tpq Rajab 1334 (4 May – 2 June 1916): hereditary transfer of estate

612: KP 5991/333

On the above date the estate of the late Raḥmān Qul Bīk was divided between his son Subḥān Qul Bīk (receiving 2/3) and his pre-adult daughter Bībīsh Āy (receiving 1/3).

Following the confirmation of the legality of the division^a, Subḥān Qul Bīk and Bībīsh Āy received their respective shares of the estate, according to the principle that each man's share should equal that of two women^b. The property comprises 7 plots located in the rural settlement of Chālākī-yi Miyānah, Janūbī-Rūd: (i) a courtyard property abutting in the west onto a house belonging to Nabīrah Āy bint Shahriyār Bīk, in the north onto a house belonging to Mullā Yakhshī Qul Bīk, and in the east and south onto a house belonging to Mīrzā Jūrah b. Mīrzā 'Abd al-Qayyūm; (ii) 1½ *tanābs* of *milk-i ḥurr* land abutting in the west and north onto a public thoroughfare, in the east onto a common canal, and in the south onto land belonging to Mullā Naqshband Qul Bīk b. Mullā Yakhshī Qul Bīk; (iii) 1 *tanāb* of *milk-i ḥurr* land abutting in the west onto a road running alongside the underground water channel^c, in the north and south onto land belonging to Mullā Naqshband Qul Bīk and in the east onto land belonging to the heirs of Ma'mūr Bīk; (iv) ½ *tanāb* of *milk-i ḥurr* land abutting in the west onto land belonging to Īrgash Bāy b. Bābā Murād Bāy, in the north onto land belonging to Mullā Naqshband Qul Bīk, in the east onto a [xxx] road^c, and in the south onto a house belonging to Mullā Naqshband Qul; (v) 1 *tanāb* of *mamlakah* land abutting in the west onto a common canal, in the north onto a canal belonging to the heirs of Jūrah Bāy, in the east onto a drainage ditch^d, and in the south onto land belonging to Tūkhtah Murād Bāy; (vi) 1 *tanāb* of *mamlakah* land abutting in the west onto land belonging to Mullā Yakhshī Qul Bīk, in the north and south onto a private canal, and in the east onto land belonging to Jūrah Bāy; and (vii) 1 *tanāb* of *mamlakah* land abutting in the west onto a public thoroughfare, in the north onto land belonging to Birdī Murād Bāy¹, in the east onto land belonging to Ḥājī Bāy, and in the south onto land belonging to Mullā Yakhshī Qul Bīk.

It is further specified that, at the time of the division, Bībīsh Āy should give 200 *tangah* from her share to her brother Subḥān Qul Bīk, and should entrust the rest to Mullā Yakhshī Qul Bīk, her late father's uncle.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Burhān al-Dīn b. Qāḍī al-quḍāt Mullā Mīr Badr al-Dīn	
Witnesses: Sultān Āqsaqāl; Īzbāsar Āqsaqāl; ‘Azīz Shaykh-i Shaykhānī; Tursūn Bāy Shaykh-i Shaykhānī	
<p>¹ Mention in a single document of individuals called Tūkhṭah Murād Bāy and Birdī Murād Bāy raises the question as to whether these should be identified as the descendants of Muḥammad Ṣābir Bāy, a prominent Samarqandi legal protagonist from the late 19th century (→ doc. 449a below, and ff.) We know (→ docs. 462, 502 and 504) that descendants of Muḥammad Ṣābir Bāy had economic and legal interests in Bukhara, and the chronology would certainly fit.</p>	<p>^a ba‘d az taḥaqquq-i jamī‘-i ṣaḥīḥ-yi sharā‘ī-i ṣiḥḥat al-qismah; ^b li‘l-dhakar mithl ḥazz al-unthayayn; ^c rāh-i ghūlbah; ^d zihkash</p>
203 x 335; 18 lines. Persian.	

354

tpq 16 Muḥarram 1335 (12 November 1916): reported declaration of sale

514: KP 274

<p>On the above date Ḥaydar Bīk b. Mīrzā ‘Abd al-Raḥīm Bīk declared before Bukhara’s courthouse that he has sold^a to Ustā Kīnjah Bāy b. Bāzār Bāy a courtyard property located in Ṣābūngarān quarter, and abutting in the west onto a road passing by a pool, in the north onto a house belonging to Būrī Khwājah, in the east onto a house belonging to the heirs of Ḥājī ‘Abd al-Jabbār, and in the south onto a house belonging to Sayyidah Āy; the sale, for 11 000 <i>tangah</i>^b, was completed, with each party to the transaction receiving what was due.</p>	
Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Burhān al-Dīn b. Qāḍī al-quḍāt Mullā Mīr Badr al-Dīn	
	<p>^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah</p>
167 x 216; 8 lines. Persian.	

355 – 358: documents relating to Qārī Bāltah

355

Jumādā II 1335 (25 March – 22 April 1917): statement of conferral of appointment

292: KP 5991/44

<p>[Amīr ‘Ālim] states that he has appointed^a Qārī Bāltah in charge of reciting prayers for the deceased^b at the shrine to Ḥaḍrat-i Shaykh Jalāl, thus replacing Qārī Jalāl, who in turn has been appointed to another [mu’akhhadh?]. People should recognize the afore-mentioned position as the appointee’s particular perquisite, and should not interfere.</p>
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Stamp (side b): Sayyid Amīr ‘Ālim	
	^a mihribānī namūdīm; ^b maqṣūrah-khwānī
112 x 216; 5 lines. Persian.	

356

Rajab 1337 (2 April – 1 May 1919): statement of conferral of appointment

291: KP 5991/43

[Amīr ‘Ālim] states that he has appointed ^a Qārī Bāltah in charge of reciting prayers for the deceased ^b at [the shrine to] Pīr Muḥammad Shaykh, thus replacing Qārī Sulaymān. People should recognize the afore-mentioned position as the appointee’s particular perquisite, and should not interfere.	
Stamp (side b): Sayyid Amīr ‘Ālim	
	^a mihribānī namūdīm; ^b maqṣūrah-khwānī
116 x 216; 5 lines. Persian.	

357

tpq 29 Rajab 1340 (28 March 1922)^a 27 March 1922¹: reported declaration of cessation of claim

373: KP 5991/121

On the above date Ūghul Āy bint Sultān Khwājah, a resident of Jūy-i Zar quarter ² , Jūybār, declared before the courthouse of Bukhara’s district no. 1 ^{3b} that she has no claim or contention ^c against Qārī Bāltah Bāy b. Muḥammad Nāṣir for a share of the late Mu‘azzaz Āy’s estate, and that any subsequent claim will be inadmissible. Signed: Musammāt-i madhkūrah bih rāstī-yi iqrār-i khūd [xxx] Mīrzā Muḥammadī Khwājah Sultānuf [†] dast mānd. Qāḍī-yi qism-i awwal-i Bukhārā taṣḍīq kardah, muhr wa imḍā namūdam	
Stamp: Bukhārā Shūrā-lār Jumhūriyatī-ning birīnchī shahar qāḍī-sī	
Witnesses: Qārī Fūlād Khwājah; Muḥammad Sharīf Āqsaqāl.	
¹ The earliest document in the collection from Soviet Bukhara; the date given here is Gregorian. Regarding the discrepancy between Hijrī and Gregorian dates, → doc. 479 ⁽¹⁾ below. ² Mukhammadzhanov <i>et al.</i> , <i>Naselennye punkty Bukharskogo emirata</i> , p. 56, identifying Jūy-i Zar as a subsidiary settlement in Shimālī-Rūd <i>tūmān</i> . → doc. 301 above.	^a muṭābiq-i; ^b dār al-qaḍā-yi qism-i awwal-i Bukhārā; ^c az hīch wajh da‘wā wa khuṣūmatī na-dāram

<p>³ The earliest (and only) reference amongst our documents to a Bukharan district (<i>qism</i>) courthouse. The terminology is commonplace among post-1906 documents from colonial Samarqand, though districts there are generally identified as <i>qiṭ‘ah</i> rather than <i>qism</i>.</p> <p>⁴ The name is Russianised.</p>	
106 x 192; 11 lines. Persian.	

358

26 Jumādā I 1341 (14 January 1923): notarised deposition^{1a}

186: KP 3791/62

Notarial addition: BKHSHJ, MN²; 6 January 1923, document entry no. 49

<p>A deposition drawn up by the examination board^b of the Religious Department of the Central Waqf Administration^{c(3)}, stating that Qārī Bāltah b. Mullā Nāṣir, a resident of Bukhara’s Ḥājī Hābīb-Allāh quarter, has been appointed in charge of reciting prayers of the deceased^d at the shrine to Muḥsinah Bīgīm: that, having completed the necessary examinations⁴, he was appointed, and confirmed by the signature and seal of the Administration^e.</p>	
<p>Signatures: (i) <i>awqāf mudīrī</i> – Muḥammad Sharīf; (ii) <i>dīnīyah mudīrī</i> – Mīrzā Ṣan’at</p>	
<p>Stamp: Markazī awqāf shu‘bah-sī; B.N.S.R [Bukhara People’s Socialist Republic], dep. wakufnyi otdel’</p>	
<p>¹ For a further document of this nature dating from 1340/1922, see Kazakov, <i>Bukharan Documents: The Collection in the District Library</i>, p. 52. For a document of similar type, dating from 1919 and of Tashkenti provenance, → doc. 665 below.</p> <p>² i.e. Buxoro Xalq Sho’rolar Jumhuriyati Maorif nozirliqi.</p> <p>³ <i>Idārah</i>, or ‘office’, is a term which appears only in Soviet-period documents: → doc. 665.</p> <p>⁴ The use of examinations as part of any appointment procedure appears to have been a Soviet-period innovation; the only other reference to the practice is in doc. 665.</p>	<p>^a shahādat-nāmah; ^b hay’at-i imtiḥān; ^c markaz-i awqāf idārah³-sī-nīng dīnīyah shu‘bah-sī; ^d maqṣūrah-khwānī; ^e idārah-nīng imḍā wa muhrī ilāh taṣḍīq qīlindī</p>
221 x 141; 4 lines. Turki.	

359

tpq Sha‘bān 1335 (23 May – 20 June 1917): hereditary transfer of estate

762: KP 263

<p>On the above date the unencumbered estate^a of the late Khāl Bābā Bāy was divided according to the divine laws of inheritance^b between his widow Ṣāliḥah Āy (receiving ¼) and his daughter ‘Abīrah Āy (³/₄).</p>
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Following the confirmation of the legality of the division, ‘Abīrah Āy received 1825 <i>tangah</i> as her share. Šālīḥah Āy’s share is outlined in a further document.	
Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīrzā Muḥammad Sharīf ¹ b. Qāḍī al-quḍāt Dāmullā ‘Abd al-Shukūr, 1335	
Witnesses: Qārī Qarāwul-Bīgī; Mullā ‘Abd al-Ḥamīd; Muḥammad Sharīf Ḥājī; Khāl Muḥammad Bāy; Ustā Kīnjah Bāy; Ghulām Bāy; and others.	
¹ Muḥammad Sharīf Jān Makhdūm, known as Šadr-i Dīyā’, the last Bukharan <i>qāḍī al-kalān</i> : attested active from Sha‘bān 1335/May-June 1917 (see document 61, dated Sha‘bān 1335/May-June 1917, in Urunbaev <i>et al.</i> , <i>Katalog sredneaziatskikh zhalovannykh gramot</i> , p. 41), to 1337/1918-19 (see Kurbanov, <i>Materialy po sredneaziatskoī sfragistike</i> , p. 71). See Vahidov and Erkinov, ‘Le <i>fihrist</i> (catalogue) de la bibliothèque de Šadr-i Ziyā’.	^a matrūkah-yi zāhirah-yi fāriḡah; ^c ‘alā farā’id Allāh ta‘ālā; ^c ba‘d az taḥaqquq-i jamī‘-i sharā’it-i šihḡat al-ifrāz
170 x 218; 7 lines. Persian.	

360 – 368: documents relating to the rural settlement of Chālākī-yi Miyānah, Janūbī-Rūd*

360

tpq 16 Jumādā II 1337 (19 March 1919): reported declaration of mortgage

314: KP 5991/66

On the above date Jūrah Bāy b. ‘Abd al-Ghanī Bāy declared before the office of Bukhara’s <i>ra’īs</i> that he has temporarily sold ^a to Rajab Bāy b. Ḥājī a <i>tanāb</i> of <i>milk-i ḥurr</i> land located in the rural settlement of Chālākī, Janūbī-Rūd, and abutting in the west onto a public canal, in the north onto land belonging to Raḡmat-Allāh Bāy, and in the east and south onto land belonging to the vendor. The sale was for 1000 <i>tangah</i> ^b . The speaker additionally declared that he has undertaken to re-rent the property for 200 <i>tangah</i> per month.	
Stamp: Qāḍī Mullā ‘Izām al-Dīn Šadr Ra’īs b. Mullā Muḥammad ‘Ārif Šadr Muftī, 1335	
	^a bay‘-i jā’iz-i shar‘ī; ^b tangah-yi rā’ijah-yi maḍrūbah biḡ ḡarb
167 x 221; 8 lines. Persian.	

* The taxonomic logic behind this particular sub-collection is somewhat unclear, though there remain strong circumstantial grounds for treating it as a single composite entity. See similarly e.g. docs. 204 – 212 above.

361

tpq 23 Shawwāl 1337 (22 July 1919): reported declaration of mortgage

309: KP 5991/61

<p>On the above date ‘Abd al-Ghanī Bāy b. Murād Bāy declared before Bukhara’s courthouse that he has temporarily sold^a to Muḥammad Šābir Bāy b. Yādgār Bāy 4 <i>tanābs</i> of <i>milk-i ḥurr</i> land located in the rural settlement of Chālākī-yi Miyānah, Janūbī-Rūd, and abutting in the west, east and south onto a public thoroughfare, and in the north onto land belonging to Raḥmat-Allāh Bāy. The sale is for 25 000 <i>tangah</i>; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged.</p> <p>Addition: an anonymous speaker states that he has given [attorney?] Īshān Mu’min Khwājah Ūrāq 5000 <i>tangah</i> by way of [partial repayment of] the sum specified in the deeds^b.</p>	
<p>Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Burhān al-Dīn Ṣadr b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn</p>	
	<p>^a bay‘-i jā’iz-i shar‘ī; ^b az wajh-i ḥāsilāt mā fī’l-wathīqah</p>
<p>167 x 220; 7 lines. Persian.</p>	

362

tpq Jumādā I 1338 (22 January – 20 February 1920): reported declaration of sale

308: KP 5991/60

<p>On the above date ‘Abd al-Ghanī b. Murād Bāy declared before the courthouse of Bukhara’s Janūbī-Rūd that he has sold^a to Raḥmat-Allāh b. ‘Abd al-Mu’min and Rajab Bāy b. Hājī Bāy 1 courtyard property and 2 plots of land located in the rural settlement of Chālākī, Janūbī-Rūd. (i) The first of these abuts in the west onto a courtyard property belonging to the heirs of Šābir Bāy, in the north onto land endowed as <i>waqf</i>, in the east onto a canal, and in the south onto land comprising the estate of the late Jūrah Bāy. (ii) The second comprises 1 <i>tanāb</i> of <i>milk-i ḥurr</i> land, and abuts in the west and east onto the embankment of a common canal, in the north onto land comprising the estate of the late Rajab Bāy, and in the south onto land belonging to Qārī ‘Abd al-Ra’uf. (iii) The third comprises the <i>uskunah</i> on 3.5 <i>tanābs</i> of <i>mamlakah</i> land, and abuts in the west, east and south onto a public thoroughfare, and in the north onto land belonging to Raḥmat-Allāh. The sale, for 70 000 <i>tangah</i>^b, was completed, with each party to the transaction receiving what was due.</p>	
<p>Stamp: Qāḍī Mullā ‘Izām al-Dīn Ṣadr Ra’īs b. Mullā Muḥammad ‘Ārif Ṣadr Muftī, 1335</p>	
<p>Mullā Yakhshī Qul; Arbāb Sharāf; ‘Iṣmat Āqsaqāl.</p>	
	<p>^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah</p>
<p>171 x 220; 9 lines. Persian.</p>	

363

tpq Jumādā I 1338 (22 January – 20 February 1920): reported declaration of conferral of power of attorney¹

310: KP 5991/62

On the above date ‘Abd al-Ghanī b. Murād Bāy declared before the courthouse of Bukhara’s Janūbī-Rūd that he has appointed Birdī Murād b. ‘Abdallāh as his attorney².

Said attorney should defend the speaker against a claim for restitution^a that has been directed against him.

Stamp: Qāḍī Mullā ‘Izām al-Dīn Ṣadr Ra’īs b. Mullā Muḥammad ‘Ārif Ṣadr Muftī, 1335

¹ We encounter 15 documents of this nature in the collection: → also docs. 438, 462, 466, 500, 502, 504, 514.i, 528, 560, 571b.i, 612, 618, 619 and 628.

² Witnesses are noted and identified only in *reported* conferrals of power of attorney (for which → doc. 18 above); they do not appear in reported *iqrār*-type declarations of conferral such as here.

^a da‘wā-yi khaṣm

169 x 220; 5 lines. Persian.

364

tpq Jumādā I 1338 (22 January – 20 February 1920): reported declaration of cessation of claim

614: KP 5991/335

On the above date Bahrām Bāy b. ‘Awaḍ Bāy¹ declared as a competent agent before the courthouse of Bukhara’s Janūbī-Rūd that he has received from ‘Abd al-Ghanī Bāy b. Murād Bāy, Birdī Murād Bāy b. Nūr Muḥammad, and Raḥmat-Allāh Bāy b. Mu’min Jān Bāy the 90 000 *tangah* owing him on account of the divorce and other outgoings initiated by Chūchūk Āy bint ‘Abdallāh Bāy^a [at the behest of?] Jūrah Bāy b. ‘Abd al-Ghanī: and that he thus now has no claim or contention against Jūrah Bāy or Chūchūk Āy².

Stamp: Qāḍī Mullā ‘Izām al-Dīn Ṣadr Ra’īs b. Mullā Muḥammad ‘Ārif Ṣadr Muftī, 1335

Witnesses: Mullā Yakhshī Qul Bīk; Mīr ‘Iṣmat-Allāh Āqsaqāl; Murād Āqsaqāl; Arbāb Yādgār; and others.

¹ The text reads ‘Bahrām Bāy walad-i [Hā’il?] Bāy’: but this figure is apparently to be identified as the Bahrām b. ‘Awaḍ encountered in doc. 365.

² The events here alluded to are unclear.

^a bih wajh-i badal-i khul‘ wa ṣarf-i kharj-i dīgar-i musammāt Chūchūk Āy [...]

170 x 218; 10 lines. Persian.

365

tpq 15 Jumādā I 1338 (5 February 1920): reported declaration of debt

660: KP 5991/381

On the above date Raḥmat-Allāh b. Mu'min Bāy and 'Abd al-Ghanī b. Murād Bāy declared before the courthouse of Mazār-i Sharīf *tūmān* that they will pay Bahrām Bāy b. 'Awād Bāy 70 000 *tangah*, thus to cover the costs of the divorce between Chūchūk Āy^a and her husband Tīshah Bāy b. Rajab Bāy¹.

Stamp: Qāḍī Mullā 'Izām al-Dīn Ṣadr Ra'īs b. Mullā Muḥammad 'Ārif Ṣadr Muftī, 1335

¹ The events alluded to are somewhat unclear. One possible reading is that Raḥmat-Allāh and 'Abd al-Ghanī are the attorneys of Tīshah Bāy, and that at the time of the divorce Chūchūk Āy transferred the money in question to them via her own attorney Bahrām Bāy. When Tīshah Bāy and Chūchūk Āy were subsequently reconciled, Raḥmat-Allāh and 'Abd al-Ghanī found themselves required to return the money to Chūchūk Āy via her attorney.

^a az wajh-i badal-i khul'-i musammāt-i madhkūrah

168 x 219; 5 lines. Persian.

366

tpq 15 Jumādā I 1338 (Thursday 5 February 1920): reported declaration of debt

320: KP 5991/72

On the above date Birdī Murād Bāy b. Nūr Muḥammad Bāy, a resident of the rural settlement of Chālākī, Janūbī-Rūd, declared before the courthouse of Bukhara's Janūbī-Rūd that he owes 90 000 *tangah* to Muḥammad Sharāf Āqsaqāl b. 'Ābid Bāy, and that he would pay said sum upon demand^a.

It was agreed that Raḥmat-Allāh b. Mu'min Bāy will act as guarantor^b.

Stamp: Qāḍī Mullā 'Izām al-Dīn Ṣadr Ra'īs b. Mullā Muḥammad 'Ārif Ṣadr Muftī, 1335

^a 'ind al-ṭalab dādah, dhimmah-yi khūd-rā barī mī-namāyam; ^b kafīl-i zar

166 x 217; 5 lines. Persian.

367

Wednesday [-] 1920: marriage warrant note

312: KP 5991/64

The *imām* of the rural settlement of Chālākī-yi Miyānah, Janūbī-Rūd, should note that Rajab Bāy b. Ḥājjī Bāy has contracted a marriage agreement with Rāḥat Āy bint Raḥmat Bāy, a virgin. Having established that the bride-to-be is not less than 15¹, the *imām* should proceed to solemnize the union.

Document signed by Muḥammad Ṣāliḥ al-Dīn, <i>qāḍī</i> of Bahā al-Dīn; Mullā Bābā Kalān; Kātib: Qārī Niẓām al-Dīn	
Stamp: Bukhārā Shūrā-lār Jumhūriyatī-ning Janūbī-Rūd qāḍī-sī	
¹ For the concern to ensure that parties are not minors, → docs. 368, 373 and 631.	
107 x 173; 7 lines. Persian.	

368

13 October n/d¹: marriage warrant note

388: KP 5991/135

The <i>imām</i> of the rural settlement of Chālākī-yi Miyānah should note that Umūr Bāy b. Ḥājjī Bāy has contracted a marriage agreement with Tursūn Āy bint Turāb Bāy, a virgin. Having established that there is no impediment to rightful marriage, and that the bride-to-be is not younger than 15 ² , the <i>imām</i> should proceed to solemnize the union.	
Document signed by Muḥammad Ṣāliḥ al-Dīn, <i>qāḍī</i> of Bahā al-Dīn; Kātib: Qārī Niẓām al-Dīn	
Stamp: Bukhārā Shūrā-lār Jumhūriyatī-ning Janūbī-Rūd qāḍī-sī	
¹ ca. 1920: → doc. 367.	
² For the concern to ensure that parties are not minors, → docs. 367, 373 and 631.	
101 x 176; 8 lines. Persian.	

369

tpq 20 Dhu'l-Qa'dah 1337 (17 August 1919): reported declaration of sale

535: KP 5991/258

On the above date 'Abīrah Āy bint Īrgash Bāy declared before the office of Bukhara's <i>ra'īs</i> that she has sold ^a to her own son Jum'ah Bāy b. Ustā Kīnjah Bāy 1 <i>ṭanāb</i> of <i>milk-i kharājī</i> land located in the rural settlement of Ṣibyān, Janūbī-Rūd, and abutting in the west onto land belonging to Mukarramah Āy, in the north and south onto a private canal ^{1b} and in the east onto land belonging to Īshān Qul Bāy; the sale, for 10 000 <i>tangah</i> ^c , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī Mullā 'Izām al-Dīn Ṣadr Ra'īs b. Mullā Muḥammad 'Ārif Ṣadr Muftī	
Witnesses: Sharāf Khwājah; Bābā Qul Āqsaqāl; Rūzī Qul Bāy; Ustā Kīnjah.	
¹ One of only three references to a 'private' canal in our documents; see also just docs. 28 and 242.	^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b jūy-i khāṣṣ; ^c tangah-yi rā'ijat al-waqt
160 x 216; 8 lines. Persian.	

370

tpq Šafar 1338 (26 October – 23 November 1919): reported declaration of endowment

615: KP 5991/336

On the above date Ḥājjī ‘Ubayd-Allāh Khwājah Ūrāq b. Ḥājjī Ḥasan Khwājah Ūrāq declared as a competent agent before the courthouse of Bukhara’s Janūbī-Rūd that he has converted into *waqf* 5 *tanābs* of unencumbered *milk-i hurr* land located in the rural settlement of Jīgh-Bāfān in Bukhara’s Janūbī-Rūd, to the benefit of the Bāzār-i Qaymāq mosque in the rural settlement of Ṭāq-i Miyānah-yi Mazār-i Sharīf. The property in question abuts in the west onto land belonging to Ḥabīb-Allāh Bāy b. ‘Abdallāh, in the north onto property belonging to the endower, in the east onto a designated drainage ditch^a, and in the south onto a public thoroughfare.

The endower stipulates that whosoever is *mu’adhdhin* of the afore-mentioned mosque should serve as *mutawallī*. The *mutawallī* should rent the land out to a tenant for 100 *tangah*^b; he should refrain from demanding more than this. Having deducted 10% of the rental income for his own salary^c, the *mutawallī* should give the remaining revenue to the *imām* of the mosque, who should undertake every Friday and Monday to issue prayers for the soul of the endower’s late wife.

Having relinquished ownership of the afore-mentioned property, the endower subsequently sought to restore possession, on the grounds that the endowment lacked binding force^d. But the *mutawallī* refused to submit ownership, and went before a judge who ruled first for the rectitude of the endowment, and secondly for its binding force^e. The endowment has thus become valid, legal, operative, necessary and endorsed until God inherits the earth.

Stamp: Qāḍī Mullā ‘Izām al-Dīn Šadr Ra’īs b. Mullā Muḥammad ‘Ārif Šadr Muftī, 1335

^a zihkash; ^b tangah-yi rā’ijat al-waqf; ^c ‘ushr-i ān-rā khūd giriftah; ^d banā bar ‘adam-i luzūm; ^e awwalan bih šihhat hādhā al-waqf, wa thānīyan bih luzūm-i ān, wa luzūm-i sharā’iṭ-i madhkūrah-yi ān

205 x 340; 19 lines. Persian.

371

1 Dhu’l-Ḥijjah 1338 (16 August 1920): declaration of debt

62: KP 1136

Samandar Bāy-Bachchah b. Ḥasan Bāy states that he owes Mullā Sayyid Murād b. Mullā Muqīm 8 *laks* of *tangah*. He undertakes to return the money upon demand^a, whereupon he will be formally disburdened of debt.

No stamp.

^a ‘ind al-muṭālahah

68 x 138; 6 lines. Persian.

372

1338 (26 September 1919 – 14 September 1920): marriage warrant note

599: KP 5991/319

The *imām* of the rural settlement of Panjshanbah-yi Sūr Māhī¹ should note that Jūrah Bāy b. Muḥammad Naẓar Bāy has contracted a marriage agreement with Sayyidah Āy bint ‘Abd al-Razzāq, veteran of a previous marriage. Having established that there is no impediment to rightful marriage, and that the bride-to-be is not in a post-divorce waiting period, the *imām* should proceed to solemnize the union. If matters are otherwise, he should consult with the speaker.

No stamp.

¹ See Mukhammadzhanov *et al.*, *Naseennye punkty Bukharskogo emirata*, p. 104 (where the reference is to Panjshanbah-yi Sūr Māhī).

87 x 131; 8 lines. Persian.

373

4 November 1923: wedding certificate

365: KP 5991/115

It is noted in the register of marriages^{a(1)} for 1923 that Sultān (*sic*) b. Shukūr Shukūrīf (b. 190x), of modest family^{2b} and from Pīr-Ḍiyān (?) *qishlāq*, married the previously unmarried Ziyādah Āy bint Rāzīq (*sic*) Ḥusaynīf (b. 1908)³, also of modest family.

In a designated space^c in the bottom left-hand corner of the document there is a stamp:

Mesto dlia pečati/muhr jāyī (plus stamp, identifying the official as attached to Bogautdinskii *tūmān*⁴)

¹ The orthography here follows the modified Uzbek alphabet of 1923-1930.

² The identification here of the 2 parties' respective dates of birth suggests a concern to ensure that neither individual is a minor. For this concern, → also docs. 367, 368 and 631.

³ This concern to ascertain the socio-economic status of the 2 parties is strongly characteristic of Soviet-era marriage documents.

⁴ i.e. Bahā al-Dīn *tūmān*.

^a 1923 yil-dah nīkāḥ qīlinghān daftar-dan ālindī¹; ^b kambaghal; ^c muhr jāyī

226 x 180; pre-printed form. Turki and Russian. Document reproduced at back of volume.

374 – 402: undated documents from the Bukhara region

374

374a, n/d: claim for restitution¹

90: KP 1151

Musharrafah Bīgīm presents a claim before Bukhara's courthouse against her husband 'Abd al-Qādir Khwājah b. Pārsā Khwājah. The plaintiff claims that the respondent has peremptorily divorced her ^a , for no reason and without her consent; she claims that he also refuses to return to her various of her possessions (itemised at the outset), plus a total sum of 800 <i>tangah</i> , this comprising the residue of her pre- and post-paid dowries ^b . Since said possession and money are the plaintiff's inalienable property ^c , she asks that the addressee compel the respondent to comply with her request.	
No stamp.	
Citations: (i) <i>al-ṭalāq yaqa' min mukallaf faqaṭ</i> (Niḳāyah); (ii) <i>mahr al-mar'ah daynun ka-sā'ir al-duyūn</i> (Naḥr al-fā'iḳ ²).	
¹ For a thematically similar claim, → doc. 105. ² An unpublished work by Sirāj al-Dīn 'Umar b. Ibrāhīm b. Muḥammad b. Nuḳaym al-Ḥanafī (d. 1005/1596), comprising a commentary on the <i>Kanz al-daḳā'iq</i> by Abu'l-Barakāt al-Nasafī (f. 710/1310): see Brockelmann, <i>GAL</i> II.197, p. 252.	^a nafs-i ma-rā bih khūd bih yak ṭalāq-i bā'in ḥarām gardānīdah; ^b az wajh-i baḳīyah-yi mahrayn-i musammā dar ṣulb-i 'aqd-i nikāḥ; ^c ashyā-yi madhkūrah-rā 'aynan 'alā taḳdīr al-qiyām wa illā qīmat-i madhkūrah kih qīmat-i yawm al-akhdh ast
211 x 211; 11 lines. Persian.	

374b, n/d: solicited legal opinion¹

Qārī Maḥmūd buys a certain courtyard property from its owner Mullā Yūnus for a certain sum. After the sale has been completed, Khālīd, a neighbour whose own land abuts onto said house ^a , offers to buy the property from Qārī Maḥmūd for a higher price ^b . At the same time, he asserts against Qārī Maḥmūd his neighbourly right of pre-emption ^c . Is it not the case that said claim is unfounded and invalid? No answer.	
No stamp.	
Citations: (i) <i>shafī' qāl li'l-mushtarī-rā furūsh wa lam yaqull shuf'ah khwāstam fa-innahu yabṭul shuf'atuhu, wa in qāl man na-dānistam shuf'ah khwāstan thumm ṭalabahā wa qad yabṭul shuf'atuhu</i> (Jawāhir); (ii) <i>fī 'aqd al-nikāḥ, al-qāḍī wa ghayrihi sawāun li-anna al-nikāḥ ijāb wa qabūl min al-jānibayn wa tasmiyat al-mahrayn wa ḥuḍūr al-shāhidayn wa man 'alim hādhihi al-sharā'it wa addahā jāz nikāḥuhā bi'l-ittifāq</i> (Khizānat al-fatāwā); (iii) <i>wa law tazawwaj imra'atan thumm ukhtahā jāz nikāḥ al-awwal wa baṭal nikāḥ al-thānī wa in waṭiya al-thānīyah lam yaṭā' al-ūlā ḥattā tanquḍ 'iddat al-thānīyah</i> (Khizānat al-muftīyin); (iv) <i>wa idhā mātat imra'at al-rajul fa-tazawwaj bi-ukhtihā ba'd yawm jāz</i> (Khulāṣah); (v) <i>rajul waṭī' ukht imra'at lā taḥrum imra'atuhu</i> (Khulāṣah).	
¹ The relationship between this text and 374a is unclear.	^a shafī' -i jāz; ^b bih bay' -i murābahah; ^c shuf'ah
9 lines. Persian.	

n/d¹: solicited legal opinion

1018: KP 1557/2

‘Abd al-Jalīl Bāy, Fūlād Bāy, Īsh Muḥammad, Khāl Bībī and Āy Bībī sold^a to Raḥīm Qulī Bāy 2 *tanābs* of jointly-owned land for 1000 *tangah*^b. Payment was made, and the sale was notarised in a set of deeds confirming the holdings of the purchaser^c. The vendors then presented various unfounded claims for restitution against Raḥīm Qulī, ‘Abd al-Jalīl Bāy claiming that payment is still outstanding and the others denying that the sale had ever taken place. Is it not the case that (i) the land in question is indeed now the property of the vendor, (ii) the afore-mentioned complaints are invalid^d, (iii) the afore-mentioned deeds are relevant and binding^e, and (iv) a judgment should be made in favour of the hapless purchaser?

Answer: yes.

Stamps: (i) Mullā ‘Abdallāh b. Mullā ‘Ubayd-Allāh Muftī, 1321 (?); (ii) Mullā Nūr-Allāh b. Mullā Muḥammad ‘Ārif Muftī

Citations: (i) *al-bay‘ sālīb li’l-milk, wa’l-shirā’ jālib lahu* (Sharḥ-i Kanz); (ii) *al-inkār ba’d al-iqrār bāṭil* (Jāmi‘ al-fuṣūlayn); (iii) *al-mabī‘ ba’d al-bay‘ lā yuftā ‘alā milk al-bā’i* (Jāmi‘ al-ṣaghīr²); (iv) *wa’l-inkār ba’d al-iqrār bāṭil* (Jāmi‘ al-fuṣūlayn); (v) *wa’l-rujū‘ ‘an al-iqrār bāṭil* (Muḥīṭ); (vi) *khaṭṭ al-qāḍī ḥujjat ‘alā kull ḥāl idhā kān ‘alā waḥd qawā’id al-shar‘īyah* (Fuṣūl); (vi) *qālū mā yajid maktūban bi’l-khaṭṭ al-qāḍī wa khatmihi fa-huwa lāzim ‘alayhi wa yajīb ‘alā al-qāḍī an yaḥkum bihi li-annahu ḥujjat tāmamah* (Fatāwā-yi muḍmarāt); (vii) *wa fī’l-‘uyūn yuqḍā bi-qawlihimā ann al-‘amal bi-ghālib al-zann wājib, wa’l-khaṭṭ yufīd ghālib al-zann fa-wajab al-‘amal* (Baḥr al-manāfi³).

¹ *tpq* 1321 (?) (30 March 1903 – 17 March 1904).

² A work by Abū ‘Abdallāh Muḥammad b. Ḥusayn b. al-Farqad al-Shaybānī (749-805), which has been the subject of numerous commentaries. The work has been published in numerous lithographic and modern editions. See Brockelmann, *GAL* I.172, pp. 178-79.

³ A little-known work in both Arabic and Persian by Niyāz Muḥammad Muftī al-Bukhārī, an author of the late 18th century who produced some 10 literary works. A copy of the work made in 1263/1846 by Muḥammad Shaykh b. Muḥammad Ṣāliḥ is held in the Samarqand history museum: see A.A. Azizkhodzhaev *et al.*, *Catalogue of Samarkand State United Historical Architectural and Art Reserve-Museum’s Collections* (Tashkent: Ministry of Cultural Affairs and Sports of the Republic of Uzbekistan, 2006), p. 232.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī-yi shar‘ī; ^b tangah-yi rā’ijah-yi bukhārī; ^c mā fī’l-yad-i mushtarī; ^d lā yaṣiḥ; ^e mufīd, ghālib-i zann wa wājib al-‘amal

352 x 220; 9 lines. Persian.

376

n/d: claim for restitution

668: KP 5991/389

‘Abd al-Rāziq b. ‘Abd al-Ṣamad presents a claim against ‘Abd al-Qayyūm b. Khwājah Naẓar and Āy Ṭūṭī b. Imām Naẓar.

The claim relates to the property of the late Tursūn Āy, sister of the plaintiff and wife of the respondent ‘Abd al-Qayyūm. The property comprises (i) 1 *tanāb* of *milk-i kharājī* land located in the rural settlement of Kal-Bachchagān¹, in Bukhara’s Kharqān-Rūd *tūmān*, and abutting in the west onto land belonging to ‘Abd al-Rāziq b. ‘Abd al-Ṣamad, in the north onto land belonging to Khwājah Naẓar b. Muḥammad Naẓar, and in the east and south onto land belonging to Mullā ‘Abd al-Wāḥid b. Mullā Imām Naẓar; (ii) the *uskunah* on a wooden-built shop located in the afore-mentioned settlement; and (iii) various other possessions listed in detail at the outset, together valued at 435 *tangah*^a. Upon her death, her husband, ‘Abd al-Qayyūm received 3/6 of the total property, with her mother, Ānah Bībī, and her brothers ‘Abd al-Rāziq and Yūldāsh Bāy each receiving 1/6. The respondents, however, have kept all the property for themselves.

No stamp.

Citation: *man taraka mālan aw ḥaqqan fa-huwa li-warathatihi* (Kāfī).

¹ See Mukhammadzhanov *et al.*, *Naselennye punkty Bukharskogo emirata*, p. 70.

^a *tangah-yi nuqrah-yi sarah-yi wazn-i sab’ah-yi rā’ijah-yi maḍrūbah bih qarab*

220 x 248; 14 lines. Persian.

377

n/d: solicited legal opinion

669: KP 5991/390

Mīrzā Dhakariyā has endowed a courtyard property in the rural settlement of Fayḍābād for a Muslim cemetery: various Muslims are buried in the cemetery, including the donor himself. Mīrzā Shukr-Allāh Bāy, the donor’s brother, wishes to construct for himself a tomb or a drinking station in said cemetery: but ‘Abd al-Mu’min Bāy, the donor’s son-in-law, opposes such a proposal. Is it not the case that, since the property was endowed for the very purpose of allowing Muslim burials, in the absence of documentation to the contrary ‘Abd al-Mu’min’s objection should be rejected?

No answer.

No stamp.

Citations: (i) *idhā istasqā al-nās min al-siqāyat wa sakanū fi’l-khān wa’l-rabāt, wa dufinū fi’l-maqbarah, zāl bi-milk bi-qawl Muḥammad raḥimahu Allāh ta’ālā li-ann al-taslīm ‘indahū sharṭ wa’l-sharṭ naw’atu taslīm, wa dhālik bi-mā dhakarnā wa yakfī al-wāḥid li-ta’adhdhur fi’l al-jins kullihi* (Baḥr al-rā’iq¹); (ii) *wa law ja’ala dārahu maqbarah, kān*

lahu an yarji' fihā illā fī'l-buq'at allatī dufin fihā bi-idhnihi fa-innahu lā yarji' fihā; wa qāl Abū Yūsuf raḥimahu Allāh lā yarjī' fī jamī'ihā; wa qāl Muḥammad raḥimahu Allāh in dufin fihā ithnān, fa-lā rujū' fihā wa nā'khudh fī dhālik, bi-qawl Abī Yūsuf raḥimahu Allāh (Qāḍī Khān); (iii) wa law ḥafar qabran fī maqbarah lā yudfan fīhi al-mayyit; wa law dufin lā yukrahu, ya'nī idhā kānat al-maqbarah waqfan (Multaqiṭ²); (iv) al-mānī' muta'annit wa qad bayyannā ann al-muta'annit mamnū' 'an al-ta'annut shar'an ('Ālamgīrī).

¹ A work by Zayn al-Dīn (=Zayn al-'Ābidīn) b. Ibrāhīm b. Muḥammad b. Nujaym al-Miṣrī (1519-1563). The author did not finish the work during his lifetime, and the remaining *ijārah-yi fāsīdah* section was subsequently completed by Muḥammad b. Ḥusayn al-Ṭūrī (d. 1004/1595). The work has been published in an 8-volume edition.

² Several Ḥanafī works of this name are known. The work most probably referred to here is one otherwise known as the *al-Multaqīṭ fī'l-fatāwā al-Ḥanafīyah*, the *Ma'āl al-fatāwā* or the *Multaqīṭ al-Nāṣirī*. It was composed in 549/1154 by Nāṣir al-Dīn Abu'l-Qāsim Muḥammad b. Yūsuf al-Ḥusaynī al-Samarqandī al-Ḥanafī (d. 556/1161).

358 x 224; 5 lines. Persian.

378

n/d: claim for restitution

295: KP 5991/47

Jūrah Bāy presents a claim against Khūshī Bāy and 'Alī Mardān, sons of 'Abdallāh, who are present in the courthouse of Qarah Bāgh¹, a subsidiary settlement of Chīm, itself a subject territory of Bukhara^{a(2)}.

The plaintiff relates that the respondents promised him 10 *mann* of sesame seed (as reckoned by Bukharan measures^{3b}) by way of a peaceful settlement^c, and that they have since reneged on their undertaking.

No stamp.

Citation: *wa'l-ṣulḥ 'aqd min al-'uqūd (Bazzāzīyah).*

¹ Document 63 in Urunbaev *et al.*, *Katalog sredneaziatskikh zhalovannykh gramot*, p. 42, dated Rabī' I 1335/December 1915-January 1916, locates a settlement of this name in Shāfirkām *tūmān*.

² The epithet here for Bukhara is unusual: → also just docs. 104, 174, 318 and 504.

³ For the specificity of Bukharan measurements, → docs. 6, 60b.i, 90, 249, 250, and 431a.

^a maḥkūm-i dār al-fākhīrah-yi Bukhārā-yi sharīf²; ^b bih sang-i buzurg-i Bukhārā-yi sharīf; ^c maḥḍarān-i hādhān bih badal-i kunjīd-i madhkūr dar ṣadr ṣulḥ namūdah būd

219 x 176; 10 lines. Persian.

379

n/d: claim for restitution

646: KP 5991/367

Ustā ‘Abd al-Zāhid presents a claim against Šafar Bāy and Yūldāsh Bāy, sons of Mu’min Bāy, and Nabīrah Āy bint Kīnjah Bāy, residents of the rural settlement of Fayḍābād, in Bukhara’s Shimālī-Rūd.

The plaintiff claims that the former two individuals jointly owe him 73 *tangah*, and the latter owes him 76 *tangah* as debt; all three individuals should return the money, but they all refuse.

Stamp: Mullā Muḥammad Kamāl al-Dīn [xxx] b. Muḥammad ‘Ālim Muftī¹

Citation: *al-wājib fī’l-qarḍ adā’ li-mithl* (‘Imādī).

¹ This figure may be the same as that ‘Kūz-Falak’ encountered in doc. 439 below.

219 x 176; 8 lines. Persian.

380

n/d: appeal¹

9: KP 1083

Mullā Muḥammad Nāšir writes to an eminent anonymous addressee. The speaker relates that it is now five years since he finished his classes, and that he has fallen on hard times, with neither a *dah-yak* of land or the merest crumb to give his family. He hopes that the addressee might help him, and adds that he is making this request out of desperation.

No stamp.

¹ The provenance of this document, like that of a number of those which follow, is not explicitly identified. Our reason for provisionally identifying it, and those which follow, as Bukharan is largely contextual. Many of the documents in the collection sequence 6-39—a group of texts with clear typological commonalities, suggesting that they may already have been assembled prior to their acquisition by the museum – can clearly be identified as Bukharan. In the absence of evidence to the contrary, it seems likely that other less clearly provenanced documents in this sequence similarly relate to the Bukhara region.

122 x 204; 9 lines. Persian.

381

n/d: appeal¹

10: KP 1084

Shādī Pahlawān Kazhdīgī writes to [the *qāḏī-yi kalān*^{a?}]. The speaker claims that he has wrongly been imprisoned for theft on the basis of malicious accusations^b, and requests that the addressee investigate the matter^c more closely.

No stamp.

¹ ≈ Bukharan: → doc. 380(¹).^a ḥaḏrat-i sharī‘at-panāh; ^b bih tuhmat wa bih qaṣḏ-dārī; ^c taḥqīq wa taftīsh

90 x 129; 12 lines. Persian.

382

n/d: letter¹

11: KP 1085

An anonymous speaker writes to his son^a. After opening pleasantries, the speaker turns to the matter of 3 camels presently in his possession: he asks if he should sell them, and requests that, if so, the son should let him know. But he warns that some people will try to buy the camels for less than their true value^b.

No stamp.

¹ ≈ Bukharan: → doc. 380(¹).^a nūr al-‘aynā; ^b khām-ṭama‘

122 x 218; 21 lines. Persian.

383

n/d: letter¹

12: KP 1086

The speaker informs Muḥammad Sharīf that he is dispatching to him his younger brothers Mullā Aḥmad Khwājah and Mullā Mīrzā Muḥammad, and he asks that he provide them with good positions and adequate financial support.

No stamp.

¹ ≈ Bukharan: → doc. 380(¹).

100 x 187; 14 lines. Persian.

384

n/d: appeal¹

13: KP 1087

An anonymous correspondent writes to [the *qāḍī-yi kalān*^{a?}]. He states that Turdī Gul bint Qurbān Bāy had come to him presenting injuries which she said that she had received at the hands of her husband, Rūzī Bāy, and her parents-in-law, Sayyid Murād, and his wife. Before the speaker was able to pursue the matter, said in-laws presented a letter from the local official^{b(2)}, in accordance with which Qurbān Bāy and his sons Imām Naẓar and Shīr Naẓar were then arrested; only after paying 26 *tangah* were they released. The speaker hopes that the addressee may dispatch somebody to investigate the matter.

No stamp.

¹ ≈ Bukharan: → doc. 380⁽¹⁾.² For the role of the *amlākdār* as public official, see Schwarz, 'Contested Lands', p. 38.^a ḥaḍrat-i sharī'at-panāh; ^b amlākdār²

206 x 348; 26 lines. Persian.

385

n/d: personal letter¹

17: KP 1091

Ḥājī Yādgār Bāy writes to his uncle Mullā Nāṣir Jān, a certain Mīr Tūpchī-Bāshī Bīk, Mīrzā 'Abd al-Raḥīm and his sister. The speaker informs the addressees that while in Farghānah he was inspired by Allāh to perform the *hajj* for a second time^a, whereupon he and his sons Mullā Barāt and Mullā Ḥamīd Jān headed off to Samarqand. The speaker asks the addressees whether it would be better for him and his sons to tarry in Samarqand, or whether he should proceed to Bukhara, whence, after securing visas, they can pursue their journey by train^b.

No stamp

¹ Addressed to a resident of Bukhara: → doc. 386b.^a bāz ṭawāf-i Ka'bah; ^b ātash-'arābah

157 x 280; 30 lines. Persian.

386

386a, n/d: personal letter¹

38: KP 1112

Ḥājī Yādgār Bāy writes to his relatives Mullā Nāṣir Makhdūm, Mīr Tūpchī-Bāshī Bīk, Mīrzā Naṣr-Allāh, Hidāyat-Allāh, plus his sisters. After a programmatic opening, the speaker informs the addressees that, having set off from Khūqand to perform the *hajj*, he arrived in Chahārjūy on 13 Shawwāl, and on 17 Shawwāl he will complete the business of registering himself for the journey. While waiting for the train^a, he went to Bukhara, but he was unable to enter the city. The speaker additionally promises to perform the lesser *hajj*^b on behalf of Yādgār Bāy Tūpchī-Bāshī Bīk.

No stamp.

¹ Addressed to a resident of Bukhara: → doc. 386b.	^a wāgūn; ^b ḥajj-i ‘umrah
110 x 251; 18 lines. Persian.	

386b, n/d: declaration of receipt

Mullā Nāṣir Makhdūm b. Mūḥaymīn (<i>sic</i>) Makhdūm, in Khiyābān quarter, Bukhara, notes swift receipt ^a of the above letter.	
No stamp.	
	^a bi-rasad dar sā‘at-i nīk
2 lines; Persian.	

387

n/d: letter¹

19: KP 1093

An anonymous correspondent writes to Mīrākhūr Bīk. After a programmatic opening, the speaker turns to the matter of goods which a certain ‘Abd al-Rāfi‘ Bāy has sent him. ‘Abd al-Rāfi‘ Bāy has valued said goods at 1903 <i>tangah</i> , but, having consulted with people, the speaker has decided to register their value at 1803 <i>tangah</i> , on the grounds that certain items appear to have been overpriced. He is accordingly sending the addressee the revised sum of 1803 <i>tangah</i> .	
No stamp.	
¹ ≈ Bukharan: → doc. 380(¹).	
130 x 225; 20 lines. Persian.	

388

n/d: letter¹

30: KP 1104

An anonymous correspondent writes to Mullā Muḥammad Ṣādiq Bāy. Having learned that the addressee has dispatched to an unnamed recipient a batch of linen garments to for adornment, the speaker requests that the addressee send him, too, a batch of three hundred; he assures the addressee that he will do a good job in decorating them.	
No stamp.	
¹ ≈ Bukharan: → doc. 380(¹).	
81 x 140; 11 lines. Persian.	

389

n/d: personal letter¹

31: KP 1105

An anonymous correspondent writes to his anonymous beloved. Following a lengthy series of verses, the speaker informs the addressee of [his] agonies of passion, and suggests that his unrequited longing will drive him to death.

No stamp.

¹ ≈ Bukharan: → doc. 380(¹).

300 x 521; 56 lines. Persian.

390

n/d: personal letter¹

34: KP 1108

An anonymous correspondent writes to his former instructor. After a lengthy programmatic opening, the speaker requests the addressee to take the painful step of selling all his lands and houses and sending [the proceeds?] to his family.

No stamp.

¹ ≈ Bukharan: → doc. 380(¹).

158 x 237; 33 lines. Persian.

391

n/d: letter¹

37: KP 1111

An anonymous correspondent writes to Īshān Ḥājjī Imām. After a programmatic opening, the speaker informs the addressee that he has received his letter care of Ḥājjī Maḥmūd Khwājah, and that he is pleased to learn of his good health. The speaker then turns to the matter of a Qur'an which he has recently received from Mullā Rif'at-Allāh. He notes that Mullā Rif'at-Allāh must be paid, but that this latter has not yet asked about money. He therefore requests that, when the addressee next sees Mullā Rif'at-Allāh, he should check the price of the Qur'an. He remembers Mullā Rif'at-Allāh once mentioning that Mīrzā Kāmil Ra'īs wanted to buy it for 270 *tangah*; he himself proposes 200 *tangah*, and if this is insufficient he can get more money from his associate Qārī Abu'l-Ḥasan. He can also make up the sum with books in lieu of monetary payment.

No stamp.

¹ Bukharan: Īshān Ḥājjī Imām → doc. 392.

170 x 338; 38 lines. Persian.

392

n/d: letter

39: KP 1113

An anonymous correspondent writes to Īshān Ḥājjī Imām. After a programmatic opening, the speaker confirms that he has received the addressee's letter, and is pleased to have learned about affairs in Bukhara, about the addressee's account of his recent dream featuring the speaker's late father. When this latter was alive he accomplished numerous miracles^a, about which he instructed the speaker not to tell other people. When the speaker's father died, a certain Sayyid Īshān Jān Naqshbandī Khān commiserated with him, regretting that Bukhara would henceforth see no others of his like. The speaker states that his father loved both him and the addressee, and suggests that it was his father's spirit which impelled the addressee to dream as he did. He concludes by requesting the addressee to communicate his greetings to friends, particularly to Ḥājjī Mīrzā Zakariyā Qarāwul-Bīgī. He will next write to Īshān Dāmullā Ṣudūr Muftī; until now he has written only to the addressee and to Ḥājjī Ḥabīb-Allāh.

No stamp.

^akhawāriq-i 'ādāt

161 x 352; 53 lines. Persian.

393

n/d: report

297: KP 5991/49

An anonymous correspondent writes to the *amīr*. Having taken 50 *tangah* from Mullā Sharīf, 'Ārif Mīrzā-Bāshī Yasāwul presented a communication to the *amīr*; the *amīr* in turn forwarded this to the speaker. In his communication, 'Ārif Mīrzā-Bāshī Yasāwul relates that yesterday [Mullā Sharīf] took 7 *tangah* from the *qāḍī*, and that ['Ārif Mīrzā-Bāshī] has now taken an additional 50 *tangah* [i.e. from Mullā Sharīf]; the *amīr* wishes how much in total was taken from the *qāḍī*. The speaker states that, in accordance with this request, he duly put the question to the *yasāwul*. The *yasāwul* replied that 'Abd al-Rāziq Bughchah-bardār informed him that Mullā Sharīf had taken 50 *tangah* from the Wābkand *qāḍī*, and that he should duly inform the *amīr*; and that he [the *yasāwul*] duly took these 50 *tangah*, and informed the amir of the fact. The speaker then asked Mullā Sharīf about the matter. This latter said that in accordance with instructions he had gone to Wābkand *tūmān* and investigated the situation; he then returned, having received from the *qāḍī* a blessing and a packet containing 7 *tangah* by way of pocket money. Mullā Sharīf states that he took nothing more than these 7 *tangah*. But the speaker emphasises that the *amīr* understands such matters better than himself.

No stamp.

121 x 289; 16 lines. Persian.

394

n/d: letter

351: KP 5991/103

An anonymous correspondent writes to an anonymous addressee. After a programmatic opening, the speaker says that he has learned with pleasure of the addressee's safe arrival, and asks where he might find him. He writes the present communication in hope of receiving an answer.

No stamp.

145 x 207; 8 lines. Persian.

395

n/d: letter

352: KP 5991/104

An anonymous correspondent writes to [the *amīr*^{a?}]. After a programmatic opening, the speaker tells the addressee that on Monday evening after the evening prayer he summoned Qāḍī Mullā Mīr 'Iṣmat-Allāh Khwājah Ṣudūr and arranged for him contract a marriage between himself and an unidentified young woman. The speaker writes in gratitude to express his thanks and prayers.

No stamp.

^a ḥadrat-i šāhib

141 x 297; 11 lines. Persian.

396

n/d: letter

591: KP 5991/312

[Maḥmūd Bīk Qarāwul-Bīgī] writes to Mīrzā Ḥāmid, requesting him to send two *mann* of raw cotton to Awliyā Qul Bīk Jībāchī's house, and half a *mann* to Khūsh Nazar's sons, who are planning to produce a rug^a. If the above quantity of cotton is insufficient, the addressee should send some more. The speaker further berates the addressee for not having completed the construction of a new building as previously instructed, and casts aspersions on his intelligence^b.

Stamp (side b): Maḥmūd Bīk Qarāwul-Bīgī

^a kūrfachah; ^b shumā chih-tū ādam-i lā-dān [wa] bī-
'aql-īd

126 x 215; 19 lines. Persian.

397

n/d: letter

592: KP 5991/313

An anonymous correspondent writes to an anonymous eminent addressee via Qazāq Bīk, son of the late Muḥammad Qulī Bīk Qarāwul-Bīgī. The speaker states that he has served the addressee for 6 months, and that his various ancestors and relatives similarly enjoyed appointments in the addressee's service. He further observes that the addressee has allowed the fulfillment of countless other people's hopes and wishes: and states that the addressee's servants have no other vocation or skill beyond service on his behalf. Given that the addressee has granted the wishes of so many other people, the speaker hopes that he may similarly grant this wish.

Side b: abortive draft of the same communication

162 x 291; 12 lines. Persian.

398

n/d: letter

594: KP 5991/315

An anonymous correspondent writes to the Bukharan *amīr*^a. Following a programmatic opening, the speaker assures the *amīr* in general of the devotion of his subjects, and in particular of the humble author's own unceasing prayers on his behalf.

No stamp.

^a qiblat al-khawāqīn

320 x 540; 15 lines. Persian.

399

n/d: letter

619: KP 5991/340

An anonymous correspondent writes to the Bukharan *amīr*^a. Following a programmatic opening, the speaker assures the *amīr* in general of the devotion of his subjects, and in particular of the humble author's own unceasing prayers on his behalf.

No stamp.

^a zubdat al-salāṭīn, qudwat al-khawāqīn

360 x 612; 18 lines. Persian.

400

n/d: appeal

608: KP 5991/329

Junayd-Allāh Khwājah Ūrāq writes to [a *qādī*]. After a lengthy programmatic opening, the speaker relates that his son has found himself unable to pay the rent on the land which he was occupying and which is endowed as part of the Khwājah ‘Abd al-Khāliq Ghijduwānī *waqf*^a. He has now gone to Panjshanbah *wilāyat*. In his son’s absence, the father has now paid the outstanding rent himself.

Stamps (side b): (i) Mullā [‘Abd al-Ṣalāḥ?] b. Mullā Ma‘ṣūm; (ii) [xxx]; (iii) [xxx]

^a awqāf-i ḥadrat-i Khwājah-yi jahān

128 x 288; 25 lines. Persian.

401

n/d: report

296: KP 5991/48

An anonymous account of a journey by the *amīr* from Bukhara to Karmīnah: on Saturday 10 Shawwāl, his eminence set off from Bukhara; after 1 hour and 50 minutes he arrived at Mazār-i Sharīf¹, where he performed *ziyārat*; thence he arrived after 1 hour and 20 minutes at Ghāzīābād, where he recited prayers, and thence after 1 hour 35 minutes he arrived in Pul-i Qādī-yi Kalān, where he paused for the night. On Sunday he set out, and after 1 hour and 15 minutes he arrived at Pul-i ‘Arabān². Thence he arrived after 1 hour and 15 minutes at the shrine of Khwājah ‘Abd al-Khāliq Ghijduwānī^a, where he recited prayers, and thence after 1 hours and 40 minutes he arrived at Bustān, where he stopped for the night. On Monday he set out, and after 2 hours and 20 minutes arrived at Qūsh-i Miyānah-yi Malīk; thence he arrived after 1 hour and 45 minutes in Malīk; thence he arrived after 1 hour and 45 minutes in Khān Chār-bāghī; and thence after 1 hour he arrived at Karmīnah citadel, where he stopped for the night.

No stamp.

¹ i.e. tomb of Naqshband? See S.L. Tikhvinskii (ed.), *Zapiski o Bukharskom khanstve* (Moscow: Nauka, 1983), pp. 56-57.

² ‘Arabān was a settlement on the road leading northeast from Bukhara to Karmīnah: see Schwarz, ‘Bukhara and Its Hinterland’, p. 81.

^a Khwājah-yi jahān

89 x 215; 11 lines. Persian.

n/d: statement of conferral of appointment

510: KP 5991/254

An anonymous speaker informs tenants occupying *waqf* lands belonging to the mosque in the rural settlement of Qūldāsh¹ that he has appointed Mullā Mīr ‘Umar as *mutawallī*. The appointee is authorised to collect *waqf* revenues, and utilise them to cover necessary expenses. The local *qāḍī* and *ra’īs* should protect Mullā Mīr ‘Umar, and should remain informed about the state of the mosque building.

No stamp.

Citations (side b): (i) *wa law qāl sabab al-salam al-ṣaḥīḥ wa lam yatabayyan sharā’iṭ ṣiḥḥatihi kān al-qāḍī al-imām Shams al-islām Maḥmūd yuftī bi-ṣiḥḥat al-da’wā wa ghayruhu min al-mashā’ikh kānū lā yuftūn bi-ṣiḥḥathimā li-ann li’l-salam sharā’iṭ kathīrat lā yaqīf ‘alayhā al-khwāṣ min al-nās* (Dhakhīrah); (ii) *wa lā yaṣiḥḥ al-salam illā bi-sab’ sharā’iṭ* (Hidāyah).

¹ Mukhammadzhanov *et al.*, *Naselellye punkty Bukharskogo emirata*, p. 84, locating the settlement in the vicinity of Ziyā al-Dīn.

106 x 120; 7 lines. Persian.

SAMARQAND AND ENVIRONS

403 – 410: documents confirming the privileged status of property in the rural settlement of Bāgh-i Mazār*

403

995 (12 December 1586 – 1 December 1587)¹: statement of conferral of appointment and of privileges

1114: KP 5991/656

‘Abdallāh Khān^{2a} states that the rural settlement of Bāgh-i Mazār, in Samarqand’s Yārkat *tūmān*, enjoys the status of *waqf* in favour of the shrine to Amīr Khalīl-Allāh^{3b}. Given that the *shaykh* and *mutawallī* of this shrine should be a descendent of Amīr Khalīl-Allāh, ‘Abdallāh Khān states that he has appointed Shāh Abu’l-Wafā to perform this role. Said appointee should act according to the precepts of his eminent forefather, and assume responsibility for the provisioning and lighting of the shrine. *Hākims* and *‘āmil*s in Yārkat *tūmān*, meanwhile, should recognise Shāh Abu’l-Wafā’s authority, and refrain from interfering with his activities; they should also accord him the respect which he deserves, without requiring an annual re-confirmation of his powers^c.

Stamp: [xxx]

¹ It is striking that the present document, like those following in this sequence, was issued some considerable time after the speaker’s khalal elevation: to judge from this evidence, the confirmation of a property’s *waqf* status appears not to have been expected of a khan immediately upon succession.

² ‘Abdallāh b. Iskandar, ruler of Bukhara 991-1006/1583-98.

³ Khalīl-Allāh b. Shāh Ni‘mat-Allāh Kirmānī (→ doc. 404 and elsewhere below), d. 866/1460.

^a Abu’l-Ghāzī ‘Abdallāh Bahādur Khān ^b Ḥaḍrat-i quṭb al-awliyā ḥaḍrat-i Amīr Khalīl-Allāh; ^c har sālāh nishān wa ḥukm-i mujaddad ṭalab na-dārand

182 x 290; 8 lines. Persian. Document reproduced at back of volume.

* It will be observed that docs. 403-409 share a substantially sequential run of collection series numbers (no. 1114 ff.); doc. 410 is here the notable exception. In the Samarqand Kraevedcheskii Museum, the sequence of documents listed under series numbers 1114-1124 contains within it also docs. 658-663, these similarly relating to the privileged status of property, but in the Tashkent region rather than Bāgh-i Mazār (see below). It is unclear whether the 11 documents in question were similarly held together prior to their acquisition by the museum: if the museum acquired them as a single collection, this would suggest that they previously comprised the holdings of a centralised institutional archive.

Jumādā II 1019 (21 August – 18 September 1610): statement of conferral of appointment and of privileges

1122: KP 5991/664

Walī Muḥammad Khān^{1a} states that land in the rural settlements of Arakhshīd and Bāgh-i Mazār, in Samarqand *wilāyat*'s Yārkat *tūmān*, has long enjoyed the status of *waqf* in favour of the descendents of Sayyid Ni‘mat-Allāh^{2b} and the *khānaqāh* of this last. The late Shāh Abu'l-Wafā took on the management of said land, and then died; he passed authority onto Shāh Mīrak Ḥusayn, his brother. Walī Muḥammad confirms the force of this transfer^c, and states that he has granted the property the status of *darūbast*^{3d}. Shāh Mīrak Ḥusayn should accordingly devote the revenue from the property towards the descendents of Sayyid Ni‘mat-Allāh and towards the upkeep of his *khānaqāh*. The tax officials and general populace^e of the afore-mentioned *tūmān* should meanwhile refrain from making a nuisance of themselves with fiscal claims and other requests^f.

Stamp: Walī Muḥammad [xxx] Bahādur Khān

¹ Walī Muḥammad b. Jānī Muḥammad, ruler of Bukhara 1014-20/1605-11.

² Ni‘mat-Allāh Walī Kirmānī, a sayyid supposedly descended in the 20th generation from the prophet Muḥammad: see ‘Abd al-‘Azīz b. Shīr Malik b. Muḥammad Wā‘izī, *Risālah dar siyar-i Ḥadrat-i Shāh Ni‘matullāh Walī*, ed. J. Aubin as *Matériaux pour la biographie de Shāh Ni‘matullah Walī Kermānī* pp. 270-320 [pp. 274-75]. Although based for most of his life in southeastern Iran, he briefly resided in Mā warā’ al-nahr: see *Risālah*, pp. 280-281.

³ A land grant widely attested from the 16th century onwards. See Abduraimov, ‘K voprosu o feodal’nom institute darbast (darubast) v Uzbekistane v XVI-XVII vv.’, in *Obshchestvennye nauki v Uzbekistane* 1963.4, pp. 40-47, and R.N. Nabiev, ‘Iz istorii feodal’nogo zemlevladiiia v Fergane v XVI-XVII vekakh’, in *Izvestiia AN UzSSR* 1960.3, pp. 25-35 [p. 28].

^a Abu'l-Ghāzī Walī Muḥammad Bahādur Khān; ^b ḥadrat-i Amīr Nūr al-Dīn Sayyid Ni‘mat-Allāh; ^c ḥukm-i khān-i maghfūr-i nawwāb-i ‘illiyin-makān nāṭiq ast; ^d bih tarīq-i darūbast az naqdah wa ghallah; ^e arbāb wa kad-khudāyān wa ra‘āyā; ^f bih ‘illat-i māl wa jihāt wa ikhrājāt wa ‘awāriḍāt muzāḥim na-kunand

188 x 290; 10 lines. Persian.

n/d¹: statement of conferral of appointment and of privileges

1123: KP 5991/665

Imām Qulī Khān^a states that land in the rural settlements of Arakhshīd and Bāgh-i Mazār, in Samarqand *wilāyat*'s Yārkat *tūmān*, has long enjoyed the status of *waqf* in favour of the *khānaqāh* and descendents of Sayyid Ni‘mat-Allāh^b. He confirms this state of affairs^c,

and states that he has granted the property the status of *darūbast*^d in favour of Amīr Shāh ‘Ālim, who as a descendent of Sayyid Ni‘mat-Allāh has inherited the office of *shaykh* and *mutawallī*. Amīr Shāh ‘Ālim should accordingly devote the revenue from the property towards the descendents of Sayyid Ni‘mat-Allāh and towards the upkeep of his *khānaqāh*, as originally stipulated by the endower^e. *Arbābs*, *kad-khudās* and the general populace^f of the afore-mentioned *tūmān* should meanwhile refrain from making a nuisance of themselves with fiscal claims and extraordinary levies^{g(2)}. The local population should accord him the respect which he deserves as the *shaykh* and *mutawallī* of said shrine. They should be aware that nobody else has any claim to a share of the afore-mentioned shrine’s appendages, provisions or *suyūrgḥāls*^h; nor should they oppose the *khān*’s orders.

Stamp: Imām Qulī Bahādur Khān

¹ To be dated to the reign of Imām Qulī Khān, i.e. 1020-1051/1611-1641.

² For ‘*awāriḍāt*’ as ‘extraordinary levies’, see Abduraimov, *Voprosy feodal’nogo zemlevladieniia*, p. 53, and Chekhovich and Arends, *Dokumenty k istorii agrarnykh otnoshenii v Bukharskom khanstve*, pp. 9, 99.

^a Abu’l-Ghāzī Imām Qulī Bahādur Khān; ^b qutḥ al-aqtābī Ḥaḍrat-i Amīr Nūr al-Dīn Sayyid Ni‘mat-Allāh Walī; ^c farmān-i nawwāb nāṭiq ast; ^d ṭarīq-i darūbast az naqdah wa ghallah; ^e muwāfiq-i shart-i wāqif; ^f ra‘āyā; ^g bih jihat-i māl wa jihāt wa ikhrājāt wa sā’ir ‘awāriḍāt muzāḥim na-shawand²; ^h ān-chih mulḥaqāt wa marāsīmāt wa suyūrgḥālāt-i qadīm-i mazār-i mazbūr-rā tafwīd namūdah, dīgarī-rā sharīk wa sahm na-dānand

186 x 325; 13 lines. Persian.

406

1055 (27 February 1645 – 16 February 1646): statement of confirmation of appointment and of privileges

1117: KP 5991/659

‘Abd al-‘Azīz Khān^{1a} states that the territory comprising the rural settlements of Arakhshīd and Bāgh-i Mazār has long enjoyed the status of *waqf* in favour of the *khānaqāh* and descendents of Amīr Shāh Khalīl-Allāh^b. He confirms this state of affairs^c, and states that he has granted the property the status of *darūbast*^d in favour of Amīr ‘Ālim Shāh. This latter should accordingly devote the revenue from the property towards the upkeep of the *khānaqāh*. *Arbābs*, ‘*āmils*, *kad-khudās* and the general populace in Samarqand *wilāyat* should meanwhile refrain from making a nuisance of themselves with fiscal claims and extraordinary levies^e, without requiring an annual re-confirmation of his powers^f.

Stamp: ‘Abd al-‘Azīz Muḥammad Bahādur Khān

¹ ‘Abd al-‘Azīz Muḥammad Bahādur Khān b. Nadir Muḥammad, ruler of Bukhara 1055-92/1645-81.

^a Abu’l-Ghāzī ‘Abd al-‘Azīz Bahādur Khān; ^b qutḥ al-aqtābī Ḥaḍrat-i Amīr Shāh Khalīl-Allāh; ^c farmān-i nawwāb-i a’lā-khāqānī nāṭiq ast; ^d bih ṭarīq-i darūbast az naqdah wa ghallah; ^e bih jihat-i māl wa jihāt wa ikhrājāt wa sā’ir ‘awāriḍāt muzāḥim na-shawand; ^f har sālah ḥukm-i mujaddad na-ṭalaband

190 x 272; 7 lines. Persian.

1112 (18 June 1700 – 7 June 1701): statement of conferral of appointment and of privileges

1120: KP 5991/662

Subhān Qulī Khān^{1a} states that land in the rural settlements of Arakhshīd and Bāgh-i Mazār, in Samarqand *wilāyat*'s Yārkanṭ *tūmān*, has long enjoyed the status of *waqf* in favour of the *khānaqāh* and descendents of Amīr Nūr al-Dīn Sayyid Ni‘mat-Allāh Walī^b. Accordingly, earlier statements by Ḥaḍrat-i Īshān Hāshim, Khwājah ‘Abdallāh Khān, Ḥājjī Imām Qulī Khān⁽²⁾ and ‘Abd al-‘Azīz Khān remain valid^c. The speaker states that he has granted this property the status of *darūbast*^d in favour of Amīr Shāh Qāsim, who as a descendent of Sayyid Ni‘mat-Allāh has inherited the office of *shaykh* and *mutawallī*. Amīr Shāh Qāsim should accordingly devote the revenue from the property towards the descendents of Sayyid Ni‘mat-Allāh and the upkeep of the *khānaqāh*, as originally stipulated by the endower^e. ‘*Arbābs*, ‘*āmils*, *kad-khudās* and the general populace^f of the afore-mentioned *wilāyat* should meanwhile recognise that the property is immune from fiscal assessment and extraordinary levies^g, and should refrain from making any demands or impositions. The local population should accord the appointee the respect which he deserves as the *shaykh* and *mutawallī* of said shrine. They should be aware that nobody else has any claim to a share of the afore-mentioned shrine’s appendages, provisions or *suyūrghāls*^h; nor should they should trouble the appointee with claims to a share of the endowmentⁱ, or reject the *khān*’s orders.

Stamp: Subhān Qulī Muḥammad Bahādur Khān

¹ Subhān Qulī Khān b. Nadir Muḥammad, ruler of Bukhara 1092-1114/1681-1702.

² For Imām Qulī Khān’s *hajj* journey, see e.g. Muḥammad Yūsuf al-Munshī b. Khwājah Baqā Balkhī, *Tārīkh-i Muqīm Khān*, ed. F. Šarrāfān as *Tadhkirah-i Muqīm Khānī* (Tehran: Mīrāth-i maktūb, 1380/2001), pp. 154-155.

^a Abu’l-Muzaffar wa’l-Manšūr Sayyid Subhān Qulī Muḥammad Bahādur Khān; ^b quṭb al-aqṭābī Ḥaḍrat-i Amīr Nūr al-Dīn Sayyid Ni‘mat-Allāh Walī; ^c bar īn mawjib khaṭṭ-i [xxx] khuld-āshyān Ḥaḍrat-i Īshān Khwājah Hāshim Khwājah wa nishān-i nawwāb-i ‘illiyin-makān ‘Abdallāh Khān nuwwira marqaduhu wa khān-i ḥājjī al-ḥaramayn² wa barādar-i kirāmī [xxx] nāṭiq ast; ^d bih ṭarīq-i darūbast az naqdah wa ghallah; ^e muwāfiq-i shart-i wāqif; ^f ra‘āyā; ^g bih jihat-i māl wa jihāt wa ikhrājāt wa sā’ir ‘awāriḍāt wa az kull-i takālīf ma‘āf wa marfū‘ al-qalam dānistah; ^h ān-chih mulḥaqāt wa marāsimāt wa suyūrghālāt-i qadīm-i mazār-i mazbūr-rā tafwīḍ namūdah, dīgarī-rā sharīk wa sahm na-dānand; ⁱ bih ‘illāt-i ḥiṣṣāt al-waqf-i ān dakhil na-kunad

195 x 311; 11 lines. Persian.

408

1118 (15 April 1706 – 3 April 1707): statement of confirmation of appointment and of privileges

1121: KP 5991/663

‘Ubayd-Allāh Khān^{1a} states that land in the rural settlements of Arakhshīd and Bāgh-i Mazār², in Samarqand *wilāyat*’s Yārkat *tūmān*, has long enjoyed the status of *waqf* in favour of the *khānaqāh* and descendents of Sayyid Ni‘mat-Allāh Walī^b. As a descendent of Sayyid Ni‘mat-Allāh, the Amīr Shāh ‘Ālim inherited the office of *shaykh* and *mutawallī*; following his death, he was succeeded by his son Amīr Shāh Qāsim. ‘Ubayd-Allāh confirms the rulings of earlier khāns, including Subhān Qulī Khān^c, and states that he has granted the property the status of *darūbast*^d in Amīr Shāh Qāsim’s favour. Amīr Shāh Qāsim should accordingly devote the revenue from the property towards the descendents of Sayyid Ni‘mat-Allāh and the upkeep of the *khānaqāh*. *Arbābs*, *kad-khudās*, *ālighdārs*, *‘amaldārs* and other officials^e in the afore-mentioned *tūmān* should recognise that the land is exempt from all fiscal obligations^f, and should refrain from presenting claims.

Stamp: ‘Ubayd-Allāh Muḥammad b. Sayyid Subhān Qulī Muḥammad Bahādur Khān; side b: (i) Muḥammad Raḥīm Atālīq b. Bāqī Atālīq; (ii) Muḥammad Ulugh b. [xxx]; (iii) Amīr Muḥammad [xxx]

¹ ‘Ubayd-Allāh Khān b. Subhān Qulī, ruler of Bukhara 1114-24/1702-11.

² Given in the text as *bāgh wa mazār*: this however presumably a misrendering (→ docs. 403-407).

^a Abu’l-Muzaffar wa’l-Manṣūr Sayyid ‘Ubayd-Allāh Muḥammad Bahādur Khān; ^b quṭb al-aqtābī Ḥaḍrat-i Amīr Nūr al-Dīn Sayyid Ni‘mat-Allāh Walī; ^c aḥkām-i khawāqīn-i māḍī wa ḥukm-i riḍwān-āshyānī nātiq ast; ^d bih ṭarīq-i darūbast az naqdah wa ghallah; ^e ṣāḥib-dakhlān-i [...]; ^f az kull-i takālīf ma‘āf wa marfū‘ al-qalam dānistah

180 x 260; 11 lines. Persian.

409

1131 (24 November 1718 – 13 November 1719): statement of conferral of appointment and of privileges¹

1113: KP 5991/655

Abu’l-Fayḍ Khān^a informs the *ḥākims*, *‘āmil*s, *arbābs* and *kad-khudās*, together with other eminent people and the general populace^b of Samarqand *wilāyat*’s Yārkat *tūmān* that land in the rural settlements of Arakhshīd and Bāgh-i Mazār in the afore-mentioned *tūmān* has long enjoyed the status of *waqf* in favour of the descendents and *khānaqāh* of Sayyid Ni‘mat-Allāh Walī^c. Hereditary authority passed to Amīr Shāh Qāsim, and upon his death it passed to his son Khwājah Shāh Muḥammad Amīn.

Stamp: Abu’l-Fayḍ Muḥammad b. Subhān Qulī Muḥammad Bahādur Khān

¹ The document follows a very different format from earlier texts similarly relating to this property.

^a Sayyid Abu’l-Fayḍ Muḥammad Bahādur Khan; ^b ṣāḥib-dakhlān wa ra‘āyā; ^c quṭb al-aqtābī Ḥaḍrat-i Amīr Nūr al-Dīn Sayyid Ni‘mat-Allāh Walī

166 x 285; 11 lines. Persian.

410.i, *tpq* 1233 (11 November 1817 – 30 October 1818): preface (in copy) to a redrafted endowment deed

797: KP 5991/499

[A narrative recounts the re-establishment of the Samarqandi *waqf* administrative structure after the troubles of the mid-18th century.] Various Uzbek *amīrs*¹ and their tribal followers^a set themselves in opposition to their long-established *khān* and *pādishāh*: having established Rajab Khān in power in Samarqand², they began a series of assaults on Bukhara, these twice resulting in defeat for Rajab and his supporters. Thereafter an army of Qazāqs fled south into Mā warā' al-nahr following defeat at the hand of the Qalmāqs³, and the already weakened Bukharan forces found themselves unable to prevent the marauding Qazāqs from ravaging the countryside. As a result of this destruction, both Bukhara and Samarqand experienced precipitous decline; with the spread of dearth and starvation, Samarqand's population dropped – nobody was left, we are told, except for a single renowned Shāh Chughdh Qalandar – and the mosques, *madrasahs* and *waqf* institutions fell into disrepair⁴. In 1182⁵, Amīr Dāniyāl acceded to authority, and in 1195 the Amīr-i Ma'šūm⁶ was appointed to the governorship of Samarqand^b. He took it upon himself to restore and revive the city: he rebuilt the citadel of the inner city, and ordered the reconstruction of various blessed mosques and *madrasahs*. Following the death in 1199 of Amīr [Dāniyāl], regnal authority passed to the Amīr-i Ma'šūm. *Mutawallīs* were appointed for those *waqfs* for which information existed as to the stipulations of their endowers; for those properties where such stipulations were uncertain, the *amīr* instructed the '*ulamā*, the *sayyids* and the nobles of Samarqand to produce land surveys, so that with the guidance of the *qāḍī*, '*ulamā* and others they might thereupon produce new endowment deeds. In each such case, 2 sets of deeds were produced: one was to sit with the *qāḍī* and/or the *mutawallī-yi Samarqand*⁷, and the other should remain for safekeeping in the royal treasury^c. The lands comprising the *waqf* of Bāgh-i Mazār were only brought back under central authority towards the end of the Amīr-i Ma'šūm's reign; because no *waqf-nāmah* had previously been compiled for them, in 1233 the *amīr*⁸ ordered that a new *waqf-nāmah* should be composed. [It is as follows below:]

¹ This is one of only two instances amongst our documents where "Uzbek" carries an ethnic/tribal meaning; the other is in doc. 353, where the reference is to a length of Uzbek felt amidst the long list of items under bequest. In the present document, "Uzbek" appears to carry the negative connotations noted in McChesney, 'Islamic culture and the Chinggisid restoration: Central Asia in the sixteenth and seventeenth centuries', in D.O. Morgan and A. Reid (eds.), *The New Cambridge History of Islam, vol. 3: The Eastern Islamic World, Eleventh to Eighteenth Centuries* (Cambridge: Cambridge University Press, 2010), pp. 239-265 [p. 241].

² Rajab Khān was a Chingizid dynast elevated to authority over the Samarqand region in *ca.* 1721-22 by the tribesman Ibrāhīm Kinagas: see von Kügelgen, *Die Legitimierung*

^a ba'ḍī umarā-yi ūzbakīyah-yi bad-kirdār ma' īlāt-i mufsidīn; ^b ḥukūmat-i Samarqand; ^c khazīnah-yi pādishāhī

der mittelasiatischen Mangitendynastie, p. 236-237, and Holzwarth, 'Relations between Uzbek Central Asia, the Great Steppe and Iran, 1700-1750', in S. Leder and B. Streck (eds.), *Shifts and Drifts in Nomad-Sedentary Relations* (Wiesbaden: Dr. Ludwig Reichert Verlag, 2005), pp. 179-215 [pp. 194-196]. For the activities of Ibrāhīm Kinagas see further McChesney, *Central Asia – Foundations of Change* (Princeton: Princeton University Press, 1996), pp. 125 and 139.

³ For Qazāq-Qalmāq relations in the 17th and 18th centuries, see G.K. Konkashpaev, 'Nekotorye svedeniia o prebyvanii oiratov na territorii Kazakhstana', in G.O. Avliaev (ed.), *Problemy etnogeneza kalmykov: Sbornik statei* (Elista: Kalmytskii nauchno-issledovatel'skii institut istorii, filologii i ekonomiki pri Sovete Ministrov Kalmytskoi ASSR, 1984), pp. 112-118.

⁴ This episode is related also by Mīrzā Muḥammad 'Abd al-'Azīm 'Sāmī' Būstānī in the *Tuhfah-yi shāhī*, ed. N. Jalālī (Tehran: Anjuman-i āthār wa mafākhir-i farhangī, 1388/2010), p. 12.

⁵ Presumably a copyist's error: most sources date Amīr Dāniyāl's accession to 1172/1758.

⁶ i.e. the future Shāh Murād: see von Kügelgen, *Die Legitimierung der mittleasiatischen Mangiten-dynastie*, pp. 76-77.

⁷ The only reference to such an office amongst our documents.

⁸ i.e. Amīr Ḥaydar b. Shāh Murād.

2 sheets, each 220 x 354; 36 lines. Persian.

410.ii, n/d¹: redrafted endowment deed (in copy)

It is related that Amīr Tīmūr^a endowed an expansive plot of cultivable property^b, the majority of which is irrigated but some of which is not^c, in favour of the shrine to Sayyid Ni'mat-Allāh Walī.

The property thus endowed is located in the rural settlement of Bāgh-i Mazār, in Samarqand's Yārkat *tūmān*, between two hills, and abuts in the west onto the embankment of a common canal known as Chashmah-yi Nāqah and constituting *mamlakah-yi pādishāhī*, in the north onto Quruq Sāy [...], in the east onto the embankment of a common canal known as Chashmah-yi Wādī-Kint and also constituting *mamlakah-yi pādishāhī*, and in the south partly onto onto the Kūh-i Bāgh-i Mazār and partly onto the famed Kūh-i Āq Tāsh. [Amīr Ḥaydar^d] stipulates that two descendents of Sayyid Ni'mat-Allāh should serve as *mutawallī*. Said *mutawallīs* should deduct from the surplus income not spent on the shrine's essential upkeep^e 10% for their own salary^f, and should distribute the remainder between Sayyid Ni'mat-Allāh's various descendents. They should furthermore refrain from thereafter changing the terms of the endowment^g.

Names [in lieu of stamps]: Qāḍī Mīr Abu'l-Barakāt b. Sulṭān Maḥmūd; Qāḍī al-quḍāt Mīr Ni'mat-Allāh Khwājah b. Mīr Qāsim Khwājah Mūsawī; Sayyid Amīr Ḥaydar; Qāḍī al-quḍāt Mīr 'Abd al-Ḥayy Khwājah Shaykh al-Islām² b. Mawlawī Abu'l-Khayr

<p>¹ <i>tpq</i> 1233 (11 November 1817 – 30 October 1818): → doc. 410.i.</p> <p>² This individual lived from 1169 (October 1755-September 1756) to 1243 (July 1827-July 1828), and was a prominent Samarqandi jurist, and author of numerous theological works. He was the father of (a) Mullā ‘Abdallāh Khwājah (→ doc. 243^(1?)), (b) Abū Sa‘īd Khwājah (→ doc. 426⁽²⁾) and (c) Mīr Salmān Khwājah. For discussion, see Muḥammad-<u>Sharīf</u>-i Ṣadr-i Ziyā, <i>The Personal History of a Bukharan Intellectual</i>, p. 159, n. 263.</p>	<p>^a al-amīr al-kabīr Amīr Tīmūr; ^b arāḍī-yi kathīrah-yi ṣāliḥat al-zirā‘ah wa’l-ḥirāthah; ^c ba‘ḍī-yi ān lalmī wa akthar az ān ābī; ^d qiblah-gāh-i ḥaḍrat-i sulṭān-i ‘aṣr; ^e az mā bāqī az ‘imārat-i ḍarūrīyah; ^f ḥaqq al-tawlīyah; ^g dar īn waqf istibdāl na-kunand</p>
<p>31 lines. Persian.</p>	

411

n/d¹: statement of property conversion²

808: KP 5991/506

<p>The [unidentified] khān^a states that, of the afore-mentioned plot of land³, 1/10 is the ancestral property^b of Khudāyār Bīk⁴, bequeathed to him by [his father] Muḥammad Yār Atālīq; a further 2/10 is <i>mamlakah-yi pādishāhī</i>. By the terms of the transaction, the <i>qāḍī</i> received 2/3 of the total property as <i>mamlakah-yi pādishāhī</i>, to be put out to rent; after consultation, the remaining 1/3 was divided off and made over to Khudāyār Bīk’s attorney^c Muḥammad Khān Yasāwul b. ‘Awaḍ Bīk, before the witnesses Mullā Rashīd b. Mullā Sa‘īd and Nūrī Yasāwul; this remaining residue is henceforth to be free of <i>kharāj</i>, extraordinary levies and other treasury impositions^d.</p>	
<p>Stamp: Qāḍī [xxx] Mūsawī (x 3)</p>	
<p>¹ The reference to khalal titlature suggests that the document was composed prior to the fall of the Tūqāy-Tīmūrid dynasty in the mid-18th century; handwriting suggests a date in the mid-17th century.</p> <p>² → docs. 7 and 34.</p> <p>³ The location and co-ordinates of which are unknown, the first part of the document being lost.</p> <p>⁴ For this figure, → also doc. 24.</p>	<p>^a al-khāqān bin al-khāqān bin al-khāqān; ^b milk-i mawrūthī; ^c wakīl-i muṭlaq-i ‘amm; ^d siwā wa mustathnā az kharāj, ‘awāriḍāt wa jamī‘-i takālīfāt-i dīwānī</p>
<p>270 x 1110; 21 lines. Persian.</p>	

412 – 415: documents relating to the settlement of Kākh, Sāgharj

412

tpq Shawwāl 1130 (28 August – 25 September 1718): reported declaration of mortgage

171: KP 3791/51

On the above date Jānī Bīk b. Mīrzā Bīk, acting in his capacity – as attested by Ustād ‘Ashūr b. Ustād Niyāz and Khāṣṣah Fūlād b. Tūkhtah Fūlād – as attorney^a to Ḥaḍrat-i Muḥammad ‘Ubayd Khwājah b. Ḥaḍrat-i Muḥammad Mūsā Khwājah, declared that he has temporarily sold^b to Bībī Khurshīd Māh bint Arslān Chuhrah-Āqāsī 3/8 of a jointly-owned property located in the rural settlement of Kākh, Sāgharj *wilāyat*, the dimensions of which are known to everybody present^c, for 257 *ashrafi*^d. The two parties to the transaction are entitled to dispose fully of the objects which they have exchanged for the coming year^e.

Stamps: (i) Qāḍī Mīrzā Ḥasan b. Mīrzā Ḥusayn, 1126; (ii) Muḥammad ‘Ubayd Khwājah b. Muḥammad Mūsā Khwājah

Witnesses: Mullā Pāyandah Muḥammad; Mīrzā Gadāy; Mīrzā Wafā; Mullā Šābir; Muḥammad Yār Qarāwul-Bīgī; Khwājam Yār Bīk; Muḥammad Amīn Bīk; Mu’min Chuhrah-Āqāsī; Ṭāhir [xxx]; Mīrzā Rabī‘ Ra’īs; Mullā Shādī Bīk; Mullā Baqā Khalīfah; Muḥammad Mīrzā Āqsaqāl; Mīrzā Ḥusayn; Mīr Shāh Muḥammad.

¹ For a similar provision, → doc. 624, which similarly avoids the conventional legal fiction of ‘re-renting’ the property

^a wakīl-i shar‘ī-yi thābit al-wakālah; ^b bay‘-i jā’iz-i shar‘ī; ^c ma‘lūm al-ḥudūd ast bayninā; ^d ashrafi-yi ṭilā-yi jayyid-i aḥmar-i a‘lā-yi yak-mithqālī-yi naw; ^e al-idhn bi’l-intifā‘ fi’l-kull fi’l-sanat al-ātīyah

163 x 227; 9 lines. Persian.

413

tpq Shawwāl 1134 (15 July – 12 August 1722): reported declaration of sale

46: KP 1120

On the above date [xxx], acting on his own behalf, and Nadir Muḥammad b. Kūchak Muḥammad, acting as attorney to Muḥammad ‘Ālim Khwājah b. Ḥaḍrat-i Muḥammad Rāziq Khwājah – his authority as attested by witnesses Yāw-Qāchtī and Ḥayīt Bāqī, sons of Dūstūm Bāy – declared that they have sold^a to Khūrshīd Bībī bint Arslān Chuhrah-Āqāsī 1/4 of the jointly-owned land – both irrigated and unirrigated^b – located in the village of Kākh, Sāgharj *wilāyat*, together with a 1/4 share in a jointly-owned mill^c and its contents.

The property¹ in question abuts in the west partly onto lands in the village of Qūsh Ḥawḍ³, partly onto *milk* land in the settlement of Rabātak³ (*sic*) and belonging to Muḥammad [xxx], and partly onto land in the settlement of Īsan Ghalchah, in the south entirely onto the Āq Sū river, in the east partly onto unirrigated land belonging to Yūrghām village, comprising *mamlakah-yi pādishāhī*, partly onto lands endowed as *waqf* to the Yalang Bī *madrasah* and known as Mūsā Kāriz and partly onto the Qizīl Qāsh stream^d, and in the north partly onto lands belonging to the village of Andāq, partly onto land belonging to the village of Shūr, comprising *mamlakah*, and partly onto land belonging to the village of [Manāsij?], comprising *milk* belonging to Ghayb-Allāh Qūrūq-Bāshī⁴. The sale, for 400 *ashrafi*^e, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Qāḍī [xxx] Muḥammad [xxx] Khwājah; (ii) ‘Abd al-Jabbār b. Qāḍī Niyāz; (iii) Tāsh Muḥammad b. Īsh Muḥammad Bī (x 2); (iv) Īsh Muḥammad b. [Idrīs?] Bī; (v) Bīk-Būl b. [xxx] Fūlād Bī, 1134; (vi) Tūlah Jān b. [xxx]; (vii) Dūst Muḥammad b. [xxx]; (viii) Nūr Muḥammad b. [xxx]; (ix) Khwājān Yār b. Sultān Bī, 1113; (x) Darwīsh b. [Būqāysī?] Bī; (xi) [xxx]; (xii) Mīrzā Bīk b. [xxx]; (xiii) Khwājān Birdī b. Ādam Bī; (xiv) Ḥāmid b. Dūl Bī; (xv) [xxx] b. Khwājān Yār Bī; (xvi) Yāw-Qāchtī b. Shīr Ghāzī; (xvii) [xxx] b. Quchqār Bī; (xviii) Khūshḥāl b. [xxx]; (xix) Tāsh Fūlād b. [xxx] Bī; (xx) Šūfī Khwājān b. Khwājān Jān Khwājān; (xxi) Muḥammad Šāliḥ b. Muḥammad Qutluq [xxx] Bī; (xxii) [xxx]; (xxiii) ‘Abdallāh b. ‘Awaḍ Muḥammad al-Muftī; (xxiv) Qāḍī Nūr Muḥammad b. Muḥammad Šābir al-Muftī; (xxv) Ūrāz ‘Alī Muḥammad b. [Puchāq?] Bī; (xxvi) Qāḍī [xxx]; (xxvii) [xxx]; (xxviii) Ārtuq Muḥammad b. [xxx]; (xxix) [Ātabīk?] b. Qāsim; (xxx) ‘Alī [xxx]

Witnesses: Ākhūnd Qāḍī Ghanī; Ākhūnd Qāḍī [xxx]; Ākhūnd Mullā Qāsim; Ākhūnd Mullā Masjidi; Khāllī Bīk Dārūghah; ‘Awaḍ Muḥammad Shighāwul; Mullā Nadir ‘Aṭṭār; Shādmān Bīk; Khāllī Bīk Jalāyir; Īsh Birdī Qarāwul-Bīgī; Bāltah Bīk; Khāllī Bādām ‘Āshūr Šūfī; Mīrzā Khānkār; Muḥammad Amīn Chuhrah-Aqāsī; Khālim Chuhrah Yasāwul; Mullā Sa‘īd Kāshānī; Mullā ‘Abd al-Raḥmān; ‘Alī Bābā; Raḥmān Qul; Bāqī Jān Arbāb; ‘Arab Kāfir; Mullā Jamāl; [xxx]; Mullā Bāltū; Nawrūz Bāy; Muḥammad Pārsā; Qurbān ‘Alī Chuhrah-Aqāsī; Ustā Nūr Bāqī; and others.

¹ For the outline of the property → also doc. 415.

² This village is perhaps to be identified with that settlement referred to elsewhere as Qūsh Ḥawḍ quarter: → doc. 585b.

³ This settlement is noted also in Chekhovich and Arends, *Dokumenty k istorii agrarnykh otnoshenii v Bukharskom khanstve*, p. 99 [doc. 20].

⁴ Note the unconventional compass sequence.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b zamīn-i ābī wa lalmī; ^c ṭāḥūnah; ^d sā-yi Qizīl Qāsh; ^e ashrafi-yi jayyid-i a‘lā-yi yak-mithqālī

255 x 400; 17 lines. Persian. Document reproduced at back of volume.

1203 (2 October 1788 – 20 September 1789): statement of conferral of privileges¹

278: KP 5991/30

[Amīr Shāh Murād²] announces that, with the exception of 10 *juft-i gāw* of [*qurūq?*] land^a, the village of Qāq³, located in Sāgharj *tūmān*, is private property. The *dārūghahs* and *‘āmils* should refrain from making *kharāj* demands against the owner; nor should they defy the terms of this order.

Stamp (side b): Amīr-i Ma‘šūm b. Amīr Dāniyāl, 1198

¹ Document cited in Schwarz, ‘Contested grounds’, p. 38.

² Amīr Shāh Murād, ruler of Bukhara 1199-1215/1785-1800.

³ ≈ Kākh (→ docs. 412, 413, 415, the first two of these similarly locating Kākh within Sāgharj). See Schwarz, ‘Contested grounds’, p. 38, as above.

^a zamīn-i yābis

115 x 192; 5 lines. Persian.

tpq Ramaḍān 1222 (2 November – 1 December 1807): statement of report¹

170: KP 3791/50

On the above date the *amīr*^a [i.e. Amīr Ḥaydar] issued instructions to the speakers to demarcate^b, in accordance with *shar‘ī* prescription^c, a plot of land located in Kākh which Yalangtūsh Bī² converted into *waqf*. The speakers state that they have accordingly done as requested, with the approval of the *mutawallī* of the afore-mentioned land and the *mālikān* of Kākh. The property in question³ abuts in the west partly onto land in the settlement of Īsan Ghalchah and partly onto land in the settlement of Rabātak, both presently in the possession of Kattah Bīk Dādkhwāh b. Sayyid Aṭālīq, and partly onto land belonging to the village of Qūsh Ḥawḍ; in the north partly onto land in the settlement of Yānbāsh, which is *mamlakah*, partly onto land belonging to the village of Shūr, which is *mamlakah*, and partly onto land around the settlement of Andaq, which is also *mamlakah*; in the east partly onto land around the afore-mentioned settlement of Andaq and partly onto land around the settlement of Sabustān, abutting in turn onto the Qizīl Qāsh stream^d, partly onto land comprising the afore-mentioned *waqf* of Yalang (*sic*) Bī which in turn abuts onto a public thoroughfare running from Yūrgham to Kākh and partly onto unirrigated land^e in the rural settlement of

Yūrgham, which is *mamlakah*; and in the south partly onto a public thoroughfare running from the south of the shrine towards Sabustān, partly onto a recognised shrine, partly onto the Kuhnah Kāriz canal, partly onto land belonging to Yalang Bī which in turn abuts onto [xxx] and partly onto the Āq Daryā.

Stamps: (i) Qāḍī Mīrzā Ya‘qūb b. Mīrzā ‘Arab Bīk-Mazārī, 1221 (x 2); (ii) Mīr Khāldār al-Muftī b. Mīr Qurbān, 1220; (iii) Khwājah Khudāy Bakht [?] Muḥammad b. Khwājah Muḥammad al-Muftī, 1221.

Witnesses: Ākhūnd Mullā Ḥaqq Birdī; Mullā Bīk ‘Alī; Ūrāz Bāy; Jān ‘Alī; Ūtab Bāy; Mullā Yūsuf; Yakhshīlīq; Mullā Khūshshī; Mullā Yarash; Mullā Taghāy; Yakhshīlīq; Kīnjah Bāy; Yādgār; Tāng-Atār; Īr Naẓar; [Yassah?] Bāy; Mullā Khwājah Naẓar; Nawrūz; Amān Dawlat; Qalandar Āqsaqāl; Dawlat Yār; ‘Āshūr Bīk; Nūr-Allāh Qāḍī; Bahādur Bīk; Ūrāq Bahādur; Barāt Bāy; Jān Ūzāq; Pushaymān; Bāy-Būl; and others.

¹ Document discussed in Schwarz, ‘Contested grounds’, p. 38.

² Yalangtūsh Bī Ālchīn b. Khwājah Bī Ālchīn, d. 1066/1655, a leading associate of Imām Qulī Khān (for whom → doc. 1). See N. Veselovskii, ‘Dagbid’’, in *Zapiski Vostochnogo Otdeleniia Imperatorskogo Russkogo Arkheologicheskogo Obshchestva* 3 (1888), pp. 85-95 [pp. 87-89]; Chekhovich and Arends, *Dokumenty k istorii agrarnykh otnoshenii v Bukharskom khanstve*, pp. 9, 24-26, 33-34, 37-38; and Faiziev, *Istoriia Samarkanda pervoi pol. XIX veka*, pp. 41-42 (*waqf* doc. 1).

³ For the outline of the property → also doc. 413.

^a Amīr al-Mu‘minīn-i kabīr; ^b judā kardah bi-dihīd; ^c muwāfiq-i chak-i shar‘ī; ^c; ^d sā-yi Qizīl Qāsh; ^e zamīn-i lalmī-kārī

250 x 290; 13 lines. Persian.

416

tpq Jumādā II 1220 (27 August – 24 September 1805): reported declaration of endowment

1002: KP 1359

On the above date Qāḍī ‘Ināyat-Allāh Khwājah declared as a competent agent^{a(1)} that he has converted into *waqf* from his exclusive possession and sound property approximately 507 *tanābs*^b of *milk-i ḥurr-i khāliṣ*, to the benefit of a *khānaqāh* and adjoining family tomb complex located in the rural settlement of Sawghānjī, in the Āfarīnkint *tūmān* of Samarqand, a dependent territory of Bukhara^{2c}.

The property thus endowed is located in the rural settlement of Ṣadir Ming and abuts in the west onto a public thoroughfare running towards the rural settlement of Mītan, in the north onto land in Jang Tipah, itself abutting onto the stream of a designated canal, partly onto a Muslim graveyard named after Bāyqarā Atā and partly onto the embankments of the Jang canal and the Qadīm canal, in the east onto the Jang canal and the old canal in Sawghānjī,

and in the south similarly onto the embankment of the old canal in Sawghānjī. The endower stipulated that he should serve as *mutawallī* for as long as he lives, to be succeeded by his son ‘Ubayd-Allāh Khwājah Ra’īs, and thereafter by whomsoever is most pious and qualified^d of his subsequent male descendents. Having deducted 10% of the annual produce of the lands under endowment for his own salary^e, the *mutawallī* should divide the revenue into 9, allocating 1/9 for feeding those who read the ‘īd prayer at the *khānaqāh*, 1/9 for upkeep of the tombs, and the remaining 7/9 for the endower’s surviving male descendents.

Having relinquished ownership of the afore-mentioned property, the endower subsequently sought to revoke the endowment, on the grounds that it lacked binding force^f. But the *mutawallī* refused to submit ownership, and went before a judge who ruled first for the rectitude of the endowment, and secondly for its binding force^g. The endowment has thus become valid, legal, necessary, bound and endorsed until God inherits the earth.

Stamps: (i) Amīr al-Mu’minīn Mīr Amīr Ḥaydar (x 2); (ii) Qāḍī ‘Ināyat-Allāh b. Khwājah Raḥmat-Allāh (x 3); (iii) ‘Ārif Khwājah b. Mīr Abu’l-Khayr Khwājah Samarqandī; (iv) Qāḍī [xxx] Khwājah b. Qāḍī Mīr Abu’l-[xxx] Khwājah; (v) Muḥammad Ḥusayn Ṣūfī b. Taghāy (x 3); (vi) Qāḍī Mīr Mūsā Khwājah; (vii) [xxx] Bīk b. ‘Abd al-Ṣamad Bī (x 2); (viii) [xxx] al-Dīn Khwājah; (ix) Abū Sa‘īd [xxx]

Witnesses: Īshān Shāh [xxx] Khwājah; Mullā ‘Īsā Āqsaqāl; Mullā Naẓar Muḥammad Arbāb; Sayyid Khān Khwājah; Īshān ‘Ubayd-Allāh Khwājah; ‘Abdallāh Khwājah; Īris Bāy Āqsaqāl; Bīk [xxx] Āqsaqāl; Tūlāndī Āqsaqāl; Īsh Bābā Āqsaqāl; Bīk Murād Baqqāl; Mullā Muḥammadī; Mullā Muḥammad Amīn; Mullā Rūzī Qul; Ghā’ib Āqsaqāl; Tūrah Khwājah; Mullā Qāḍī; and others.

¹ c/w the conventional formulation given in doc. 6⁽²⁾ and elsewhere.

² The identification as here of Samarqand as a constituent territory of the larger Bukharan polity is unusual: → also just docs. 426 and 431a.

^a bāl shīḥat dhātihi wa nafādh taṣarrufātihi shar’an¹; ^b panj ṣad (u) haft nīmchah tanāb; ^c az maḥkūmāt-i Bukhārā-yi sharīf; ^d har kudām kih aṣlah wa akfā bāshad; ^e az maḥṣūlāt-i har-sālah-yi arāḍī-yi waqf-i madhkūr istīfā namūdah ‘ushr gīrad; ^f binā bar ‘adam-i luzūm; ^g awwalan bih shīḥat-i waqf-i madhkūr, wa thānīyan bih luzūm-i ān

320 x 404; 19 lines. Persian.

417

tpq Shawwāl 1228 (27 September – 25 October 1813): reported conferral of privileges

1100: KP 5991/639

Having summoned numerous witnesses, and after having duly considered the matter at hand^a, Amīr Ḥaydar determined on the above date that three properties located in the Āfarīnkint *tūmān* belong as *milk-i khāliṣ* to the descendents of Shādmān Bīk Baḥrīn; ‘*āmils* and *dārūghahs* should not interfere with or make claims against said properties on grounds of *kharāj*. The properties are as follows:

- (a) A plot located in the rural settlement of Sayyidān, and abutting in the west partly onto the embankment of the common Ālchīn canal, partly onto the embankment of the common Ḥājjī Qishlāq canal, partly onto the embankment of the common Dīwānah canal and partly onto the [-] canal, in the north partly onto the embankment of the common Sayyidān canal, partly onto land comprising the rural settlement of Kīlchī and partly onto a designated drainage ditch^b, in the east onto comprising the aforementioned Kīlchī, and in the south onto the Kūhak river
- (b) Two plots located in the rural settlement of Jūmāq
- i. A plot abutting in the west onto the embankment of the afore-mentioned Ḥājjī Qishlāq canal, partly onto *mamlakah* land currently in the possession of Rajab ‘Alī b. Īr Naẓar and partly onto a designated drainage ditch, a patch of higher ground, in the north partly onto the embankment of the afore-mentioned Ḥājjī Qishlāq canal, partly onto *mamlakah* land which is also in the possession of the afore-mentioned Rajab ‘Alī, partly onto the afore-mentioned a designated ditch and partly onto the embankment of the afore-mentioned common Ālchīn canal, in the east onto the embankment of the afore-mentioned Ālchīn canal, and in the south partly onto the embankment of the afore-mentioned Ḥājjī Qishlāq canal and partly onto the head of the afore-mentioned Ālchīn canal.
 - ii. A plot abutting in the west onto the embankment of the afore-mentioned common Ālchīn canal, in the north onto land endowed as *waqf* for the renowned Yalangtūsh Bī *madrasah* and partly onto a canal adjoining the *waqf* land, in the east partly onto the embankment of the common Dum Ārīq canal, partly onto the afore-mentioned *waqf* land and partly onto land comprising the rural settlement of Ūklān, and in the south partly onto land comprising afore-mentioned Ūklān and partly onto the embankment of the Ālchīn canal.

Stamps: (i) A‘lam Muḥammad Mu‘allim b. Mullā Muḥammad Ḍiyā Balkhī al-Ḥanafī; (ii) Nūr Muḥammad [Fayḍ?]; (iii) Qāḍī Muḥammad Murād b. Muḥammad [xxx]; (iv) Amīr Ḥaydar

Witnesses: ‘Abd al-Wahhāb Khwājah; ‘Abd al-Khāliq Khwājah; ‘Abdallāh Khwājah; Mullā Bābā; Murād Ḥāfiz; Tāsh Fūlad Bīk; Mullā Īr Naẓar Khalīfah; Qarā Bīk Ṣūfī Ālchīnī; Rajab Bāy Mīrgān; Allāh Qulī Āqsaqāl; [Kūchī?] Bāy; Qurbān; Tāsh Tīmūr Ṣūfī; Īsh Muḥammad Bīk; Rajab ‘Alī; Mullā Barāt; Āḍīnah Muḥammad Ṣūfī; Āḍīnah Qul Ṣūfī; Nawrūz Bāy; Mullā Raḥmān Qul; Kūchak Ṣūfī; Tursūn Bāqī Ṣūfī; Bābā Qul; Tursūn Bāy; Āy Muḥammad Āqsaqāl; Ustā Ṣadr; Chupān ‘Alī; Tāsh Bāy; Rūzī Bāy.

^a istifsār kardah, khūb mulāḥazah namūdah; ^b zihkash

244 x 308; 15 lines. Persian.

418 – 428: documents relating to Dāmullā Muḥammad Zamān

418

1242 (5 August 1826 – 24 July 1827): statement of conferral of appointment

1077: KP 1618

<p>Muḥammad Raḥīm Bī Dīwān-Bīgī^{1a(2)} states that he has appointed Dāmullā Muḥammad Zamān to the office of <i>qāḍī</i> in Hazārah Chūl, a subsidiary settlement of Ūrā Tīpah^b. The speaker requires that the population of the afore-mentioned settlement should recognise said appointee as their <i>qāḍī</i>, and regard questions of marriage, inheritance and the resolution of claims^c as his privileged domain^d. The <i>qāḍī</i> should oversee weddings (receiving 1 <i>ṭilā</i> for a virgin, ½ <i>ṭilā</i> for a veteran of a previous marriage); having overseen the hereditary transfer of estates, he should receive the going rate of payment^e; and he should investigate and resolve instances of legal disputation in accordance with <i>sharī‘ah</i>^f.</p>	
<p>No stamp.</p>	
<p>¹ Muḥammad Raḥīm Yūz b. Khudāyār Bī, b. ca. 1783, governor of Ūrā Tīpah under Amīr Ḥaydar in the late 1810s-1820s, and killed 1830: see Beisembiev, <i>Annotated Indices</i>, pp. 394-395.</p> <p>² The honorific suggests Muḥammad Raḥīm’s exalted conception of his own authority; the spatial layout of the document furthermore follows the conventional royal format.</p>	<p>^a ‘umdat al-umarā al-‘izām² Muḥammad Raḥīm Bī Dīwān-Bīgī; ^b qāḍī-gī-yi Hazārah Chūl-rā, kih az tawābī‘-i akhḍar al-amṣār-i wilāyat-i Ūrā Tīpah [...] ast; ^c ankiḥah, tarikāt, qaṭ‘-i da‘āwī; ^d makhṣūṣ wa musallam-i mushār ilayh; ^e ujrāt al-mithl; ^f murāfa‘ah-rā ‘alā wafq al-shar‘ pursīdah bih qaṭ‘ rasānand</p>
<p>200 x 290; 13 lines. Persian.</p>	

419

Muḥarram 1246 (22 June – 21 July 1830): statement of conferral of appointment

1076: KP 1618

<p>Amīr Naṣr-Allāh^a states that he has appointed Ākhūnd Mullā Muḥammad Zamān as <i>mudarris</i> in the <i>madrasah</i> of Sayyid Aḥmad Khwājah¹. The appointee should devote his allotted class time to instructing students in the religious sciences^b, and should not leave his position without good reason.</p>
<p>Stamp: Amīr Naṣr-Allāh Sayyid Sulṭān</p>

¹ Built in 1047/1637-38 and situated to the south of the Shībānī Khān madrasah (→ doc. 513): see Abū Ṭāhir Qāḏī b. Abū Sa‘īd Samarqandī, <i>Samariyah</i> , pp. 129-130.	^a Abu’l-Muẓaffār wa’l-Manṣūr Sayyid Amīr Naṣr-Allāh Bahādur Sulṭān; ^b bih dars-gūyī-yi ṭalabah-yi ‘ulūm-i shar‘īyah-yi madrasah-yi madhkūrah ishtighāl namūdah
163 x 232; 7 lines. Persian.	

420

Rabī‘ I 1248 (29 July – 27 August 1832): statement of conferral of appointment

1073: KP 1618

[Programmatic opening.] Amīr Naṣr-Allāh ^a states that he has appointed Ākhūnd Mullā Zamān to 1 of the 4 <i>mudarris</i> positions ^b at the <i>madrasah</i> of Mīrzā Ulūgh Bīk, as a replacement for Mīr Jalāl al-Dīn Khwājah. He requires the appointee to devote his allotted class time to instructing students in the religious sciences, and stipulates that he should not leave his position without good reason.	
No stamp.	
	^a Abu’l-Muẓaffār wa’l-Manṣūr Sayyid Amīr Naṣr-Allāh Bahādur Sulṭān; ^b tadrīsī-yi rub‘-i madrasah
176 x 262; 7 lines. Persian.	

421

21 Rabī‘ I 1248 (18 August 1832): statement of conferral of appointment¹

1074: KP 1618

The speaker states that he has appointed Ākhūnd Dāmullā Muḥammad Zamān as <i>mudarris</i> of the <i>madrasah</i> of Mīrzā Ulūgh Bīk, thus replacing Mīr Jalāl al-Dīn Makhdūm. The students should recognize the appointee as <i>mudarris</i> , show him due respect ^a , and follow his guidance ^b ; nobody should defy this ruling.	
No stamp.	
¹ The upshot of the present document largely duplicates that of doc. 420: but it is directed not at the appointee himself (in contrast with doc. 420) but at his students.	^a i‘zāz wa ikrām, tawqīr wa ihtirām; ^b ṣawāb-dīd
154 x 262; 8 lines. Persian.	

422

Sha‘bān 1256 (28 September – 26 October 1840): statement of conferral of appointment

1075: KP 1618

The speaker states that he has done Ākhūnd Mullā Muḥammad Zamān Muftī the honour of promoting him^a to the office of *qāḍī* in Dahbīd and its dependent villages^b: the population should recognise that said appointee’s rule henceforth holds force^c, and they should obey him. The appointee should serve to resolve instances of contention, maintain the registers, hold in trust the properties of orphans and the mad^d, oversee the appointment of guardians, and suchlike. He should track down any criminal malefactors, and in return for overseeing the testamentary division of estates according to the divine laws of inheritance^e he should receive 5 *tangah* for every 1000 *tangah* of transferred property^f (and no more). In consultation with the Bukhara courthouse, he will have responsibility for executing the laws^{g(1)}, for administering punishment^{h(2)}, and for determining payments of blood-moneyⁱ⁽³⁾; he himself will be responsible for administering the punitive extraction of teeth^j and for determining payments of blood-money in cases which do not involve homicide^k, and in assaults resulting in a mother’s miscarriage^l. He should hand over trove and property belonging to the treasury^m, and attend at weddings, receiving as paymentⁿ 1 *ṭilā* for a virgin and ½ *ṭilā* for a veteran of a previous marriage. His prerogatives are such, and no more: if he exceeds them, he should be dismissed^o.

No stamp.

¹ i.e. in response to such misdemeanors as the consumption of alcohol.

² i.e. in cases of deliberate homicide.

³ i.e. in cases of accidental homicide.

^a marḥamat namūdah, sar-afrazī bakhshīdīm; ^b muhimm-i jalīl al-qadr-i qaḍā-yi Dahbīd-rā ma‘ qishlāqāt-i tābi‘-i ān; ^c qāḍī-yi nāfidh al-ḥukm dānistah; ^d ḍabṭ-i amwāl-i aytām wa majānīn; ^e ‘alā farā‘iḍ Allāh ta‘ālā; ^f az hazār tangah panj tangah ujah-yi kitābat gīrad; ^g iqāmat-i ḥudūd¹; ^h qaṣās²; ⁱ murāfa‘ah-yi diyat-i nafs³; ^j qaṣās-i dandān; ^k murāfa‘ah-yi diyat-i mā dūn-i nafs; ^l ghurrah-yi janīn; ^m bayt al-māl; ⁿ nikāḥānah; ^o shart-i dīgarī ziyādah kardanī shawad, man‘ namāyad

176 x 268; 16 lines. Persian.

423

Muḥarram 1259 (1 February – 2 March 1843): statement of conferral of appointment

1078: KP 1618

[Amīr Naṣr-Allāh] states that he has done Ākhūnd Mullā Muḥammad Zamān the honour of promoting him^a to the office of *qāḍī* in Khaṭīrchī *wilāyat*^{1b}; the population should recognise that said appointee’s rule henceforth holds force^c, and in matters of *shar‘īta* they should obey him. The appointee should serve to resolve instances of contention, maintain the registers, hold in trust the properties of orphans and the mad^d, oversee the appointment of

guardians, and suchlike. He should track down any criminal malefactors, and in return for overseeing the testamentary division of estates according to the divine laws of inheritance^e he should receive 5 *tangah* for every 1000 *tangah* of transferred property^f (and no more). In consultation with the Bukhara courthouse, he will have responsibility for executing the laws^g, for administering punishment^h, and for determining payments of blood-moneyⁱ; he himself will be responsible for administering the punitive extraction of teeth^j and for determining payments of blood-money in cases which do not involve homicide^k, and in assaults resulting in a mother's miscarriage^l; when determining the allocation of more minor punishments^m, he should furthermore ascertain whether the malefactor comes from the higher, middle or lower ranks of society. He should hand over trove and property belonging to the treasuryⁿ, and attend at weddings, receiving as payment^o 1 *ṭilā* for a virgin and ½ *ṭilā* for a veteran of a previous marriage. His prerogatives are such, and no more: if he exceeds them, he should be dismissed^p.

Stamps (side b): (i) Amīr Naṣr-Allāh Sayyid Sulṭān, 1256; (ii) Ghanī [xxx], 1248

¹ Located in the vicinity of Miyānkāl: → doc. 9 (where no mention is made of *wilāyat* status).

² For a gloss on the following sentences, → doc. 422.

^a marḥamat namūdah, sar-afrazī bakhshīdīm; ^b muhimm-i qaḍā-yi wilāyat-i Khaṭīrchī; ^c qaḍī-yi nāfidh al-ḥukm dānistah; ^d ḍabṭ-i amwāl-i aytām wa majānīn; ^e ‘alā farā’iq Allāh ta‘ālā; ^f az hazār tangah panj tangah ujah-yi kitābat gīrad; ^g iqāmat-i ḥudūd¹; ^h qaṣāṣ²; ⁱ murāfa‘ah-yi diyāt-i nafs; ^j qaṣāṣ-i dandān; ^k murāfa‘ah-yi diyāt-i mā dūn-i nafs; ^l ghurrah-yi janīn; ^m ta‘zīr; ⁿ bayt al-māl; ^o nikāḥānah; ^p az īn ma‘mūrāt tajāwuz na-namāyad; rūzī kih tajāwuz namāyad, ma‘zūl bāshad

230 x 382; 19 lines. Persian.

424

Muḥarram 1260 (22 January – 20 February 1844): statement of conferral of appointment

1072: KP 1618

The speaker states that he has done Mullā Muḥammad Zamān the honour of promoting him^a to the office of *qaḍī* in Panjikint *wilāyat*; the population should recognise that said appointee's rule henceforth holds force^b, and in matters of shar‘īa they should obey him. The appointee should serve to resolve instances of contention, maintain the registers, hold in trust the properties of orphans and the mad^c, oversee the appointment of guardians, and suchlike. He should track down any criminal malefactors, and in return for overseeing the testamentary division of estates according to the divine laws of inheritance^d he should receive 5 *tangah* for every 1000 *tangah* of transferred property^e (and no more). In consultation with the Bukhara courthouse, he will have responsibility for executing the laws^g, for administering punishment^h, and for determining payments of blood-moneyⁱ; he himself will be responsible for administering the punitive extraction of teeth^j and for determining payments of blood-money in cases which do not involve homicide^k, and in assaults resulting in a mother's miscarriage; when determining the allocation of more minor punishments^m, he should furthermore ascertain whether the malefactor comes from

the higher, middle or lower ranks of society. He should hand over trove and property belonging to the treasuryⁿ, and attend at weddings, receiving 1 *ṭilā* for a virgin and ½ *ṭilā* for a veteran of a previous marriage. His prerogatives are such, and no more: if he exceeds them, he should be dismissed^o.

No stamp.

^l For a gloss on the following sentences, → doc. 422.

^a marḥamat namūdah, sar-afrazī bakhshīdīm; ^b qāḍī-yi nāfidh al-ḥukm dānistah; ^c ḍabt-i amwāl-i aytām wa majānīn; ^d ‘alā farā’iḍ Allāh ta‘ālā; ^e az hazār tangah panj tangah ujah-yi kitābat gīrad; ^f bayt al-māl; ^g iqāmat-i ḥudūd¹; ^h qaṣāṣ²; ⁱ murāfa‘ah-yi diyat-i nafs; ^j qaṣāṣ-i dandān; ^k murāfa‘ah-yi diyat-i mā dūn-i nafs; ^l ghurrah-yi janīn; ^m ta‘zīr; ⁿ bayt al-māl; ^o shart-i dīgarī ziyādah kardanī shawad, man‘ namāyad

202 x 342; 18 lines. Persian.

425

tpq Jumādā II 1262 (27 May – 24 June 1846): hereditary transfer of estate¹

1081: KP 1618

On the above date the unencumbered estate^a of the late Khūj Muḥammad b. Nadīr Muḥammad was divided between his widow Badal Jān, his four sons (Turḍī Bāy, Nūr Muḥammad, Jūrah Bāy, and the pre-adult Khudāy Qul), and his two daughters (Ūrūn Āy and Gadāy Jān). Following the confirmation of the legality of the division according to the divine laws of inheritance^b, Badal Jān received various itemised movable possessions, valued at 97 *tangah*^c. Nūr Muḥammad received various movable possessions and 5/8 of a garden constituting *milk*, valued at 188 *tangah* and located in the rural settlement of [Tānqātar?], a subsidiary settlement in Dahbīd *wilāyat*, Samarqand *wilāyat*, abutting in the west and north onto land belonging to the heirs of Āy Khwājah, in the east onto a garden belonging to the afore-mentioned Jūrah Bāy, and in the south onto a public thoroughfare.

Jūrah Bāy received approximately 3½ (?) *tanābs* of a garden constituting *milk* property, valued at 188 *tangah* and located in the same settlement, abutting in the west onto a garden belonging to the afore-mentioned Nūr Muḥammad, in the north onto a garden belonging to the heirs of Āy Khwājah, in the east onto a garden comprising the inheritance of the afore-mentioned Khudāy Qul, and in the south onto a public thoroughfare.

Khudāy Qul received (i) ½ *tanāb* of a garden constituting *milk* property, located in the same settlement and abutting in the west onto a garden belonging to the afore-mentioned Jūrah Bāy, in the north onto a garden belonging to the heirs of Āy Khwājah, in the east onto a garden belonging to Atā Khwājah b. Sayyid Qādir Khwājah, and in the south onto a public thoroughfare, and (ii) ¼ of a courtyard property located in the same settlement and abutting in the west onto a courtyard property belonging to Ustā Muḥammad Raḥīm b. Tursūn Bāy, in the north onto a house belonging to Īsh Muḥammad b. Muḥammad Sharīf, in the east onto a house belonging to Shādmān Bāy b. ‘Abdallāh Bāy, and in the south partly onto a public thoroughfare and partly onto a house belonging to Karīm Bāy b. Salīm Bāy. The two properties were together valued at 188 *tangah*.

Gadāy Jān received $\frac{1}{4}$ of the afore-mentioned house, valued at 94 <i>tangah</i> . Khudāy Qul's share was entrusted with his mother Badal Jān, who was appointed as his guardian ^d .	
Stamp: Qāḍī Ākhūnd Mullā Muḥammad Zamān	
¹ Although the document does not relate directly to the career or interests of Mullā Muḥammad Zamān, it is included in this group on account of Muḥammad Zamān's having notarised it.	^a matrūkah-yi fārighah; ^b ba'd az taḥaqquq-i sharā'it-i ṣiḥḥat-i qismat 'alā farā'id Allāh ta'ālā; ^c tangah-yi nuqrah-yi sarah-yi wazn-i sab'ah-yi rā'ijah bih ḍarb; ^d ba'd az taḥaqquq-i sharā'it-i ṣiḥḥat-i waṣāyat waṣī-yi shar'ī naṣb namūdah.
225 x 355; 21 lines. Persian.	

426

tpq Ramaḍān 1262 (23 August – 21 September 1846): reported declaration of sale

1083: KP 1618

On the above date Nāṣir Jān b. Bāqī Muḥammad, aged approximately 40, acting both on his own behalf and as attorney to Bībī Rāḍiyah bint Ustā Rajab – his authority as attested by Mu'min Bīk b. Ḥusayn Bīk and Mīrzā Muḥammad b. 'Awaḍ – declared as a competent agent before the courthouse of Samarqand <i>wilāyat</i> , a dependent territory of Bukhara ^{1a} , that he has sold ^b to Bībī Ḥurmat bint Ghā'ib Naẓar Mīrzā-Bāshī, through this latter's attorney ^c Yūldāsh Bīk b. Mullā Ibrāhīm Jībāchī, a courtyard property located in Samarqand's Yalang Bī quarter by the Mardān canal and abutting in the west onto a house belonging to Ākhūnd Mullā Muḥammad Zamān Qāḍī b. Mullā Muḥammad Riḍā, in the north onto a house belonging to Qurbān b. Qul Muḥammad, in the east onto the courtyard of the mosque and the embankment of the designated reservoir in the afore-mentioned quarter, and in the south onto a public thoroughfare; the sale, for 45 <i>ashrafi</i> ^d and 5 <i>tangah</i> ^e , was completed, with each party to the transaction receiving what was due.	
Stamps: (i) Qāḍī-yi Ark-i Samarqand [xxx] Ma'sūm [xxx] Qāḍī al-quḍāt, 1259 (x 4); (ii) Qāḍī al-quḍāt Mīr Abū Sa'id Khwājah Qāḍī-yi kalān ² b. Mawlawī Mīr 'Abd al-Ḥayy Khwājah Shaykh al-Islām	
Witnesses: Mullā 'Ādil; Mu'min Bīk; Mullā Muḥammad Zamān; Mīrzā Muḥammad; Yūldāsh; Naẓar Muḥammad; Mullā Muḥammad Rajab; Muḥammad Sharīf; 'Āshūr Muḥammad; Mullā Ya'qūb Jān; Mullā Ibrāhīm; Mullā Sulaymān; Mullā Ishāq; Mullā Ṣafar; Shākir Bīk; Kāmil; and others.	
¹ The identification as here of Samarqand as a constituent territory of the larger Bukharan polity is unusual: → also just docs. 416 and 431a. ² The stamp is insufficiently clear for us to identify the name of Abū Sa'id Khwājah's father. However, in <i>Istoriia Samarkanda pervoi pol. XIX veka</i> , Faiziev notes several individuals identified in stamps affixed	^a maḥkūm-i Bukhārā-yi sharīf; ^b bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^c wakīl bih shirā'; ^d ashrafī-yi jayyid-i aḥmar-i a'lā-yi yak-mithqālī-yi rā'ijah-yi bukhārī al-ḍarb; ^e tangah-yi nuqrah-yi sarah-yi wazn-i sab'ah-yi rā'ijah bih ḍarb

to mid-19th-century Samarqandi documents, one of which may relate to the same Abū Sa‘īd Khwājah, and which may help us discern this latter’s paternity. Faiziev thus notes (i), pp. 41-42, a stamp on a document from Muḥarram 1219/October 1804 reading Qāḍī Abū Sa‘īd Khwājah b. Mīr Abu’l-Khayr’ (the name appears repeatedly in subsequent documents until *ca.* 1265/1848: *ibid.*, p. 50); (ii), Ramaḍān 1247/ February 1831 reading ‘Qāḍī al-quḍāt Abū Sa‘īd Khwājah b. ‘Abd al-Khayr’; (iii), p. 81, a stamp on a document from Dhu’l-Qa‘dah 1247/April 1831 reading ‘Qāḍī al-quḍāt ‘Abd Sa‘īd Khwājah b. Mīr ‘Abd al-Ḥayy Khwājah’; and (iv), p. 82, a stamp on a document from Dhu’l-Qa‘dah 1248/ March 1833 reading ‘Qāḍī al-quḍāt Abū Sa‘īd (*sic*) Khwājah Qāḍī-yi kalān b. Mīr ‘Abd al-Ṣāliḥ Shaykh al-Islām’. Of the 4 afore-cited possibilities, no. (iii) – ‘Abd Sa‘īd Khwājah b. Mīr ‘Abd al-Ḥayy Khwājah – seems likeliest to convey the contents of the stamp in question: in doc. 431b we find a stamp from Ramaḍān 1253/November-December 1837 reading ‘Qāḍī al-quḍāt Qāḍī Mīr [xxx] Muftī b. ‘Abd al-Ḥayy Khwājah Shaykh al-Islām, thus apparently referring to the same individual as the one with whom we are presently concerned. For Abū Sa‘īd Khwājah b. ‘Abd al-Ḥayy Khwājah, see discussion also in e.g. Muḥammad-Sharīf-i Ṣadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, p. 159, n. 263.

218 x 348; 12 lines. Persian.

427

Tuesday Dhu’l-Qa‘dah 1262¹ (21 October – 19 November 1846): statement of conferral of appointment

1071: KP 1618

The speaker states that he has done Mullā Muḥammad Zamān the honour of promoting him to the position of *muḥtasib* in Samarqand *wilāyat*^a, with responsibility for the transfer of hereditary estates and hearing cases of appeal in Kābud *tūmān*. The local populace must recognise him as their superintendent, and they must obey his instructions. The appointee should track down cases of criminal behaviour, and encourage people to attend the Friday prayers, and children to attend school. He should furthermore be in attendance at the weddings, receiving 1 *ṭilā* for overseeing the marriage of virgins and ½ *ṭilā* for the marriage of previously married women. In return for his dividing up Muslims’ estates among the heirs according to the divine laws of inheritance^c, he will receive a fee of 5 *tangah* from every 1000; he should ask for no more than this. And in cases of legal contention he should investigate the matter in accordance with *sharī‘ah*, and secure a resolution^c.

No stamp.	
¹ <i>Sic.</i>	^a muhimm-i ihtisāb-i wilāyat-i Samarqand-rā [...] marḥamat namūdah sar-afrāzī bakhshīdīm; ^b ‘alā farā’iḍ Allāh; ^c bih qaṭ‘ rasānad
225 x 395; 16 lines. Persian.	

428

tpq Rajab 1265 (23 May – 23 June 1849): reported declaration of sale, and cessation of claim

1082: KP 1618

<p>On the above date ‘Āy (<i>sic</i>) Naẓar Bīk Mīrzā-Bāshī b. ‘Awaḍ Bāy declared as a competent agent before Samarqand’s courthouse⁽¹⁾ that he has sold^b to Ākhūnd Dāmullā Muḥammad Zamān Ra’īs Muftī b. Dāmullā Muḥammad Riḍā, through this latter’s attorney Mullā Shāh Yūnus b. Dāmullā Shāh ‘Ālim, the <i>suknīyāt</i> on a courtyard property of his own acquisition^c, located in Samarqand’s extramural Yalang Bī quarter and abutting in the west onto a courtyard property belonging to the afore-mentioned Ākhūnd Dāmullā Muḥammad Zamān, in the north onto a house belonging to Ustā Qurbān b. Ustā Qul Muḥammad, in the east onto the courtyard square of the mosque in the afore-mentioned quarter, and in the south onto a public thoroughfare; the sale, for 50 <i>ashrafi</i>^d, was completed, with each party to the transaction receiving what was due.</p> <p>Acting as attorney^e to Ḥurmat Bībī bint ‘Āy Naẓar Bīk – his authority as attested by ‘Umar Bīk b. ‘Āy Naẓar Bīk and Mullā Dhakariyā b. Dāmullā Khāl – Ustā ‘Āshūr b. Hābil additionally declared for gratis⁽²⁾ that the afore-mentioned property now belongs to the purchaser, and that Ḥurmat Bībī henceforth has no claim on it.</p>	
<p>Stamps: (i) Qāḍī al-quḍāt Abū Sa‘īd Khwājah Qāḍī-yi kalān b. ‘Abd al-Ḥayy Khwājah Shaykh al-Islām (x 2); (ii) Mīr Abū Ṭāhir Khwājah Muftī-yi Samarqand³ b. Īshān Qāḍī Mīr Abū Sa‘īd Khwājah</p>	
<p>Witnesses: Qāḍī Mullā ‘Abd al-Raḥmān; Mullā Pīr Muḥammad; Dāmullā ‘Ābid; Mullā Hāfiz Ṭāhir Amīn; Mullā ‘Abd al-Rasūl; Ustā Qurbān; Ustā Ya‘qūb; Ustā Nūr-Allāh; Ustā ‘Ālim; Īr Naẓar Āqsaqāl; Dāmullā Bāqī; Dawlat Bāy.</p>	
<p>¹ The only instance of this usage amongst our Samarqandi documents, as a variation on the conventional <i>dār al-qaḍā-yi wilāyat-i Samarqand</i>. Reference to the <i>dār al-qaḍā-yi baldah-yi</i> [...] is of course commonplace amongst documents produced in and relating to Bukhara.</p> <p>² The use of this term within an <i>iqrār</i> of sale is unusual; it more commonly appears in statements of cessation of claim.</p> <p>³ Mīr Abū Ṭāhir Khwājah, well known as author of the <i>Samarīyah</i>: attested active from 1250/1835 (Faiziev, <i>Istoriia Samarkanda pervoi pol. XIX veka</i>, pp. 48-49 (<i>waqf</i> doc. 8) to Rajab 1265/May-June 1849 (→ doc. 428).</p>	<p>^a dār al-qaḍā-yi baldah-yi Samarqand¹; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī-yi shar‘ī; ^c az kharīd-i khūdām; ^d ashrafi-yi aḥmar-i a‘lā-yi yak-mithqāyī-rā’ijah-yi bukhārī al-ḍarb bih ḍarb-i janāb-i ‘ālī ḥaḍrat-i Amīr sallamahu Allāh; ^e wakīl-i thābit al-wakalah-yi shar‘ī; ^f majjānan²</p>
215 x 332; 12 lines. Persian.	

Ramaḍān 1247 (3 February – 3 March 1832): diploma^{1a}

48: KP 1122

An account of an Aḥrārī line of transmission through the Mujaddidiyah line: Abū Bakr Ṣiddīq → Salmān-i Fāris (*sic*) → Qāsīm b. [Muḥammad b.] Abū Bakr → Ja‘far-i Ṣādiq → Sulṭān Bāyazīd Bisṭāmī → Abu’l-Ḥasan Kharaqānī → Abū ‘Alī Fārmadī → Khwājah Yūsuf Hamadānī → Khwājah ‘Abd al-Khāliq Ghijduwānī → Khwājah ‘Ārif Rīwgarī → Khwājah Maḥmūd Anjīr Faghnawī → Khwājah ‘Alī Rāmitānī → Khwājah Muḥammad Bābā-yi Sammāsī → Sayyid Amīr Kulāl → Khwājah Naqshband → Mawlānā Ya‘qūb Charkhī → Khwājah ‘Ubayd-Allāh Aḥrār → Mawlānā Zāhid → Mawlānā Darwīsh → Khwājah Amkinagī² → Khwājah Bāqī Billāh³ → Imām Rabbānī⁴ → Khwājah Muḥammad Sa‘īd⁵ → Miyān ‘Abd al-Aḥad⁶ → Mawlānā ‘Ābid⁷ → Khwājah Mūsā Khān Dahbīdī⁸ → Khalīfah Muḥammad Ṣiddīq⁹ → Shaykh Muḥammad Ḥusayn^{b(10)}. [xxx]. The speaker states that he in turn has appointed Ḥaydar Khwājah as his successor.

Stamp: Muḥammad Ḥusayn b. Taghāy Ṣūfī

¹ Although the provenance of the document is not explicitly identified, reference to an Aḥrārī/Mujaddidi/Dahbīdī line of transmission strongly suggests that it was produced in the Samarqand region.

² Khwājah Amkinagī, d. 1008/1600 in Bukhara: see A.F. Buehler, ‘The Naqshbandiyya in Tīmūrid India: the Central Asian Legacy’, in *Journal of Islamic Studies* 7.2 (1996), pp. 208-228 [p. 216].

³ Bāqī Billāh, d. 1603, spiritual mentor to Aḥmad Sirhindī: Buehler, ‘The Naqshbandiyya’, p. 215-217.

⁴ = Aḥmad-i Sirhindī, d. 1624: Buehler, ‘The Naqshbandiyya’, p. 218.

⁵ See A. von Kügelgen, ‘Die Entfaltung der Naqshbandīya muḡaddidīya’, in M. Kemper, A. von Kügelgen and A.J. Frank (eds.), *Muslim Culture in Russia and Central Asia from the 18th to the early 20th centuries*, vol II (Berlin: Klaus Schwartz, 1998), pp. 101-151 [p. 114]. This figure was *not* Aḥmad Sirhindī’s principal successor, a role assumed instead by Khwājah Muḥammad Ma‘ṣūm: Buehler, ‘The Naqshbandiyya’, p. 219.

⁶ See von Kügelgen, ‘Die Entfaltung der Naqshbandīya muḡaddidīya’, p. 114.

⁷ Mawlānā ‘Ābid, d. 1747: see von Kügelgen, ‘Die Entfaltung der Naqshbandīya muḡaddidīya’, p. 114.

⁸ Khwājah Mūsā Khān Dahbīdī, d. 1776: see von Kügelgen, ‘Die Entfaltung der Naqshbandīya muḡaddidīya’, p. 114.

⁹ Khalīfah Muḥammad Ṣiddīq: presumably to be distinguished from Muḥammad Amīn, noted in von Kügelgen, ‘Die Entfaltung der Naqshbandīya

^a irshād-nāmah; ^b faqīr¹⁰

muğaddidiya', p. 114, as Khwājah Mūsā Khān Dahbīdī's principal successor (and master in turn to Amīr Ḥaydar). ¹⁰ = The speaker in the document, as identified by the enclosed stamp.	
315 x 259; 22 lines. Persian.	

430 – 433: documents relating to Mullā Muḥammad Nāšir

430

n/d¹: solicited legal opinion

571: KP 5991/294

If Mullā Nāšir rents out his land in the rural settlement of Nawḥas, in Shāwdār ² , Samarqand, to Rasūl Birdī and Īgam Birdī, does he have the right to demand the land back ^a upon termination of the rental period ^b , provided that the land is now empty of produce ^c ? Answer: yes.	
Stamps: (i) Īshān Khwājah b. Qāḍī Mīr 'Abd al-Ḥayy Khwājah ³ ; (ii) Mullā Abu'l-Khayr Muftī b. Mullā Bāqī Muḥammad Muftī-yi 'askar, 1253	
Citations: (i) <i>wa li-mālik al-arḍ ann yastariddahā min yad al-muzāri' idhā inqāḍat al-muddat</i> ('Ālamgīrī); (ii) <i>rajul dafa' arḍahu muzāra'atan ilā al-ghayr fa-inqāḍat muddat al-muzāra'at fa-arād an yā'akhudhahā min yadihi, fa-lahu dhālik</i> (Ibrāhīm-Shāh ⁴).	
¹ <i>tpq</i> 1253 (7 April 1837 – 26 March 1838). ² A <i>tūmān</i> to the southeast of Samarqand: see Mukminova, <i>K istorii agrarnykh otnoshenii v Uzbekistane</i> , p. 325. ³ There are several possibilities as to the identify of the Mīr 'Abd al-Ḥayy Khwājah here noted. One possibility is that he is the individual encountered in doc. 410.ii(?); another is that he is that individual born in ca. 1168/18 October 1754-6 October 1755 who wrote a work entitled <i>Kamālāt-i Mujaddidiyah wa maqāmāt-i Aḥmadīyah</i> , described in J. Paul (ed.), <i>Katalog sufiskikh proizvedenii XVIII - XX vv. iz sobranii Instituta vostokovedeniia im. Abu Raykhana al-Biruni Akademii nauk Respubliki Uzbekistan</i> (Stuttgart: Franz Steiner Verlag), pp. 153-160. ⁴ A work by Shahāb al-Dīn Aḥmad b. Muḥammad Niẓām al-Dīn al-Gīlānī (15th century), written in 840/1436-37 and dedicated to Ibrāhīm Shāh, ruler of Jaypur (r. 1400-40). For discussion, see e.g. A. Muminov, M. Szuppe and A. Idrisov, <i>Manuscripts en écriture arabe du Musée regional de Nukus (République autonome du Karakalpakstan, Ouzbékistan): Fonds arabe, persan, turkī et karakalpak</i> (Rome: Istituto per l'Oriente C.A. Nallino, 2007), p. 65 (in the context of entry no. 10).	^a wilāyat-i istirdād-i zamīn-i madhkūrah; ^b muddat-i muzāra'at-i munqaḍiyah shudah; ^c khāliyah az 'amalāt wa badhr-i muzāra'ayn-i madhkūrayn
229 x 352; 3 lines. Persian.	

Mīr Qurbān Bāy presents a claim against Mullā Nāṣir b. Muḥammad Sharīf Bāy, a resident of the outer city of Samarqand, a dependent territory of Bukhara^{2a}. The plaintiff claims that he and the respondent have together acquired a year's harvesting rights in the rural settlements of Farāshī (a *waqf* land) and Ūzbik Kīntī (a *milk* land) for 2400 *tangah*, on the understanding that they should evenly share between themselves whatever remains as surplus after payment. Said surplus amounts to 1600 *tangah*^b, 15 *mann* of silk pods^c (as reckoned by Bukharan measures^{3d}) and 5 *mann* of husked rice^{e(4)} (as reckoned similarly): by rights, half of this should now accrue to the plaintiff. But Mullā Nāṣir is holding onto the entire property, and refuses to pass on the plaintiff's share.

Stamps: (i) Mīr Abū Sa'īd A'lam b. [xxx] 'Abd al-Wahhāb al-Ḥusaynī; (ii) Mīr Abū Ṭāhir Khwājah Muftī b. Mīr Abū Sa'īd Khwājah Qāḍī-yi Kalān

Citation: *wa shirkat 'aqd wa ruknuhā al-tjāb wa 'l-qawl* (Mukhtaṣar).

¹ *taq* Ramaḍān 1253 (29 November – 28 December 1837): → doc. 431b.

² The explicit identification as here of Samarqand as a constituent territory of the larger Bukharan polity is unusual within the context of the collection: → also just docs. 416 and 426.

³ For the specificity of Bukharan measures, → docs. 6, 60b.i, 90, 249, 250 and 378.

⁴ The editors are grateful to Beatrice Benati for identifying the meaning of this term.

^a az maḥkūmāt-i Bukhārā-yi sharīf; ^b tangah-yi nuqrah-yi sarah-yi maskūkah-yi wazn-i sab'ah-yi rā'ijah; ^c kirmak; ^d bih sang-i Bukhārā-yi sharīf; ^e aqshāq⁴

218 x 178; 11 lines. Persian.

431b, *tpq* Ramaḍān 1253 (29 November – 28 December 1837): reported cessation of claim¹

On the above date the above-mentioned plaintiff dropped his claim gratis^a; any future such claim will be void and inadmissible.

Stamp: Qāḍī al-quḍāt Qāḍī Mīr Abū [xxx] Muftī² b. 'Abd al-Ḥayy Khwājah Shaykh al-Islām

Witnesses: Yūnus Khwājah; Yādgār Bāy; Ṭāhir Muḥarram [Makhdūm?]; Dāmullā Luṭf-Allāh; Mullā Rūzī Bāy; Ūrūn Bāy Āqsaqāl; Ni'mat Dīwān-Bīgī; Shāh Sayyid Bāy; 'Awaḍ Mīrgān; Nūr Muḥammad; Tāsh Muḥammad; and others.

¹ Reported here is an actual cessation of claim, as apposed to an *iqrār*-type declaration of the act: → doc. 248b for other examples.

² ≈ Qāḍī al-quḍāt Qāḍī Mīr Abū Sa'īd Muftī? → doc. 426⁽²⁾ for discussion.

^a majjānan

3 lines. Persian.

n/d¹: solicited legal opinion

566: KP 5991/289

Mullā Muḥammad Nāṣir and Mullā Mīr Naṣr al-Dīn Khwājah Ra'īs hold a plot of land in common; the latter holds 2 shares to the former's 1. Mullā Mīr Naṣr al-Dīn now sells 12 *tanābs* from the jointly-owned plot to Rasūl Birdī, without his co-owner's agreement and permission; does Mullā Muḥammad Nāṣir have the authority for cancelling the aforementioned sale?

Answer: yes.

Stamps: (i) Mīr Abū Ṭāhir Khwājah Muftī-yi Samarqand b. Īshān Qāḍī Mīr Abū Sa'īd Khwājah; (ii) [xxx] b. Ākhūnd Dāmullā 'Abdallāh al-Muftī; (iii) Muḥammad Ya'qūb Muftī b. Qāḍī Muḥammad Ibrāhīm, 1260; (iv) Mullā Abu'l-Khayr Muftī b. Mullā Bāqī Muḥammad Muftī-yi 'askar, 1253; (v) Mullā Ūrūn Bāy² b. 'Āshūr Muḥammad al-Muftī, 1259

Citations: (i) *dār aw arḍ bayn rajulayn bā' aḥaduhumā kullahu jāz fī naṣībīhi wa law bā' naṣībahu mushā'an kān li-sharīkihi an yubṭil al-bay'* (Sirājīyah wa Jāmi' al-fatāwā); (ii) *fī'l-Munyah dār aw arḍ bayn rajulayn bā' aḥaduhumā kullahu jāz fī naṣībīhi wa law bā' naṣībīhi mushā'an kān li-sharīkihi an yubṭil al-bay' wa zād ṣāhib al-Qunyah qīl kadhā fī'l-awwal wa qīl lā wa fī'l-aṣaḥḥ lahu al-ibtāl fī'l-ṣūratayn* (Jāmi' al-fatāwā).

¹ *tpq* 1260 (22 January 1844 – 9 January 1845).

² Attested active in Shawwāl 1292/October-November 1875: → docs. 441b, 442b, 443b, 444b. He is perhaps to be identified as the 'Mullah Urumbai' whom in 1869 the Russian Commandant of the Samarkand District identified as leader of the 'clerical party' in the city, and a popular candidate for appointment as *qāḍī*. See A.S. Morrison, *Russian Rule in Samarkand 1868-1910. A Comparison with British India* (Oxford: OUP, 2008), p. 259.

332 x 212; 3 lines. Persian. Document reproduced at back of volume.

n/d¹: solicited legal opinion

567: KP 5991/290

Mullā Muḥammad Nāṣir makes a claim for restitution of a certain sum in a deposition of claim against Muḥammad Zārīf; the respondent rejects the claim^b. Then a certain Mullā Zamān, claiming to be Mullā Muḥammad Nāṣir's attorney, negotiates to issue a cessation of claim in return for payment of 600 *tangah*. But Mullā Muḥammad Nāṣir never authorised this person to act on his behalf, and is dissatisfied with the afore-mentioned peaceful settlement^a. Are Mullā Zamān's afore-mentioned terms not invalid?

Answer: yes.

Stamps: (i) Mīrzā ‘Abd al-Ghanī Muftī-yi Bukhārā-yi sharīf b. Mīrzā Muḥammad Sharīf; (ii) Mullā Abu’l-Khayr Muftī b. Mullā Bāqī Muḥammad Muftī-yi ‘askar, 1253; (iii) Muḥammad Ya‘qūb Muftī b. Qāḍī Muḥammad Ibrāhīm, 1261	
Citations: (i) <i>wa ruknuhu al-ijāb wa’l-qabūl</i> (Kanz); (ii) <i>al-ṣulḥ ‘aqd</i> (Mukhtaṣar); (iii) <i>bāshara ‘aqdan fī milk al-ghayr lā yanfadh</i> (Qā’idī).	
¹ <i>tpq</i> 1261 (10 January – 30 December 1845).	^a ṣulḥ; ^b jawāb bih inkār dādah
315 x 259; 3 lines. Persian.	

434

1 Dhu’l-Hijjah 1276 (20 June 1860): notarisation of marriage¹

1085: KP 1618

It is stated that a marriage agreement has taken place before the Samarqand <i>wilāyat</i> courthouse between Muḥammad Razzāq Bāy b. Ustā Muḥammad Shākīr and Bībī ‘Azīzah Āy bint ‘Abd al-Raḥmān Bāy. 1/3 of the 1000- <i>tangah</i> ^a dowry has already been received, and the remaining 2/3 is due upon conclusion of the union ^b .	
Stamp: Mīrzā Maḥmūd Qāḍī-yi ‘askar ² b. Qāḍī Mīrzā Muḥammad ‘Ālim, 1270	
Witnesses: Mullā Muḥammad Diyā Makhdūm-i Imām; Mullā Gul Muḥammad Imām; Īr Naẓār Āqsaqāl; Mullā Rustam Bīk; Bābā Jān; Muḥammad Ṣāliḥ Khwājah; and others.	
¹ The document is a rare instance of a <i>post hoc</i> marriage notarisation, as opposed to the numerous documents announcing forthcoming nuptials. ² Attested active from Ṣafar 1248/August 1261 (Faiziev, <i>Istoriia Samarkanda pervoi pol. XIX veka</i> , p. 63 (<i>waqf</i> doc. 26) to Dhu’l-Qa’dah 1279/April 1862 (Faiziev, <i>op cit.</i> , p. 63 (<i>waqf</i> doc. 28)). Faiziev, <i>op cit.</i> , additionally notes (i), p. 59, a stamp affixed on a document from 1854 reading ‘Mīrzā Muḥammad b. Muḥammad ‘Ālim’, (ii), p. 62, a stamp affixed on a document from 1276/1859-60 reading ‘Mīrzā Muḥammad b. Mīrzā Muḥammad’, and (iii), p. 62, a stamp affixed on another document from 1276/1859-60 reading ‘Qāḍī Mīr Muḥammad b. Mīrzā Muḥammad Ḥalīm’: any or all of these may perhaps be a misreading of the name encountered in the present document.	^a <i>tangah-yi nuqrah-yi sarah-yi wazn-i sab’ah-yi rā’ijah-yi bukhārīyat al-ḍarb</i> ; ^b <i>mu’ajjal ast ilā baqā-yi nikāḥ</i>
143 x 166; 7 lines. Persian.	

n/d¹: solicited legal opinion

386: KP 115/1

Tursūn Khwājah issued a deposition of claim ^a in which he claimed against Tursūn Bīgīm for restitution of a small sum of money ^b . But when summoned to the courthouse, Tursūn Bīgīm failed to appear, despite the fact that she is resident and capable of giving evidence ^c , claiming that she is a virtuous woman living in seclusion ^d and should not be treated thus. Given that she is actually from the lower orders of society ^{2c} , and can consequently neither be in seclusion nor in purdah ^f , should the <i>qāḍī al-islām</i> reject her argument and summon her regardless?	
Answer: yes.	
Stamps: (i) Mullā Bāltah b. Mullā [xxx] Muftī, 1281; (ii) Mullā Ūrūn Bāy b. ‘Āshūr Muḥammad Muftī, 1281; (iii) Mullā ‘Ābid Khwājah b. Mullā Mīrzā Khwājah Muftī	
Citations: (i) <i>wa fī Fatāwā Sayyid al-Quḍāt idhā ‘ulim min al-wakīl al-qaṣḍ ilā al-īḍrār li’l-mudda ‘ī yashtaghal al-wakīl bi’l-ḥiyāl, wa’l-abāṭil, wa’l-talbīs lā tuqbal minhu al-tawkīl wa dhakar Shams al-a’immat al-Ḥalwānī ann dhālik mufawwaḍ ilā ra’y al-qāḍī wa law ‘alim ann al-muwakkil ‘ājiz min al-bayān fī’l-khuṣūmat bi-nafsihi qubil minhu al-tawkīl</i> (Ḥasab al-muftīyin); (ii) <i>wa in kānat min banāt asāfil al-qawm lā takūn mukhaddarah bakran kānat aw thayyiban</i> (Ḥasab al-muftīyin).	
¹ <i>tpq</i> 1281 (6 June 1864 – 26 May 1865).	^a maḥḍar-i shar‘ī; ^b da‘wā-yi [...] tangah wa
² For the relationship between social ‘class’ and female autonomy and virtue, → also doc. 580.	fulūs-i kadhā; ^c muqīmah wa qādirah bih bayān; ^d mukhaddarah; ^e jumlah-yi asāfil-i qawm; ^f mastūrah
340 x 226; 6 lines. Persian.	

436 – 437: documents relating to Mullā Muḥammad Ḍiyā’

Ṣafar 1282 (26 June – 24 July 1865): statement of conferral of appointment

1079: KP 1618

[Amīr Muẓaffar ¹] states that he has promoted Mullā Ḍiyā’ Mudarris ² to the position of <i>muḥtasib</i> in Ūrgūt <i>wilāyat</i> , with responsibilities also as <i>mufī</i> and clerk ^a ; the population should recognise him as their superintendant, and should obey him in legal matters ^b . The appointee should encourage people to attend the Friday prayers, and children to attend school. He should attend at weddings, without exceeding his conventional officiating duties ^{3c} , and he should receive 5 <i>tangah</i> as payment ^d for officiating in the marriage of a previously-married woman. He should also play a part in marking the break of the Ramaḍān fast ^e . His prerogatives are such, and no more: if he exceeds them, he should be dismissed ^f .
Stamp (side b): al-ḥukm bi’l-‘adl, 1277

<p>¹ For the use of the seal type encountered here as an alternative to the <i>amīr</i>'s own personal seal, → doc. 14⁽⁴⁾. ² ≈ son of Muḥammad Zamān, encountered in docs. 418-428? ³ For discussion of this specification, → doc. 66⁽³⁾.</p>	<p>^a muhimm-i ihtisāb-i wilāyat-i Ūrgūt-rā bā ḍamm-i iftā' wa muḥarrirī-yi wilāyat-i madhkūrah; ^b umūr-i mashrū'ah wa mubāḥah; ^c az dū shartay kih ma'rūf wa mashhūr ast ziyādah na-kunad; ^d nikāhānah; ^e bih muhimm-i iftā'ī; ^f az īn ma'mūrāt tajāwuz na-namāyad, kih ma'zūl bāshad</p>
<p>213 x 342; 15 lines. Persian.</p>	

437

1283 Rabī' II (13 August – 10 September 1866): statement of conferral of appointment

1080: KP 1618

<p>[Amīr Muḥaffar] states that he has appointed Muḥammad Ḍiyā' Ra'īs to the office of <i>mudarris</i> in the <i>madrasah</i> of Mullā Mīrzā Bāy. The appointee should devote his allotted class time to teaching his students the religious sciences; he should not leave his post without valid cause.</p>
<p>Stamp (side b): Sayyid Amīr Muḥaffar, 1277</p>
<p>158 x 278; 10 lines. Persian.</p>

438

tpq 1 Jumādā II 1284 (30 September 1867): reported declaration of conferral of power of attorney

643: KP 5991/364

<p>On the above date Bāy Jūrah Bāy b. Qul Jūrah¹ Bāy declared as a competent agent before the Ūrā Tipah <i>wilāyat</i> courthouse that he has appointed 'Abd al-Karīm Mīrākhūr b. Āmānlīq Bāy, a resident of Bukhara, as attorney. Once he has accepted said appointment^a, the attorney should secure restitution of 80 <i>tangah</i> currently in the possession of Khwājah Bīk Qarāwul-Bīgī [Balghalī] b. [–], a resident of the same area, and which is owing to Bāy Jūrah Bāy.</p>	
<p>Stamp: Qāḍī Sayyid Maḥmūd b. Khalīfah Muḥammad Ma'sūm, 1282</p>	
<p>¹ The name appears twice in the text: once as Jūrah and once as Chūrah.</p>	<p>^a ba'd qabūlihi al-wakālat al-madhkūrah</p>
<p>136 x 166; 8 lines. Persian.</p>	

tpq Rajab 1285 (18 October – 16 November 1868¹): hereditary transfer of estate

581: KP 5991/304

On the above date the estate of late Bībī Hājar was divided according to the divine laws of inheritance^a between her four daughters Shuhrah Bānū, Sākinah, Chichak Āy and Ḥinā Āy (each receiving 1/6) and her brother Barāt Bāy (2/6). The property in question, comprising $\frac{3}{4}$ *ṭanāb* of garden land, is located in the rural settlement of Khwājah Chāruq, in Samarqand's Shāwdār *tūmān*, and abuts in the west onto a garden belonging to Muḥammad Rajab b. Barāt Bāy, in the north onto a garden belonging to Ismā'īl Bāy b. Sharīf Bāy, in the east onto a garden belonging to Mawlān Birdī b. 'Abdallāh, and in the south onto a garden belonging to Mīr Mu'min b. Mīr Sharīf.

Chichak Āy and Ḥinā Āy both receive a plot of [*nīm chār-yak wa nīm nīmchah*] located in the west of the property; Shuhrah Bānū and Sākinah² receive a plot located in the east of the property. Barāt Bāy receives $\frac{1}{4}$ *ṭanāb* of land.

Stamp: Qāḍī Mullā Kamāl al-Dīn³ b. Mullā Muḥammad 'Ālim al-Muftī, 1281

Witnesses: Īshān Mutawallī; Ustā Ismā'īl; Sharīf Bāy; Mullā Mīr Mu'min; Barāt Bāy; Mawlān Birdī; Qipchāq Bāy; and others.

¹ The earliest Samarqandi document to post-date the Russian conquest of 2 [=14] May 1868.

² The text incorrectly refers here instead to Ḥinā Āy.

³ Morrison, *Russian Rule in Samarkand*, relates, pp. 254-255, with reference to Sāmī, *Ta'rīkh-i Salāṭīn-i Manghitīyah*, pp. 74-75, how this figure, known as Muftī Mullā Kamāl al-Dīn Kūz-Falak, was appointed *qāḍī* of Samarqand by von Kaufman immediately after the conquest. For Mullā Kamāl al-Dīn's activities note also Faiziev, *Istoriia Samarkanda pervoi pol. XIX veka*, p. 68, citing *waqf* doc. no. 37, similarly produced in Rajab 1285/October-November 1868. Morrison, *loc. cit.*, notes his 'very high regard for his own abilities as an interpreter of the *Sharia*', and his dismissal from power in 1871.

^a 'alā farā'id Allāh ta'ālā

146 x 209; 13 lines. Persian.

440 – 444: documents notarised in the Anhār courthouse*

440

440a, 1292 (7 February 1875 – 27 January 1876¹): claim for restitution

572: KP 5991/295

Khāliq Qulī, Muḥammadī Qazāqchah and Bābā Murād present a claim against Qilīch Bāy b. ‘Azīz Bāy, a resident of the rural settlement of Qarā Arīgh, Anhār <i>tūmān</i> . The plaintiffs claim that the respondent has borrowed 36 <i>tangah</i> , and now refuses to return it.	
No stamp.	
Citation: <i>al-wājib fi’l-qarḍ aw al-mithl</i> (‘Ālamgīrī).	
¹ There is an unusually long (seven-year) gap in the record between the composition of doc. 439 (see immediately above) and the present text. Arguments <i>ex silentio</i> are dangerous, but the absence of documentation from the period 1869 – early 1875 may be indicative of disorder in the Samarqandi legal system in the years immediately following the Russian conquest. This impression is perhaps corroborated by Alexander Morrison’s observation (in a private communication) that in the 1870s the Russians appointed only 11 <i>qāḍīs</i> across the entire Zerafshan <i>okrug</i> , this resulting in an acute shortage of ‘legal manpower’.	
221 x 172; 6 lines. Persian.	

440b, *tpq* Shawwāl 1292 (31 October – 28 November 1875): reported declaration of cessation of claim

On the above date Khāliq Qulī b. Ustā Pardah Bāy, Muḥammadī b. Ustā ‘Abd al-Nazar and Bābā Murād b. Ustā Taghāy, the above-noted plaintiffs, declared as competent agents before the Anhār <i>tūmān</i> courthouse that they have willingly and gratis ^{a(1)} dropped their claim against the above-noted respondent.	
Stamps: (i) Qāḍī Mullā Ūrūn Bāy b. ‘Āshūr Muḥammad; (ii) Mullā ‘Abd al-Qādir b. Dāmullā ‘Abd al-Raḥmān Muftī	
Witnesses: Muḥammad Raḥīm Āqsaqāl; Mullā Qābil; Muḥammad Yār; Turdī Bāy; Mullā Mawlān; Ibrāhīm Bāy; and others.	
¹ The phrase appears only twice amongst the present collection of documents (here and in doc. 444b), but is conventional: see e.g. Chekhovich and Arends, <i>Dokumenty k istorii agrarnykh otnoshenii v Bukharskom khanstve</i> , p. 29 [doc. 7].	^a ṭaw‘an wa raghbatan ¹ , majjānan
4 lines. Persian.	

* This sub-collection of documents, comprising a sequential run of collection series numbers, is unusual: the salient feature common to its contents appears to be not the presence of a particular legal protagonist but the fact of their together having been notarised in a single courthouse. It is possible that the documents were amassed not in a private collection – it is unclear, after all, which individual or party would have derived advantage from the acquisition and preservation of all constituent items – but instead in some kind of institutional courthouse archive.

441

441a, n/d¹: claim for restitution

574: KP 5991/297

Qilīch Bāy² presents a claim against Khāliq Qulī b. Ustā Pardah, Muḥammadī b. Ustā ‘Abd al-Nazar Bāy and Bābā Murād b. Ustā Taghāy, residents of the rural settlement of Tār Arīgh, Anhār *tūmān*.

The plaintiff claims that the respondents have seized 100 *tangah*, and refuse to give it back.

No stamp.

Citation: *dār al-‘ayn qā’imatan wa’l-‘azm hālikatan wa yajib al-mithl fi’l-mithlī* (‘Imādī).

¹ *taq* Shawwāl 1292 (31 October – 28 November 1875): → doc. 441b.

² ≈ Qilīch Bāy b. ‘Azīz Bāy, as encountered in document 440a.

216 x 174; 7 lines. Persian.

441b, Shawwāl 1292 (31 October – 28 November 1875): reported declaration of cessation of claim

Qilīch Bāy b. ‘Azīz Bāy declared as a competent agent before the Anhār *tūmān* courthouse that he has received 10 *tangah* from the above-mentioned respondents, and that in return he has dropped his claim against them.

Stamps: (i) Mullā ‘Abd al-Qādir b. Dāmullā ‘Abd al-Raḥmān Muftī; (ii) Qāḍī Mullā Ūrūn Bāy b. ‘Āshūr Muḥammad

Witnesses: Muḥammad Raḥīm Āqsaqāl; Ibrāhīm Bāy; Mullā Qābil; Mullā Mawlān; Rustam Baqqāl; Muḥammad Yār; Dawlat Yār Bāy; [Birdī Yār Bāy?]; and others.

8 lines. Persian.

442

442a, n/d¹: claim for restitution

573: KP 5991/296

Īr Nazar Bāy presents a claim against [his brother²] Dūrmān Bāy b. Khāl Muḥammad Bāy, a resident of the rural settlement of Qum Arīgh, Anhār *tūmān*.

The plaintiff claims that the respondent sold him a horse for 130 *tangah*, stating at the time that the horse belonged to him. After the transaction was completed, Īr Nazar sold the horse to Khāl Mu’min Bāy; a certain Ghafūr Bāy then acquired legal possession of the horse. Said Ghafūr Bāy then presented a claim before Qāḍī Kamāl al-Dīn Khwājah, *qāḍī* of Samarqand *wilāyat*, stating that the horse was his property all the time^a; the *qāḍī* duly

found in this latter plaintiff's favour. Given that the respondent was therefore wrong to have sold a horse which did not belong to him, he should return the stipulated sum. But he refuses to do so.

Stamp: Mullā Muḥammad Yūnus b. Mullā 'Abd al-Ghafūr Muftī

Citation: *al-istiḥqāq innamā yūjib al-rujū 'bi'l-thaman 'alā al-bā'i 'idhā thabat al-istiḥqāq bi'l-bayyinah* (Khizānat al-muftīyin).

¹ *taq* Shawwāl 1292 (31 October – 28 November 1875): → doc. 442b.

² → doc. 442b, identifying the plaintiff as the son of Khāl Bāy.

^a bih da'wā-yi milk-i muṭlaq

220 x 178; 8 lines. Persian.

442b, *tpq* Shawwāl 1292 (31 October – 28 November 1875): reported cessation of claim

On the above date the plaintiff, son of Khāl Bāy and resident of Qarā Sū, Anhār, dropped his claim against the respondent in return for 25 *tangah*^a.

Stamps: (i) Qādī Mullā Ūrūn Bāy b. 'Ashūr Muḥammad; (ii) Mullā 'Abd al-Qādir b. Dāmullā 'Abd al-Raḥmān Muftī

Witnesses: Īgam Birdī Bāy b. 'Abdallāh; Sūyūnchī Āqsaqāl; [Chīn?] Āqsaqāl; Birdī Mīrzā-Bāshī.

^a tangah-yi rā'ijah

6 lines. Persian.

443

443a, n/d¹: claim for restitution

575: KP 5991/298

Mawlān Birdī presents a claim before Anhār's courthouse against Mullā Dāniyāl b. 'Abdallāh.

The plaintiff claims that the respondent owes him 45 *tangah*, as the sum outstanding from a 9-month rental agreement, but that he refuses to pay the stipulated sum.

Stamp: Mullā 'Abd al-Qādir b. Dāmullā 'Abd al-Raḥmān Muftī

Citation: *al-ujrah dayn* (Kāfī).

¹ *taq* Shawwāl 1292 (31 October – 28 November 1875): → doc. 443b.

220 x 174; 7 lines. Persian.

443b, *tpq* Shawwāl 1292 (31 October – 28 November 1875): reported declaration of cessation of claim

On the above date the above-mentioned plaintiff, son of [Ulmat?] Bāy, declared as a competent agent that he has received 25 *tangah* from the afore-mentioned respondent, and that in return he has dropped his claim against him.

Stamps: (i) Mullā ‘Abd al-Qādir b. Dāmullā ‘Abd al-Raḥmān Muftī; (ii) Qāḍī Mullā Ūrūn Bāy b. ‘Āshūr Muḥammad

Witnesses: Īr Muḥammad b. Bāy Muḥammad; Muḥammad ‘Alī Bāy; Qilīch Bīk; Mullā Ārtuq.

7 lines. Persian.

444

444a, n/d¹: claim for restitution

576: KP 5991/299

Qarsāq Bāy presents a claim against his wife Āftāb Āy bint Aral Qul and Ḥasan Bāy b. Mīrzā Bāy, residents of the rural settlement of Naymānchah, Anhār *tūmān*. The plaintiff claims that Ḥasan Bāy has contracted an invalid marriage with Āftāb Āy, who is already married to himself: the respondents should therefore terminate their union, but they refuse to do so.

Stamp: Mullā ‘Abd al-Qādir b. Dāmullā ‘Abd al-Raḥmān Muftī

Citations: (i) *idhā awjabat al-ḥurraṭ al-‘āqilat al-bālighah li-nafsihā jāz* (Mukhtār); (ii) *lā yajūz nikāḥ mankūḥat al-ghayr ‘ind al-kūll* (Qāḍī Khān); (iii) *al-ṭā‘at innamā tajīb ‘alayhā idhā akhadhat al-mu‘ajjall* (Niṣāb al-riwāyāt²).

¹ *taq* Shawwāl 1292 (31 October – 28 November 1875): → doc. 444b.

² The editors have been unable to identify a work of this name.

222 x 176; 9 lines. Persian.

444b, *tpq* Shawwāl 1292 (31 October – 28 November 1875): reported declaration of cessation of claim

On the above date the above-mentioned plaintiff, son of Mīrzā Murād, a resident of the rural settlement of [Nukhra?], a subsidiary settlement of Dīzakh, declared that in return for 400 *tangah* he has willingly and freely^a dropped his claim against the afore-mentioned respondents.

Stamp: Qāḍī Mullā Ūrūn Bāy b. ‘Āshūr Muḥammad

Witnesses: Muṣṭafā Qulī; Jānī Bīk; Mullā Ūrun Qul; Muḥammad Murād; Muḥammad Rasūl; Tilaw Bīk; and others.

^a ṭaw‘an wa raghbatan

5 lines. Persian.

445

tpq 7 Jumādā I 1294 (20 May 1877): reported declaration of sale

1057: KP 1590

On the above date Sarīmsāq Khwājah b. Mallah Khwājah, aged 54 and resident of the rural settlement of Qūndūzak, declared as a competent agent before the Samarqand *wilāyat* courthouse that he has sold^a to his wife Qumrī Āy bint ‘Abdallāh Khwājah, through her attorney^b Shīrīn Khwājah b. Shāhid Khwājah, the *suknīyāt* on 2 *tanābs* of agricultural land^c located in Qūndūzak, in Samarqand *wilāyat*’s Shāwdār *tūmān*, and abutting in the west onto land belonging to Yaḥyā Khān and Shā Ma’rūf Khwājah, in the north and east onto land belonging to the vendor, and in the south onto land belonging to Muḥammad Amīn Bāy b. Mullā Bāqī Jān; the sale, for 240 *tangah*^d, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī-yī Samarqand Qāḍī Mullā Mīr Nizām al-Dīn Khwājah¹ b. Qāḍī Mīr ‘Abd al-Ghaffār Khwājah, 1293

Witnesses: ‘Abd al-Raḥīm Bāy; Aḥmad Ṣūfī; Mullā Shākīr; Qārī ‘Abd al-Ghaffār; Shīrīn Jān; and others.

¹ Attested active from 1293/January 1876-January 1877 (→ doc. 445) to 20 Dhu’l-Qa’dah 1312/Wednesday 15 May 1895 (→ doc. 459b); he is identified as ‘Samarqand people’s judge’ in *Spravochnaia knizhka Samarkandskoi oblasti na 1894 god. vyp. II* (1894), p. 9, thus presumably succeeding Zayn al-Dīn Khwājah (→ doc. 447⁽¹⁾). He appears to have had a colourful career: ‘In 1883 Nizamuddin Khoja, the Samarkand *Qazi*, was found to have been smuggling opium into Russian Turkestan from Bukhara in collusion with a customs official, as well as accepting bribes and loaning money to Samarkand’s leading pimp, seizing thirteen prostitutes when he failed to pay up on time. Bizarrely it was not so much this as his growing reputation for religious ‘fanaticism’ which persuaded the Russian authorities that the time had come to dismiss him.’ Even more bizarrely than this, it seems that he was able to remain in office for another 12 years after the Russian authorities resolved to take action. See Morrison, *Russian Rule in Samarkand*, pp. 261-262.

^a bay’ -i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b wakālatan bi’l-taṣḍīq; ^c zamīn-i mazra‘ah; ^d tangah-yi rā’ijah

158 x 218; 11 lines. Persian.

446

A compilation of documents relating to the administration of the Mīrzā Ulugh Bīk *madrasah*

446.1, *tpq* Shawwāl 1296 (18 September – 16 October 1879): reported declaration of undertaking

On the above date Mullā ‘Ārif Bāy b. Tursūn Muḥammad Bāy, Sharīf Bāy-Bachchah b. Muḥammad Ṣafar, Mullā ‘Abdallāh b. Mullā Fayḍ-Allāh, Qābil Jān b. Bābā Jān, Ni‘mat Chuhrah-Āqāsī b. Mīrzā Bāy, ‘Abd al-Raḥmān Bāy and Bābā Bāy b. [-], Barakah Bāy b. Niyāz Muḥammad, Ṣafar Bāy b. Tūkhli, Ḥājjī Ismā‘īl b. [-] and Ḥaydar Bāy b. Ḥasan Bāy made a declaration before the Samarqand *wilāyat* courthouse. Of these, all but the last are owners of newly-built shops and stalls located in a square which is endowed as *waqf* to the Ulugh Bīk *madrasah*^{1a}, and which abuts in the west partly onto a store-room belonging to Sharīf Bāy-Bachchah Īrānī and partly onto the wash-house of the Shīrdār *madrasah*, in the north partly onto the afore-mentioned wash-house, partly onto some leather-merchant shops which also comprise part of the afore-mentioned *waqf* and partly onto some perfume shops, in the east onto some flax-oil shops and in the south onto a public thoroughfare. Ḥaydar Bāy b. Ḥasan Bāy, meanwhile, owns properties in the oil bazaar. They together declared that, following a fire which resulted in the destruction of all the built structures in the property under endowment, they have taken it upon themselves – with the consent of the *mutawallī* and the *madrasah*’s stipend-holders^b – to rebuild the damaged wooden structures on the sites where they hold the right of establishment⁽²⁾; they undertake also, in keeping with earlier decisions and practice^d, to pay a sum of 520 *tangah* per year to Mullā Fāḍil Āqsaqāl b. Ārtuq Bāy Āqsaqāl, *mutawallī* of the *waqf*. Any subsequent attempt to disavow this undertaking will be inadmissible.

Stamp: Qāḍī-yi kalān-i Samarqand Qāḍī Mullā Mīr Nizām al-Dīn Khwājah b. Qāḍī Mīr ‘Abd al-Ghaffār Khwājah, [1292?]

¹ Built in 829/1425-6 in what would later become Samarqand’s Rīgīstān square: see Abū Ṭāhir Qāḍī b. Abū Sa‘īd Samarqandī, *Samarīyah*, pp. 127-128.

² For *ḥaqq al-qarār* (\approx *suknīyāt* (\rightarrow doc. 60⁽³⁾?), see discussion in Reichmuth, ‘Semantic Modeling of Islamic Legal Documents’, p. 117. It is the subject of a *fiqh* citation in doc. 679.

^a uskunah-dārān-i maḥdūd-i madhkūr dar ‘arṣah-yi zamīn-i waqf-i madhkūr ; ^b ahl al-waḥā’if; ^c ḥaqq al-qarār²; ^d az rū-yi qarār wa ta‘āmul-i ṣābiq

215 x 335; 21 lines. Persian.

446.2, 24 March [= 6 April] 1902: appeal

The below-listed signatories, who are all students at the Mīrzā Ulugh Bīk *madrasah*, address Turkistān *wilāyat*’s General Inspector^a. They state that their 80-year-old chief *mudarris*, Dāmullā Yār Muḥammad Muftī b. Mullā Ḥājjī Muḥammad¹, is incapable of offering the sort of instruction available at the Shīrdār and ‘Ārif Jān Bāy *madrasahs*^b; he also has the habit of heading off to perform his functions as *muftī* before the *qāḍī* of Maḥallah and leaving nobody capable of standing in on his behalf. Upon learning of the students’ dissatisfaction, he has threatened to expel all who complain, and offer their cells to other comers; in 1896, he failed to obey the instructions of the late Governor Count Rostovtsov^{2c}, who accordingly cursed him as a beggar and [temporarily?]

removed him from his position. The speakers now request the addressee similarly to remove the *mudarris* from office. They state that the income from the *madrasah*'s *waqf* is insufficient to support two *mudarris* positions^d, and that all they need is a single *mudarris*, such as is the case at the Shirdār and 'Ārif Jān Bāy *madrasahs*. They hope, therefore, that the addressee will appoint in place of the incumbent an individual better able to fulfil the latter's duties. They state that their hopes are modest: all they wish to do is to study the religious sciences and peacefully perform prayers on behalf of the tsar and the imperial family^e.

Signatures: Mullā Wārith b. Mullā [xxx] Hājji; Mullā Mīr Ṣādiq b. Qāsim Shāh; Mullā Muḍrāb b. Qāsim Shāh; Mullā Naṣr-Allāh b. Mullā 'Ālim; Mullā Sulaymān b. Mirzā Badal; Mullā Naṣr-Allāh b. Mullā 'Ālim again, signing on behalf of the illiterate³ Qābil Bāy b. Mishkāb Muḥammadī; Mullā Īshān Qul b. Mullā 'Abd al-Zāhir; Mullā Mīr Ṣādiq b. Qāsim Shāh again, signing on behalf of the illiterate Mullā Faṭḥ-Allāh b. Fayḍ Muḥammad; Mullā Karīmdād b. Shādī Bāy; Mullā Maṣjidī b. Mallah Bāy; Mullā 'Abd al-Raḥīm b. Muḥammad Sharīf; Mullā Khudāy Birdī b. Kūchak; Mullā Zayn al-Dīn b. Mullā Muḥsin; Mullā Mīr Muḥammad b. Mullā Sayyid Muḥammad; Mullā Bīk Jān b. 'Abd al-Rasūl; Mullā Muḥammad Sharīf b. Ni'mat-Allāh; Mullā 'Abd al-Nabī b. 'Abd al-Ghaffār; Mullā Khāl Mīrzā b. Mullā Jum'ah; Mullā Muḥammad Salīm b. Imām Mullā Muḥammad Nazar; Mullā Mīr Tursūn b. Ustā Mīr Muḥammad; Mullā [xxx] Khwājah b. Īshān Dāwud Khwājah; Mullā Abu'l-Qāsim b. Mullā Ṣūfī Mīr 'Ashūr; Mullā Fayḍī b. Umūr Bāy; Mullā Muḥammad Nazar (*sic*) b. Ṣāhib Naẓar; Mullā Naṣr al-Dīn b. Mullā Ḥusayn; Īshān Yūsuf Khwājah b. Fayḍ Khwājah; Mullā Bābā Mu'adhdhin b. Mullā Muqīm; Mullā 'Abd al-Khāliq b. Mullā Khāl Murād.

¹ Mīrzā Mullā Yār Muḥammad Muftī (≈ the jurist of the same name: → doc. 453) had already been the subject of complaints from students at the Ulūgh Bīk *madrasah* in ca. 1898: → doc. 569b.

² N. Ya. Rostovtsev, d. 1897: see Morrison, *Russian Rule in Samarkand*, p. 27.

³ This itself perhaps an indication of the institution's failings.

^a glāwnāy inspiktūrī; ^b Shirdār wa 'Ārif Jān Bāy *madrasah-lārī-nī mudarris-larī-dīk har qandāy dars-nī 'uhdah-sī-dīn chiqmāy-tūrgān kishī-dūr-lār*; ^c gubīrnātur-i mutawaffā Girāf Rāstūftisf; ^d waqf yitmāy-dūr [...] waẓīfah-lārimiz yitmāy-dūr; ^e 'ālam-panāh janāb-i imparātur-i a'ẓām wa khānadān-i 'ālī-lārī-nī du 'ā-yi dawlat-lārī-nī qīlīb

222 x 254; 26 lines. Turki.

446.3, n/d: summons^a

1111.iii: KP 866/13

The Samarqand *Uyezd Nachal'nik* summons the *mutawallī* of the Mīrzā Ulūgh Bīk *madrasah* to present himself before the chancery at 10 a.m. on 24 [June?] 1898, bringing with him accounts for *waqf* income, to allow an enquiry into the use of revenues from Chār-sū.

No stamp.

^a povestka

108 x 178; 4 handwritten lines on a pre-printed form. Russian.

446.4, 15 April [= 28 April] 1908: declaration of rental arrangement and of receipt
1111.iv: KP 5991/652

Mullā ‘Abd al-Rashīd b. Mullā ‘Abd al-Jalīl, <i>mutawallī</i> of the Ulūgh Bīk <i>madrasah</i> , confirms that he has rented out one of the <i>madrasah</i> ’s shops to a certain Russian called Antipov ^a for 1 month, for 10 <i>ṣūm</i> ^b per month; he has now received payment, and writes to confirm that he is satisfied with the transaction.	
No stamp.	
	^a Āntīpūf; ^b ṣūm-i kāghadh-i āqchah
82 x 166; 8 lines. Turki.	

446.5, n/d¹: declaration of receipt

1111.v: KP 5991/653

Ustā Mīr Wafā b. Ustā Mīr Walī, a resident of the rural settlement of Namāzghāh ² , in Samarqand’s 2 nd district, who has been restoring the Mīrzā Ulūgh Bīk <i>madrasah</i> , acknowledges receipt from Mullā ‘Abd al-Rashīd b. Mullā Jalīl, <i>mutawallī</i> of the aforementioned <i>madrasah</i> , of 154 <i>ṣūm</i> for manpower, sand and other requisites over the period from 13 November to 8 December [= 26 November to 21 December] 1915.	
No stamp.	
¹ <i>tpq</i> 8 December [= 21 December] 1915.	
² For this settlement see M.M. Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, in V.A. Nikonov and G.G. Stratanovich (eds.), <i>Etnografiia imen</i> (Moscow: Nauka 1971), pp. 180-184 [p. 182].	
111 x 179; 19 lines. Turki.	

447 – 448: documents relating to Bībī Marḍīyah bint Sa‘dī Bāy

447

tpq Muḥarram 1296 (26 December 1878 – 24 January 1879): reported declaration of cessation of claim

580: KP 5991/303

On the above date Īsh Murād b. Ātah Bāy declared as a competent agent before the Samarqand <i>wilāyat</i> courthouse that he has received 110 <i>tangah</i> from Bībī Marḍīyah bint Sa‘dī Bāy, and that in return he has dropped his claim against said respondent. Tursūn Bībī bint Ustā Sharīf similarly declared that she has no claim or contention against Bībī Marḍīyah, and that any further claim will be void and inadmissible. Mullā Aḥmad Jān b. Mullā Bābā Jān consented.

Stamps: (i) Qāḏī-yi Samarqand Qāḏī Mullā Mīr Nizām al-Dīn Khwājah b. Mīr ‘Abd al-Ghaffār Khwājah; (ii) Zayn al-Dīn Khwājah¹ b. Jamāl al-Dīn Khwājah Muftī

Witnesses: Mullā ‘Abd al-Qādir [xxx]; Mīrzā Ḥāmid Makhdūm; Mullā Khayr-Allāh Pūkkah; and others.

¹ Attested active from Muḥarram 1296/December 1878-January 1879 (→ doc. 447) to ca. Shawwāl 1310/April 1893 (→ doc. 457.i). He is identified as ‘Samarqandi people’s judge’ in *Spravochnaia knizhka Samarkandskoi oblasti na 1893 god, vyp. I* (1893), p. 10, and was apparently then succeeded in this office by Mullā Mīr Nizām al-Dīn Khwājah (→ doc. 445(!)).

160 x 219; 9 lines. Persian.

448

tpq Muḥarram 1296 (26 December 1878 – 24 January 1879): reported declaration of mortgage

582: KP 5991/305

On the above date Aḥrār Qul and Bībī Marḏīyah, children of Sa‘dī Bāy, declared as competent agents before Samarqand’s courthouse that they have temporarily sold^a to Mullā Muḥammad Salīm b. Mīrzā Muqīm the *suknīyāt* on approximately 1½ *ṭanābs* of garden land, constituting *mamlakah* and located in the rural settlement of Khwājah Chārūq-i Bālār, in Samarqand *wilāyat*’s Shāwdār *tūmān*. The property abuts in the west onto a garden belonging to ‘Ārif Bāy b. Ḥājī Bāy, in the north and east onto a public thoroughfare, and in the south onto a garden belonging to Raḥīm Bābā b. Khūj Muḥammad Bāy. The sale was for 200 *tangah*; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged.

The speakers additionally declared that they have undertaken to rent the property under transaction for 5 *tangah* a month^b.

Stamps: (i) Qāḏī-yi Samarqand Qāḏī Mullā Mīr Nizām al-Dīn Khwājah b. Qāḏī Mīr ‘Abd al-Ghaffār Khwājah; (ii) Zayn al-Dīn Khwājah b. Jamāl al-Dīn Khwājah

Witnesses: [xxx]; Mīrzā Khayr-Allāh Makhdūm; Mullā ‘Abd al-Qādir [Muftī?]; Mullā Khayr-Allāh Pūkkah; Aḥmad Jān.

^a bay‘-i jā‘iz-i shar‘ī; ^b bih muḏī-yi muddat-i har yak māh-i kāmil-i qamarī az ta‘rīkh-i madhkūr bih badal-i panj tangah

162 x 218; 11 lines. Persian.

449 – 510: documents relating to the line of Šābir Bāy

449

449a, n/d¹: claim for restitution

916: KP 1237

Jūrah Bāy presents a claim against his brother Tilaw Bāy b. Šābir Bāy, demanding restitution of 4200 *tangah* accruing from the sale of 8 *tanābs* of land, a horse, various quantities of foodstuffs, and 10800 *tangah* in cash, which the plaintiff claims is his share of their late father's estate. The estate was divided between Šābir Bāy's widow Māh Bībī (receiving 8/64), three sons, Jūrah Bāy, Tilaw Bāy and Muḥammad Yūnus (each receiving 14/64) and two daughters, Tursūn Bībī and Ūghul Āy (each receiving 7/64): but the respondent has kept everything for himself and refuses to give his kinsmen the shares due them.

[Vertically in the right-hand margin]: a visual breakdown of the property division. Šābir Bāy, 64; wife, 8; 3 sons, 14 each; two daughters, 7 each.

Stamp: Zayn al-Dīn Khwājah b. Jamāl al-Dīn Khwājah Muftī Musawī

Citation: *man taraka mālan aw ḥaqqaqan fa-huwa li-warathatihi* (Kāfī).

¹ *taq* 15 Rabī' II 1297 (Saturday 27 March 1880): → doc. 449b.

220 x 318; 13 lines. Persian.

449b, *tpq* 15 Jumādā II 1297 (25 April 1880): reported declaration of cessation of claim

On the above date Jūrah Bāy, the above-mentioned plaintiff, declared before the Samarqand *wilāyat* courthouse that in return for 400 *tangah* he has dropped both in whole and in part^a his claim against the afore-mentioned respondent.

Stamp: Qāḍī-yi Samarqand Mīr Niẓām al-Dīn Khwājah b. Qāḍī Mīr 'Abd al-Ghaffār Khwājah

Witnesses: Ḥasan Āqsaqāl; Sa'd-Allāh Khwājah; 'Abd al-Nazar Bāy; 'Ālim Bāy; Qābil Bāy; Ḥakīm Āqsaqāl; and others.

^a *kullīyatan wa juz'īyatan*

4 lines. Persian.

450

tpq 10 Rabī‘ I 1300 (18 January 1883): reported declaration of sale

973: KP 5991/601

Turki notarial addition¹: 5 January [= 18 January] 1883, document entry no. 10

On the above date Mullā Jūrah Bāy b. Muḥammad Šābir Bāy, aged 22, a resident of Masjid-i Sharbat-dār quarter², declared as a competent agent before the Samarqand *wilāyat* courthouse that he has sold^a to his brother Tilaw Bāy the *sukniyāt* on $\frac{3}{4}$ *tanāb* of garden land, comprising his own ancestral property. The property is located in the rural settlement of Dih-i Naw, Shāwdār *tūmān*, and abuts in the west onto a garden belonging to Manšūr Bāy b. Qurbān Bāy, in the north onto a garden belonging to Mullā Ḥaqq Birdī b. Ustā Mīrzā, in the east onto a garden belonging to Tilaw Murād Bāy, the purchaser, and in the south onto a garden belonging to the heirs of Šafar Bāy; the sale, for 750 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī-yi kalān-i Samarqand Qāḍī Mullā Mīr Niẓām al-Dīn Khwājah b. Qāḍī Mīr ‘Abd al-Ghaffār Khwājah

Witnesses: Īgam Birdī Bāy Tarāzū; Naṣr-Allāh Āqsaqāl; Muḥammad Nāšir Bāy; ‘Ādil Bāy; Bābā Bīk; and others.

¹ The earliest instance of a Turki notarial addition dating a transaction by the Julian calendar and noting its entry in the *akt daftarī* (register of transactions: for the format of entries in this register, → doc. 492b.i). No other such notarial addition appears in any document produced over the subsequent 4 years: one wonders therefore whether the present instance may have been a *post hoc* addition.

² For this quarter see Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^b tangah-i rā’ijāt al-waqt

222 (folded) x 290; 11 lines. Persian.

451

451a, *tpq* 11 Dhu’l-Qa‘dah 1304 (1 August 1887): reported declaration of sale

984: KP 5991/612

Turki notarial addition: 1887, document entry no. 135

On the above date Qāsim Bāy b. Muḥammad Yūnus Bāy, aged 32, declared as a competent agent before the Samarqand *wilāyat* courthouse that he has sold^a to ‘Abd al-Jabbār and ‘Abd al-Sattār, sons of ‘Abd al-Raḥīm, the *sukniyāt* on a courtyard property and house located in Qarah Bāy Āqsaqāl quarter¹ and abutting in the west onto a house belonging to Mullā Nāšir b. Mullā Raḥmat-Allāh, in the north and east onto a blocked thoroughfare, in the east onto empty ground, and in the south onto the road leading to the property of Qārī Muqīm b. Qārī Ḥakīm; the sale, for 350 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī-yi Samarqand Qāḍī Mullā Mīr Nizām al-Dīn Khwājah b. Qāḍī Mīr ‘Abd al-Ghaffār Khwājah	
Witnesses: ‘Ālim Dīwkār; Mullā ‘Abd al-Raḥmān; Muḥammad Amīn Bāy; Ustā ‘Ārif; Mīr ‘Ubayd Bāy; Sayyid Nafas Bāy; Ḥakīm Jān; ‘Abd al-Ghaffār Āqsaqāl; Ghafūr Āqsaqāl; Qābil Bāy; and others.	
¹ For Qarah Bāy Āqsaqāl quarter see e.g. Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^b tangah-yi rā’ijah
166 x 218; 10 lines. Persian.	

451b, *tpq* 9 Rabī‘ I 1323 (14 May 1905): reported sale

On the above date, the above-mentioned purchaser ‘Abd al-Jabbār sold ^a half of the courtyard property outlined above to Ḥājji Tilaw Bāy b. Muḥammad Ṣābir in a transaction notarised as entry no. 42 in the 1905 register of sales.	
Stamp: [xxx]	
	^a bay‘an bāttan qaṭ‘īyan
5 lines. Persian.	

452

452a, n/d¹: solicited legal opinion

988: KP 5991/616

The query relates to a complaint at breach of rental terms. Aḥmad Bīk rents half of his <i>bāzār-i birinj</i> to Tilaw Bāy for six months, for 1750 <i>tangah</i> ; Tilaw Bāy then renounces the property for the last two months, denying that he is thereby revoking ^a the terms of the agreement; is it not the case that the terms of the rent still apply, and that Tilaw Bāy’s claim not to have breached terms should be rejected? Answer: yes.
Stamps: (i) Mullā ‘Ābid Khwājah b. Mullā Mīrzā Khwājah Muftī; (ii) Mullā Zayn al-Dīn Khwājah b. Jamāl al-Dīn Khwājah Muftī Musawī; (iii) Hādī Khwājah Muftī ² b. Qāḍī Mīr Shīrīn Musawī
Citations: (i) <i>al-ijārah ‘aqd lāzim; lā tuḥsakh illā bi-‘udhr</i> (‘Imādī); (ii) <i>wa ittafaqū ‘alā ann al-wājibat ‘alā al-musta’jir li’l-mu’jir</i> (Khizānat al-akmal ³ .171); (iii) <i>li-an wujūb al-ujrah bi-qabḍ al-ma’qūd ‘alayhi wa istifa’ al-manṣa’ah wa qad taḥaqqaq</i> (Mawlawī Fakhr al-Dīn ⁴); (iv) <i>al-mar’ mu’ākhadh bi-iqrārihi</i> (Kāfūrī); (v) <i>qawl lā yastanid ilā dalīl shar’ī lā yu’tabar</i> (Hidāyah).

<p>¹ <i>taq</i> 22 Muḥarram 1307 (Wednesday 18 September 1889): → doc. 452b.i.</p> <p>² Attested active from Rabī‘ I 1304/28 November – 27 December 1886 (→ doc. 513) to 1893 (→ doc. 535).</p> <p>³ [=Otherwise known as <i>Khizānat al-akmāl fi ‘l-furū’</i>]: a 6-volume work by Abū Ya‘qūb (‘Abdallāh) Yūsuf b. ‘Alī al-Jurjānī (d. 522/1128). See Brockelmann, <i>GAL</i> I.373, p. 461.</p> <p>⁴ A work by Mawlawī Fakhr al-Dīn Maḥmūd b. Ilyās al-Rūmī (15th century), composed in 851/1447 as a commentary on the <i>Mukhtaṣar al-Wiqāyah</i> (→ doc. 90a⁽³⁾). The work has been published in numerous lithograph editions.</p>	<p>^a faskh na-mī-namāyam</p>
<p>354 x 220; 5 lines. Persian.</p>	

452b.i, *tpq* 22 Muḥarram 1307 (18 September 1889): reported declaration of debt

<p>On the above date Tīlaw Bāy declared that he owes the afore-mentioned Aḥmad Bāy 1150 <i>tangah</i> as the sum outstanding for the rent of half the <i>bāzār-i birinj</i>, and that he will pay the sum over the course of the next four months, as reckoned according to the Russian calendar^a.</p>	
<p>No stamp.</p>	
<p>Witnesses: Sharīf Mīrzā-Bāshī b. Ṭāhir Bāy; Mullā ‘Ārif b. Mullā Tursūn Bāy; Īgam Birdī Āqsaqāl; Raḥmat Bāy-Bāchchah.</p>	
	<p>^a dar ākhir-i har māh-i ūrus sih ṣad tangah-gī tā sih māh sih ṣad tangah dādah, dar ākhir-i māh-i chahārum dū ṣad panjāh tangah, baqīyah-yi ijārah-rā dādah</p>
<p>5 lines. Persian.</p>	

452b.ii, 22 Muḥarram 1307 (18 September 1889): judicial ruling

<p>The speaker states that, in view of the afore-mentioned (i) acknowledgment by Tīlaw Bāy and (ii) solicited legal opinion, a ruling has been made for the validity of the afore-mentioned rental terms^a.</p>	
<p>Stamp: [xxx]</p>	
<p>Witnesses: Mullā Bābā Kalān; Raḥmat Bāy-Bachchah; Mullā Kamāl; and others.</p>	
	<p>^a ḥukm namūdah shud bih ṣiḥḥat-i shish-māhah-yi ijārah-yi bāzār-i madhkūr</p>
<p>4 lines. Persian.</p>	

n/d¹: solicited legal opinion

819: KP 115/5

A query relating to the precedence of claims. If in the presence of witnesses^a Bīk Murād Šūfi, a competent legal agent^b, undertakes to give a quantity of grain to his business partner^c Mullā Jūrah Bāy, and then, concealing this undertaking, undertakes instead to give it to certain heirs of Īl Murād Bāy, should the *qāḍī* not prevent said heirs from obstructing Mullā Jūrah Bāy's acquisition, Bīk Murād Šūfi's first undertaking having precedence over his second?

Answer: yes.

Stamps: (i) Mullā 'Ābid Khwājah b. Mullā Mīrzā Khwājah Muftī; (ii) Mullā Zayn al-Dīn Khwājah b. Jamāl al-Dīn Khwājah Muftī Mūsawī; (iii) Mūsā Khwājah Muftī² b. Qāḍī Shīrīn Khwājah Mūsawī Riḍāwī; (iv) Mullā Muḥammad 'Āqil Muftī³ b. Mullā Bābā Jān Muftī, 130x; (v) Mullā Muḥammad Yūnus b. Mullā 'Abd al-Ghafūr Muftī; (vi) Mullā Abū Yūsuf⁴ b. Qāḍī Muḥammad Muftī b. Ya'qūb; (vii) Mullā Yār Muḥammad Muftī⁵ b. Ḥājjī Muḥammad Šūfi

Citations: (i) *fī 'l-muntaqā 'Īsā ibn Abān 'an Muḥammad raḥimahu Allāh ta'ālā fī rajul fī yadihi mā qāl dafa 'ahu ilā fulān muḍārabatan bi 'l-nisf wa fulān ghā'ib; thumm qāl ba 'd dhālik qad kuntu abtaltu fī-mā kuntu aqrārtu bihi li-fulān min hādhā al-māl laysa lahu minhu shay'; innamā huwa li-fulān ākhar dafa 'ahu ilā muḍaribihi bi 'l-nisf; wa 'l-muqirr lahu al-ākhar hādir fa-qāl šadaqta anā dafa 'tuhu alayk fa-ishtari bih wa bi' fa-shtara bih wa rabaḥa 'alayhi; thumm ḥaḍara al-awwal fa 'l-mālu li 'l-awwal 'alā al-muḍārabat; wa mā kān min al-ribḥi fa-huwa bayn al-muqirr wa 'l-muqirr lahu al-awwal nisfāni wa lā shay' li 'l-muqirr lahu al-thāni ilakh... qāl hādhihi al-alf li-fulān arsalahā ilayya ma 'a fulān wa idda 'ayāhā fa-hiya li 'l-awwal (Fatāwā 'Ālamgīrī.11.838); (ii) *wa iqrār al-insān ḥujjah 'alayhi wa laysa li-ḥujjah 'alā ghayrihi (Khizānat al-muftīyin); (iii) wa iqrār al-insān 'alā nafsihi ṣaḥīḥ, wa 'alā ghayrihi bāṭil (Ḥammādīyah); (iv) man tašarraf fī 'lan aw qawlan wa ta'allaq bih ḥaqq al-ghayr thumm aqdam 'alā naqḍ hādhihi al-iqdām minhu mardūd (Sharḥ-i Barjandī); (v) wa man sa 'ā fī naqḍ mā tamm min jihatihī fa-sa 'yuhu mardūd 'alayhi (Ashbāh).**

¹ But note the attested career dates for the signatories below.

² Attested active from Rabī' I 1304/28 November – 27 December 1886 (→ doc. 513) to 1324/February 1906-February 1907 (→ doc. 596); he is known to have been dead by Muḥarram 1335 (28 October – 26 November 1916): → doc. 629a, relating to the subsequent disposition of his estate.

³ Attested active from 1893 (→ doc. 535) to December 1912 (→ doc. 501).

⁴ Attested active from Rabī' I 1304/28 November – 27 December 1886 (→ doc. 513) to 1324/February 1906-February 1907 (→ doc. 596). He is identified also as 'people's judge of Seob [=Siyāh Āb] raion' in M. Virskii (ed.), *Spravochnaia knizhka Samarkandskoi oblasti na 1894 god, vyp. II* (1894), p. 9.

^a nazd-i kathīr az muslimīn; ^b jā'iz al-iqrār; ^c bih ṭarīqah-yi muḍārabah

Outside the present collection, his activities are attested also in documents formerly held in the recently destroyed Samarqand Museum of the History and Art of the Uzbek People, no. 4063/29-16 and others. For a discussion of this material see Isogai, 'Judicial Proceedings at Central Asian Islamic Courts: Focusing on the Fatwa Documents from Early 20th-Century Samarqand', in *The Collection of Papers Read at the Symposium Named "Restructuring Northwest Eurasian Historical Space: Pre-Modern Russia and its Surrounding Areas as Viewed through Historical Sources Produced Outside Russia"*, Sponsored by Slavic Research Center (Hokkaido University) (Nagoya: 2010), pp. 147-185 (in Japanese). The editors are grateful to Dr. Isogai for this reference.

⁵ Attested active from Rajab 1285/October 1868 (see Faiziev, *Istoriia Samarkanda pervoi pol. XIX veka*, p. 68, citing *waqf* doc. no. 37, where there is a reference to Mullā Yār Muḥammad b. Muftī Mullā Ḥājjī Muḥammad) *ca.* Šafar 1315/July 1897 (→ doc. 463). He was also an (unpopular) *imām* at Samarqand's Ulūgh Bīk Madrasah: → also docs. 446.2 and 569b.

354 x 220; 7 lines. Persian.

454

tpq 6 Sha‘bān 1309 (6 March 1892): reported declaration of sale

917: KP 1237

Turki notarial addition: 22 February [= 5 March] 1892, document entry no. 288¹

On the above date Rustam Khwājah Jāmah-Furūsh and Muḥammadī Khwājah, sons of Sayyid Khwājah², aged respectively 38 and 28, declared as competent agents before the Samarqand *wilāyat* courthouse that they have sold^a to Mullā Jūrah Bāy b. Muḥammad Šābir Bāy the *suknīyāt* on a courtyard property comprising multiple houses located in Qarah Bāy Āqsaqāl quarter, and abutting in the west partly onto a courtyard property belonging to the purchaser Jūrah Bāy and partly onto a courtyard property belonging to Ustā Ḥakīm Zargar b. Ustā Qāsim, in the north onto a courtyard property belonging to Mullā ‘Āqil Muftī b. Mullā Bābā Jān, in the east partly onto a courtyard property belonging to the heirs of Dhākir Khwājah and partly onto a courtyard property belonging to ‘Abd al-Šamad Bāy b. ‘Abd al-Qādir Bāy, and in the south onto a public thoroughfare; the sale for 8000 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Mullā Mīr Zayn al-Dīn Khwājah b. Mullā Jamāl al-Dīn Khwājah

Witnesses: Mullā Muḥammad Naẓar Īllīk-Bāshī b. [-]; ‘Ālim Dīwkār Īllīk-Bāshī b. Muḥammad Sharīf Bāy; Ghafūr Āqsaqāl b. Ustā Mīr Rajab; Ūrūn Bāy Khwājayin; Amīn Bāy Āqsaqāl; Qābil Bāy.

¹ Cited thus in docs. 492b.ii and 493. ² Brothers of Akābir Khwājah, plaintiff in doc. 495.i.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^b tangah-yi rā’ijah
220 (folded) x 355; 9 lines. Persian.	

455

tpq 9 Sha‘bān 1309 (9 March 1892): reported declaration of sale

987: KP 5991/615

Turki notarial addition: 25 February [= 8 March] 1892, document entry no. 287

On the above date Jūrah Bāy b. Muḥammad Ṣādiq Bāy ¹ , aged 31, declared as a competent agent before the Samarqand <i>wilāyat</i> courthouse that he has sold ^a to Mullā Rustam Khwājah and Muḥammadī Khwājah, sons of Muḥammad Sayyid Khwājah, the <i>suknīyāt</i> on a courtyard property comprising multiple residences and measuring 1 <i>tanāb</i> , located in Qarā Bāy Āqsaqāl quarter and abutting in the west onto a blocked thoroughfare, in the north onto a house belonging to Ustā Ḥakīm Zargar b. Ustā Qāsim, in the east onto a house belonging to the purchasers, previously sold to them by the vendor, and in the south onto a public thoroughfare ² ; the sale, for 3000 <i>tangah</i> ^b , was completed, with each party to the transaction receiving what was due.	
Stamp: Mullā Mīr Zayn al-Dīn Khwājah b. Mullā Mīr Jamāl al-Dīn Khwājah Musawī	
Witnesses: Mullā ‘Abd al-Nazar; ‘Ālim Dīwkār; Ūrūn Bāy Khwājayin; Ghafūr Āqsaqāl; Qābil Bāy; Mawlān Bāy; Amīn Bāy Āqsaqāl.	
¹ This ascription of Jūrah Bāy’s paternity appears to be a scribal error: in other documents, Jūrah Bāy is identified as a son of Muḥammad Ṣābir. In doc. 496, meanwhile, Muḥammad Ṣādiq Bāy is identified not as Mullā Jūrah Bāy’s father, but simply as his co-purchaser of said property. ² The relationship between this property and that purchased three days earlier by the vendor Mullā Jūrah Bāy (→ doc. 454) is unclear.	^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī-yi shar‘ī; ^b tangah-yi rā’ijah
178 (folded) x 220; 9 lines. Persian.	

456

456a, *tpq* 28 Jumādā I 1310 (18 December 1892): reported declaration of sale

970: KP 5991/598

Turki notarial addition: 5 December [= 17 December] 1892, document entry no. 1972

On the above date Raḥmān Birdī Bāy and Ḥasan Bāy, sons of Muḥammad Sharīf Bāy, aged 18 and 16 respectively, acting on their own behalf, and Mullā Ūrūn Bāy Khwājayin b. Muḥammad Zārīf Bāy, acting as attorney ^a to Kīnjah Āy bint Ārtuq Bāy and Bānū Āy bint Muḥammad Sharīf – their authority as attested by ‘Ārif Bāy b. Ma’mūr Bāy and Mullā Ākhūn Jān Īllīk-Bāshī b. Mullā ‘Azīz – and as guardian ^b to Muḥammad Sharīf’s pre-adult
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children Nadhrī Qul and Sharāfat Āy, declared as competent agents before the Samarqand *wilāyat* courthouse that they have sold^c to ‘Abd al-Zuhūr b. Ibrāhīm Bāy the *sukniyāt* on the west-lying half of a coach-house comprising three large pavilions and four fixed-structure shops, constituting their own ancestral property. The property is located in the great market of Khwāshī quarter inside Samarqand’s citadel and abutting in the west and north onto the coal stall belonging to Ūrūn Bāy Khwājayin b. Muḥammad Zarīf Bāy, in the east onto the central courtyard of the timber market and partly onto a *sarāy* belonging to Murād Āqsaqāl Yahūdī b. Khudāydād Yahūdī, and in the south onto a public thoroughfare¹; the sale, for 5500 *tangah*^d, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti² [plus *qādī* signature]; (ii) Qādī-yi Samarqand Qādī Mullā Mīr Nizām al-Dīn Khwājah; (iii) Mullā Zayn al-Dīn Khwājah Muftī b. Jamāl al-Dīn Khwājah Mūsawī, 1307; (iv) Mīr ‘Iṣmat-Allāh Khwājah Mīrkā b. ‘Iṣām al-Dīn Khwājah Ūrāq; (v) Hādī Khwājah Muftī b. Qādī Mīr Shīrīn Khwājah Musawī Riḍāwī

Witnesses: Mullā Ākhūn Jān Īllīk-Bāshī b. Mullā ‘Azīz; Muḥammad Sa‘īd Īllīk-Bāshī b. Mullā Fayḍ-Allāh; Hājī Maḥmūd Bay; Ūrūn Bay; Mullā Bābā; Mīrzā Jān; Sulṭān Aḥmad Jān; ‘Abd al-Nazar (*sic*) Īllīk-Bāshī; ‘Ālim Īllīk-Bāshī.

¹ The sale of the other half of this property is notarised by doc. 457.i.

² The earliest instance amongst our documents of a Russian-language courthouse stamp. The Samarkand *oblast’* was created in 1886 by joining together the Zerafshan *okrug* and the Khodzhent *raion*: see e.g. *Spravochnaia knizhka Samarkandskoi oblasti, vyp. X* (1912), p. 95, and Morrison, *Russian Rule in Samarkand*, p. 24.

^a wakālatan thābitatan; ^b waṣāyatan shar‘īyatan [...] bih naṣb wa ta‘ayyun man lahu wilāyat al-īṣā’; ^c bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^d tangah-yi rā’ijah

220 (folded) x 354; 18 lines. Persian.

456b, *tpq* 2 Shawwāl 1310 (19 April 1893): reported declaration of sale

Turki notarial addition: 1 April [= 12 April] 1893, document entry no. 819

On the above date ‘Abd al-Zuhūr Bāy-Bachchah b. Ibrāhīm Bāy, aged 22, declared before the Samarqand *wilāyat* courthouse that he has sold^a to Tilaw Bāy b. Muḥammad Ṣābir Bāy the western part of the *sarāy* outlined above; the sale, for 5500 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qādī* signature]; (ii) Qādī-yi Samarqand Qādī Mullā Mīr Nizām al-Dīn Khwājah

Witnesses: Mullā Ūrūn Bāy; Mullā Ākhūnd Jān Īllīk-Bāshī b. Mullā ‘Abd al-‘Azīz; Sayyid Jān Īllīk-Bāshī b. Mullā Fayḍ-Allāh; Ghafūr Āqsaqāl b. Rajab Bāy; Mullā Muḥammad Naẓar Bāy; Āchildī Bāy; Īgam Birdī; and others.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī-yi shar‘ī; ^b tangah-yi rā’ijah

8 lines. Persian.

457

457.i, *tpq* 2 Shawwāl 1310 (19 April 1893): reported declaration of sale

829: KP 5991/523

Turki notarial addition: 1 April [= 12 April] 1893, document entry no. 810

On the above date Ḥasan Bāy and Raḥmān Birdī, sons of Muḥammad Sharīf Bāy, aged 16 and 18 respectively, acting on their own behalf and as attorney to Kinjah Āy bint Ārtuq Bāy and Bānū Āy, pre-adult daughters of Muḥammad Sharīf, and Mullā Ūrūn Bāy Khwājayin b. Muḥammad Zārīf Bāy, acting as guardian^a to Nadhrī Qul and Sharāfat Āy, children of Muḥammad Sharīf, declared as competent agents before the Samarqand *wilāyat* courthouse that they have sold^b to Tilaw Bāy b. Muḥammad Šābir Bāy the *suknīyāt* on the eastern half of a coach-house comprising three large pavilions and four fixed-structure shops, located in the great market of Khwāšī quarter and abutting in the west onto the coal stall belonging to Mullā Ūrūn Bāy b. Muḥammad Zārīf Bāy, in the north onto a *sarāy* belonging to the afore-mentioned Mullā Ūrūn Bāy [Khwākhin?], in the east partly onto the central courtyard of the timber market and partly onto a *sarāy* belonging to Murād Āqsaqāl Yahūdī b. Khudāydād Yahūdī, and in the south onto a public thoroughfare¹; the sale, for 6000 *tangah*^c, was completed, with each party to the transaction receiving what was due. The power of attorney wielded by the afore-mentioned speakers was attested^d by the competent witnesses^{e(2)} Mullā Ākhūnd Jān Illīk-Bāshī b. ‘Abd al-‘Azīz and Sayyid Jān Illīk-Bāshī b. Mullā Fayḍ-Allāh.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Samarqand Qāḍī-si Mīr Nizām al-Dīn Khwājah

Witnesses: Ghafūr Āqsaqāl b. Muḥammad Rajab Bāy; Dāmullā Muḥammad Naẓar; Īgam Birdī Bāy; Fayḍī Bāy, Muḥammad Dhākīr; Āchildī Bāy; Muḥammad Sharīf.

¹ The sale of the other half of this property is notarised by doc. 456b.

² Thus a variation on the more conventional formula encountered in doc. 185 and elsewhere → also doc. 476b.

^a wašāyatan shar‘īyatan [...] bih naṣb wa ta‘ayyun man lahu al-wilāyat al-īṣā’; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī-yi shar‘ī; ^c tangah-yi rā’ijah; ^d wa būd thubūt-i wakālat-i madhkūrah bih shahādat-i [...]; ^e kih har yak mu‘addal wa jā’iz al-shahādat būdand²

221 x 356; 20 lines. Persian.

457.ii, n/d: solicited legal opinion [as an addendum to 457.i]

Is the afore-mentioned sale by Mullā Ūrūn Bāy on behalf of the afore-mentioned Nadhrī Qul and Sharāfat Āy valid?

Answer: yes.

Stamps: (i) Mullā Mīr Sayyid Murād Khwājah b. Nizām al-Dīn Khwājah Muftī; (ii) Mullā Zayn al-Dīn Khwājah Muftī b. Jamāl al-Dīn Khwājah, Mūsawī, 1307; (iii) Mullā Muḥammad Fāḍil Muftī b. Mullā Mīr Fuḍayl

Citations: (i) *idhā kān al-‘aqār mushtarakan bayn al-ṣighār wa’l-kibār, yajūz al-bay‘ fī’l-kull* (Imām Qāḍī Khān); (ii) *al-waṣī inna yaf‘al kull mā kān khayran li’l-yatīm* (Qāḍī Khān).

8 lines. Persian.

458

tpq 7 Dhu'l-Hijjah 1310 (22 June 1893): reported declaration of sale

906: KP 1237

Turki notarial addition: 10 June [= 22 June] 1893, document entry no. 1481

On the above date Mullā 'Abd al-Ṣamad¹ b. 'Abd al-Qādir Bāy, aged 31, attesting to his own name and ancestry^a and speaking as a competent agent, declared before the Samarqand *wilāyat* courthouse that he has sold^b to Mullā Birdī Murād b. Tilaw Bāy the *sukniyāt* on a shop^c located by the Khānim *madrakah*, and abutting in the west onto a stream of the canal^d, in the north onto a small shop belonging to Qārī Qābil b. 'Abd al-Rahmān Bāy, in the east onto a public thoroughfare, and in the south onto a small shop belonging to Namāz Bāy b. Qāsim Bāy; the sale, for 100 *tangah*^e, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Narodnogo sud'i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qādī* signature]; (ii) Qādī-yi Samarqand Qādī Mullā Mīr Nizām al-Dīn Khwājah

Witnesses: Īrdānah Āqsaqāl; Namāz Bāy; Qābil Bāy; Mansūr Bāy; Hājji Mullā Aḥmad; Tilaw Bāy.

¹ ≈ that figure of the same name noted in doc. 263? If so, a rare instance of mobility between Bukhara and Samarqand.

^a mukhbir bih ism wa nasab-i khūd; ^b bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^c ṣundūqah; ^d shākh-jūy; ^e tangah-yi rā'ijah

177 (folded) x 220; 9 lines. Persian.

459

976: KP 5991/604

459a, n/d¹: solicited legal opinion

A query relating to the allocation of property belonging to the late Jūrah Bāy between his widow, Chīnnī Āy bint 'Ābid Bāy, and his son Tāsh Muḥammad and daughters Ikrāmah Āy and Dādarah Āy, all of these pre-adult. The property in question has become damaged, and some of the structure has been demolished. Entrusted with the upkeep of the property, Tilaw Bāy, guardian of the afore-mentioned children, and Chīnnī Āy (this latter through the agency of her attorney, Jum'ah Bāy) have rejected offers by several parties to purchase the property for 5000 or 5500 *tangah*, and instead have opted to sell it to Mullā Birdī Murād, for 7000 *tangah*, which is more than the currently obtaining market price^a. The payment of this afore-mentioned sum has been deferred for a year, but the purchaser has granted the afore-mentioned children a sum of 1500 *tangah* to cover their costs for the intervening period. Is it not the case, therefore, that this sale by the afore-mentioned attorney and guardian is justified and lawful?

Answer: yes.

Stamps: (i) Mullā Zayn al-Dīn Khwājah Muftī b. Jamāl al-Dīn Khwājah Muftī Musawī; (ii) Mūsā Khwājah Muftī b. Qādī Shīrīn Khwājah Musawī Riḍāwī; (iii) Mullā 'Abd [xxx] Khwājah [xxx] al-Muftī; (iv) Mullā Yār Muḥammad Muftī b. Hājji Muḥammad Ṣūfī

Citations: (i) *bay' al-'aqār min al-waṣī lā yajūz illā an yakūn khayran li'l-yatīm ilakh, law bā' al-waṣī 'aqāran mushtarakan bayn al-ṣighār wa'l-kibār yaṣiḥh al-bay' fī'l-kull* (Fatāwā Imām Qāḍī Khān); (ii) *dār bayn ṣaghīr wa kabīr, wa'l-kabīr qaḡyim al-ṣaghīr wa'l-dār yakhrub fa-ārād al-qaḡyim an yabī' al-dār fa-innahu yajūz bi-idhn al-qāḍī* (Jawāhir al-fatāwā²); (iii) *aw bay' uhu khayran lahu bi-an kān ḥānūtan aw dāran yukhāf 'alayhi nuqṣan aw mau'natan tarbū 'alā irtifā'ihī; fa-ḥīnaydh yajūz bay' 'aqārihi* (Jāmi' al-rumūz); (iv) *al-waṣī idhā ishtarā māl al-yatīm li-naḡsihi, yajūz; idhā kān khayran li'l-yatīm wa tafsīr al-khayriyah, an yushtarā mā yusāwi 'asharah bi-khamsah 'ashar fa-ṣā'idan, wa yabī' minhu māl naḡsihi mā yusāwi khamsah 'ashar bi-'ashrah, fa-huwa khayr lahu wa bihi yuftā* ('Imādī); (v) *wa tafsīr al-khayriyah fī Ādāb al-qāḍī³ li'l-Khaṣṣāf an yabī' al-waṣī* ('Imādī); (vi) *taṣarrufāt abin mā yusāwī 'ashrat bi-tis'ah aw thamāniyat aw yashtarī mā yusāwī tis'ah bi-'ashrat* (Fatāwā-yi khulāṣah⁴); (vii) *wa'l-waṣī lahu an yaf'al kul mā kān fīhi khayran li'l-yatīm* (Imām Qāḍī Khān); (viii) *taṣarruf al-waṣī muqayyadah bi'l-naḡar* (Barjandī).

¹ *taq* 20 Dhu'l-Qa'dah 1312 (Wednesday 15 May 1895): → doc. 459b.

² A work by Muḡammad b. 'Abd al-Raṣhīd b. Naṣr b. Muḡammad b. Ibrāhīm b. Ishāq Abū Bakr Rukn al-Dīn al-Kirmānī (12th century): see Brockelmann, *GAL* suppl. I.641.

³ Several Ḥanafī works of this name are known. The most famous is by Abū Bakr al-Khaṣṣāf b. 'Amr al-Shaybānī (797-875): see Brockelmann, *GAL* I.173, pp. 180-181.

⁴ A work by Ifṡikhār al-Dīn Ṭāhir b. Aḡmad b. 'Abd al-Raṣhīd al-Bukhārī (d. 542/1148). In his introduction, the author states that he has compiled the work as an abbreviated digest of the *Khizānat al-wāqi'āt* and the *Kitāb al-niṣāb*. The work was published in India.

^a qīmat-i 'adl-i ḡawīlī-yi madhkūr-i yawm al-'aqd

444 x 354; 9 lines. Persian.

459b, *tpq* 20 Dhu'l-Qa'dah 1312 (15 May 1895): reported declaration of sale

Turki notarial addition: 2 May [= 14 May] 1895, document entry no. 871¹

On the above date Tilaw Bāy b. Muḡammad Ṣābir Bāy, aged 43, acting as guardian to Tāsh Muḡammad, Ikrāmah Āy and the pre-adult Dādarah Āy, children of Jūrah Bāy, and Jum'ah Bāy b. 'Ābid Bāy, aged 26, acting as attorney^a to his sister Chīnnī Āy bint 'Ābid Bāy² – his authority as confirmed by witnesses Sharīf Khwājah b. Ya'qūb Khwājah and Muḡammad Dhākir b. Muḡammad Rāziq – declared as competent agents before the Samarqand *wilāyat* courthouse that they have sold^b to Mullā Birdī Murād b. Tilaw Bāy the *suknīyāt* on a courtyard property³ located in Samarqand's Qarā Bāy Āqsaqāl quarter. The property abuts in the west partly onto a house belonging to Ustā Qambar Bāy the barber and partly onto a house belonging to Rustam Khwājah b. Sayyid Khwājah, in the north abutting onto a blocked thoroughfare and partly onto a house belonging to Mullā Muḡammad 'Āqil Muftī b. Mullā Bābā Jān, in the east partly onto a house belonging to Ḥakīm Pahlawān b. Bāy Malik and partly onto

a house belonging to Mullā ‘Abd al-Şamad b. Mullā ‘Abd al-Qādir, and in the south onto a public thoroughfare; the sale, for 7000 *tangah*^c, was completed, with each party to the transaction receiving what was due.

The sale is valid on account of its advantage to the afore-mentioned children, as determined by the above-mentioned legal opinion⁴.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti (x 2) [signed Qāḍī Mullā Mīr Nizām al-Dīn Khwājah]; (ii) [xxx]; (iii) [xxx] ‘Azīz

Witnesses: Mullā Naẓar Illīk-Bāshī b. ‘Awaḍ Muḥammad; ‘Abd al-Ghafūr Āqsaqāl b. Rajab; Mullā Īshim Qulī b. Dāwud Bāy; Mullā Tursūn Bāqī Makhdūm; Mullā Nāşir; Ḥakīm Bāy; ‘Ābid Bāy; ‘Ālim Dīwkār; Mullā Ākhūnd Jān; Ḥājjī Bīk Muḥammad; Nūr Muḥammad Bāy; Amīn Bāy; Ibrāhīm Bāy; Fāḍil Bāy; Qābil Bāy; ‘Abd al-Şamad Bāy.

¹ Transaction noted in docs. 449b and 495.

² i.e. widow of Jūrah Bāy: → doc. 459a.

³ Thus property which Jūrah Bāy himself had purchased from Rustam Khwājah b. Sayyid Khwājah by a transaction dated 5 March 1892 and registered as document entry no. 288: → 454.

⁴ i.e. doc. 459a. A statement such as this, offering specific grounds for the validity of a sale, is unusual amongst our *iqrār*-type documents: → also just doc. 182b.

^a wakīl-i thābit al-wakālat bi’l-bay’ wa’l-taslīm ilā’l- mushtarī; ^b bay’-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ’ī-yi shar’ī; ^c tangah-yi rā’ijah

18 lines. Persian.

460

tpq 21 Dhu’l-Ḥijjah 1313 (3 June 1896): reported declaration of mortgage

956: KP 1237

Turki notarial addition: 21 May [= 2 June] 1896, document entry no. 1015

On the above date Ustā Muḥyī al-Dīn Na’l-gar b. Mullā Nār Bāy, aged 38, declared before the Samarqand *wilāyat* courthouse that he has temporarily sold^a to Tilaw Birdī Bāy (*sic*) b. Muḥammad Şābir Bāy the *suknīyāt* on a courtyard property comprising multiple houses located in Mubārak quarter, and abutting in the west partly onto a house belonging to Maḥmūd Jān b. Barāt Bāy and partly onto a courtyard property belonging to Ustā ‘Āshūr b. the afore-mentioned Barāt Bāy, in the north onto a house belonging to ‘Abdallāh Bāy ‘Allāf, in the east onto a house belonging to Mullā Kamāl al-Dīn b. Mullā Qurbān, and in the south onto a blocked thoroughfare. The sale is for 600 *tangah*; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged. The speaker additionally declared that he has undertaken to rent the property under transaction for 160 *tangah* per year^b.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus illegible *qāḍī* signature]; (ii) Mullā [xxx]

Witnesses: Muḥammad [xxx]; [xxx] Ghafūr Āqsaqāl; ‘Ālim Dīwkār; Mullā [xxx].

^a bay‘-i jā’iz-i shar‘ī; ^b bā muḏī-yi muddat-i yak sāl-i kāmīl-i qamarī az tārikh-i madhkūr, bih badal-i yak šad shašt tangah-yi rā’ijah

175 x 220; 11 lines. Persian. The bottom of the document is slashed and tattered.

461

461a, *tpq* 22 Sha‘bān 1309 (22 March 1892): reported declaration of sale

963: KP 5991/591

Turki notarial addition: 8 March [= 20 March] 1892, document entry no. 209

On the above date Muḥammad Šādiq Bāy b. Ustā Muḥammad Zārīf, aged 56, acting as attorney^a to Khūj Muḥammad b. Nūr Muḥammad – his authority as confirmed by witnesses Muḥammad Šāliḥ Kūsaj b. Mullā Jalāl al-Dīn and ‘Abd al-Qādir Shāl-Furūsh b. Gul Muḥammad – declared as a competent agent before the courthouse of Siyāh Āb, Samarqand *wilāyat*, that he has sold^b to Ḥājji Qurbān Bāy Šarrāf b. Mīr Faḏīl Bāy the *suknīyāt* on 3 *tanābs* of *mamlakah* land located in Siyāh Āb, outside the Pāyqabāq gate. The property abuts in the west partly onto land belonging to Muḥammad Šāliḥ-i Kūsaj and partly onto land belonging to ‘Ādil Bāy b. ‘Ālim Bāy, in the north onto land belonging to Mullā ‘Abd al-Raḥmān b. Mullā Pīr ‘Āqīl, in the east onto land belonging to Qārī ‘Abd al-Sattār b. Qārī Muḥammad Raḥīm, and in the south onto land belonging to ‘Abd al-Karīm Šarrāf b. ‘Abdallāh. The sale, for 700 *tangah*^c, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Qāḏī Mullā Abu’l-Khayr¹ b. Mullā ‘Ārif Jān; (ii) Mullā Abū Yūsuf b. Qāḏī Muḥammad Muftī b. Ya‘qūb; (iii) Khūj Kāmīl Āqsaqāl b. Khūj ‘Ādil, 12xx; (iv) Mullā Maḥmūd Mīrāb b. Mīr Muqīm Mīrāb; (v) Raḥīm Bāy b. Qūzī Bāy

Witnesses: Mīrzā Bāy; Muqīm Mīrāb; Mīr Bābā; ‘Ālim Bāy; ‘Uthmān, son of the purchaser.

¹ Attested active as *qāḏī* from *ca.* Sha‘bān 1309/March 1892 (→ doc. 461a) and as *muftī* from 1311/July 1893 – July 1894 (→ doc. 537) to *tpq* Dhu’l-Ḥijjah 1325/January 1908 (→ doc. 496); he is identified as ‘people’s judge of the Siob [=Siyah Āb] *raion*’ in M. Virskii (ed.), *Spravochnaia knizhka Samarqandskoi oblasti na 1893 god, vyp. I* (1893), p. 10. For his activities see also Isogai, ‘Seven Fatwa Documents from Early 20th Century Samarqand: The Function of the Mufti in the Judicial Proceedings Adopted at Central Asian Islamic Court’, in *Annals of Japan Association of Middle East Studies* 27 (2011), pp. 259-282 (pp. 271-272).

^a wakīl-i shar‘ī-yi thābit al-wakālat bi’l-bayyinah; ^b bay‘-i bātt-i batāt-i lāzim-i shar‘ī; ^c tangah-yi rā’ijah

212 x 354; 12 lines. Persian.

461b, *tpq* 5 Shawwāl 1314 (10 March 1897): reported declaration of sale

Turki notarial addition: 24 February [= 8 March] 1897, document entry no. 236

On the above date Ḥājjī Qurbān Bāy Ṣarrāf, the above-mentioned purchaser, declared before the courthouse of Siyāh Āb, Samarqand, that he has sold^a the afore-mentioned property to Tilaw Bāy b. Īgam Birdī¹ and Ustā Īr Naẓar b. Sharīf Bāy; the sale, for 1350 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Narodnogo sud’i Seobskogo uchastka Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mīr Abu’l-Ḥayy Khwājah² b. Qāḍī Mīr Shīrīn Khwājah; (iii) Ḥājjī Mullā Ūrūn Bāy, 1312; (iv) Mullā ‘Āqil Muftī b. Mullā Bābā Jān

Witnesses: Qāḍī Ḥājjī Mullā Imām Naẓar; Sayyid Murād; Mullā Rustam Qulī Bāy; Ghafūr Āqsaqāl; Aḥmad Bīk; ‘Abd al-Zuhūr; Mullā Ūrūn Bāy Ḥājjī; and others.

¹This ascription of paternal descent is confusing. The Tilaw Bāy encountered here is almost certainly the same individual as that Tilaw Bāy b. [Muḥammad] Ṣābir Bāy encountered in doc. 470, who is similarly attested as purchasing property with Īr Naẓar in Pāyqabāq. Īgam Birdī should thus perhaps be taken as a *laqab* for Muḥammad Ṣābir.

² Attested active from *ca.* Shawwāl 1314/March-April 1897 (→ doc. 461b) to 8 Dhu’l-Ḥijjah 133/17 October 1915 (→ doc. 620b.iii); date of death *taq* Muḥarram 1335/October-November 1916 (→ doc. 629a).

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah

7 lines. Persian.

462

tpq 13 Dhu’l-Ḥijjah 1314 (15 May 1897): reported declaration of conferral of power of attorney

990: KP 5991/618

Turki notarial addition: 2 May [= 14 May] 1897, document entry no. 1145

On the above date Mullā Tīlaw Bāy b. Ṣābir Bāy, a merchant^a and resident of Qarah Bāy Āqsaqāl quarter, declared as a competent agent before the Samarqand *wilāyat* courthouse that he has appointed his son Mullā Birdī Bāy as attorney^b.

Said attorney should go to Bukhara¹ and secure restitution of 4000 *tangah*^c, this being the price outstanding from a purchase of grain, from Qurbān Bāy b. [–] and his son Mīrzā Bāy, residents of the vicinity of the grain market in the afore-mentioned *wilāyat*.

Tīlaw Bāy states his satisfaction with the terms of the appointment. [Muḥammad Rashīd signs the statement on behalf of the illiterate speaker.]

Mullā Birdī Murād Bāy, the newly-appointed attorney, additionally signs his name.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi Samarqand Mīrzā Niyāz Muḥammad² b. Ḥusayn Bāy Ṣūfī; (iii) Tīlaw Bāy b. Muḥammad Ṣābir (x 2)

<p>¹ An indication of the territorial scope of Tīlaw Bāy's activities. → also doc. 499a, for interests in the Khūqand region.</p> <p>² Attested active from <i>ca.</i> Dhu'l-Ḥijjah/May 1897 (→ doc. 462) to Jumādā I 1328/May-June 1910 (doc. 564). Palen identifies him (as Niiāz Khuseynbay Sufiev, <i>qāḍī</i> of Samarqand), in <i>Pravovoi byt' tuzemnogo naseleniia</i>, pp. 11-12, as an informant for his report, together with Mullā Muḥammad 'Īsā Khwājah (→ doc. 520).</p>	<p>^a dukānchī; ^b wakīl-i muṭṭlaq-i 'āmm-i shar'ī; ^c tangah-yi rā'ijah-yi bukhārīyat al-darb</p>
<p>445 x 356; 9 lines. Persian.</p>	

463

tpq 11 Šafar 1315 (12 July 1897): reported declaration of sale

913: KP 1237

Turki notarial addition: 29 June [= 11 July] 1897, document entry no. 1922

<p>On the above date Mullā Ni'mat-Allāh Bāy b. 'Umūr Bāy, aged 47, declared as a competent agent before the courthouse of Maḥallah¹, in Samarqand <i>wilāyat</i>'s Shāwdār <i>tūmān</i>, that he has sold^a to Tīlaw Bāy b. Muḥammad Šābir Bāy the <i>suknīyāt</i> on [3½ <i>chahar-yaks</i> and ½ <i>tanāb</i>?^b] of garden land, constituting <i>mamlakah</i> and located in the rural settlement of Kūs-hād, Ḥaḍrat-i Khwājah Aḥrār <i>volost</i>^{c(2)}. The property abuts in the west onto a garden belonging to Ma'mūr Bāy b. Sharīf Bāy, in the north onto a garden belonging to Ma'rūf Bāy b. Mullā Kāmil, in the east onto a garden belonging to Mullā 'Iṣmat Bāy b. 'Umūr Bāy, and in the south onto a garden belonging to 'Abd al-Šamad Bāy b. Qurbān Bāy. The sale, for 1070 <i>tangah</i>^d, was completed, with each party to the transaction receiving what was due.</p>	
<p>Stamps: (i) [xxx]; (ii) Qāḍī Walī Khwājah³ b. Qāḍī 'Awaḍ Khwājah Šadr; (iii) Mullā Zayn al-Dīn b. [xxx] Makhdūm; (iv) Mullā Yār Muḥammad Muftī b. Ḥājjī Muḥammad Muftī; (v): Ismā'īl Āqsaqāl b. Muḥammad Yūsuf</p>	
<p>Witnesses: Ismā'īl Āqsaqāl b. Muḥammad Yūsuf Bāy; Bābā Kalān Bāy b. Qābil Bāy; 'Iṣmat-Allāh b. 'Umūr Bāy; Mullā Zayn al-Dīn Āqsaqāl b. Junayd-Allāh Makhdūm.</p>	
<p>¹ Maḥallah was one of Samarqand <i>uyezd</i>'s 21 <i>volost</i>'s: see Morrison, <i>Russian Rule in Samarkand 1868-1910</i>, p. 315. It appears to have been a later name for the territory previously (→ doc. 430 and elsewhere) referred to as Shāwdār. The 2 names appear to have been roughly interchangeable: → e.g. docs. 450 and 481, locating the settlement of Dih-i Naw in Shāwdār and Maḥallah respectively. Maḥallah was evidently also associated closely with Samarqand's Khwājah Aḥrār quarter: → (3).</p> <p>² This term, a borrowing from the Russian, appears in 42 documents; its earliest appearance is in doc. 523a, dating from Jumādā I 1308/December 1890-January 1891.</p> <p>³ Attested active from Dhu'l-Ḥijjah 1309/July 1892 (→ doc. 534) to Dhu'l-Ḥijjah 1310/16 June – 14</p>	<p>^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b sih nīm chahār-yak yak nīm nīmchah tanāb; ^c wulūs²; ^d tangah-yi rā'ijah</p>

July 1893 (→ doc. 464). He is identified as ‘people’s judge of the Maḥallah/Khwājah Aḥrār raion’ in M. Virskii (ed.), *Spravochnaia knizhka Samarqandskoi oblasti na 1893 god, vyp. I* (1893), p. 10.

178 (folded) x 222; 10 lines. Persian.

464

tpq Dhu’l-Ḥijjah 1310 (16 June – 14 July 1893): reported declaration of sale¹

991: KP 5991/619

Turki notarial addition: 9 June [= 21 June] 1893

On the above date Mullā ‘Iṣmat-Allāh Jān b. ‘Umūr Bāy, aged 25, declared as a competent agent before the courthouse of Maḥallah, in Samarqand *wilāyat*’s Shāwdār *tūmān*, that he has sold^a to Mullā Ni‘mat-Allāh Bāy b. ‘Umūr Bāy the *suknīyāt* on ½ *ṭanāb* of garden land constituting *mamlakah* and located in the rural settlement of Kūs-hād, Khwājah Aḥrār *volost*^b; the property abuts in the west onto a garden belonging to the purchaser, in the north partly onto a garden belonging to Ma‘rūf Bāy b. Mullā Kāmil and partly onto a garden belonging to the purchaser, in the east onto a garden belonging to the vendor, and in the south onto a garden belonging to Ustā Maḥmūd Bāy b. ‘Abdallāh. The sale, for 460 *tangah*^c, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qāḍī* signature: Qāḍī Walī Khwājah b. Qāḍī ‘Awaḍ Khwājah Ṣadr; (ii) Ismā‘īl Āqsaqāl b. Muḥammad Yūsuf

Witnesses: Ismā‘īl Āqsaqāl; Sa‘d-Allāh Bāy; and others.

¹ Document entries 464, 465 and 466 are situated achronologically because they relate to the activities of that family of legal protagonists descended from ‘Umūr Bāy encountered in doc. 463. Although no document relates directly to the descendants of Muḥammad Ṣābir, their respective inventory numbers 991, 983 and 907 suggest that they similarly comprised part of the Muḥammad Ṣābir ‘family archive’.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qat‘ī; ^b wulūs; ^c tangah-yi rā’ijah

178 x 220; 10 lines. Persian.

465

tpq 28 Sha‘bān 1311 (6 March 1894): reported declaration of sale¹

983: KP 5991/611

Turki notarial addition: 21 February [= 5 March] 1894, document entry no. 49

On the above date Mullā Ni‘mat-Allāh Bāy b. ‘Umūr Bāy, aged 43, resident of Khwājah Jān Khwājah quarter, declared as a competent agent before the courthouse of Maḥallah, in Shāwdār *tūmān*, Samarqand *wilāyat*, that he has sold^a to his daughters Sharāfat Āy and the

<p>pre-adult Shafā‘at Āy the <i>suknīyāt</i> on 1 <i>tanāb</i> of garden land, constituting <i>mamlakah</i> and located in the rural settlement of Kūs-hād, Ḥaḍrat-i Khwājah Ahrār <i>volost</i>^b. The property abuts in the west onto a garden belonging to Ma‘rūf Bāy Qaṣṣāb b. Mullā Kāmil, in the north onto a garden belonging to Ziyādah Āy bint Ustā Bāy Muḥammad, in the east onto a garden belonging to [xxx] Raḥmat-Allāh Bāy, and in the south partly onto a garden belonging to ‘Iṣmat-Allāh Bāy b. ‘Umūr Bāy and partly onto a garden belonging to Fāṭimah Āy bint Muḥammad Raḥīm Bāy. The sale, for 1000 <i>tangah</i>^c, has duly been completed^{d2}.</p>	
<p>Stamps: (i) Narodnogo sud’i Makhallinskogo uchastka Samarkand. uyezda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī Mullā Muḥammad Walī Khwājah; (iii) Mīrzā Ṣiddīq Khwājah b. ‘Abdallāh Khwājah; (iv) Mullā Ni‘mat-Allāh b. Mullā ‘Umūr Bāy; (v) Ismā‘īl Āqsaqāl b. Muḥammad Yūsuf</p>	
<p>Witnesses: Ismā‘īl Āqsaqāl b. Muḥammad Yūsuf [Bāy?]; Ibrāhīm Jān b. Manṣūr Jān; Manṣūr Bāy b. Muḥammad Yūsuf Bāy; Mullā ‘Abd al-Qayyūm b. Muḥammad Raḥīm Bāy; Qābil Bāy b. Tursūn Bāy; and others.</p>	
<p>¹ For the positioning of this document entry, see 464⁽¹⁾. ² An unusual variation on the conventional formula <i>ma‘ al-taqābuḍ fī l-badalayn</i>: → also docs. 85 and 534.</p>	<p>^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^b wulūs; ^c tangah-yi rā’ijah; ^d ma‘ qabḍ al-mabī‘, dūn al-thaman wa isqāṭ al-thaman ‘an dhimmatihimā ba‘d wujūbah ‘alayhimā²</p>
<p>220 (folded) x 354; 11 lines. Persian.</p>	

466

tpq 15 Dhu’l-Hijjah 1318 (5 April 1901): reported declaration of conferral of power of attorney¹

907: KP 1237

Turki notarial addition: 21 March [= 3 April] 1901, document entry no. 866. Russian stamp, 40 kopeks

<p>On the above date ‘Abdallāh Bāy b. Īsh Muḥammad Bāy, aged 50, a resident of Qarā Bāy Āqsaqāl quarter, declared as a competent agent before Samarqand’s courthouse^{a(2)} that he has appointed Mullā Ṣalāḥ al-Dīn b. Mawlām Birdī as attorney and deputy^b. Said attorney should secure restitution of 3500 <i>tangah</i> from ‘Iṣmat Bāy b. ‘Umūr Bāy, a resident of Qūrghānchah quarter. There then follows an explanation: ‘Iṣmat Bāy temporarily sold^c to ‘Abdallāh Bāy 14/32 of a courtyard property comprising multiple residences located in Qūrghānchah quarter, notarised in deeds affixed with the stamp of Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī, and stipulating that the mortgage should be discharged within a year^d. Now that the year is up, the attorney should seek the return of said 3500 <i>tangah</i> from ‘Iṣmat Bāy. Should the respondent acknowledges the claim^e, the attorney should give the money straight to ‘Abdallāh Bāy; if he encounters opposition^f, he should secure resolution through a ruling in accordance with <i>sharī‘ah</i>^g.</p>
<p>Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī; (iii) Ṣalāḥ al-Dīn</p>

<p>¹ For the positioning of this document entry, see 464⁽¹⁾. ² An unusual rendering of the more common <i>dār al-qaḍā-yi wilāyat-i Samarqand</i>: → also just docs. 473a and 585b.</p>	<p>^a dār al-qaḍā-yi Samarqand²; ^b wakīl-i muṭlaq-i ‘āmm-i shar‘ī wa qā’im-maqām-i nafs-i khūd; ^c bay‘-i jā’iz-i shar‘ī; ^d ba‘d az muḍī-yi muddat-i yak sāl-i kāmīl faskh kardanī shudah būd; ^e ‘ind al-iqrār; ^f ‘ind al-ibā wa’l-tamarrud; ^g muwāfiq-i shar‘-i sharīf namūdah ḥukm kunānīdah bih qaṭ‘ rasānad</p>
<p>178 (folded) x 221; 17 lines. Persian.</p>	

467

tpq 3 Rajab 1315 (28 November 1897): reported declaration of sale

979: KP 5991/607

Turki notarial addition: 16 November [= 28 November] 1897, document entry no. 410

<p>On the above date ‘Abd al-Ghanī Bāy, Sayyidah Āy and Qambar Āy, children of ‘Abd al-Qādir Bāy, and Bībī Zulaykhā bint ‘Umūr Bāy declared as competent agents before the courthouse of Maḥallah, in Shāwdār, Samarqand <i>wilāyat</i>, that they have sold^a to Tilaw Birdī Bāy (<i>sic</i>) b. Muḥammad Šābir Bāy the <i>suknīyāt</i> on 36/64 of a ½-<i>ṭanāb</i> plot of <i>mamlakah</i> land planted with poplar trees and located in the rural settlement of Dashtak-i Bālā, Shāwdār, comprising their ancestral property. The property abuts in the west onto a blocked thoroughfare, in the north onto a public thoroughfare, in the east onto a road leading to the estate of the late ‘Azīm Jān Bāy, and in the south onto a garden also belonging to the late ‘Azīm Jān Bāy’s heirs. The sale, for 1210 <i>tangah</i>^b, was completed, with each party to the transaction receiving what was due. Mullā ‘Abd al-Khāliq, exercising the duties of the Maḥallah <i>qāḍī</i>^c, states that he has affixed his stamp of office.</p>	
<p>Stamps: (i) Narodnogo sud’i Makhallinskogo uchastka Samarkand. uyezda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī-yi Maḥallah Mullā ‘Abd al-Khāliq b. Mullā Nāšir Muḥammad; (iii) Mullā Hādī Khwājah Muftī b. Qāḍī Mīr Shīrīn Musawī; (iv) Mullā [xxx]; (v) Niḏām al-Dīn b. Našr al-Dīn.</p>	
<p>Witnesses: Mullā Hamdam b. Mullā Šādiq; Mullā Mukhtār b. ‘Umūr Bāy; Mullā Akram b. Ḥājji Mullā Aḥmad; and others.</p>	
	<p>^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^b tangah-yi rā’ijah; ^c Maḥallah qāḍī-si-nī lawāzīm-nī adā qilghūchī-sī</p>
<p>220 (folded) x 354; 12 lines. Persian.</p>	

468

tpq 28 Sha‘bān 1315 (22 January 1898): reported declaration of sale

901: KP 1237

Turki notarial addition: 9 January [= 21 January] 1898, document entry no. 76

On the above date Mullā ‘Abd al-Şamad b. ‘Abd al-Qādir Bāy, aged 35, resident of Khānaqāh quarter, declared as a competent agent before the courthouse of Maḥallah, Samarqand *wilāyat*, that he has sold^a to Tilaw Bāy b. Şābir Bāy the *suknīyāt* on 28/64 a plot of approximately $\frac{1}{2}$ *ṭanāb* of *mamlakah* land planted with poplar trees and located in Dashtak-i Bālā, Shāwdār *tūmān*, constituting both ancestral and acquired property. The property abuts in the west and east onto a blocked thoroughfare, in the north onto a public thoroughfare, and in the south onto a garden belonging to the heirs of ‘Azīm Jān Bāy. The sale, for 940 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Narodnogo sud’i Makhallinskogo uchastka Samarkand. uyezda i oblasti [plus *qādī* signature]; (ii) adā kunandah-yi lawāzim-i Qāḍī-yi Maḥallah Mullā ‘Abd al-Khāliq b. Mullā Nāzīr Muḥammad

Witnesses: Tilaw Bāy b. Muḥammad Raḥīm; Nadhr-Allāh Īllīk-Bāshī; Mīr ‘Ubayd Bāy; Mullā Nizām; Manşūr Bāy; and others.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah

175 x 218; 11 lines. Persian.

469

469a, n/d¹: claim for restitution

975: KP 5991/603

Ya‘qūb Bāy-Bachchah b. Muḥammad Raḥīm presents a claim for 1370 *şūm*^a against Tilaw Bāy b. Şābir Bāy, a resident of Samarqand’s Qarā Bāy Āqsaqāl quarter. The plaintiff claims that he purchased from the court^b 12-month rights to the use of the royal scales^c for 8000 *şūm*, and that he in turn sold said rights to the respondent for 8225 *şūm*^{d(2)}, on the understanding that said sum would be paid in 12 monthly instalments. Since then, however, the respondent has paid for only 10 months’ rent, and is withholding further payment^e.

Stamp: Mullā ‘Ādil Muftī³ b. Dāmullā Manşūr

Citation: *al-ijārah wa hiya bay‘ naf‘ ma‘lūm bi-‘iwaḍ kadhā dayn wa ‘ayn wa ya‘lam al-naf‘ qadran bi-dhikr al-muddat ilakh; wa lā tājib al-ijārah bi’l-‘aqd bal yajib bi-ta’jīlihā bi-sharṭ aw bi-istifā’ al-nafa’ wa’l-tamakkun* (Niqāyah).

¹ *taq* 15 Ramaḍān 1316 (Friday 27 January 1899): → doc. 469b.ii.

² Note the bilingual rendering.

³ Attested active from *ca.* Ramaḍān 1316/January-February 1899 (→ doc. 469a) to Dhu’l-Hijjah 1325 January-February 1908 (→ doc. 496); he may have been active as late as 1923 (→ doc. 639a).

^a *şūm*-i kāghadh-i aqchah-yi ūrusī; ^b az maḥkamah-yi pādishāhi; ^c tarāzū-yi pādishāhī; ^d bih badal-i hasht hazār dū şad bīst panj *şūm*, ya’nī sakkiz mīng ikkī yūz yigirmah bīsh *şūm*²; ^e mumāṭalah mī-namāyad

It is possible also that he was that Samarqandi Mullā ‘Ādil who was appointed to authority in Nasaf in the early 1880s: see Muḥammad-Šarīf-i Šadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, p. 123. For his activities see also Isogai, ‘Seven Fatwa Documents from Early 20th Century Samarqand’, pp. 272-273.

220 (folded) x 354; 10 lines. Persian [and Turki].

469b.i, 6 Jumādā I 1316 (6 May 1898): reported rebuttal of claim

In response to the afore-mentioned plaintiff’s claim, the respondent upon questioning^a stated in his defence^b that he and his father Muḥammad Šābir b. [Hājjī?] have rented the afore-mentioned rights, and that they have already paid the full rental price.

Stamp: Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī

^a ‘ind al-istifsār; ^b daf’an

3 lines. Persian.

469b.ii, *tpq* 15 Ramaḍān 1316 (27 January 1899): reported cessation of claim¹

Turki notarial addition: 14 January [= 26 January] 1899, document entry no. 10

On the above date Qāḍī Mullā Mīrzā Niyāz Muḥammad relates that Ya‘qūb Bāy-Bachchah b. Muḥammad Raḥīm presented the afore-mentioned claim for restitution. Under questioning^a, the respondent Tilaw Bāy stated that he had jointly^b rented the use of the scales in the rice market, that he had paid the plaintiff the full rental price, and that he had in his possession a document attesting to the fact^c; the speaker confirms that he saw said document. Nevertheless, several witnesses^d asserted that the plaintiff still owed 75 *tangah*. The respondent paid said sum, whereupon the plaintiff dropped his claim. The plaintiff additionally declared that he has no claim or contention against Muḥammad Šābir b. Muḥammad Nāšir², and that any such claim will be void.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī; (iii) Šābir Bāy b. Nāšir Bāy, 1310

Witnesses: Muḥammad Šābir b. Muḥammad Nāšir; ‘Abd al-Qayyūm b. Mīrzā Shīrīn Āqsaqāl; Bābā Raḥmat Bāy; Shādī Bīk b. Ḥasan Bīk; Muḥammad Ya‘qūb b. Ustā Raḥīm.

¹ A mixed-format document, notarising first an actual cessation of claim (→ doc. 248b and elsewhere) and secondly an *iqrār*-type declaration of future abstention. See doc. 321b for further examples.

² i.e. the father of the respondent in doc. 469a.

^a ‘ind al-istifsār; ^b sharīkī; ^c sanad-i ān dar yad-i man ast; ^d chand nafar az muslimīn

9 lines. Persian.

470

tpq Shawwāl 1316 (12 February – 12 March 1899): reported declaration of sale¹

996: KP 5991/624

Turki notarial addition: 19 February [= 3 March] 1899, document entry no. 319. 3 Russian stamps, 15+15+10 kopeks²

On the above date ‘Ādil Bāy b. ‘Ālim Bāy, aged 44, a resident of [Changawī?] quarter, declared as a competent agent before the courthouse of Siyāh Āb, in Samarqand *wilāyat*, that he has sold^a to Tilaw Bāy b. Šābir Bāy and Muḥammad Naẓar b. Īr Naẓar the *sukniyāt* on 1 *ṭanāb* of *mamlakah* land and located outside the Pāyqabāq gate, abutting in the west onto land belonging to Mullā Ḥasan Jān Bāy b. Muḥammad Sharīf, in the north onto land belonging to ‘Abd al-Raḥmān Jāmāh-Furūsh, and in the east and south onto land belonging to the purchasers; the sale, for 770 *tangah*^b, was completed, with each party to the transaction receiving what was due.

[Stamps: (i) Narodnogo sud’i Seobskogo uchastka Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mīr Abu’l-Ḥayy Khwājah b. Qāḍī Mīr Shīrīn Khwājah Musawī]

On behalf of witnesses Mīr Bābā Illīk-Bāshī, Qāsim Illīk-Bāshī and Ḥamīd Mīrāb, Qārī Muḥammad Šābir attests that both the vendor and the purchaser are satisfied with the transaction.

Qāsim Bāy confirms that the afore-mentioned property under transaction is indisputably ‘Ādil Bāy’s to sell^c. [Stamp: Qāsim Bāy b. ‘Awaḍ Muḥammad, 1311]

¹ This document is the earliest in the collection to display a revised notarial model, whereby not only the vendor but also the purchaser, witnesses and *qāḍī* attest in direct speech to the transaction thus effected.

² This is the earliest reliable instance of the use of such stamps; → however doc. 650.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī-yi qaṭ‘ī;
^b tangah-yi rā’ijah; ^c ūshbū yir madhkūr ‘Ādil Bāy-nī bī-janjāl ūz ḥaqq wa milkī-dūr

178 (folded) x 220; 8+3+1 lines. Persian.

471

30 October [= 12 November] 1900¹: declaration of receipt^a

920: KP 1237

Ḥājī Maḥmūd b. Turdī Bāy Pudratchīk declares that he has received from Tilaw Bāy b. Šābir Bāy and Maṣṣūr Bāy b. Ūrūn Bāy the 13000 *ṣūm* owing for use of the scales in the rice bazaar. He acknowledges that until 30 December 1900 he has no right of entry into the bazaar, which remains the property of these two latter individuals.

Stamp: Maḥmūd [xxx] b. Mullā Turdī Bāy

Witness: [‘Umūr?] Bāy.

¹ The earliest document in the collection to be dated solely by the Julian calendar; it is also the earliest colonial-era Samarqandi document to be written in Turki.

^a tīl-khatt

112 x 176; 11 lines. Turki.

472

1 January [= 13 January] 1901: declaration of receipt^a

994: KP 5991/622

Mullā Shams al-Dīn Pudratchīk b. Makhdhūm ‘Ubayd-Allāh, a resident of Samarqand’s Ūrgūtī quarter¹, states that he is giving this declaration of receipt to Tilaw Bāy b. Muḥammad Ṣābir Bāy, a resident of Qarah Bāy Āqsaqāl quarter, and Manṣūr Bāy b. Ūrūn Bāy, a resident of Qādī ‘Abd al-Rasūl quarter. Before the court of the Samarqand *uyezd* judge^b, and in the presence of those witnesses who are signatories below, the speaker has sold to these two latter rights to the use of the scales in Samarqand’s rice bazaar from 1 January to 31 December of the present year, for 13000 *ṣūm*^c. Again in the presence of these witnesses, Tilaw Bāy and Manṣūr Bāy have now paid him 2000 *ṣūm* in part payment. The speaker will receive the remaining 11000 *ṣūm* in increments on the 29th of each month.

Stamps: (i) Manṣūr Bāy b. Ūrūn Bāy; (ii) Qārī ‘Abd al-Baqā

Witnesses: Muḥammad Ibrāhīm; ‘Abd al-Raḥīm; Muḥammad Rajab b. Muḥammad Nāṣir; Muḥammad Rāfi‘ b. [‘Umūr?]; Muḥammad Amīn b. ‘Abd al-Wāhid; Maḥmūd b. Muqīm.; ‘Abd al-Nabī b. ‘Abd al-Wāhid. Ghulām Qādir b. Mullā Pīr Muḥammad signs on behalf of the last of these, who are illiterate.

¹ For this quarter see Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.

^a tīl-khaṭṭ; ^b Samarqand ūyazd ḥākim-nī maḥkamah-lārī-din; ^c ṣūm-i kāghadh-i akhchah-yi bir ṣūm-lik

220 x 354; 16 lines. Turki.

473

473a, n/d¹: claim for restitution

998: KP 5991/626

Acting as attorney^a to Mullā Birdī Murād b. Tilaw Bāy, a resident of Qarā Bāy Āqsaqāl quarter, Mullā Bābā Makhdūm b. Mullā Jān Makhdūm presents a claim before Samarqand’s courthouse^{b(2)} against Istam Āy bint Mullā Muḥammad Ya‘qūb, a resident of Samarqand’s Mubārak quarter, this latter both in her own capacity and as guardian^c to Zayn al-Dīn, aged 4, Maysarah, aged 7, and Sultānah Āy, aged 2, children of Ustā Muḥyī al-Dīn b. Nār Muḥammad Bāy.

The speaker seeks the return of 1000 *tangah*, noting that on 5 Muḥarram 1318/^{3d} 20 April 1900, in a transaction notarised in the register of hand-written documents^{4e} no. 1267, the late Ustā Muḥyī al-Dīn temporarily sold^f to Mullā Bābā Makhdūm the *suknīyāt* on a courtyard property in Mubārak quarter for 1000 *tangah*, which he then “re-rented” for 1 year for 200 *tangah*; the plaintiff presently has in his possession both the mortgage deeds and a legal opinion pertaining to the transaction. But Ustā Muḥyī al-Dīn then died after just 8 days, and the plaintiff deferred to the request of the late man’s heirs by returning the property in question. Given that the obligation to repay a debt is greatly more pressing than the right to enjoy inherited wealth^g, and that the plaintiff has now revoked^h the afore-mentioned mortgage, the respondents should return the 1000 *tangah* advanced by the plaintiff: but they refuse to do so. The speaker thus asks the addressee to compel the respondents to comply with his request.

Stamp: Mullā Fayḍ-Allāh Muftī⁵ b. Mullā Ni‘mat-Allāh, 1311

Citations: (i) *li-anna al-warathah yaqūmūn maqāmahu fī aḥkām al-wafā’* (‘Imādī); (ii) *al-dayn muqaddam ‘alā’l-mīrāth* (Kāfī); (iii) *inn al-dayn idhā thabat bi-igrār al-marīd fī marāḍihi alladhī huwa qarīb ilā al-mawt annahu lā yastakhlif al-gharīm bal yu ‘tā ḥaqquhu bi-ghayr yamīn* (‘Ālamgīrī).

¹ *taq* 9 Dhu’l-Hijjah 1318 (30 March 1901): → doc. 473b.

² An unusual rendering of the more common *dār al-qaḍā-yi wilāyat-i Samarqand*: see also just docs. 466 and 585b.

³ The earliest instance in our documents of a date rendered simultaneously by the Hijrī and Julian calendars.

⁴ The terminology occurs nowhere else amongst our documents.

⁵ Attested active from *ca.* Dhu’l-Hijjah 1318/March 1901 (→ doc. 473a) to *taq* Dhu’l-Hijjah 1325/January-February 1908 (→ docs. 493, 496).

^a wakālatan muṭlaqatan ‘āmmatan shar‘īyatan; ^b dār al-qaḍā-yi Samarqand²; ^c waṣīyah-yi sharī‘ah; ^d muṭābiq-i; ^e daftar-i ḥujjat-khatt; ^f bay‘an jā‘izan furūktah; ^g dayn muqaddam bar mīrāth ast; ^h faskh

222 x 354; 17 lines. Persian.

473b, 9 Dhu’l-Hijjah 1318 (30 March 1901): judicial ruling

Turki notarial addition: 12 March [= 25 March] 1901, document entry no. 193

On the above date the above-mentioned plaintiff presented in court a set of deeds dated 20 April [= 5 May] 1900, registered as document entry no^a. 1267, and detailing the mortgage by the late Ustā Muḥyī al-Dīn b. Nār Muḥammad Bāy of a property located in Mubārak quarter. On the basis of this document, the plaintiff demanded that the respondents, acting on their own behalf and as guardians to other parties, should pay him the sum of 1000 *tangah*. He secured a corroborating legal opinion from the ‘*ulamā*, which stated that a dead man’s heirs are effectively his deputy^b, and that, because the set of deeds constitutes sufficient legal proof to obviate the need for the putting on oath, said heirs should straightaway pay the sum from out of their inheritance. In view of this legal opinion, a ruling was issued that the respondents should pay the stipulated sum to the plaintiff, on the grounds that the obligation to repay a debt is more pressing than the right to enjoy inherited wealth^c.

[Mīrzā Ḥāmid?], acting as attorney, states on behalf of the illiterate Istam Āy that she is content with the ruling.

[Mīrzā Akram?], acting as attorney, states on behalf of the illiterate Mullā Bābā Makhdūm b. Mullā Jān Makhdūm that he is content with the ruling.

[Mīrzā Raḥīm Qulī], acting as attorney, states on behalf of the illiterate ‘Abd al-Qādir Illīk-Bāshī b. Salīm Bāy, ‘Ālim Bāy b. Bābā Jān Bāy and Muḥammad Zārīf b. Jān Muḥammad that they have witnessed the ruling.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī; (iii) Bābā Makhdūm b. Mullā Jān Makhdūm

^a nūmīr; ^b qā’im-maqām; ^c dayn muqaddam bar mīrāth ast

9 lines. Persian.

n/d: claim for restitution¹

577: KP 5991/300

Acting as attorney^a to Khūj Muḥammad Bāy b. Bābā Khāl Muḥammad, who in turn is attorney^b to Āyim Bībī bint Bābā Mīr Sharīf, Mullā Bābā Makhdūm b. Mullā Jān Makhdūm presents a claim against Jamāl Bāy b. Salīm Bāy.

The claim relates to a dispute over the estate of Āyim Bībī's late husband Mīr Sharīf Bāy, comprising a courtyard property located in Samarqand's intramural Pul-i Mīrzā quarter² (abutting in the west and south onto a house belonging to 'Ādil Bāy b. [-], in the north onto a house belonging to the heirs of Qābil Jān the tailor^c, and in the east onto a public thoroughfare), plus 3000 *tangah*^d. After Mīr Sharīf Bāy's death, Āyim Bībī received ¼ of her late husband's property, and the respondent received ¾: but this latter has since refused to yield the share owed to her.

Stamp: Mullā 'Āqil Muftī b. Mullā Bābā Jān

Citations: (i) *man tarak mālan aw ḥaqqaṅ fa-li-warathatihi* (Kāfi); (ii) *al-wakīl qā'im maqām al-muwakkil* (Qāḍī Khān); (iii) *mā kān bi'l-insān 'ind al-mawt yakūn mīrāthan li-warathatihi* (Ḥammādīyah).

¹ The present document is provisionally grouped within the collection relating to the line of Muḥammad Šābir: although it does not relate to members of the line itself, it relates to Mullā Bābā Makhdūm, identified in doc. 473 as attorney to Mullā Birdī Murād b. Tilaw Bāy. → also doc. 475.

² *Waqfdocs. 20 and 21 in Faiziev, Istoriiia Samarkanda pervoi pol. XIX veka*, p. 58, locate the settlement of Pul-i Mīrzā in Shāwdār *tūmān*, i.e. to the southeast of the city; see also Abramov, 'Istoriiia Samarkanda v ego mikrotoponimakh', p. 182.

^a wakālatan muṭlaqatan 'āmmatan shar'īyatan; ^b wakīl-i shar'ī-yi mufawwaḍ ilayhi; ^c chāl-wār-furūsh; ^d tangah-yi rā'ijah-yi bukhārīyat al-ḍarb

218 x 178; 15 lines. Persian.

tpq 22 Ramaḍān 1333 (3 August 1915): reported declaration of wrongdoing¹

779: KP 5991/481

On the above date Mullā Bābā Makhdūm b. Mullā Jān Makhdūm, by his own account aged 61 and a resident of Kūk Masjid quarter², declared as a competent agent before the courthouse of Samarqand *wilāyat*'s district no. 1 that two days earlier he assaulted his brother Mullā Rustam Makhdūm without excuse. Mullā Rustam has willingly dropped his claims for assault and has forgiven him, but if Mullā Bābā Makhdūm behaves like this again he will be locked up^a for 6 months.

Stamps: (i) Qāḍī Mullā Muḥammad Baqā Khwājah³ b. Mullā 'Abdallāh Khwājah; (ii) Bābā Makhdūm b. Mullā Jān Makhdūm

Witnesses: Mullā Bāy Muḥammad Illīk-Bāshī b. Khūbī Muḥammad; Shādī Bīk b. [Jayān?] Bīk; Maḥmūd Jān b. Mukhtār Bāy; Jūrah Bāy b. ‘Ādil Bāy.	
¹ For the grouping of this document, → doc. 474 ⁽¹⁾ above.	^a ḥukm bih ḥibs-i tūrmah-yi pādishāhī namāyand
² For this quarter see Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.	
³ Attested active from <i>ca.</i> 1320 (10 April 1902 – 29 March 1903): (→ doc. 567) to <i>ca.</i> Rabī‘ II 1336/January-February 1918 (→ doc. 633).	
164 x 221; 14 lines. Persian.	

476

476a, *tpq* Dhu’l-Hijjah 1320 (1 – 29 March 1903): hereditary transfer of estate

989: KP 5991/617

Turki notarial addition: 4 March [= 17 March 1903], document entry no. 854; 2 Russian stamps, 5+5 kopeks

The estate of the late Qumrī Āy bint ‘Abd al-Ghaffār Bāy was divided between Khāl Bībī bint Niyāz Muḥammad (receiving 4/24 of the total jointly-owned estate); Qulī Bāy (10/24); Dādarah Āy, (5/24); and Munawwarah Āy (5/24). The property under division comprised a jointly-owned fixed-structure two-storey ^a shop measuring approximately 5 x 3½ <i>gaz</i> ^b , located in the large commercial row in Qarah Bāy Āqsaqāl quarter and abutting in the west onto a major thoroughfare, in the north onto a shop belonging to Qulī Bāy b. Abd al-Ghaffār, in the east onto a house belonging to the heirs of Ḥakīm Bāy Baqqāl Ḥājjī, and in the south onto a shop belonging to ‘Abd al-Salām, son of the afore-mentioned Ḥājjī Ḥakīm Baqqāl. On the above date, Dādarah Āy and Munawwarah Āy received their respective shares of the estate. The holdings of the other heirs are separately detailed in further documents.	
Stamps: (i) [xxx] Samarkand. uyezda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī-yi Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī; (iii) Amīn Bāy Āqsaqāl b. Ūljah Bāy, 1320; (iv) Ghafūr Āqsaqāl b. Ustā Mīr Rajab Bāy, 1320; (v) Mullā ‘Āqil Muftī b. Mullā Bābā Jān; (vi) Mullā Muḥammad Naẓar b. ‘Awaḍ Muḥammad, 13[xx]; (vii) ‘Abdī Bāy b. Rajab, 1319	
Witnesses: Mullā Muḥammad Naẓar Ākhūnd Ma‘rūf; Ghafūr Āqsaqāl; Mullā Tursūn Bāqī Makhdūm; Amīn Jān Āqsaqāl b. Ūljah Bāy; Muqīm Jān b. the afore-mentioned Ūljah Bāy; Fāḍil Bāy Illīk-Bāshī, Ustā Qamar al-Dīn; Mullā Ākhūnd Jān b. Nār Muḥammad; Jūrah Bāy.	
	^a taḥtānī wa fawqānī; ^b panj gaz sih shibr
178 (folded) x 220; 9 lines. Persian.	

476b, *tpq* 19 Dhu'l-Hijjah 1320 (19 March 1903): reported declaration of sale

‘Abdī Bāy b. Muḥammad Rajab, aged 67, a resident of Abu'l-Khayr Bāy quarter, Samarqand city, in Samarqand *volost*^a, states that on the above date, in his capacity – as attested by the competent witnesses^{b(1)} Ḥakīm Jān b. Ismā‘īl Jān and ‘Abd al-Sattār b. ‘Abd al-Raḥīm – as attorney to Dādarah Āy, aged 21, and Munawwarah Āy, aged 19, daughters of the late ‘Abd al-Ghaffār, he presented himself at the Samarqand courthouse and declared that, in keeping with his clients’ instructions, he has sold^c 10/24 of the above-mentioned property to Mullā Birdī Murād b. Tilaw Bāy Ḥājji. He states that he sold the property for 2000 *tangah*: that he received said sum, and that he delivered the property over to the aforementioned purchaser. [Stamp: ‘Abdī Bāy b. Rajab Bāy].

Ghafūr Āqsaqāl b. Muḥammad Rajab and Amīn Āqsaqāl b. Ūljah Bāy state that they witnessed the transaction. Mīrzā [Amīn Qulī?] signs on their behalf. [Stamps: (i) Ghafūr Āqsaqāl b. Rajab Bāy; (ii) Amīn Bāy b. Ūljah Āqsaqāl]

Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī confirms that ‘Abdī Bāy sold 10/24 of the above-mentioned property to the purchaser, and that the transaction was notarised as entry no. [856?] in the register of sales. [Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti; (ii) Qāḍī-yi Samarqand Niyāz Muḥammad b. Ḥusayn Bāy Šūfī].

Additional stamps: (i) Mullā ‘Ādil Muftī b. Dāmullā Manšūr; (ii) Mullā Fayḍ-Allāh Muftī b. Mullā Ni‘mat-Allāh

¹ Thus a variation on the more conventional formula encountered in doc. 185 and elsewhere → also doc. 457.i.

^a wulūst; ^b kih har yak mu‘addal wa jā’iz al-shahādat būdand¹; ^c bay‘-i qaṭ‘ī

11+2+3 lines. Turki.

477

tpq 19 Dhu'l-Hijjah 1320 (19 March 1903): reported registration of power of attorney

993: KP 5991/621

Turki notarial addition: 5 March [= 18 March] 1903, document entry no. 872

On the above date Sayyid Aḥmad Bāy b. Mīr Afḍal Bāy was registered by Marḥamat Āy Ḥājjiyah bint Qārī Muḥammad Šādiq Ḥājji as attorney^a before the Samarqand *wilāyat* courthouse; the registration was witnessed by the competent witnesses Mullā Murād b. Khayr-Allāh Bāy and Mullā Nazdī Qulī b. Ustā Mullā Kalān.

Said attorney should initiate a claim for divorce^b against Ḥājji Tilaw Bāy b. Šābir Bāy. Upon response from this latter, the attorney should reach terms according to *sharī‘ah*^c.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī

Witnesses: Mullā Muḥyī al-Dīn b. Qārī ‘Abd al-Khālīq (*sic*); [xxx] b. Mullā Murād.

^a wakīl-i muṭlaq-i ‘āmm-i shar‘ī; ^b ṭalāq-i mahri; ^c ‘alā ḥasab al-shar‘ al-sharīf

178 x 220; 8 lines. Persian.

478a, n/d¹: claim for restitution

971: KP 5991/599

Acting as attorney^a to Marḥamat Āy Ḥājjīyah bint Qārī Muḥammad Ṣādiq Ḥājjī and as guardian^b to the pre-adult ‘Abd al-Ṣamad Jān b. Qārī Muḥammad Ṣādiq Ḥājjī, Mullā Mīr Sayyid Aḥmad b. Mullā Mīr Afḍal, a resident of Maḥallah *volost*^c [Gadāy-Qamchī?] quarter, presents a claim against Ḥājjī Tilaw Bāy b. Muḥammad Ṣābir Bāy, a resident of Qarah Bāy Āqsaqāl quarter.

The speaker claims that Qārī Muḥammad Ṣādiq entrusted 700 *ṣūm*^d to the safekeeping^e of Ḥājjī Tilaw Bāy in Jeddah, and died before he could request its return. Upon death, the afore-mentioned sum accrued to the late man’s children (1/3 to daughter, 2/3 to son): but Ḥājjī Tilaw Bāy refuses to repay the money.

Stamp: Mullā Mīr Wafā Khwājah Muftī-yi shahr-i Samarqand b. Qāḍī Mullā Mīr Nizām al-Dīn Khwājah

Citations: (i) *man taraka mālan aw haqqan fa-li-warathatihi* (Kāfūrī); (ii) *al-wakīl qā’im maqām al-muwakkil* (Qāḍī Khān); (iii) *al-waṣī khaṣm fī amlāk al-yatīm min jihat al-yatīm* (Muḥīṭ Burhānī).

¹ *taq* 20 Dhu’l-Ḥijjah 1320 (Friday 20 March 1903):
→ doc. 478b.

^a wakālatan shar‘īyatan; ^b waṣāyatan shar‘īyatan; ^c wulūs; ^d ṣūm-i kāghadh-yi āqchah-yi rūs-i ma‘rūfah; ^e wadī‘at [...] ma‘ qabūlihi wa qabḍihi wa iltizāmihi al-ḥifz wa’l-taslīm

220 (folded) x 354; 14 lines. Persian.

478b, *tpq* 20 Dhu’l-Ḥijjah 1320 (20 March 1903): reported cessation of claim¹

Turki notarial addition: 5 March [= 18 March] 1903, document entry no. 146].

On the above date the afore-mentioned plaintiff, acting as attorney and guardian as outlined above, presented a claim for restitution against the respondent. Upon the respondent’s denial of the claim^a, the plaintiff found himself unable to provide a witness testimony [to substantiate his accusation]^b, and the respondent then went on oath^c [in support of his defence]. The plaintiff was thus prompted by a move towards reconciliation by certain 3rd parties^{2d} to drop the claim in return for 500 *tangah*. He furthermore declared that he has no right or claim against the respondent, and that any future such claim will be void and inadmissible.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfi; (iii) Mullā Muḥammad Naẓar b. ‘Awaḍ Muḥammad, 13xx; (iv) al-Ḥājjī Amān-Allāh Khwājah (x 2); (v) Mullā ‘Āqil Muftī b. Mullā Bābā Jān

Witnesses: Mullā Muḥammad Naẓar Ākhūnd-i Ma‘rūf; Ḥājjī al-Ḥaramayn Ḥājjī Mullā Amān-Allāh Khwājah; Mullā Bīk Muḥammad b. Nār Muḥammad; Mullā ‘Umar Jān b. Ḥājjī ‘Ārif Jān; Mullā Ākhūnd Jān; Qārī Naṣr al-Dīn Khwājah b. Mullā Kamāl Bāy.

<p>¹ A mixed-format document, notarising first an actual cessation of claim (→ doc. 248b and elsewhere) and secondly an <i>iqrār</i>-type declaration of future abstention. See doc. 321b for further examples.</p> <p>² For mediation by 3rd parties, → also docs. 495.ii, 506b, 564, 572, 605, 613b.ii, 623.ii and 627. For discussion, see P. Sartori, ‘What Went Wrong? The Failure of Soviet Policy on <i>sharī’a</i> Courts in Turkestan, 1917-1923’, in <i>Die Welt des Islams</i> 50 (2010), pp. 397-434 [pp. 425-430].</p>	<p>^a ‘ind inkārihi; ^b ‘ājiz az bayyinah gardīdah; ^c iqdām bar ḥalf namūd; ^d bi-iṣlāḥ-i chand nafar az muslimīn</p>
<p>10 lines. Persian.</p>	

479

12 Jumādā II 1321 (5 September 1903)/22 August [=4 September¹] 1903: statement of declaration of sale²

827: KP 5991/521

<p>Mīrzā Qamar b. Mīrzā Ghanī Dīwān-Bīgī, aged 48, states that on the date specified above he declares before the courthouse of Shāh-i Zindah³ Qutham b. ‘Abbās⁴, part of the Samarqand courthouse system^a, that he has sold^b to Mullā Birdī Murād b. Ḥājji Tīlaw Bāy the <i>suknīyāt</i> on a courtyard property located in Qarā Bāy Āqsaqāl quarter and abutting in the west⁽⁵⁾ onto a blocked thoroughfare, in the north onto a courtyard property belonging to Zumurrud Āy bint Khāl Muḥammad, and in the east⁽⁶⁾ and south onto a courtyard property belonging to Tīlaw Bāy b. Muḥammad Šābir; the sale was for 2000 <i>tangah</i>^e. He received the money, and is satisfied with the transaction. [Mīrzā Akram states that he has signed the statement on behalf of the illiterate vendor.]</p> <p>The purchaser states that he bought and paid for the property, and that he is satisfied with the transaction.</p> <p>Ḥamīd Khwājah b. ‘Abd al-Majīd Khwājah, Sayyid Walī Khwājah b. Sayyid Burhān Khwājah and Amīn Bāy b. Ūljah Bāy state as witnesses that the afore-mentioned property is now the acquisition^f of the purchaser, and that nobody else has any rights or prerogatives towards it. [Stamp: Amīn Bāy b. Ūljah Bāy]</p> <p>Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī, people’s judges^g of Samarqand’s Shāh-i Zindah [district], confirms the execution of said transaction, and states that he has notarised the deeds as entry no. 3294 in the register of transactions for the year. [Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus signature of the Shāh-i Zindah district <i>qāḍī</i>]; (ii) Qāḍī-yi Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī]</p>	
<p>¹ The discrepancy as here between the Hijrī and the Julian calendars is not unusual; describing Bukharan <i>waqf</i> documents produced during the early Soviet period, Reichmuth observes that ‘[t]here may be a mismatch of one or two days between the two dates.’ Idem, “Lost in the Revolution”, p. 368.</p> <p>² The present document differs in form from the reported declarations of sale hitherto generally</p>	<p>^a Samarqand dār al-qaḍā chastī-nī; ^b bay‘-i bātt-i qaḍ‘ī; ^c qiblah-sī⁵; ^d kūn-chiqārī⁶; ^e tangah-yi bukhārīyat al-ḍarb; ^f zar-kharīd; ^g nārūdnāy sūdiyāh</p>

encountered. Novel is the text's polyphony, with the declaration of sale framed by the words of the *muqirr* himself (rather than the words of an anonymous scribe by whom the *muqirr* is in turn introduced) and followed in turn with corroborative statements by the purchaser, witnesses and magistrate. The model adopted here subsequently becomes widely conventional in Samarqandi sale documents.

³ The courthouse of Shāh-i Zindah district appears in numerous documents. Palen notes, in *Otchet po revizii Turkestanskogo kraia, proizvedennoi po VYSOCHAISHEMU Povelenniu*, vol. 14: *Narodnye sudy Turkestanskogo kraia* (St Petersburg: Senatskaia tipografiia, n/d), pp. 30-31, that the courthouse received a substantially larger number of cases each year than was the average across the Turkestan Governorship.

⁴ The document is unusual in thus specifying the identity of the legendary Shāh-i Zindah. For discussion of the 'historical' Qutham b. 'Abbās, see C. Bosworth, 'Qutham b. al-'Abbās', in *EP* V (1986), p. 551; for Qutham's Samarqandi associations, see Najm al-Dīn 'Umar b. Muḥammad al-Naṣafī, *al-Qand fī dhikr 'ulamā' Samarqand*, ed. Y. al-Hādī (Tehran: Āyinah-yi mīrāth, 1378/1999-2000), pp. 677-681.

⁵ This substitution of 'in the direction of the *qiblah*' for 'in the west' is specific and common to those colonial-era Samarqandi documents written in Turki: it does not appear in any Persian-language document.

⁶ As in (⁵) above, the wording is specific and common to colonial-era Samarqandi documents written in Turki.

221 x 354; 19+4 lines. Turki.

480

tpq 13 August [=26 August] 1904: statement of declaration of sale

986: KP 5991/614

Hājji Bāy b. Bābā Jān Bāy, aged 66, a resident of Dih-i Naw *qishlāq*, in Samarqand *uyezd*'s^a Maḥallah *volost*'^b, states¹ that on the date specified above he sold to Hājji Tīlaw Bāy b. Muḥammad Ṣābir Bāy approximately $\frac{1}{2}$ *ṭanāb* and *nīmchah bīsh mithqāl* of land located in the afore-mentioned *qishlāq* and abutting in the west onto a garden belonging to the purchaser, in the north and south onto a branch canal^c, and in the east onto the vendor's garden; the sale was for 1734 *tangah*.

The vendor and purchaser together state that they are satisfied with the transaction. Mīrzā Ṣiddīq Khwājah signs on their behalf. 'Abd al-Ghaffār Īllīk-Bāshī b. Muḥammad Yūsuf, Ḥaydar Bāy b. 'Abd al-Jabbār, Ḥaqq Birdī b. 'Abd al-Jabbār and 'Abd al-Qahhār Bāy b. Muḥammad Yūsuf attest that they have witnessed the transaction.

[Stamp: ‘Abd al-Ghaffār Īllīk-Bāshī b. Yūsuf Bāy, 1305]
Qāḍī Mullā Akābir Khwājah b. Mullā ‘Abd al-‘Azīz Khwājah Muftī, *qāḍī* of Maḥallah, confirms the execution of said transaction, and states that he has registered the transaction as entry no. 1499 in the register of transactions for the year.

Stamps: (i) [xxx] Samarkand. uyezda i oblasti; (ii) Qāḍī-yi Maḥallah Qāḍī Mullā Akābir Khwājah b. Mullā ‘Abd al-‘Azīz Khwājah Muftī

¹ Unusually for a document of this date and provenance, there is no reference to where the statement has been notarised; → similarly doc. 481.

^a ūyazd; ^b wulūs; ^c shākh arīghī-nī ḥarīmī

177 (folded) x 220; 6+2+3+4 lines. Turki.

481

tpq 12 July [=25 July] 1905: statement of declaration of sale

918: KP 1237

Ḥājī Bāy b. Bābā Jān Bāy, a resident of Maḥallah *volost*^a Dih-i Naw *qishlāq*, states that on the date specified above he sold^b to Tūkhtah Murād Bāy b. Ḥājī Tilaw Bāy $\frac{3}{4}$ *ṭanāb* of garden land located in Dih-i Naw and abutting in the west onto a garden belonging to Ḥājī Qurbān Bāy b. Tilaw Bāy, in the north and south onto a designated water channel^c, and in the east onto a garden belonging to ‘Umar Bāy b. Hamdam Bāy; the sale was for 1600 *tangah*.

The vendor and the purchaser are both satisfied with the transaction; on account of their being illiterate, Mīrzā ‘Abd al-Rashīd signs on their behalf.

Mullā [xxx] b. Mīrzā Ismā‘īl Bāy and ‘Abd al-Qahhār Īllīk-Bāshī b. Muḥammad Yūsuf attest that the transaction has occurred. [Stamp: ‘Abd al-Qahhār b. Yūsuf]

Qāḍī Mullā Akābir Khwājah b. Mullā ‘Abd al-‘Azīz Khwājah Muftī, *qāḍī* of Maḥallah, confirms the execution of said transaction, and states that he has notarised the deeds as entry no. 1266 in the register of transactions for the year. [Stamps: (i) Narodnogo sud’i Makhallinskogo uchastka Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi Maḥallah Qāḍī Mullā Akābir Khwājah b. Mullā ‘Abd al-‘Azīz]

^a wulūs ; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qat‘ī; ^c āb-rahah

176 (folded) x 220; 7+5 lines. Turki.

482

482a, 20 Jumādā II 1324 (11 August 1906) /28 July [= 10 August] 1906: statement of declaration of sale

999: KP 5991/627

2 Russian stamps: 5+10 kopeks

Mullā Muḥammad Rāfi‘ Bāy Khūrdah-Furūsh b. ‘Umūr Bāy¹ states that, acting as attorney^a to his brother^b Muḥammad Shākir Bāy, on the date specified above he declares before the

courthouse of Ḥaḍrat-i Shāh-i Zindah district², in a statement notarised as document entry no. 2057³, that he had sold^e to Mullā Mu'min Jān Bāy b. Mullā Muslīm (*sic*) Jān 1/3 of a courtyard property located in Samarqand's Masjid-i Sharbat-dār quarter⁴, and abutting in the west and south onto a *sarāy* belonging to Mullā Birdī Murād Bāy Bāy-Bachchah b. Ḥājjī Tīlaw Bāy, in the north onto a blocked thoroughfare^d, and in the east onto a shop belonging to Naṣr-Allāh b. Rūzī Bāy; the sale was for 300 *šūm*^e. The vendor had previously acquired said property from his brother Muḥammad Dhākir Īllīk-Bāshī b. 'Umūr Bāy on 14 February [= 27 February] 1905, in a transaction notarised as entry no. 382⁴.

The purchaser states that he is satisfied with the exchange.

Mullā 'Ādil Muftī states that the afore-mentioned property is indeed the former property of the vendor, and that it is not held in pawn or otherwise encumbered^f. [Stamp: Mullā 'Ādil Muftī, 1316]

Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Mullā Ḥusayn Bāy Šūfī states that he has registered Muḥammad Rāfi's declaration of sale as entry no. 2065 in the register of transactions for the year. [Stamps: (i) Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qiṭ'ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī]

¹ ≈ brother of those individuals encountered in doc. 463 and elsewhere?

² The earliest reference amongst our documents to a district (*qiṭ'ah*) courthouse; the terminology is hereafter commonplace.

³ Transaction noted also in docs. 483 and 484.

⁴ Transaction noted also in docs. 490 and 491.

^a wakīl-i shar'ī bi'l-bay' wa'l-taslīm ilā'l-mushtarī; ^b īnīm; ^c bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^d yūl-i āldī bāghluq; ^e šūm-i kāghadh-i āqchah-yi rūs; ^f zalūg, arīs, garaw-ghah kafālat īmas

220 (folded) x 354; 14+2+2+4 lines. Turki.

482b, 9 Shawwāl 1325 (15 November 1907)/2 November [= 15 November] 1907: statement of declaration of sale

Russian stamps, 10+5 kopeks

Mullā Mu'min Jān Bāy b. Mullā Muslim Jān, aged 63, a resident of Masjid-i Sharbat-dār quarter, states that at his own behest^a he declares on the date specified above before the courthouse of Samarqand's district no. 1 that he has sold^b to Birdī Murād b. Ḥājjī Tīlaw the afore-mentioned 1/3 share of a plot previously sold to him by Muḥammad Shākir Bāy through this latter's attorney^c Rāfi' b. 'Umūr Bāy, for 300 *šūm*: and that he has duly received payment.

The purchaser states that he has received and paid for the share of land thus specified, and that he is satisfied with the transaction.

The *qāḍī* of Samarqand's district no. 1 confirms that Mullā Mu'min Jān has made the above statement in his presence: and that he himself has notarised the sale as entry no. 2714 in the year's register of transactions^d. [Stamps: (i) Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qiṭ'ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī]

^a ūz ikhtiyārim īlān; ^b bay'-i bātt-i qaṭ'ī; ^c wakīl-i shar'ī; ^d akt daftarī

9+1+2+3 lines. Turki.

483

7 Muḥarram 1325 (20 February 1907)/February [= 14 February – 13 March] 1907: statement of declaration of sale¹

997: KP 5991/625

4 Russian stamps, 15+15+5+5 kopeks

Qābil Jān b. Mīrzā Bāy, aged 64, a resident of Andījānī *qishlāq*, in Samarqand *uyezd*'s^a Maḥallah *volost*^b, states that on the date specified above he declares before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that he has sold^c to Ḥājjī Tīlaw Bāy b. Muḥammad Šābir Bāy the *suknīyāt* and *raqabah* on 1/13 of a jointly-owned courtyard property comprising multiple houses, two fixed-structure shops, an upstairs store-room, and a gate-house with its own upstairs store-room^d; the property is located in Qarā Bāy Āqsaqāl quarter and abuts in the west onto a public thoroughfare, in the north partly onto a shop belonging to Dāwud Kalāntar and partly onto a blocked thoroughfare^e, in the east onto a courtyard property belonging to Ustā ‘Abd al-Bāqī b. ‘Umar Bāqī, and in the south partly onto a *sarāy* in the felt bazaar^f belonging to Laṭīf Bāy's heirs and partly onto a shop belonging to Ustā Maḥmūd b. Ustā ‘Abd al-Ḥakīm. The sale was for 1923 *tangah*^g.

Ḥājjī Tīlaw Bāy states that he has received and paid for said property, and is satisfied with the transaction.

Mullā Tursūn Bāqī Makhdūm b. Mullā ‘Abd al-Rasūl, Fāḍil Bāy Āqsaqāl b. Mu'min Bāy and Dāmullā Nazar Ākhūnd b. ‘Awaḍ Bāy attest that they have witnessed the sale, and that the land under transaction is now the property of the purchaser. They further attest that the property is not encumbered in any way as surety^{2h}. [Stamp: Qārī Aḥmad b. Qārī Muqīm Jan]

The *qāḍī* of Ḥaḍrat-i Shāh-i Zindah district [i.e. Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Mīr Ḥusayn Bāy Šūfī] confirms the execution of said transaction, and states that he has notarised the deeds as entry no. 301 in the register of transactionsⁱ for the year. [Stamps: (i) Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qiṭ'ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī]

¹ Docs. 483-489 are almost identical in composition. They detail the sale of various parts of a single plot of land.

² Such an attestation, common to docs. 483-489, is not paralleled elsewhere among the documents in the collection.

^a ūyazd; ^b wulūs; ^c bay'-i bātt-i batāt-i nāfidh-i lāzim-i qat'i-yi shar'i; ^d bir bālā-khānah wa darwāzah-khānah, wa darwāzah-khānah-nī ustī-ghah ham bālā-khānah-līk; ^e yūl-i āldī bāghlūq; ^f namad bāzārī-nī sarāyī; ^g tangah-yi bukhārīyat al-ḍarb; ^h zalūg, arīs, kafālat, garaw-ghah īmās-dūr; ⁱ akt daftarī

178 (folded) x 220; 12+2+3+3 lines. Turki. Document reproduced at back of volume.

484

14 Muḥarram 1325 (27 February 1907)/14 February [= 27 February] 1907: statement of declaration of sale

972: KP 5991/600

3 Russian stamps, 15+15+15 kopeks

Qābil Jān b. Mīrzā Bāy, aged 64, a resident of Andījānī *qishlāq*, in Samarqand *uyezd*'s^a Maḥallah *volost*^b, states that on the date specified above he declares before the courthouse

of Ḥaḍrat-i Shāh-i Zindah district that he has sold^c to Ḥājjī Tīlaw Bāy b. Muḥammad Ṣābir Bāy the *suknīyāt* and *raqabah* on 1/13 of a jointly-owned courtyard property containing multiple houses, two fixed-structure shops, an upstairs store-room and a gate-house with its own upstairs store-room. The property is located in Qarā Bāy Āqsaqāl quarter and abuts in the west onto a public thoroughfare, in the north partly onto a shop belonging to Dāwud Kalāntar and partly onto a blocked thoroughfare, in the east onto a courtyard property of Ustā ‘Abd al-Bāqī b. ‘Umar Bāqī, and in the south partly onto a *sarāy* in the felt bazaar^d belonging to Laṭīf Bāy’s heirs and partly onto a shop belonging to Ustā Maḥmūd b. Ustā ‘Abd al-Ḥakīm Bāy. The sale was for 1923 *tangah*^e.

Ḥājjī Tīlaw Bāy states that he has received and paid for said property, and is satisfied with the transaction, and that he has duly affixed his stamp.¹

Mullā Tursūn Bāqī Makhdūm b. Dāmullā ‘Abd al-Rasūl, Fāḍil Bāy Āqsaqāl b. Mu’min Bāy and Dāmullā Naẓar Ākhūnd b. ‘Awaḍ Muḥammad Bāy attest that they have witnessed the sale, and that the land under transaction is now the property of the purchaser. They further attest that the property is not encumbered in any way as surety^f. [Stamps: (i) Mīr ‘Ubayd Īshān b. Mīr Sa‘īd Īshān; (ii) [xxx]; (iii) Qārī Aḥmad Jān b. Qārī Muqīm Jan]

The *qāḍī* of Ḥaḍrat-i Shāh-i Zindah district [i.e. Qāḍī-Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī] confirms the execution of said transaction, and states that he has notarised the deeds as entry no. 373 in the register of transactions^g for the year. [Stamps: (i) Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qiṭ‘ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī]

¹ The speaker is under some misapprehension: he has not affixed his stamp.

^a ūyazd; ^b wulūs; ^c bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī-yi shar‘ī; ^d namad bāzārī-nī sarāyī; ^e tangah-yi bukhārīyat al-ḍarb; ^f zalūg, arīs, kafālat, garaw-ghah īmās-dūr; ^g akt daftarī

220 (folded) x 354; 14+2+3+4 lines. Turki.

485

28 Muḥarram 1325 (13 March 1907)/28 February [= 13 March] 1907: statement of declaration of sale

977: KP 5991/605

Turki notarial addition: 28 February [= 13 March] 1907; 3 Russian stamps, 15+15+15 kopeks

Qābil Bāy b. Mīrzā Bāy, aged 64, a resident of Andījānī *qishlāq*, in Samarqand’s Maḥallah *volost*^a, states that on the date specified above he declares before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that he has sold^b to Ḥājjī Tīlaw Bāy b. Muḥammad Ṣābir Bāy the *suknīyāt* and *raqabah* on 1/13 of a jointly-owned courtyard property containing multiple houses, two shops, an upstairs store-room and a gate-house with its own upstairs store-room. The property is located in Qarā Bāy Āqsaqāl quarter and abutting in the west onto a public thoroughfare, in the north partly onto a shop belonging to Dāwud Kalāntar and partly onto a blocked thoroughfare, in the east onto a courtyard property belonging to Ustā ‘Abd al-Bāqī Bāy b. ‘Umar Bāqī Bāy, and in the south partly onto a *sarāy* in the felt bazaar^{c(1)}

belonging to Laṭīf Bāy's heirs and partly onto a shop belonging to Ustā Maḥmūd Ustā b. Ustā 'Abd al-Ḥakīm Bāy. The sale was for 1923 *tangah*^d.

On account of the vendor being illiterate, Mullā Nu'mān signs on his behalf.

Ḥājjī Tīlaw Bāy states that he has received and paid for said property, that he is satisfied with the transaction, and that he has duly affixed his stamp².

Mullā Tursūn Bāqī Makhdūm b. Mullā 'Abd al-Rasūl, Mullā Naẓar Ākhūnd b. 'Awaḍ Muḥammad, Faḍīl (*sic*) Āqsaqāl b. Mu'mīn (*sic*) Bāy, Amīn Bāy b. Ūljah Bāy, Mīr 'Ubayd Īshān b. Mīr Sa'īd Īshān and Qārī Aḥmad Jān b. Qārī Muqīm Jān attest as impartial actors that they have witnessed the sale, and that the property under transaction is now the property of the purchaser. They further attest that the property is not encumbered in any way as surety^e. [Stamps: (i) Mīr 'Ubayd Īshān b. Mīr Sa'īd Īshān; (ii) Qārī Aḥmad Jān b. Qārī Muqīm Jān (plus signature)]

The *qāḍī* of Ḥaḍrat-i Shāh-i Zindah district [i.e. Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Mīr Ḥusayn Bāy Ṣūfī] confirms the execution of said transaction, and states that he has notarised the deeds as entry no. 532 in the register of transactions^f for the year. [Stamps: (i) Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qit'ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī]

¹ c/w docs. 483 and 484, giving *namad* in place of *kīgiz* for felt.

^a wulūs; ^b bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī-yi shar'ī; ^c kīgiz bāzārī-nī sarāyī¹; ^d tangah-yi bukhāriyat al-ḍarb; ^e zalūg, arīs, kafālat, garaw-ghah īmās-dūr; ^f akt daftarī

220 (folded) x 354; 13+2+4+4 lines. Turki.

486

7 Ṣafar 1325 (22 March 1907)/9 March [= 22 March] 1907: statement of declaration of sale

982: KP 5991/610

Turki notarial addition: 9 March [= 22 March] 1907; 3 Russian stamps, 15+15+15 kopeks

Qābil Bāy b. Mīrzā Bāy, aged 64, a resident of Andījānī *qishlāq*, in Samarqand's Maḥallah *volost*^a, states that on the date specified above he declares before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that he has sold^b to Ḥājjī Tīlaw Bāy b. Muḥammad Ṣābir Bāy the *suknīyāt* and *raqabah* on 1/13 of a jointly-owned courtyard property enclosing multiple houses, two shops, an upstairs store-room and a gate-house with its own upstairs store-room. The property is located in Qarā Bāy Āqsaqāl quarter and abuts in the west onto a public thoroughfare, in the north partly onto a shop belonging to Dāwud Kalāntar and partly onto a blocked thoroughfare, in the east onto a courtyard property belonging to Ustā 'Abd al-Bāqī b. 'Umar Bāqī, and in the south partly onto a *sarāy* in the felt bazaar^{c(1)} belonging to Laṭīf Bāy's heirs and partly onto a shop belonging to Ustā Maḥmūd b. Ustā Ḥakīm Bāy. The sale was for 1923 *tangah*^d.

Ḥājjī Tīlaw Bāy states that he has received and paid for said property, and that he is satisfied with the transaction.

Mullā Tursūn Bāqī b. Makhdūm Mullā ‘Abd al-Rasūl, Mullā Nazar Ākhūnd b. ‘Awaḍ Muḥammad, Fāḍil Āqsaqāl b. Mu’min Bāy, Amīn Bāy b. Ūljah Bāy, Mīr ‘Ubayd Īshān b. Mīr Sa‘īd Īshān and Qārī Aḥmad Jān b. Qārī Muqīm Jān attest that the land under transaction is now the property of the purchaser. They further attest that the property is not encumbered in any way as surety^e. [Stamps: (i) Qārī Aḥmad Jān b. Qārī Muqīm Jān; (ii) Mīr ‘Ubayd Īshān b. Mīr Sa‘īd Īshān]

The *qāḍī* of Ḥaḍrat-i Shāh-i Zindah district [i.e. Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Mīr Ḥusayn Bāy Ṣūfī] confirms the execution of said transaction, and states that he has notarised the transaction as entry no. 610 in the register of transactions^f for the year. [Stamps: (i) Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qit‘ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī]

¹ → doc. 485⁽¹⁾.

^a wulūs; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qat‘ī-yi shar‘ī; ^c kīgiz bāzārī-nī sarāyī¹; ^d tangah-yi bukhārīyat al-ḍarb; ^e zalūg, arīs, kafālat, garaw-ghah īmās-dūr; ^f akt daftarī

220 (folded) x 354: 13+2+4+3 lines. Turki.

487

7 Ṣafar 1325 (22 March 1907) = 9 March [= 22 March] 1907: statement of declaration of sale

981: KP 5991/609

Turki notarial addition: 9 March [= 22 March] 1907; 3 Russian stamps 15+15+15 kopeks

Qābil Jān b. Mīrzā Bāy, aged 64, a resident of Andījānī *qishlāq*, in Samarqand’s Maḥallah *volost*^a, states that on the date specified above he declares before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that he has sold^b to Birdī Murād b. Ḥājjī Tīlaw Bāy the *suknīyāt* and *raqabah* on 1/13 of a jointly-owned courtyard property containing multiple houses, two fixed-structure shops, an upstairs store-room and a gate-house with its own upstairs store-room. The property is located in Qarā Bāy Āqsaqāl quarter and abuts in the west onto a public thoroughfare, in the north partly onto a shop belonging to Dāwud Kalāntar and partly onto a blocked thoroughfare, in the east onto a courtyard house belonging to Ustā ‘Abd al-Bāqī b. ‘Umar Bāqī, and in the south partly onto a *sarāy* in the felt bazaar⁽¹⁾ belonging to Laṭīf Bāy’s heirs and partly onto a shop belonging to Ustā Maḥmūd b. Ustā Ḥakīm Bāy. The sale was for 1923 *tangah*.

Mullā Birdī Murād states that he has received and paid for said property, and that he is satisfied with the transaction.

Mullā Nazar Ākhūnd b. Muḥammad, Mullā Tursūn Bāqī Makhdūm b. ‘Abd al-Rasūl, Amīn Bāy b. Ūljah Bāy, Mīr ‘Ubayd Īshān b. Mīr Sa‘īd Īshān and Qārī Aḥmad Jān b. Qārī Muqīm Jān attest that the land under transaction is now the property of the purchaser. They further attest that the property is not encumbered in any way as surety^d. [Stamps: (i) Qārī Aḥmad Jān b. Qārī Muqīm Jān; (ii) Mīr ‘Ubayd Īshān b. Mīr Sa‘īd Īshān] The *qāḍī* of Ḥaḍrat-i Shāh-i Zindah district [i.e. Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Mullā Ḥusayn Bāy Ṣūfī] confirms the execution of said transaction, and states that he has notarised the

transaction as entry no. 611 in the registry of transactions^e for the year. [Stamps: (i) Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qit'ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī]

¹ → doc. 485(¹).

^a wulūs; ^b bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī-yi shar'ī; ^c kīgiz bāzārī-nī sarāyī¹; ^d zalūg, arīs, kafālat, garaw-ghah īmās-dūr; ^e akt daftarī

220 (folded) x 354; 13+2+4+4 lines. Turki.

488

21 Rabī' II 1325 (3 June 1907)/21 May [= 3 June] 1907: statement of declaration of sale

969: KP 5991/597

2 Russian stamps, 40+5 kopeks

Qābil Bāy b. Mīrzā Bāy, aged 64, a resident of Andījānī *qishlāq*, in Samarqand's Maḥallah *volost*^a, states that on the date specified above he declares before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that he has sold^b to Mullā Birdī Murād Bāy b. Ḥājjī Tīlaw Bāy the *sukniyāt* and *raqabah* on 1/13 of a jointly-owned courtyard property containing multiple houses, two shops, an upstairs store-room and a gate-house with its own upstairs store-room. The property is located in Qarā Bāy Āqsaqāl quarter and abuts in the west onto a public thoroughfare, in the north partly onto a shop belonging to Dāwud Kalāntar and partly onto a blocked thoroughfare, in the east onto a courtyard property belonging to Ustā 'Abd al-Bāqī b. 'Umar Bāqī, and in the south partly onto a *sarāy* in the felt bazaar^{c(1)} belonging to Laṭīf Bāy's heirs and partly onto a shop belonging to Ustā Maḥmūd b. Ustā 'Abd al-Ḥakīm Bāy. The sale was for 1923 *tangah*^d. Because the speaker is illiterate, [-] has drafted the document as attorney on his behalf.

Mullā Birdī Murād states that he has received and paid for said property, and that he is satisfied with the transaction.

Nazar Ākhūnd Īllīk Bāshī b. 'Awaḍ Muḥammad Bāy, Fāḍil Bāy Āqsaqāl b. Mu'min Bāy, Amīn Bāy b. Ūljah Bāy, Mīr 'Ubayd Īshān b. Mīr Sa'īd Īshān and Qārī Aḥmad Jān b. Qārī Muqīm Jān attest that the land under transaction is now the property of the purchaser. They further attest that the property is not encumbered in any way as surety^e. [Stamp: Qārī Aḥmad Jān b. Qārī Muqīm Jan]

The *qāḍī* of Ḥaḍrat-i Shāh-i Zindah district [i.e. Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Mullā Ḥusayn Bāy Ṣūfī] confirms the execution of said transaction, and states that he has notarised the transaction as entry nos. 1407 in the register of transactions for the year. [Stamps: (i) Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qit'ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī]

¹ → doc. 485(¹).

^a wulūs; ^b bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī-yi shar'ī; ^c kīgiz bāzārī-nī sarāyī¹; ^d tangah-yi bukhāriyat al-darb; ^e zalūg, arīs, kafālat, garaw-ghah īmās-dūr

220 (folded) x 354; 13+2+4+4 lines. Turki.

21 Rabī‘ II 1325 (3 June 1907)/21 May [= 3 June] 1907: statement of declaration of sale

980: KP 5991/608

Turki notarial addition: 21 May [= 3 June] 1907; 2 Russian stamps, 40+5 kopeks

Qābil Jān b. Mīrzā Bāy, aged 64, a resident of Andījānī *qishlāq*, in Samarqand’s Maḥallah *volost*^a, states that on the date specified above he declares before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that he has sold^b to Ḥājji Tīlaw Bāy b. Muḥammad Ṣābir Bāy the *suknīyāt* and *raqabah* on 1/13 of a jointly-owned courtyard property containing multiple houses, two fixed-structure shops, an upstairs store-room and a gate-house with its own upstairs store-room. The property is located in Qarā Bāy Āqsaqāl quarter and abuts in the west onto a public thoroughfare, in the north partly onto a shop belonging to Dāwud Kalāntar and partly onto a blocked thoroughfare, in the east onto a courtyard property belonging to Ustā ‘Abd al-Bāqī b. ‘Umar Bāqī, and in the south partly onto a *sarāy* in the felt bazaar^{c(1)} belonging to Laṭīf Bāy’s heirs and partly onto a shop belonging to Ustā Maḥmūd b. Ustā ‘Abd al-Ḥakīm Bāy. The sale was for 1923 *tangah*.

Ḥājji Tīlaw Bāy states that he has received and paid for said property, and that he is satisfied with the transaction.

Mullā Naẓar Ākhūnd b. ‘Awaḍ Muḥammad Bāy, Mullā Tursūn Bāqī Makhdūm b. Mullā Muḥammad Rasūl², Fāḍil Bāy Āqsaqāl b. Mu’min Bāy, Mīr ‘Ubayd Īshān b. Mīr Sa‘īd Īshān, Amīn Bāy b. Ūljah Bāy, and Qārī Aḥmad Jān b. Qārī Muqīm Jān attest that the land under transaction is now the property of the purchaser. They further attest that the property is not encumbered in any way as surety^d. [Stamp: Qārī Aḥmad Jān b. Qārī Muqīm Jan]

The *qāḍī* of Ḥaḍrat-i Shāh-i Zindah district [i.e. Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Mullā Ḥusayn Bāy Ṣūfī] confirms the execution of said transaction, and states that he has notarised the transaction as entry no. 1408 in the register of transactions for the year. [Stamps: (i) Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qit‘ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī]

¹ → doc. 485⁽¹⁾.

² Identified in docs. 483, 484, 485, 486 and 487 as Mullā Tursūn Bāqī Makhdūm b. Mullā ‘Abd al-Rasūl.

^a wulūs; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī-yi shar‘ī; ^c kīgiz bāzārī-nī sarāyī¹; ^d zalūg, arīs, kafālat, garaw-ghah īmās-dūr

220 (folded) x 354; 13+2+4+4 lines. Turki.

Shawwāl 1325 (7 November – 5 December 1907)^a 2 November [= 15 November] 1907: statement of declaration of sale

978: KP 5991/606

2 Russian stamps: 40+5 kopeks

Muḥammad Rāfi‘ Bāy Khūrdah-Furūsh b. ‘Umūr Bāy, aged 52, a resident of Masjid-i Sharbat-dār quarter states that, acting as attorney^b to his brother¹ Muḥammad Shākīr b. ‘Umūr Bāy, and carrying in his possession the text of document entry no. 2057, dated 27

July [= 9 August] 1906, he declares on the date specified above before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that he has sold to the pre-adult Sulṭān Murād b. Birdī Murād, a resident of Qarā Bāy Āqsaqāl quarter, the *sukniyāt* and *raqabah* on 2/9 of a jointly-owned courtyard property located in Samarqand's Masjid-i Sharbat-dār quarter and abutting in the west and south onto a *sarāy* belonging to Mullā Birdī Murād, in the north onto a blocked thoroughfare^c, and in the east onto a shop belonging to Naṣr-Allāh b. Rūzī Bāy; the sale was for 275 *ṣūm*^d. The vendor had previously acquired said property from his brother Muḥammad Dhākir Īllik-Bāshī on 14 February [= 27 February] 1905, in a transaction notarised as entry no. 382².

Acting in parental authority^e on behalf of Sulṭān Murād, Birdī Murād states that he is satisfied with the exchange.

Mullā 'Ādil Muftī states that the afore-mentioned property is indeed the former property of the vendor, and that it is not held in pawn or otherwise encumbered^f. [Stamp: Mullā 'Ādil Muftī b. Dāmullā Maṣṣūr, 1316]

Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Mullā Ḥusayn Bāy Ṣūfī states that he has registered the sale as entry no. 2715 in the register of transactions. [Stamps: (i) Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qit'ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī]

¹ → doc 482a(2).

² Transaction noted also in docs. 482a, 491.

^a muṭābiq-i; ^b wakīl bi'l-bay' wa'l-taslīm ilā'l-mushtarī; ^c yūl-i āldī birk; ^d ṣūm-i kāghadh-i akhchah; ^e wilāyatan ubūwwatan; ^f zalūg, arīs, garaw-ghah kafālat īmas

220 (folded) x 354; 12+1+2+4 lines. Turki.

491

9 Shawwāl 1325 (15 November 1907)/^a 2 November [= 15 November] 1907: statement of declaration of sale

974: KP 5991/602

2 Russian stamps, 40+5 kopeks

Muḥammad Rāfi' Bāy Khūrdah-Furūsh b. 'Umūr Bāy, aged 52, states that, acting as attorney^b to his brother Muḥammad Shākir, and carrying in his possession the text of document entry no. 2057, dated 27 July [= 9 August] 1906, he declares on the date specified above before the courthouse of Shāh-i Zindah district that he has sold^c to 'Abd al-Wahhāb b. Mullā Birdī Murād, a resident of Qarā Bāy Āqsaqāl quarter, the *sukniyāt* and *raqabah* on 2/9 of a jointly-owned courtyard property located in Samarqand's Masjid-i Sharbat-dār quarter and abutting in the west and south onto a *sarāy* belonging to Mullā Birdī Murād, the purchaser, in the north onto a blocked thoroughfare^d and in the east onto a shop belonging to Naṣr-Allāh b. Rūzī Bāy; the sale was for 300 *ṣūm*^e. The vendor had acquired said property from his brother Muḥammad Dhākir Īllik-Bāshī on 14 February [= 27 February] 1906, in a transaction notarised as entry no. 382¹.

The purchaser states that he has received and paid for the share of land thus specified, and that he is satisfied with the transaction.

Mullā ‘Ādil Muftī states that the afore-mentioned property is indeed the former property of the vendor, and that it is not held in pawn or otherwise encumbered^f. [Stamp: Mullā ‘Ādil Muftī b. Dāmullā Maṣṣūr, 1316]

The *qāḍī* of Samarqand’s Shāh-i Zindah district [i.e. Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Mīr Ḥusayn Bāy] confirms that Muḥammad Rāfi‘ Bāy has made the above statement in his presence: and that he himself has registered the sale as entry no. 2715 in the register of transactions. [Stamps: (i) Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qit‘ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī]

¹ Transaction noted also in docs. 482a and 490.

^a muṭābiq; ^b wakīl bi’l-bay‘ wa’l-taslīm ilā’l-mushtarī; ^c bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^d yūl-i āldī birk; ^e ṣūm-i kāghadh-i akhchah-yi urūs; ^f zalūg, arīs, garaw-ghah, kafālat-ghah īmas

220 (folded) x 354; 11+1+2+3 lines. Turki.

492

492a, n/d¹: claim for restitution

919: KP 1237

Acting as attorney^a to Akābir Khwājah b. Sayyid Khwājah, Mullā Ṣalāḥ al-Dīn Khwājah b. Jalāl al-Dīn presents a claim before the courthouse of Samarqand *wilāyat*’s district no. 1 against Ḥājjī Tīlaw Bāy b. Muḥammad Ṣābir and Ḥājjī Tīlaw’s son Mullā Birdī Murād. The claim relates to a courtyard house located in Qarā Bāy Āqsaqāl quarter, abutting in the west partly onto a blocked thoroughfare and partly onto a house belonging to Zumurrud Āy bint [–], in the north onto a house belonging to Qāḍī Mullā Muḥammad ‘Āqil b. Mullā Bābā Jān, in the east onto a house belonging to the respondent Mullā Birdī Murād and in the south onto a public thoroughfare. The speaker claims that the property in question belonged to the late Sayyid Khwājah until his death, whereupon it devolved to his heirs, these being two wives (Maḥṣad Āy and Sa‘ādat Āy), four sons (the plaintiff, Rustam Khwājah, Muḥammadī Khwājah and Aṣl al-Dīn Khwājah), and two daughters (Musharrafah Bīgīm and Muḥaffar Bīgīm). Before the division of the estate could take effect, Sa‘ādat Bīgīm died, and her share passed to her own heirs, namely a son (the plaintiff) and one daughter (Muḥaffar Bīgīm). Thereupon Muḥaffar Bīgīm herself died, and her share passed to her own heirs, namely her husband ‘Iṣām al-Dīn Khwājah, her daughter Sayyārah Bīgīm, and her brother Akābir Khwājah, the plaintiff. After both Aṣl al-Dīn Khwājah and Maḥṣad Āy then disavowed their shares of the estate^b in return for 2000 *tangah*, the estate was divided into 366 shares. The plaintiff share amounted to 117/366; Rustam Khwājah’s and Muḥammadī Khwājah’s each to 84/366; Musharrafah Bīgīm’s to 42/366; ‘Iṣām al-Dīn Khwājah’s to 13/366; and Sayyārah Bīgīm’s to 26/366. But the respondents have taken possession of the entire estate for themselves, and refuse to yield it over.

Stamp: Mullā Sayyid ‘Abd al-Majīd² b. Mullā Sayyid ‘Abdallāh Mudarris Muftī, 1320

Citations: (i) *man tarak mālan aw haqqan fa-li-warathatihi* (Kāfī); (ii) *al-wakīl qā'im maqām al-muwakkil* (Qāḍī Khān).

¹ *taq* 7 Dhu'l-Ḥijjah 1325 (Saturday 11 January 1908): → docs. 492b.ii, 494.

² Attested active from 1320/1903-4 (→ stamps, *passim*) to Ṣafar 1341/September-October 1922 (→ doc. 638). Outside the present collection, his activities are attested also in documents formerly held in the recently destroyed Samarqand Museum of the History and Art of the Peoples of Uzbekistan no. 3176/72 and others. See Isogai, 'Judicial Proceedings at Central Asian Islamic Courts'.

^a wakālatan muṭlaqatan 'āmmatan shar'īyatan; ^b ba'd az takhāruj-i shar'ī

220 x 354; 22 lines. Persian.

492b.i, 12 Dhu'l-Ḥijjah 1325 (16 January 1908): copy of copy^a of report of sale¹

Turki notarial addition: 21 April [= 3 May] 1889, document entry no. 347

Sale^b by Akābir Khwājah b. Sayyid Khwājah to his brother Rustam Khwājah b. Sayyid Khwājah of 14/64 of property located in Qarā Bāy Āqsaqāl quarter and abutting in the west onto a house belonging to Qārī 'Azīz b. Qārī Diyā, in the north onto a blocked thoroughfare^c, in the east onto a house belonging to Mullā Jān² b. Mullā Bābā Jān and in the south onto a major thoroughfare; the sale was for 80 *ṣūm*.

Mullā Mīr Nizām al-Dīn Khwājah, *qāḍī* of Samarqand, states that he has issued the deeds upon payment^d of 40 *tīyin*; and that he has engaged Ghafūr Āqsaqāl b. Mīr Rajab and Bīk Muḥammad Bāy b. Yār Muḥammad Bāy to witness the document.

Signed by Mullā Mīr Nizām al-Dīn Khwājah.

On 12 Dhu'l-Ḥijjah 1325, in response to the claim presented by Akābir Khwājah's attorney Ṣalāḥ al-Dīn Khwājah, Mullā Birdī Murād requested and received the present copy of said document.

Stamp: Qāḍī-yi qiṭ'ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī

<p>¹ As in doc. 494, similarly copied out from the <i>akt daftarī</i>, the text here cannot be termed a <i>statement</i> of sale, a <i>reported declaration</i> of sale or a <i>statement of declaration</i> of sale; it usefully illustrates some of the ways in which sale documents might be abbreviated when entered into the <i>akt daftarī</i>. The original <i>akt daftarī</i> copy is preserved also in doc. 494 and alluded to in docs. 493 and 499.</p> <p>² The chronology here is confusing: one would have expected this to <i>follow</i> Mullā Birdī Murād's receipt of the notarised document copy on 12 Dhu'l-Ḥijjah.</p>	<p>^a kūfiyah-din kūfiyah; ^b bay'-i qat'ī; ^c āldī birk yūl; ^d muhrānah</p>
<p>8+7 lines. Copied document in Turki; covering document in Persian.</p>	

492b.ii, 7 Dhu'l-Ḥijjah 1325 (11 January 1908): judicial ruling

Turki notarial addition: 7 January [= 20 January] 1908, document entry no. 4

<p>[Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī] states that on the above date Mullā Šalāḥ al-Dīn Khwājah b. Jalāl Khwājah, acting as attorney^a to Akābir Khwājah, presented a claim for restitution by his client before the Samarqand <i>wilāyat</i> courthouse. Under questioning^b, the two respondents [Tīlaw Bāy and Mullā Birdī Murād] produced for inspection a hand-written copy of a document dated 21 April [= 3 May] 1889 and registered as entry no. 347. Said document established that Akābir Khwājah sold the property under dispute to his brother Rustam Khwājah, who in turn on 22 February [= 5 March] 1892 sold it, in a transaction notarised in a document registered as entry no. 288¹, to Mullā Jūrah Bāy b. Muḥammad Šābir Bāy, whose own descendents in turn sold the property to Mullā Birdī Murād b. Tīlaw Bāy on 11 May [= 23 May] 1895, in a transaction registered as entry no. 871². In view of the afore-mentioned document, the judge has found for the inadmissibility^c of the plaintiff's claim against the respondents.</p> <p>Signatures: (i) Mullā Birdī Murād b. Ḥājī Tīlaw Bāy; (ii) Šalāḥ al-Dīn Khwājah</p>	
<p>Stamps: (i) Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī-yi qiṭ'ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī</p>	
<p>¹ Transaction noted also in doc. 493. ² → doc. 459; transaction noted also in doc. 495: → doc. 495.i(4).</p>	<p>^a wakālatan shar'iyatan; ^b 'ind al-sawāl; ^c bih 'adam-i samā'</p>
<p>10 lines. Persian.</p>	

n/d¹: solicited legal opinion

958: KP 1237

The son of Mullā Birdī Murād Bāy appeals for a legal opinion in response to a claim presented in a deposition of claim^a against his father by Akābir Khwājah b. Sayyid Khwājah for a share of his father's ancestral estate presently in his possession.

Rejecting this claim, the speaker states that the plaintiff sold^b said property to his own brother Rustam Khwājah for 80 *tangah* on 21 April [= 3 May] 1889 in the presence of Qāḍī Mullā Mīr Nizām al-Dīn Khwājah, and in a transaction notarised as register entry no. 347²; a set of deeds was issued, as is proven by the authorised copy [hereby submitted for perusal]^c.

Rustam Khwājah subsequently sold off the property in a sequence of transactions over the following few years.

- (i) He temporarily sold^d some of said property for 2500 *tangah* on 30 December 1890 [= 11 January 1891], in a transaction registered as document entry no. 2438.
- (ii) Together with his brother Muḥammadī, he sold^e a courtyard house for 8000 *tangah* on 26 February [= 9 March] 1892, in a transaction registered as document entry no. 288³, again in the presence of Mullā Nizām al-Dīn.
- (iii) He sold a further house for 3500 *tangah* on 16 January [= 28 January] 1896, in a transaction registered as document entry no. 133.

Given that the contested property thus demonstrably no longer belongs neither to Akābir Khwājah nor to his brother, should the *qāḍī* not reject the plaintiff's claim^f?

Answer: yes.

Stamps: (i) Mullā Abū Yūsuf b. Qāḍī Muḥammad Muftī; (ii) Mullā 'Ādil Muftī b. Dāmullā Maṣṣūr; (iii) Mullā Fayḍ-Allāh Muftī b. Mullā Ni'mat-Allāh; (iv) Mullā Qawām al-Dīn Makhdūm Muftī⁴ b. Mullā Niyāz Muḥammad Muftī; (v) Mullā 'Ibād-Allāh Muftī⁵ b. Mullā Ni'mat-Allāh; (vi) Mullā Muḥammad Salīmsāq Muftī b. [xxx] Muḥammad Ghanī Bāy

Citations: (i) *idhā kānat al-shirkah bi-sabab al-mīrāth aw al-shirā' aw al-hibah aw al-istīlā'*, *yajūz bay' aḥadihimā naṣībahu fī sharīkihi wa fī'l-ajṇabī bi-ghayr idhn sharīkihi* (Mukhtār al-fatāwā); (ii) *ḥukm al-bay' thubūt al-milk li'l-mushtarī fī'l-mabī' wa li'l-bā'i fī'l-thaman idhā kān bāttan* (Khizānat al-muftīyin); (iii) *al-rujū' 'an al-bay' ba'd tamāmihi lā ya'mal fī'l-Dhakhīrah, idhā tamm al-bay' al-ṣaḥīḥ, wa laysa li-aḥadihimā ḥaqq al-faskh* (Niṣāb al-riwāyāt); (iv) *al-mabī' ba'd al-bay' lā yuftā 'alā milk al-bā'i'* (Jāmi' al-rumūz); (v) *idda'ā' aynan fī yad rajul fa-qāl Dhu'l-yad innaka bi'ta hādhā al-'ayn fī fulān wa anā ishtaraytuhu minhu wa aqām al-bayyinah yandaḡī' da'wā al-mudda'ī wa in lam yakun lahu bayyinah fa-lahu ann yukhlif al-mudda'ī* (Ustrūshanī); (vi) *qālū mā wujud maktūban khaṭṭ al-qāḍī wa khatmihi fa-huwa lāzim 'alayhi wa yajib 'alā al-qāḍī an yaḥkum li-annah* (Muḡmarāt); (vii) *wa fī'l-'uyūn yuqḍā bi-qawlihimā ann al-'amal bi-ghālib al-ḡann wājib, wa'l-khaṭṭ yufīd ghālib al-ḡann fa-wajab al-'amal* (Baḡr al-manāfi'); (viii) *li-ann al-ḡann ka-l-'alam fī ḥaqq al-'amal* (Jāmi' al-rumūz); (ix) *qālū al-muftī yufī bi'l-ḡāh[ir] ka'l-qāḍī yaqḍā bi'l-ḡāhir, wa'l-iqrār amr ḡāhir, ammā al-bāṭil lā yadkhul taḡt al-qāḍā wa'l-iftā'* (Qā'idī); (x) *simā' al-bayyinah wa'l-taḡlīf yatarattabān*

'*alā ṣiḥḥat al-da 'wā wa fāsidadatihā* (Muḥīt); (xi) *al-ḥukkām yuwḍa 'u li-ijrā' al-aḥkām* (Tatār Khānīyah); (xii) *ammā al-kitāb al-shar 'ī alladhī wujid fī yad al-khaṣm hal yadfa' da 'wā al-khaṣm fa 'l-fatwā 'alā annahu yadfa' wa 'l-quḍāt ya 'malūn bi-khuṭūṭ al-quḍāt al-mādīn* (Mukhtār al-fatāwā); (xiii) *al-khaṭṭ yaṣlah ḥujjatan li-daf' al-istiḥqāq* (Mawlawī Fakhr al-Dīn).

¹ *taq* 7 Dhu'l-Ḥijjah 1325 (Saturday 11 January 1908): → docs. 492b.ii and 494.

² Transaction reproduced in docs. 492b.i and 494.

³ Transaction noted also in doc. 492b.ii.

⁴ Attested active from *ca.* Dhu'l-Ḥijjah 1325/January 1908 (→ doc. 493) to *ca.* Dhu'l-Ḥijjah 1333/October-November 1915 (→ doc. 621a).

⁵ Attested active from *ca.* Dhu'l-Ḥijjah 1325/January 1908 (→ docs. 493, 496) to 1912 (→ doc. 617).

^a maḥḍar-i shar'ī; ^b bay'an qaṭ'īyan; ^c wathīqah dādah būd chunān-chih kūfiyah-yi wathīqah-yi madhkūr az dīwān-i qāḍī-yi madhkūr dāllah bar ān mī-bāshad; ^d bay'an jā'īzan; ^e bay'-i qaṭ'ī; ^f ḥukm bih tark-i ta'arrud wa 'adam bih samā' namāyand

444 x 354; 12 lines. Persian.

494

29 December 1907 [=11 January 1908]: copy^a of report of sale¹

908: KP 1237

Russian stamp, 15 kopeks

Turki notarial addition: 21 April [= 3 May] 1889, document entry no. 347²

Sale^b by Akābir Khwājah b. Sayyid Khwājah to his brother Rustam Khwājah b. Sayyid Khwājah of 14/64 of property located in Qarah Bāy Āqsaqāl quarter and abutting in the west onto a house belonging to Qārī 'Azīz b. Qārī Diyā, in the north onto a blocked thoroughfare^c, in the east onto a house belonging to Mullā Jān³ b. Mullā Bābā Jān and in the south onto a major thoroughfare; the sale was for 80 *šūm*.

A set of deeds was notarised upon payment^d of 40 *tiyin*. This transaction was witnessed by Ghafūr Āqsaqāl b. Mīr Rajab and Bīk Muḥammad Bāy b. Yār Muḥammad Bāy⁴.

Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī, *qāḍī* of Samarqand's Ḥaḍrat-i Shāh-i Zindah district no. 1, confirms that, in accordance with a request by Mullā Birdī Murād b. Ḥājjī Tīlaw Bāy⁵, upon receipt of a 15-*tiyin* transaction fee⁶, and in keeping with article 234 of the Statute^{7e}, he has authorised the copying of the document noted as entry no. 347 in the register of transactions, dated 21 April [= 3 May] 1889. [Stamps: (i) Narodn. sud'i Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qit'ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī]

¹ The document here cannot be termed a *statement of sale*, a *reported declaration of sale* or a *statement of declaration of sale*, since the terms of the transaction are related not by the vendor/*muqirr* but by the *qāḍī* notarising the transaction (→ doc. 492b; also (⁴) below).

² The text is preserved also in doc. 492b and alluded to in docs. 493 and 495.

³ ≈ Brother of Qāḍī Mullā Muḥammad ‘Āqil, attested as a landowner in the vicinity (→ docs. 454 and 495).

⁴ In the document as incompletely rendered here (there is not even a main verb!) the speaker/signatory is not identified. The original speaker was apparently Qāḍī Mullā Mīr Nizām al-Dīn Khwājah: → docs. 492b and 493.

⁵ For the context to this request, → docs. 493, 495.

⁶ i.e. the value of the affixed 15-kopek stamp.

⁷ ≈ The Statute for the Administration of Turkestan/*Polozhenie ob upravlenii Turkestana*, ratified in 1886 to replace the provisional statute of 1867; the article in question states that all judicial decisions should be communicated to both parties, with the issue, if desired, of notarised copies of the decision in question. For discussion of the statute more generally, see Sartori, ‘An Overview of Tsarist Policy on Islamic Courts in Turkestan: Its Genealogy and Effects’, in *Cahiers d’Asie Centrale* 17/18 (2009), pp. 477-507 [p. 485], and ‘What Went Wrong?’ p. 403. It is unclear whether the *palāzhīnīyah* here is the same statute as the *dastūr al-‘amal* noted in docs. 500 and 620b.i.

^a kūfiyah; ^b bay‘-i qaṭ‘ī; ^c āldī birk yūl; ^d muhrānah; ^e palāzhīnīyah

178 (folded) x 221; 6+4 lines. Turki.

495

495.i, 2 February [=15 February] 1908: copy^a of judicial ruling no. 19

965: KP 5991/593

On the above date Mīr Abu’l-Ḥayy Khwājah b. Mīr Shīrīn Khwājah, *qāḍī* of Maḥallah, states on behalf of the Samarqand Assembly of People’s Judges^b that he has issued a ruling in response to claims presented by Ṣalāḥ al-Dīn Khwājah b. Jalāl Khwājah, acting as attorney to Akābir Khwājah b. Sayyid Khwājah, against the respondents⁽¹⁾ Ḥājji Tīlaw Bāy b. Muḥammad Ṣābir and his son Mullā Birdī Murād, residents of Qarā Bāy Āqsaqāl quarter.

The plaintiff seeks restitution of a plot of property located in Qarā Bāy Āqsaqāl quarter, and abutting in the west partly onto a blocked thoroughfare and partly onto a house belonging to Zumurrud, in the north onto a house belonging to Qāḍī Mullā Muḥammad ‘Āqil b. Mullā Bābā Jān, *qāḍī* of Siyāh Āb, in the east onto a house belonging to the respondent Mullā Birdī Murād and in the south onto a public thoroughfare; the property formerly belonged to the plaintiff’s father Sayyid Khwājah.

Upon Sayyid Khwājah’s death, his estate was divided between two wives, Maqṣad Āy and Sa‘ādat Āy, four sons, Akābir Khwājah, Rustam Khwājah, Muḥammadī Khwājah and Aṣl al-Dīn Khwājah, and two daughters, Musharrafah Bīgīm and Muẓaffarah Bīgīm.

Before the allocations were executed, Sa‘ādat Bīgīm died, her share of the property passing on to her son Akābir Khwājah and her daughter Muẓaffarah Bīgīm. Immediately thereafter Muẓaffarah Bīgīm died, her share of property in turn transferring to her husband ‘Iṣām al-Dīn Khwājah, her daughter Sayyārah Bīgīm and her brother Akābir Khwājah². In accordance with *sharī‘ah* practice, Aṣl al-Dīn and Maqṣad Āy disclaimed their share of property in return for 2000 *tangah*; the remaining property was thus divided into 366, with Akābir Khwājah receiving 117, Rustam Khwājah and Muḥammadī Khwājah receiving 84 each, Musharrafah Bīgīm receiving 42, ‘Iṣām al-Dīn receiving 13 and Sayyārah Bīgīm receiving 26³. But, the plaintiff claimed, said respondents seized possession of the entire property, and should now give it back. Being unsatisfied with an earlier judicial ruling by the Samarqand Assembly of People’s Judges dated 2 January [= 15 January] 1908 and registered as document entry no. 4, Ṣalāḥ al-Dīn now presented a copy of said ruling before the governor of Samarqand *uyezd*^d, requesting him [to re-examine the case]. He in turn sent both the copy and the appeal back to the Samarqand Assembly of People’s Judges, with instructions to re-examine the case by the terms of order^e no^f. 697, issued on 19 January [=1 February] 1908.

In response to this appeal, the Samarqand Assembly of People’s Judges summoned the contending parties and examined the case^g. They examined (i) the declaration of sale dated 21 April [= 3 May] 1889 and registered as document entry no. 347⁴, establishing that Akābir Khwājah sold the property under discussion to his brother Rustam Khwājah, and (ii) the declaration of sale dated 11 May [= 23 May] 1895 and registered as document entry no. 871⁴, establishing that Rustam Khwājah in turn sold the property to Mullā Birdī Murād b. Tīlaw Bāy; and accordingly determined that the plaintiff’s claim was void^h. The speaker communicated this ruling to both parties.

Stamps: (i) Narodnogo sud’i Makhallinskogo uchastka Samarkand. uyezda i oblasti [plus signature of Mīr Abu’l-Khayr Khwājah]; (ii) Narodnogo sud’i Khodzha Akhrars. uchastka Samarkand. uyezda i oblasti [plus signature of Qāḍī Mullā [xxx] Muḥammad Khwājah]; (iii) Narodnogo sud’i Seobskogo uchastka Samarkand. uyezda i oblasti [plus signature of Mullā Muḥammad ‘Āqil b. Mullā Bābā Jān, *qāḍī* of Siyah Āb]; (iv) Ḥamīd b. Mīr Bābā Bāy; (v) [xxx] b. Mullā Rūzī Bāy; (vi) Mullā [xxx] b. [xxx] (in Arabic and Cyrillic script); (vii) ‘Abd al-Raḥmān b. Mullā ‘Abd al-Qādir; (viii) Muḥammad Naẓar Bāy b. Niyāz Pahlawān, 132x; (ix) Mullā Aḥmad b. Muḥammad Karīm Bāy (in Arabic and Cyrillic script); (x) Amīn Bāy Āqsaqāl b. Ūljah Bāy, 1320

¹ A Turki plural ending is appended to an Arabic formulation; → also doc. 566.

² Mention here of Akābir Khwājah alone among Sayyid Khwājah’s five surviving children suggests that whereas full siblings might inherit a share of one’s estate, half siblings were excluded.

³ The mathematics of the breakdown here are unclear: but it would appear that Sa‘ādat Bīgīm could not have given Akābir Khwājah twice what she gave her daughter, as would generally seem to have been the practice.

⁴ Transaction noted also in doc. 492b.

^a kūfiyah; ^b shahr-i Samarqand siyāzd nārūdnyā sūdiyāh-lārī; ^c mudda‘ī ‘alayhi-lārī; ^d Samarqand uyazdī-nī ḥākīmī; ^e pirikaz; ^f nūmir; ^g dīw qīlghān ‘arḍī sabab-lī yūqārī-dah nām-lārī madhkūr īkkī ṭaraf da‘wā-gar-lār-nīng da‘wā-sī-nī sūrāb ḥaqīqat qīldūm; ^h madhkūr mudda‘ī-nī hawīlī tūghrī-sī-dīn mudda‘ā ‘alayhi-lār-ghah qīlgān da‘wā-sī-nī sharī‘at būyinchah sūrāmas-līk-ghah [...] ḥukm qīlīb

152 x 340; 32 handwritten lines on a pre-printed form. Turki.

495.ii, *tpq* 14 April [= 27 April] 1901: copy^a of judicial ruling no. 244¹

Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī, people's judge^b of Samarqand, states on the above date that he has issued a ruling in response to a claim presented against Mullā 'Iṣmat-Allāh b. 'Umūr Bāy, a resident of Qarā Bāy Āqsaqāl [quarter], Samarqand. The speaker summoned^c the plaintiff and respondent before the Samarqand courthouse and considered their submissions in accordance with *sharī'ah*.

The plaintiff's attorney Mullā Ṣalāḥ al-Dīn stated that the respondent temporarily sold^d to his client Mullā 'Abdallāh, for 3500 *tangah*^e, his own 14/32 share in a jointly-owned courtyard property located in Qarā Bāy Āqsaqāl quarter and abutting in the west onto a blocked thoroughfare, in the north and east onto a shop belonging to Baḥr al-Dīn Khwājah b. Khūj 'Abdallāh, and in the south onto a courtyard property belonging to Bāltah Āy bint Qurbān Bāy. After 1 year, the respondent sought to revoke the rental agreement, and on 10 [=23] April 1900, as recorded by entry no. 1112, he entered the presence of the aforementioned people's judge, presenting for scrutiny the rental deeds. But on 10 Rajab 1318 (3 November 1900), before the expiry of that time period specified in the afore-mentioned deeds, Mullā 'Abdallāh himself determined to revoke the agreement, and requested the respondent to return 3500 *tangah*. But, Mullā Ṣalāḥ al-Dīn relates, Qāḍī Mullā Mīrzā Niyāz Muḥammad ruled that the plaintiff should not seek restitution of the above sum until after the stipulated time period is over; the 2 parties agreed to this. Upon the expiry of said time period, Mullā 'Abdallāh again initiated his claim for restitution. As related in a document dated 21 March [=3 April] 1901 and notarised as document no. 866, Mullā 'Abdallāh appointed Mullā Ṣalāḥ al-Dīn as his attorney. Acting as attorney, Mullā Ṣalāḥ al-Dīn has now revoked the agreement: the respondent should now return to Mullā 'Abdallāh 3500 *tangah*, and receive the rental deeds in return. Mullā Ṣalāḥ al-Dīn requests that Qāḍī Mullā Mīrzā Niyāz Muḥammad should now compel the respondent to pay up, and if necessary to sell his possessions in order to raise the sum stipulated for repayment.

In response to this appeal, Qāḍī Mullā Mīrzā Niyāz Muḥammad summoned the contending parties, together with the impartial actors^f Mullā Tūrah Khwājah Āqsaqāl b. 'Abd al-Šamad Khwājah and Mullā 'Uthmān b. Mullā Imām, and examined the case. He put the plaintiff's claim to the respondent 'Iṣmat-Allāh. This latter freely and willingly^g acknowledged possession of the afore-mentioned sum of 3500 *tangah*, but refused to give it back^h. In accordance with *sharī'ah*, and given the fact of both the plaintiff's demand and the respondent's acknowledgement, the speaker therefore ruled that the respondent should sell his 14/32 share in the afore-mentioned property, and return the money to the plaintiff.

Stamps: (i) Narodnogo sud'i Khodzha Akhrarskogo uchastka goroda Samarkanda i oblasti; (ii) [Tūrah?] Khwājah b. 'Abd al-Šamad Khwājah, 1330²; (iii) Ṣalāḥ al-Dīn Āqsaqāl b. Mawlān Bāy, 1321³

¹ The relationship between docs. 495.i and 495.ii is unclear.

² i.e. December 1911-December 1912. This stamp was evidently affixed substantially subsequent to the document's original composition.

³ i.e. March 1903-March 1904. This stamp also was evidently fixed subsequent to composition.

^a kūfiyah; ^b nārūdñāy sūdiyāh; ^c qamtū-lāshṭūrūb; ^d bāy'-i jā'iz; ^e tangah-yi bukhārī; ^f khālīṣ-lār; ^g ūz ikhtiyār wa riḍā-līgī ilān; ^h birmāq-din mumāṭalah qīldī

152 x 340; 30 handwritten lines on a pre-printed form. Turki.

n/d¹: solicited legal opinion

1000: KP 5991/628

Hājji Tīlaw Bāy appeals for a legal opinion in response to a claim presented against him by Mullā Ṣalāḥ al-Dīn Khwājah, in this latter's capacity as attorney to Akābir Khwājah; he does so in response to a claim made against him by Mullā Ṣalāḥ al-Dīn Khwājah for the share owing from the estate of Akābir's late father Sayyid Khwājah, mother Sa'ādāt Āy and sister Muẓaffarah Āy.

Hājji Tīlaw Bāy states that he bought a property from Rustam Khwājah, who bought it from condominium co-owner Muḥammadī Khwājah, together with whom he had bought it from Mullā Jūrah Bāy, Muḥammad Ṣādiq Bāy and Mullā Birdī Bāy. He states also that he bought a property from Mullā Jūrah Bāy, who bought it from Rustam Khwājah, who together with Muḥammadī Khwājah had bought it from the plaintiff Akābir Khwājah. He points out that he has already substantiated these statements by presenting for the *qāḍī*'s perusal various notarised documents attesting to said transactions. Recognising the force of these documents in the speaker's defence^a, the *qāḍī* of district no. 1 has ruled that, on account of the manifest untruth of the plaintiff's claim^b, said claim is inadmissible^{2c}. Because the plaintiff is unwilling to accept this ruling^d, however, the judge is under pressure to reconsider the case. Is it not the case, however, that, since Hājji Tīlaw Bāy's notarised documents have been signed by the *qāḍī*, they have binding force^e; that the *qāḍī*'s original ruling is valid and operative; and that abrogation of said ruling is unjustified^f?

Answer: yes.

Stamps: (i) Mūsā Khwājah Muftī b. Qāḍī Shīrīn Khwājah Mūsawī; (ii) Mullā Abu'l-Khayr Muftī b. Mullā 'Arif Jān, 1311; (iii) Mullā Fayḍ-Allāh Muftī b. Mullā Ni'mat-Allāh; (iv) Mullā 'Ādil Muftī b. Dāmullā Maṣṣūr; (v) Mullā Abū Yūsuf b. Qāḍī Muḥammad Muftī b. Ya'qūb; (vi) Mullā 'Ibād-Allāh b. Mullā Ni'mat-Allāh; (vii) Mullā Abu'l-Ḥayy Ṣudūr Muftī b. Mullā [xxx] Muḥammad Muftī; (viii) Mullā Muḥammad Abu'l-Qāsim Muftī b. Mullā Yār Muḥammad Mudarris Muftī

Citations: (i) *idda'ā 'aynan fī yad rajul fa-qālū Dhu'l-yad innaka bi'ta hādihā 'l-'ayn fī fulān wa anā ishtaraytuhu minhu wa aqām al-bayyinah yandafi' da 'wā al-mudda'ī wa in lam yakun lahu bayyinah fa-lahu an yuḥlif al-mudda'ī* (Ustrūshānī); (ii) *qālū mā wujida maktūban bi-khaṭṭ al-qāḍī wa khatmihi fa-huwa lāzim 'alayhi wa yajib 'alā al-qāḍī an yaḥkum li-annahū ḥujjah tāmmah* (Muḍmarāt); (iii) *ammā 'l-kitāb al-shar'ī alladhī wujida fī yad al-khaṣm hal yadfa' da 'wā al-khaṣm fa'l-fatwā 'alā annahu yadfa' wa 'l-quḍāt ya'malūn bi-khuṭūṭ quḍāt al-māḍiyīn* (Mukhtār al-fatāwā); (iv) *al-khaṭṭ yaṣluḥ ḥujjatan li-daf' al-istiḥqāq* (Mawlawī Fakhr al-Dīn); (v) *al-khaṭṭ ba'd imḍā' al-qāḍī ḥujjat* (Qā'idī); (vi) *al-diwān wuḍi'a li-yakūn ḥujjatan 'ind al-ḥājah* (Sharḥ-i Kanz); (vii) *wa 'l-'amal bi'l-zāhir wājib 'alā al-qāḍī* (Kifāyah³); (viii) *al-aḥkām yajrī 'alā al-zāhir* (Ḥammādiyah); (ix) *qāl wa yanbaghī li'l-qāḍī an yunfidh qadāyā al-qāḍī turfa' ilayhi wa yaḥkum bihā* (Āḍāb al-qāḍī); (x) *law qadā qāḍin 'alā qawl min aqāwil al-'ulamā' la-kān ṣaḥiḥan wa laysa li-aḥad min al-quḍāt naqḍuhu ilā yawm al-qiyāmah* (Jāmi' al-rumūz); (xi) *al-ḥukkām yūḍa' li-ijrā' al-aḥkām* (Fatāwā Tātār Khānī); (xii) *mujma'an 'alayhi ay yaṣīr mā ukhtulif fīhi muttafaqan 'alayhi bi-ḥayth lā yaruddahu qāḍīn min quḍāt al-muslimīn 'ind jamī' al-mujtahiddīn ka-mā huwa al-mashhūr* (Jāmi' al-rumūz); (xiii) *al-qadā' ḥaqq al-shar' yajib ṣiyānatuhu wa min ṣiyānatihī ann yalzam wa lā yata'arrad ilayhi kadhā fī'l-Durar* (Ḥamawī Sharḥ-i Ashbāh).

<p>¹ <i>tpq</i> 7 Dhu'l-Ḥijjah 1325 (Saturday 11 January 1908): → doc. 492b.ii.</p> <p>² Said ruling appears to be that notarised as doc. 492b.ii above.</p> <p>³ A work by Sayyid Jalāl al-Dīn b. Shams al-Dīn al-Gurlānī al-Khwārazmī (d. 768/1367). The work comprises a commentary on the <i>Hidāyah</i> of Burhān al-Dīn al-Marghīnānī (→ doc. 8⁽⁸⁾), and was published on several occasions in Kazan. See Brockelmann, <i>GAL</i> I.376-78, pp. 466-470.</p>	<p>^a wathā'iq mā fī'l-ayāqī-yi mudda'ā 'alayhimā-rā ḥujjat-i dāfi'ah gardānīdah; ^b az jihat-i zūhūr-i kidhb-i da'wā al-mudda'ī; ^c ḥukm bih 'adam-i samā'-i da'wā; ^d binā bar 'adam-i riqā-yi maqdī 'alayhi; ^e wathā'iq [...] ba'd imdā-yi qāqī-yi Islām ḥujjat-i shar'ī gardīdah; ^f naqd-i ḥukm-i madhkūr lā-yaṣīḥḥ bāshad.</p>
<p>350 x 442; 8 lines. Persian.</p>	

497

tpq Muḥarram 1327 (23 January – 21 February 1909): reported declaration of receipt, and abstention from claim

905: KP 1237

Turki notarial addition: 25 January [= 7 February] 1909, document entry no. 161; Russian stamp, 10 kopeks

<p>On the above date Sharāfat Āy bint 'Ādil Bāy, from Dih-i Naw, acting on her own behalf and as guardian to the pre-adult Rajab Bāy, Manglī Bāy, Murād Bāy, Jum'ah Bāy and the pre-adult Maghfirat Āy, her children by the late Mullā Rāfi', declared before the Maḥallah courthouse that she has received 190 <i>tangah</i> from Mullā Birdī Murād b. Ḥājji Tīlaw. The sum covers the rent outstanding for a plot of land located in Dih-i Naw. During his lifetime, Mullā Rāfi' temporarily sold^a the <i>suknīyāt</i> on this land to Mullā Birdī Murād for 1000 <i>šūm</i>^b, as duly notarised in a set of deeds. Following the abrogation of the agreement^c after Mullā Rāfi''s death, Sharāfat Āy took the land back: but because in the meanwhile Mullā Birdī Murād had been occupying the land, he owed 190 <i>tangah</i> in outstanding rent^d. The debt has now been honoured.</p> <p>It is further stated that the afore-mentioned children [of Mullā Rāfi'] henceforth have no right or claim against Mullā Birdī Murād.</p>	
<p>Stamps: (i) Narodnogo sud'i Makhallinskogo uchastka Samarkand. uyezda i oblasti [plus <i>qāqī</i> signature]; (ii) Qāqī Mīr Abu'l-Ḥayy Khwājah b. Qāqī Mīr Shīrīn</p>	
<p>Witnesses: Mīrzā Burhān b. Mullā Pāchā; 'Umar Bāy b. 'Ādil Bāy; Rīshān Qul Bāy b. Qāsim Bāy.</p>	
	<p>^a bay'-i jā'iz-i shar'ī; ^b šūm-i kāghadh; ^c faskh al-bay' wa akhdh al-thaman; ^d ujrāt al-khidmat</p>
<p>178 x 221; 15 lines. Persian.</p>	

498

tpq 27 Rabī‘ II 1328 (8 May 1910): reported declaration of mortgage

912: KP 1237

Turki notarial addition: 24 April [= 7 May] 1910, document entry no. 1221

On the above date ‘Abd al-Ḥāmid Bāy b. Ustā Mu’min Jān, aged 62, declared as a competent agent before the Siyāh Āb courthouse that he has temporarily sold^a to Mullā Birdī Murād Bāy b. Ḥājī Tīlaw Bāy the *suknīyāt* on $\frac{1}{4}$ *tanāb* of garden land, constituting *mamlakah* and located in Bāgh-i Maydān, Siyāh Āb *volost*^{1b}. The property abuts in the west onto a garden belonging to the mortgager, in the north onto a garden belonging to Akram Khān b. Kāmil Tūrah-yi Īshān, in the east onto a garden belonging to Naṣr al-Dīn Bāy b. [–], and in the south onto scrub land^c belonging to Muḥammad Yūsuf Bāy. The sale is for 150 *tangah*, and the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged.

The speaker additionally declared that he has undertaken to rent the property under transaction for 3 *tangah* per month^d.

Stamps: (i) Narodnogo sud’i Seobskogo uchastka Samarkand. uyezda i oblasti [plus the signature of the *qāḍī* of Siyah Āb]; (ii) Qāḍī Mullā Muḥammad ‘Āqil b. Mullā Bābā Jān

¹ For Bāgh-i Maydān see T.S. Saidkulov, *Samarkand vo vtoroi polovine XIX – nachale XX vekov* (Samarqand: Samarqandskii gosudarst-vennyi universitet imeni Alishera Navoi, 1970), p. 4, and Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.

^a bay‘-i jā‘iz-i shar‘ī; ^b wulūst; ^c chakalak; ^d bih gudhashtan-i har yak māh-i kāmil-i qamarī az tārikh bih badal-i 3 tangah-gī-yi rā’ijah (sic)

178 (folded) x 221; 12 lines. Persian.

499

499a, *tpq* 23 June [= 6 July] 1910: statement of sale for 290 *ṣūm*^{1a}

955: KP 1237

Russian stamp, 15 kopeks

Maḥmūd Āqsaqāl b. Qūzī Bāy Āshpaz, aged 52, a resident of Qūsh Ārīq neighbourhood^{b(2)}, a subsidiary settlement of Khūqand’s Sar-i Mazār quarter³, states that on the date specified above he sold^{c(4)} to Tīlā (*sic*) Bāy b. Ṣābir Bāy, a resident of Samarqand oblast^{5d}, $\frac{1}{3}$ of a house located in Ḥankat neighbourhood, a dependent^e settlement of Sar-i Mazār, and abutting in the west partly onto the estate of the late Isrā‘īl and partly onto *milk* belonging to Mīr Sulṭān b. Mīr ‘Azīz, in the north onto an open street, in the east onto *milk* belonging to Birdī Murād Bāy b. Tīlaw Bāy, and in the south^{f(6)} onto *milk* belonging to Mullā Mīr Wāḥid Qārī b. Mīr Ghafūr Jān Bāy; the sale was for 290 *ṣūm*. The vendor himself acquired said property from Tursūn Bībī bint Sulṭān Bāy, and Qurbān Bībī, Mukarram Bībī and Nisā’ Bībī, daughters of the late Atā Bāy Yasāwul, on 19 March [= 1 April] 1907 in a transaction notarised as document entry no. 571. [The document is signed on behalf of the illiterate Maḥmūd Bāy by Mullā ‘Abd al-Ḥaqq b. Dāmullā Sharaf al-Dīn.]

Mullā Nūr Muḥammad b. Mullā Dūst Muḥammad Mīrzā states on behalf of the illiterate Tīlaw Bāy that he has received and paid for said property.

Mullā Şadr Bīk b. the blind Dāmullā Tūrah Khān A‘lam states on behalf of the illiterate Aḥmad Jān İllīk-Bāshī b. ‘Awaḍ Bāy, Nādīr Bāy b. ‘Āshūr Bāy and Tāsh Muḥammad Bāy b. Fayḍī Bāy that these property under transaction is not mortgaged or under any other encumbrance^g.

Mullā Mas‘ūd Makhdūm b. Bābā Jān and Dāmullā Maḥmūd Makhdūm b. Dāmullā Muḥammad Qāḍī-yi kalān, *qāḍī* of Sar-i Mazār village, confirm that the transaction has been executed, and states that he has noted the deed as entry no. 1061 in the year’s register [of transactions].

No stamp.

¹ The only instance amongst our documents where the value of the sale is specified in the document byline.

² The use of *maḥallah*, as here, as a generic term to denote a neighbourhood is a feature both common and specific to documents produced in, or relating to territories to the north and east of Samarqand, notably Khujand, Khūqand and Tashkent.

³ In contrast to the frequently-encountered terms ‘*uyezd*’ and ‘*volost*’, the term ‘*oblast*’ appears only twice within the text of our Arabic-script documents, namey here and in doc. 595. It is unclear why the term was so rarely used.

⁴ A direct Turki rendering of *bay‘-i bātt-i batāt*: see Sartori, ‘Colonial Legislation Meets *Sharī‘a*’, p. 60 (n. 69), citing in turn A. Urumbaev, T. Khorikawa, T. Faiziev, G. Dzhuraeva and K. Isogai, *Katalog khivinskikh kaziiskikh dokumentov (XIX – nachala XX vv.)* (Tashkent/Kyoto: Izd-vo Mezhdunarodnyi institut po izucheniiu iazykov i mira Kiotskogo universiteta po izucheniiu zarubezhnykh stran 2001), p. 663.

⁵ See Beisembiev, *Annotated Indices*, p. 618, identifying Sar-i Mazār as a suburb in the north of Khūqand.

⁶ The formulation is unique amongst our documents.

^a ‘aqd-nāmah 290 şūm-līk; ^b Qūsh Ārīq maḥallah² fuqarā-sī; ^c ūzīl kisīl bay‘⁴; ^d ublūst; ^e qarāshlī; ^f quṭb ṭarafī⁶; ^g bay‘-i jā‘iz wa garaw wa tamlīk wa wathīqah īmas

220 x 354; 22 lines. Turki.

499b.i¹, *tpq* 1 December [= 14 December] 1917: statement of sale

‘Ūmur (*sic*) Bāy b. Maṣṣūr Bāy, a resident of Samarqand’s Āq Sarāy quarter², states that, by the terms of an appointment before the *qāḍī* of Samarqand’s Shāh-i Zindah district no. 1, dated 9 March [= 23 March] 1917 and notarised as document entry no. 317, he was conferred with the powers of attorney by the late Ḥājjī Tīlaw Bāy’s children Mullā Birdī Murād, Mullā Tūkhtah Murād, Mukarramah Āy, Rustam Āy, Ḥaḳīqat Āy, ‘Anwār (*sic*) Āy, Āftāb Āy and Sultānah Āy, together with the late man’s widows Sarah Āy bint İgam Birdī, Muḥarramah Āy bint ‘Ādil Bāy, İklimah (*sic*) Āy bint ‘Ūmur Bāy, and Rāḥat Āy bint Jūrah Bāy. By the terms of the appointment, he was instructed to sell a house belonging to the

late Ḥājji Tīlaw Bāy located in the Qūsh Ārīq neighbourhood of Sar-i Mazār, a quarter in Khūqand.

The speaker states that on the date specified above he duly sold^a said property to Mullā Birdī Murād Bāy b. Ḥājji Tīlaw, a resident of Samarqand's Qarā Bāy Āqsaqāl quarter, Qalandar-Khānah village, for 300 *šūm*. On behalf of his various clients, 'Ūmur Bāy disavows any right, interference or claim on the said property. The statement is signed by Mullā 'Abd al-Raḥmān Dhākīr on behalf of the illiterate speaker.

Witnesses: Qārī 'Ābid b. Zārīf Bāy; Islām Bāy b. Rāziq Bāy.

Stamp: [xxx] Muftī

¹ The relationship between docs. 499a and 499b.i+ii is unclear.

² For this quarter see e.g. Abramov, *Samarqand qabristonlari* (Samarqand: Sughdiyov, 1995), p. 20.

^a bay'-i bātt-i qat'ī

12 lines. Turki.

499b.ii, *tpq* 11 November 1919/29 Dhu'l-Ḥijjah 1338 (13 November 1920)¹: statement of property exchange

Mullā Birdī Murād b. Tīlaw Bāy Ḥājji states that on the date specified above he willingly and freely^a exchanged the property in the Qūsh Ārīq neighbourhood outlined by 'Ūmūr (*sic*) Bāy b. Maṣṣūr Bāy, a resident of Āq Sarāy quarter, in his communication of 1 December [= 14 December] 1917² in return for the dowry of his wife Muqaddas Āy bint Qārī Mullā Mīr 'Ābid, amounting to 1000 *ṭilā*. He henceforth has no right or claim towards the property in question.

The statement is witnessed by Qārī Mīr 'Ābid b. Mīr Zārīf Bāy and Muḥaffar Jān b. Jūrah Bīk, and signed by Birdī Murād.

No stamp.

¹ The disparity of dates here is difficult to explain.

² i.e. doc. 499b.i.

^a ūz riḍā wa raghatīm birlān

7 lines. Turki.

500

tpq Sha'bān 1328 (8 August – 5 September 1910): reported declaration of conferral of power of attorney

910: KP 1237

Turki notarial addition: 2 August [= 15 August] 1910, document entry no. 1838

On the above date Ḥājji Tīlaw Bāy b. Šābir Bāy, by his own account aged 57, declared as a competent agent before the courthouse of Samarqand *wilāyat*'s Siyāh Ab that he has appointed Mullā Āchīldī b. Fayḍī Bāy as attorney and deputy^a.

Said attorney should go to Khūqand *wilāyat*, to seek the compliance and submission^b of

[xxx] al-Nisā Āy bint Ustā ‘Alī Bāy, the speaker’s [estranged] wife. Having presented this latter with the speaker’s declaration of divorce^e, the attorney should bring back to Samarqand Ḥājjī Tīlaw Bāy’s 11-year old daughter Sultānah Āy, who is of an age when she does not require female guardianship^d.

Should [Mullā Āchīldī] decide to appoint somebody else as attorney on his own behalf, the appointment [by Ḥājjī Tīlaw Bāy] will retain its force^{1e}.

And if anybody makes a claim for restitution against the speaker, the attorney should respond to the claim on his behalf, and secure a resolution of contention.

In view of the satisfaction of both speaker and appointee, and in accordance with chapter 212 of the Statute⁽²⁾, the *qāḍī* of Siyāh Āb *volost*^{2b} confirms the appointment upon payment of 1¼ *šūm*^h.

Stamps: (i) Narodnogo sud’i Seobskogo uchastka Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi Siyāh Āb-i wilāyat-i Samarqand Qāḍī Muḥammad ‘Āqil b. Mullā Bābā Jān

¹ A rare instance where the speaker authorises the attorney to make a further attorney appointment on his behalf. For stipulations regarding this practice → also docs. 514.i and 560.

² For the term → also doc. 620b.i. For discussion of the Statute → doc. 494(7).

^a wakīl-i muṭlaq-i ‘āmm-i shar‘ī, wa qā‘im-maqām-i nafs-i khūd; ^b da‘wā-yi iṭā‘at wa inqiyād; ^c khatt‘-i khul‘; ^d mustaghniyah az ḥiḍānat-i nisā ast; ^e wa khwāhad wakīl-i madhkūr az qibal-i khūd shakhsī-yi ākhar-rā wakīl namāyad, ikhtiyāram wakīl-i madhkūr-rā ast; ^f dastūr al-‘amal²; ^g wulūs; ^h yak šūm 25 tiyin

177 (folded) x 221; 13 lines. Persian.

501

tpq 5 December [=18 December] 1912: declaration of sale

909: KP 1237

Mullā ‘Umar Jān, aged 45, Mullā Manšūr Jān, aged 38, Yāqūt Āy, aged 50, and Ḥāqīqat Āy, aged 40, children of Ḥājjī ‘Ārif Jān, together state that on the date specified above they sold^a to Mullā Birdī Murād b. Ḥājjī Tīlaw Bāy the *sukniyāt* on ¼ *tanāb* of garden land, constituting *mamlakah* and located in Bāgh-i Maydān, Siyāh Āb. The property abuts in the west and south onto a garden belonging to Ghulām Jān and Hafīzah Āy, in the north onto a garden belonging to Mullā ‘Abd al-Zuhūr b. Birdīm Bāy, and in the east onto a blocked thoroughfare. The sale was for 1000 *tangah*. [Signature: Mullā ‘Umar]

Mullā Birdī Murād states that he has received and paid for the property.

Mullā Muḥammad ‘Āqil b. Mullā Bābā Jān, the *qāḍī* of Siyāh Āb, confirms that the transaction has occurred, and that he has notarised the deeds as entry no. 2480 in the register of the transactions.

Mīr ‘Ubayd Īshān b. Mīr Sayyid Shaykh, Mullā Aḥmad Jān Āqsaqāl b. Mīrzā Bābā and Ustā Muḥammad Šāliḥ b. Ustā ‘Ādil state that they have witnessed the transaction.

Stamps: (i) Narodnogo sud’i Seobskogo uchastka Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi Siyāh Āb-i wilāyat-i Samarqand Qāḍī Mullā Muḥammad ‘Āqil b. Mullā Bābā Jān; (iii) Mīr ‘Ubayd b. Mīr Sayyid Shaykh

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī-yi shar‘ī

178 (folded) x 221; 12+1+2+2 lines. Turki.

502

tpq Jumādā II 1331 (8 May – 5 June 1913): copy^a of reported declaration of conferral of power of attorney

914: KP 1237

Turki notarial addition: 3 May [= 16 May] 1913, document entry no. 946

On the above date Mullā Birdī Murād b. Tīlaw Bāy, aged 42 and a resident of Samarqand's Qarā Bāy Āqsaqāl quarter, declared as a competent agent before the courthouse of Samarqand *wilāyat*'s district no. 1 that he has appointed Nadhr Qul Bāy b. Sayf-Allāh Bāy, a resident of Samarqand's Ūrgūtī quarter, as his attorney and deputy^b. Said attorney should secure and return to him 21200 *tangah* presently in the possession of Mīrzā Bāy b. Qurbān Bāy, a resident of the rural settlement of Kābdūn¹, Bukhara. In the case of refusal he should initiate proceedings^c.

Stamps: (i) Narodn. sud' i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus signature of Qāḍī Mullā Baqā Khwājah b. 'Abdallāh Khwājah]

Witnesses: Mullā Ākhūnd Jān b. Ḥājjī Nār Muḥammad; Gawhar Bāy b. 'Abdallāh Bāy; and others.

¹ See O.D. Chekovich, *Bukharskie dokumenty XIV veka* (Tashkent: Fan, 1965), p. 210; Ivanov, *Khoziaistvo dzhuibarskikh sheikhov*, pp. 214-215.

^a kūpiyah; ^b wakīl-i muṭlaq al-'āmm-i shar'ī wa qā'im-maqām-i nafs-i khūd; ^c nazd-i ibā' wa imtinā'-i ān, 'alā ḥasab al-shar' al-sharīf murāfa'ah namūdah bih qaṭ' rasānad

176 (folded) x 221; 10 lines. Persian.

503

n/d¹: solicited legal opinion

830: KP 5991/524

Mullā Birdī Murād has conferred powers of attorney upon Nadhrī Qul², instructing said attorney to secure restitution of 25000 *tangah* presently in the possession of Mīrzā Bāy b. Qurbān Bāy. Acting contrary to his client's instructions^a, the attorney reached an amicable settlement with the respondent whereby the latter would return 11805 *tangah*. Given that the attorney does not have power to reach peaceful settlements, issue cessations of claim or grant postponements of restitution^b, is it not the case that the settlement is void, and that Mullā Birdī Murād has the authority to resume the terms of his initial demand^c?
No answer.

Stamps: (i) Mullā Imām al-Dīn Ṣadr-i A'lam-i Bukhārā-yi sharīf³ b. Mullā Mīr Muḥammad; (ii) Mullā Ismā'īl Khwājah Muftī Ṣudūr Mudarris b. Mullā Abu'l-Ghāzī Khwājah; (iii) Mullā Muḥammad Rāziq Muftī Ṣudūr b. Mullā Muḥammad Ṣādiq; (iv) Mullā Dūst Muḥammad Ṣudūr b. Mullā Muḥammad Qāsīm Muftī; (v) Ākhūnd Qawām al-Dīn b. Abū [xxx] Khwājah; (vi) Mullā Mīr Fayḍ-Allāh Mudarris Muftī b. Mullā Mīr Salīmsāq, 1330; (vii) Mullā Muḥammad Shāh Mudarris Muftī Ūrāq b. Mullā 'Ubayd-Allāh; (viii) Mullā Ma'ṣūm Khwājah Mudarris Ūrāq b. Qāḍī Mullā Ākhūnd Jān Muftī; (ix) Mullā Muḥammad Dhākir Mudarris Ṣudūr b. Mullā 'Abd al-Nazar Muftī, 1330

Citations: (i) *al-wakīl bi-qabḍ al-dayn laysa lahu an yaqbal al-ḥawālah kadhāfi* 'l-Khulāṣah ('Ālamgīrī); (ii) *wa yanbaghī ann lā yamlak al-wakīl wakālatan 'āmmatan al-ibrā wa 'l-khaṭṭ 'an al-madyūn li-annahumā min qabīl al-tabarru 'fa-dakhl taḥt qawl īzārī li-annahu lā yamlak al-tabarru* (Ḥamawī Sharḥ-i Ashbāh); (iii) *wa idhā baṭal al-ṣulḥ ya 'ūd al-da 'wā* ('Ālamgīrī); (iv) *nufidh 'alā al-Amir wa in khālaf amarahu lam yunjad 'alayhi li-ann al-nafādh bi-ḥukm al-Amir wa fīmā khālia lam yujad al-amr* (Muḥīṭ Sarakhshī⁴); (v) *wa lā yaṣiḥḥ ṣulḥ al-wakīl bi 'l-khuṣūmat aw al-qabḍ wa lā [xxx]-himā wa lā bay 'ihumā wa lā ibrā 'ihumā wa 'l-aṣl an taṣarruf al-ma 'mūr in wāfaq amr al-āmīr* (Kāfi).

¹ *tpq* 1330 (22 December 1911 – 10 December 1912). For similar enquiries regarding agents or attorneys disregarding the instructions of their clients, → docs. 32 and 544. Mention of 'Mullā Imām al-Dīn Ṣadr-i A 'lam-i Bukhārā-yi sharīf' indicated that the document was notarized in Bukhara: we include it here because it comprises part of the Ṣābir Bāy collection of documents.

² = Nadhr Qul Bāy b. Sayf-Allāh Bāy, encountered in doc. 502.

³ In the early 1880s, this individual had been appointed to unspecified office in Nasaf: see ammad-Sharīf-i Ṣadr-i Ziyā, *The Personal History of a Bukharan Intellectual*, p. 123.

⁴ An unpublished work by Raḍī al-Dīn Muḥammad b. Muḥammad al-Sarakhshī (d. 571/1175): see Brockelmann, *GAL* 374-375, p. 463.

^a bar khilāf-i mā amrahu al-muwakkil; ^b wilāyat-i ṣulḥ wa ibrā' wa qabūl-i ḥawālah wa ta'jīl ḥaqq-i kull nī-būdah ast; ^c wilāyat-i i'ādah-yi ṭalab-i tangah-yi madhkūrah-yi khūd

356 x 220; 4 lines. Persian.

504

tpq 13 Rajab 1331 (18 June 1913): reported declaration of conferral of power of attorney

904: KP 1237

Turki notarial addition: 4 June [= 17 June], document entry no. 1251

On the above date Mullā Birdī Murād Bāy b. Ḥājji Tilaw Bāy, aged 42, declared as a competent agent before the courthouse of Samarqand *wilāyat*'s district no. 1 that he has appointed Mīr 'Ubayd Bāy b. Mīr Sayyid Bāy Samarqandī¹ to act as his attorney^a, and dispatched him to secure restitution [of a certain unspecified sum] from Mīrzā Bāy b. Qurbān Bāy, a resident of the rural settlement of Kābdūn, a subsidiary settlement of Bukhara^{b(2)}. When charged with this same duty, the speaker's previous attorney^c Mullā Nadhrī Qulī b. Sayf-Allāh acted against instructions and settled^d for less than the appropriate sum. The speaker thus wants the new appointee to rescind the peaceful settlement^e, and secure full restitution. If the respondent denies the claim^f, the attorney should secure a resolution by means of witness testimony and the putting on oath. The statement is signed by Mullā Birdī Murād.

Stamps: (i) Narodn. sud'ī 1-go Shakh-Zindensk. uchas. goroda Samarqanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mullā Muḥammad Baqā Khwājah b. ‘Abdallāh Khwājah

¹ Thus presumably as a replacement to Nadhr Qul Bāy b. Sayf-Allāh Bāy, previously appointed as attorney by Birdī Murād with the same responsibilities just a month earlier: → docs. 502 and 503.

² The epithet here for Bukhara is unusual; see also just docs. 104, 174, 318 and 378.

^a wakīl-i muṭlaq-i ‘āmm-i shar‘ī; ^b tābi‘-i dār al-fākhīrah-yi Bukhārā-yi sharīf²; ^c wakīl-i ‘āmm bih khuṣūṣ-i qabḍ-i dayn; ^d muṣālaḥah namūdah; ^e naqd-i ṣulḥ-i wakīl-i madhkūr-rā namūdah; ^f ‘ind al-inkār

177 (folded) x 222; 13 lines. Persian.

505

tpq 26 Rajab 1331 (1 July 1913): reported declaration of debt

957: KP 1237

Turki notarial addition: 16 June [= 29 June] 1913, document entry no. 1351

On the above date Shams al-Dīn Bāy b. Najm al-Dīn Bāy, aged 72 and a resident of Shāh ‘Ārif Khwājah quarter, declared as a competent agent before the courthouse of Samarqand *wilāyat*'s district no. 1 that he owes Rāḥat Āy bint Jūrah Bāy¹ a debt^a of 400 *tangah*, and that he will pay off the debt within one lunar year. [The statement is signed by Mullā Muḥammad Amīn on behalf of the illiterate speaker.]

Hājjī ‘Abd al-Nazar b. ‘Adil Bāy states that he has witnessed the statement.

Ustā Gawhar states that he has witnessed the statement, and affixed his stamp.

Stamp: Gawhar Bāy b. ‘Abdallāh Bāy

¹ Wife of Hājjī Tīlaw: → docs. 499b.i, 509 and 510.

^a dayn-i lāzim al-adā

178 x 222; 6+1+1 lines. Persian.

506

506a, n/d¹: claim for restitution

902: KP 1237

Acting as attorney^a to Mullā Ma‘rūf Bāy b. Qābil Bāy and Mullā Mukhtār b. Hājjī Amīn Bāy, residents of Qarā Bāy Āqsaqāl quarter, Mullā Sayyid Khwājah b. Mullā Muḥammadī Khwājah presents a claim before the courthouse of Samarqand *wilāyat*'s district no. 1 against Mullā Birdī Murād b. Hājjī Tīlaw Bāy. The plaintiffs claim that in December 1912 the respondent, professing to have purchased from the ruler^b rights to the Samarqand flour market for the year 1913, sold these on to them, when in fact said rights had already been acquired by Luṭf-Allāh b. Raḥmat-Allāh Bāy. They thus seek restitution^c of the 2000 *ṣūm*^d which they paid to the respondent.

Stamp: Mullā Qawām al-Dīn Makhdūm Muftī b. Mullā Niyāz Muḥammad Muftī

Citations: (i) *man dafa ‘shay’an lays bi-wājib ‘alayhi fa-lahu istirdāduhu* (Qunyah); (ii) *al-wakīl qā’im maqām al-muwakkil* (Fatāwā Qāḍī Khān).

¹ <i>taq</i> 1332 Ramaḍān (24 July – 22 August 1914): → doc. 506b.	^a wakālatan shar‘īyatan; ^b az man lahu al-wilāyat wa maḥkamah-yi pādishāhī; ^c istirdād; ^d ūm-i kāghadh-i āqchah-yi rūsi
221 x 355; 15 lines. Persian.	

506b, *tpq* Ramaḍān 1332 (24 July – 22 August 1914): reported cessation of claim

Turki notarial addition: 21 July [= 3 August] 1914, document entry no. 25

On the above date Mullā Sayyid Khwājah, the above-mentioned attorney to the plaintiffs, fully, partially and for gratis ^a dropped his claim, upon the advice of third-party mediators ^{1b} .	
Stamps: (i) Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī Mullā Muḥammad Baqā Khwājah b. ‘Abdallāh Khwājah	
Witnesses: Mullā Shāh ‘Ārif b. Mullā Kamāl; ‘Umar Bāy b. Ḥājji Amīn.	
¹ For discussion of mediation → doc. 478b.	^a kullīyatan wa juz’īyatan, majjānan; ^b bih istiṣwāb-i jam‘-i az muslimīn
6 lines. Persian.	

507

1333 (19 November 1914 – 8 November 1915): letter

995: KP 5991/623

An anonymous Bukharan correspondent requests assistance from Ḥājji Tīlaw Bāy. After a programmatic opening, the speaker states that the bearers of the letter ^a have been dispatched to Samarqand with instructions to buy rice and take it back to the [<i>amīr</i> ’s? ^b] court at Bukhara. He asks the addressee to help said bearers in this undertaking ^c .	
No stamp.	
	^a dārandah-gān; ^b dawlat-khānah-yi ‘ālī; ^c dar waqt-i kharīd namūdan-i birinj, bih dārandah-gān i‘ānat rasānīdah
124 x 286; 15 lines. Persian.	

508

tpq Jumādā I 1335 (23 February – 24 March 1917): reported declaration of cessation of claim

992: KP 5991/620

Turki notarial addition: 10 [= 23] March 1917, document entry no. 319

<p>On the above date ‘Anbar Āy bint Manšūr Bāy, aged 25, a resident of Samarqand’s Āq Sarāy quarter, declared as a competent agent that she has received 250 <i>šūm</i>^a from Mullā Birdī Murād and Tūkhtah Murād, sons of Hājjī Tīlaw Bāy, and that in return she has dropped her former claims for (i) her 1/8 share from the estate of her late husband Hājjī Qurbān b. Hājjī Tīlaw Bāy, and (ii) her 1/3 share from the estate of the late Sarwar Āy, her and Hājjī Qurbān’s daughter: and that any future such claim will be void and inadmissible. Signatures: Birdī Murād b. Tīlaw Bāy; ‘Anbar Āy bint Manšūr Bāy; Mullā Nadhrī Qul b. Sayf-Allāh Bāy.</p>	
<p>Stamps: (i) Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī Mullā Muḥammad Baqā Khwājah b. ‘Abdallāh Khwājah; (iii) ‘Abd al-Qahhār b. Muhammad Yūsuf, 1332; (iv) Āchīldī Bāy b. Fayḍī Bāy</p>	
<p>Witnesses: ‘Abd al-Qahhār b. Muḥammad Yūsuf and others.</p>	
	<p>^a <i>šūm</i>-i kāghadh-i āqchah-yi rūṣī</p>
<p>178 (folded) x 220; 9 lines. Persian.</p>	

509

tpq Jumādā II 1335 (25 March – 22 April 1917): reported abstention from claim

915: KP 1237

Turki notarial addition: 15 March [= 28 March] 1917, document entry no. 362

<p>On the above date various offspring of the late Hājjī Tīlaw Bāy (Mullā Tūkhtah Murād, aged 17; Mukarramah Āy, aged 37, Rustam Āy, aged 32, Ḥaqīqat Āy, aged 28, Anwarah Āy, aged 18, Sulṭānah Āy, aged 17, and Āftāb Āy, aged 15¹), together with his widows Sarah Āy bint Īgam Birdī Bāy, aged 67, Muḥarramah Āy bint ‘Ādil Bāy, aged 41, Iqlīmah Āy bint ‘Umūr Bāy, aged 39, and Rāḥat Āy bint Jūrah Bāy, aged 25, all of them competent agents and residents of Samarqand’s Qarā Bāy Āqsaqāl quarter, have made a legal deposition. They declared that the estate of the late Tīlaw Bāy b. Šābir Bāy was divided justly by terms notarised in documents registered as entry no. 313 in the register of transactions^{a(2)} for the year 1917 in Samarqand’s district no. 1, and as entry no. 290 in the register of transactions for Maḥallah <i>volost</i>^b: and that accordingly they have no right or claim against Mullā Birdī Murād; any such claim in the future will be void and inadmissible.</p>	
<p>Stamps: (i) Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī Mullā Muḥammad Baqā Khwājah b. ‘Abdallāh Khwājah; (iii) Āchīldī Bāy b. Fayḍī Bāy</p>	
<p>Witnesses: Mīr ‘Ubayd Īshān b. Mīr Sayyid; Hājjī ‘Abd al-Nazar and Sharāf Bāy b. ‘Ādil Bāy; Bābā Murād Bāy b. Muḥammad Raḥīm Bāy; Mullā Āchīldī and Nadhrī Qul b. Fayḍī Bāy; Mullā Nadhrī Qul b. Sayf-Allāh; Mīrzā ‘Iṣmat b. ‘Umūr Bāy; and Tāsh Muḥammad b. Fayḍī Bāy.</p>	
<p>¹ By the time of writing, Hājjī Tīlaw’s third son Hājjī Qurbān had already died (→ doc. 508). ² An unusual instance of the term’s rendering in Persian rather than Turki.</p>	<p>^a <i>daftar</i>-i akt²; ^b <i>wulūs</i></p>
<p>177 (folded) x 221; 13 lines. Persian.</p>	

510

tpq Rajab 1335 (23 April – 22 May 1917): reported declaration of conferral for safekeeping, and abstention from claim

828: KP 5991/522

Turki notarial addition: 21 April [= Friday 4 May] 1917, document entry no. 566

On the above date Rāḥat Āy bint Jūrah Bāy b. Īgam Birdī, aged 25 and widow of the late Ḥājji Tīlaw b. Šābir Bāy, declared ¹ as a competent agent that she has entrusted ^a various movable possessions itemised at the outset, comprising her share of her late husband's estate, to the care of her afore-mentioned father, a resident of the rural settlement of Khwājah Gunjā'ish, in the village of Mātrīd, Siyāh Āb <i>volost</i> ^a . She furthermore declared that she henceforth has no claim on those of her late husband's possessions inherited by Mullā Birdī Murād.	
Stamps: (i) Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī Mullā Baqā Khwājah b. 'Abdallāh Khwājah; (iii) Mīr 'Ubayd b. Mīr Sayyid Shaykh [in Arabic and Cyrillic script]; (iv) Āchīldī Bāy b. Fayḍī Bāy	
Witnesses: Mīr 'Ubayd Āqsaqāl b. Mīr Sayyid Shaykh; Mullā Āchīldī b. Fayḍī Bāy; Sharāf Bāy b. 'Adil Bāy; Mullā Ghulām b. 'Umar Bāy; and others.	
¹ Unusually for a document of this date, there is no mention of where the statement is made.	^a wadī'at gudhāshtah; ^b wulūs
235 x 312; 17 lines. Persian.	

511

tpq 11 Jumādā I 1298 (11 April 1881): reported declaration of sale

1042: KP 1554

On the above date 'Abd al-Ghafūr Āqsaqāl b. Ustā Rajab Bāy, a shoe-maker aged 46, declared as a competent agent ^{a(1)} before the Samarqand <i>wilāyat</i> courthouse that he has sold ^b to Mullā Amān-Allāh Khwājah b. Īshān Fāḍil Khwājah the <i>suknīyāt</i> on a courtyard property comprising multiple residences located in Qarā Bāy Āqsaqāl quarter, and abutting in the west onto a house belonging to the heirs of 'Abd al-Mu'min Bāy, in the north onto a house belonging to the heirs of Barāt Bāy, in the east onto a house belonging to the purchaser, and in the south onto a public thoroughfare; the sale, for 1700 <i>tangah</i> ^c , was completed, with each party to the transaction receiving what was due.	
Stamp: Qāḍī-yi kalān-i Samarqand Qāḍī Mullā Mīr Niẓām al-Dīn Khwājah b. Qāḍī Mīr 'Abd al-Ghaffār Khwājah	
Witnesses: Mīrzā Muḥammad Ayyūb; Mullā Ūrūn Bāy; Mullā Qāsim; Mullā Naẓar; Niyāz Bāy; Mullā Sharīf Khwājah; Mullā 'Abd al-Raḥman; Muqīm Bāy; Shams al-Dīn Khwājah; Jūrah Bāy; Maḥmūd Jān; Mullā Ḥakīm; Muḥammad Nāṣir; Barnā Khwājah.	
¹ A variant on the more conventional <i>ḥāl jawāz iqrārihi</i> .	^a ḥāl jawāz iqrārihi wa nafādh jamī' taṣarrufātihi ¹ ; ^b bay'-i bāt-i batāt-i nāfidh-i lāzim; ^c tangah-yi rā'ijah
205 x 338; 11 lines. Persian.	

Akram Khwājah, Mukarram Khwājah and Bahādūr Khwājah sell^a a perfume shop, which they have inherited from Aḥmad Khwājah, to Qurbān Badal Makhdūm. Said purchaser then sells^b the property to Barnā Khwājah², and the transaction is notarised in a set of deeds. However, Bahādūr Khwājah, acting on his own behalf and as attorney to his mother and sisters, now revokes his former undertaking^c and presents a claim against Barnā Khwājah for said property. Given that the shop now rightly belongs to Barnā Khwājah, is the judge not correct to reject the claim^d?

Answer: yes.

Stamps: (i) Muḥammad Sayyid al-Muftī b. Mullā Mīr Yādgār, 1289; (ii) Zayn al-Dīn Khwājah b. Jamāl al-Dīn Khwājah Muftī

Citations: (i) *ḥukm al-bay' thubūt al-milk li'l-mushtarī fi'l-mabī' wa li'l-bā'i fi'l-thaman* (Khizānat al-muftīyin); (ii) *al-bay' ba'd al-bay' lā yuftā' 'alā milk al-bā'i* (Jāmi' al-Ṣaghīr Qāḍī Khān); (iii) *wa yalzam ay ya'aqid al-bay' in 'iqādan lāziman bi-ijāb wa qabūl* (Sirājīyah); (iv) *wa idhā tamm al-bay' al-ṣaḥīḥ fa-laysa li-aḥadihimā ḥaqq al-faskh* (Dhakhīrah); (v) *wa'l-aṣl fi jins hādhihi al-masā'il ann iqdām al-'āqil al-bāligh 'alā 'aqd iqrār minhu bi-ṣiḥḥah dhālik al-'aqd thumm da'wā al-fasād wa'l-butlān yu'tabar mutanāqidān wa'l-manāqid lā qawl lahu* (Muḥīt); (vi) *ann al-jamā'at min aimmat al-Balkh wa Samarqand al-qismah fi ma'nā al-bay'* (Qāḍī Khān); (vii) *qālū law wajad maktūban bi-khaṭṭ al-qāḍī wa khatmuhu minhu lāzim 'alayhi wa yajib 'alā al-qāḍī ann yaḥkum bihi li-annahū ḥujjat tāmmah* (Fatāwā muḍmarāt); (viii) *al-khaṭṭ ba'd imḍā al-qāḍī ḥujjat* (Qā'idī); (ix) *al-ṣakk al-musajjal qā'im maqām al-shāhidayn, li-ann ḥukm al-qāḍī nāfidh, zāhiran wa bāṭinan* (Qāḍī Khān); (x) *wa fi'l-'Uyūn yuftā bi-qawlihimā inn al-'amal bi-ghālib al-zann wājib wa'l-khaṭṭ yufīd ghālib al-zann fa-wajab al-'amal bihi* (Sharḥ-i Majma' al-baḥrayn³); (xi) *al-da'wā ba'd al-iqrār yunqaḍ bi-adkhal taḥt al-iqrār lā yaṣiḥḥ* (Khizānat al-muftīyin).

¹ *taq* 28 Jumādā I 1304 (Tuesday 22 February 1887): → doc. 512b.

² b. 'Abd al-Fattāḥ Khwājah: → docs. 514 and 519.

³ A commentary on a work otherwise known as *Majma' al-baḥrayn wa multaḡā al-nayyirayn*, by Muzaḡḡār al-Dīn Aḥmad b. 'Alī b. Ṭa'lab b. al-Shā'āfī al-Baḡhdādī (d. 696/1296): see Brockelmann, *GAL* II.383, p. 477.

^a bay'-i bātt-i qaṭ'i; ^b bay'-i bātt-i batāt; ^c az iqrār-i madhkūr-ash rujū' namūdah; ^d da'wā-yi ān-rā samā' na-namāyad

354 x 220; 10 lines. Persian.

512b, *tpq* 28 Jumādā I 1304 (22 February 1887): declared abstention from claim

Turki notarial addition: 9 February [= 22 February] 1897, document entry no. 114 in the 'bīrīnchī daftar'

On the above date Bahādūr Khwājah, acting on behalf of himself and as attorney in the fashion noted above, declared that he has no claim against Barnā Khwājah for the aforementioned shop, and stated that he will instead seek restitution against the heirs of Qurbān Badal Makhdūm^a.

Stamp: Qāḍī-yi Samarqand Qāḍī Mullā Mīr Nizām al-Dīn Khwājah b. Qāḍī Mīr ‘Abd al-Ghaffār Khwājah

Witnesses: Mullā ‘Abd al-‘Azīz; Muḥammad Nāṣir Āqsaqāl; Mullā ‘Azīm Bāy; ‘Abd al-Mu’min Bāy; Muḥammad Sharīf Bāy; Muḥammad Laṭīf Bāy; Muḥammad Rasūl Bāy; Ibrāhīm Bāy; Maḥmūd Āqsaqāl; Mullā Aḥmad Bāy; and others.

^arujū‘ bih warathah-yi Qurbān Badal Makhdūm mī-kunam

6 lines. Persian.

513

tpq Rabī‘ I 1304 (28 November – 27 December 1886): reported declaration of endowment

1028: KP 1554

The speaker outlines the following properties:

- (i) a mosque located in Samarqand’s intramural Qarā Bāy Āqsaqāl quarter, and abutting in the west onto a public thoroughfare, in the north and east onto the mosque courtyard, and in the south onto a house belonging to Mu’min Jān b. Salīm Jān and partly onto the Mullā Naẓar Shālī-Kūb *madrasah*;
- (ii) a mosque located in Mubārak quarter, within the *wilāyat* of Samarqand, and abutting in the west onto a house belonging to the heirs of Mullā Muḥammad Ishāq, in the north onto a house belonging to Qārī ‘Abd al-Sattār b. Qārī Muḥammad Raḥīm, and in the east and south onto the courtyard of the aforementioned mosque;
- (iii) a mosque located in Dar-i Zanjīr quarter¹, within the *wilāyat* of Samarqand. The property abuts in west onto a public thoroughfare, in the north onto a house belonging to Aḥmad Jān b. Barāt Ṣūfī, partly onto a house belonging to Ustā ‘Azīm b. Muḥammad Rasūl Bāy and partly onto a house belonging to Bībī ‘Arifah, and in the east and south onto the courtyard of the afore-mentioned mosque; and
- (iv) a student cell and adjoining school located in Qarā Bāy Āqsaqāl quarter, and abutting in the west onto the courtyard, in the north onto the local wash-house, in the east onto a house belonging to Qābil Bāy b. Ṣālīḥ Bāy, and in the south onto the student cell endowed by ‘Arif Jān b. Mu’min Jān.
- (v) a wooden-made shop located in the Nīm commercial row by the *sarāy* belonging to ‘Arif Jān Bāy, and abutting in the west onto a public thoroughfare, in the north onto a shop belonging to Kāmil Bāy b. Sharīf Bāy, in the east onto the Shībānī Khān *madrasah*², and in the south onto a shop belonging to Mullā Mīrzā Bukhārī b. Mīr ‘Abdallāh Risālachī;
- (vi) a further wooden-made shop located in the same commercial row, abutting in the west onto a public thoroughfare, in the north onto a shop belonging to Makhdūm-i Ḥājī Amān-Allāh Khwājah b. Faḍīl Khwājah, in the east onto the Shībānī Khān *madrasah* and in the south onto a shop belonging to the afore-mentioned Kāmil Bāy b. Sharīf Bāy;

- (vii) a fixed-structure shop located in Qarā Bāy Āqsaqāl quarter, and abutting in the west onto a public thoroughfare, in the north onto a shop belonging to the heirs of Ṣafar Bāy, in the east onto a courtyard house belonging to Ūrūn Bāy b. Zārīf Bāy, and in the south onto a shop belonging to Ḥājjī Amān-Allāh Khwājah b. Fāḍil Khwājah; and
- (viii) a fixed-structure shop located in Qarā Bāy Āqsaqāl quarter and abutting in the west onto a public thoroughfare, in the north onto a shop belonging to the property outlined above in (iii), in the east onto a house belonging to Ūrūn Bāy b. Zārīf, and in the south onto a shop belonging to Niyāz Yahūdī b. Gadāy Yahūdī.

On the above date Ḥājjī Amān-Allāh Khwājah b. Fāḍil Khwājah, aged 40, declared before Samarqand *wilāyat*'s courthouse that he has converted into *waqf* from his exclusive possession and sound property various unencumbered^{a(3)} properties of his own acquisition^b, to the benefit of various social and religious institutions. He converted into *waqf*

- (a) the shop outlined in (v) to the benefit of the *imām* of the mosque outlined in (i), to provide for readings of the Qur'an every Friday evening^c;
- (b) the shop outlined in (vi) to provide for readings of the Qur'an during the month of Ramaḍān at the mosque outlined in (i);
- (c) the shop outlined in (vii) to the joint benefit of the a student cell and adjoining school outlined in (iv); and
- (d) the shop outlined in (viii) to the joint benefit of the mosques outlined in (ii) and (iii), to provide for readings of the *Ṣalāt-i Maṣ'ūdī*^d.

The endower made the following stipulations. For the rest of his lifetime he will perform the office of *mutawallī*. After his death, he will be succeeded as *mutawallī* by the *imāms* of the afore-mentioned beneficiary mosques.

The *imam* of the mosque outlined in (i) should put the shop outlined in (v) out to rent every year for an appropriate sum. From the rental income he should first deduct 10% for his own salary^d; he should devote as much as necessary of the remaining revenue to the maintenance and upkeep of said properties^e. He should then allocate the rest for the maintenance of the person charged with reciting Qur'an every Friday evening.

The *imam* of the mosque outlined in (i) should put the shop outlined in (vi) out to rent every year for an appropriate sum. From the rental income he should first deduct 10% for his own salary; he should devote as much as necessary of the remaining revenue to the maintenance and upkeep of said properties. He should then divide the remaining income into 4 shares; he should allocated $\frac{3}{4}$ for the person charged with reciting the Qur'an during Ramaḍān; the *imam* himself should retain the remaining $\frac{1}{4}$ in return for reciting from the Qur'an during the noontime prayer; he should not leave his office without a valid excuse.

The schoolteacher of the school outlined in (iv) should put the shop outlined in (viii)⁵ out to rent every year for an appropriate sum. From the rental income he should first deduct 10% for his own salary; he should devote as much as necessary of the remaining revenue to the maintenance and upkeep of the two properties. He should then divide remaining income into 2 shares; he should allocate $\frac{1}{2}$ to a religious student in the afore-mentioned student cell; he, the schoolteacher, should retain the other $\frac{1}{2}$ for himself; he should not leave his office without a valid excuse.

The *imams* of the mosques outlined in (ii) and (iii) should put the shop outlined in (vii) out to rent every year for an appropriate sum. They should divide the rental income into 2 shares; ½ each should be allocated the maintenance of the individuals responsible in each mosque for providing readings of the *Ṣalāt-i Maṣ'ūdī*, and each day these two latter should recite 5 or 6 chapters from the work.

In addition to fulfilling the afore-mentioned stipulated duties, the beneficiaries of the endowment should all furthermore recite prayers for the endower's ancestors and, upon his death, for the endower himself; they should also recite prayers for poor ordinary Muslims.

Having relinquished ownership of the afore-mentioned property, the endower subsequently sought to restore possession, on the grounds that the endowment lacked binding force^f. But the judge ruled first for the rectitude of the endowment, and secondly for its binding force^g. The endowment has thus become valid, legal, bound and endorsed until God inherits the earth.

Stamps: (i) Qāḍī-yi Samarqand Qāḍī Mullā Mīr Nizām al-Dīn Khwājah b. Qāḍī Mīr 'Abd al-Ghaffār Khwājah (x 2); (ii) al-waqf [xxx] (x 3); (iii) Qāḍī-yi Samarqand Qāḍī Mullā Mīr Sayyid Murād Khwājah b. Mīr Nizām al-Dīn Khwājah; (iv) [xxx]; (v) Qāḍī Mīr Abu'l-Ḥayy Khwājah b. Qāḍī Mīr Shīrīn Khwājah Mūsawī; (vi) Qāḍī Mullā Abu'l-Khayr b. Mullā 'Ārif Jān; (vii) Mullā [xxx] b. Mullā Mīrzā [xxx]; (viii) Hādī Khwājah Muftī b. Qāḍī Mīr Shīrīn Muftī; (ix) Mūsā Khwājah Muftī b. Qāḍī Shīrīn Khwājah; (x) Mullā Qāḍī Khwājah b. Shīrīn Khwājah; (xi) Mullā Abū Yūsuf Muftī b. Qāḍī Muḥammad Muftī b. Ya'qūb (x 2); (xii) Mullā Muḥammad 'Āqil b. Mullā Bābā Jān Muftī

¹ Located in the centre of town, close to the mosque of Abū Maṣ'ūd Mātrīdī: see Abū Ṭāhir Qāḍī b. Abū Sa'īd Samarqandī, *Samarīyah*, p. 126, cited in turn in Faiziev, *Istoriia Samarkanda pervoi pol. XIX veka*, p. 9.

² Located in Chār-Sūq, Samarqand: see Mukminova, *K istorii agrarnykh otnoshenii v Uzbekistane XVI v. Po materialam «Vakf-name»*, passim, and Abū Ṭāhir Qāḍī b. Abū Sa'īd Samarqandī, *Samarīyah*, p. 129.

³ A variation on the more conventional formula encountered in docs. 82 and elsewhere.

⁴ '[A] medieval Persian-language collection of *fiqh*-related material by Maṣ'ūd b. Maḥmūd b. Yūsuf al-Samarqandī that is sometimes mentioned as a source for prayer recitals in Central Asia': Reichmuth, 'Semantic Modeling of Islamic Legal Documents', p. 241. The work was translated into Turki in both Khwārazm and Khūqand, and was published in Tashkent and Kazan.

⁵ The speaker is confused: he here inadvertently refers to property outlined in (viii), having earlier referred to property outlined in (vii). Given the complexity of the document, readers may sympathise with him.

^a khālīṣan li-wajh Allāh, wa rajā'an li-marḍāt Allāh ta'ālā³; ^b zar-kharīd; ^c bīgāh-i jum'ah; ^d awwalan az badal-i ijārah-yi ān khūd 'ushr giriftah; ^e thānīyan bih qadar-i ḥājat ṣarf-i 'imārat-i dukān-i maṣjid-i madhkūr namūdah; ^f binā bar 'illat-i 'adam-i luzūm bih awqāf-i madhkūrah gashtah mutaṣarrif shawand; ^g awwal ḥukm namūdand bih ṣiḥhat-i īn waqf, thānīyan bih luzūm-i ān

640 x 1360; 34 lines. Persian.

514

514.i, *tpq* Sha‘bān 1315 (26 December 1897 – 23 January 1898): reported declaration of conferral of power of attorney

1034: KP 1554

Turki notarial addition: 31 December 1897 [= Wednesday 12 January 1898], document entry no. 3575

On the above date Ḥājjī Amān-Allāh Khwājah b. Fāḍil Khwājah, a resident of Samarqand’s Qarā Bāy Āqsaqāl quarter, declared as a competent agent^a before the Samarqand *wilāyat* courthouse that he has appointed Barnā Khwājah b. ‘Abd al-Fattāḥ Khwājah as his attorney¹ and deputy with responsibility for all matters except for questions of divorce, manumission and monetary compensation^{2b}.

Said attorney should secure restitution of all outstanding debts, take possession of the produce accruing from his lands, and oversee the rental arrangements for his various properties, taking receipt of all rental income; he should also present the speaker with sets of accounts. In instances of opposition^c he should, in accordance with *sharī‘ah*^d, go to law in order to achieve a resolution by means of the putting on oath, peaceful settlement and cessation of claim^e; and, if necessary, he should appoint a reliable individual to act as attorney on the speaker’s behalf³.

The speaker also declared that the attorney is authorised to contract any kind of sale or purchase on his behalf.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus signature]; (ii) Qāḍī-yi Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Şūfī

Witness: Mullā ‘Uthmān.

¹ The scribe has evidently omitted a word here: read *Man, muqirr, wakīl-i muṭlaq-i ‘āmm-i shar‘ī wa qā‘im-maqām-i nafs-i khūd gardānīdam az qibal-i* [supply *‘khūdām*] *Barnā Khwājah walad-i ‘Abd al-Fattāḥ Khwājah-rā.*

² For stipulations regarding this practice → also docs. 500 and 560.

^a ḥāl jawāz iqrārihi wa nafādh jamī‘ taşarrufātihi; ^b dar har umūr wa taşarruf siwā al-ṭalāq wa ‘l-‘itāq wa ‘l-mu‘āwaḍāt al-mālīyah qā‘im-maqām-i man būdah; ^c ‘ind al-khuşūmat; ^d ‘alā ḥasab al-shar‘; ^e murāfa‘ah namūdah, bih istiḥlāf wa şulḥ wa ibrā bih qaṭ‘ rasānad

178 x 222; 12 lines. Persian.

514.ii, *tpq* 20 Ramaḍān 1319 (31 December 1901): declared reconferral of power of attorney¹

Turki notarial addition: 18 December [= Tuesday 31 December] 1901, document entry no. 3584

On the above date the afore-mentioned Ḥājjī Amān-Allāh Khwājah declared before the Samarqand *wilāyat* courthouse that he has once again^a appointed Barnā Khwājah b. ‘Abd al-Fattāḥ Khwājah as attorney, with instructions to act as stipulated above.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Şūfī

¹ The reconferral is notarised in the right-hand margin of doc. 514.i.

^a mujaddadan

3 lines. Persian.

515

tpq Sha‘bān 1315 (26 December 1897 – 23 January 1898): reported declaration of mortgage

1038: KP 1554

Turki notarial addition: 6 January [= 18 January] 1898, document entry no. 60

On the above date Qārī ‘Abd al-Qādir b. Mullā ‘Abd al-Wāḥid, a resident of Masjid-i Sharbat-dār quarter, declared as a competent agent before the courthouse of Siyāh Āb, in Samarqand *wilāyat*, that he has temporarily sold^a to Īshān Arslān Khwājah b. ‘Abd al-Fattāḥ Khwājah the *sukniyāt* on 1½ *tanāb* of garden land, constituting *mamlakah* and located in the rural settlement of Jūy-i Ārtuq Bāy, abutting in the west onto a garden belonging to ‘Abd al-Jabbār Āqsaqāl b. Shīr ‘Alī Bāy, in the north onto a public thoroughfare, in the east onto a garden belonging to the mortgager, and in the south onto a garden belonging to the heirs of ‘Awaḍ Muḥammad; the sale is for 1600 *tangah*.
The speaker additionally declared that he has undertaken to rent the property back for 6 months^b, for 120 *tangah*.

Stamps: (i) Narodnogo sud’i Seobskogo uchastka Samarkan. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mīr Abu’l-Ḥayy Khwājah b. Qāḍī Mīr Shīrīn Khwājah [plus signature]; (iii) Mullā ‘Āqil Muftī b. Mullā Bābā Jān; (iii) Qārī Īshān

Witnesses: Khāl Muḥammad Āqsaqāl; Fayḍī Khwājah Āqsaqāl; Mullā Ḥusayn, brother of the speaker Qārī ‘Abd al-Qādir.

^a bay‘-i jā’iz-i shar‘ī; ^b bih muḍī-yi muddat-i shash māh-i kāmil-i qamarī az ta’rīkh-i madhkūr

220 x 354; 9 lines. Persian.

516

tpq 2 Šafar 1316 (22 June 1898): reported declaration of sale¹

1033: KP 1554

On the above date Qārī Šalāḥ b. Qārī Mullā Kamāl declared as a competent agent before Bukhara’s courthouse that he has sold^a to Mullā ‘Ālim Khwājah b. ‘Abd al-Mu’min Khwājah a courtyard house located in Bukhara’s Chahār Kharās quarter², and abutting in the west partly onto a public thoroughfare and partly onto a house belonging to Mullā Nizām al-Dīn, in the north and east onto a house comprising the estate of the late Qārī Kamāl, and in the south onto a public thoroughfare; the sale, for 3500 *tangah*^b, was completed, with each party to the transaction receiving what was due.

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Mīr Šadr al-Dīn, 1306

¹ Like doc. 517, a document notarised in Bukhara. The property under transaction may well subsequently have comprised part of that estate subsequently bequeathed to Barnā Khwājah *et al* in doc. 517.

^a bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^b tangah-yi rā’ijah-yi bukhāriyat al-ḍarb

<p>² Located in the vicinity of Tāq-i Šarrāfān: See Sukhareva, <i>Kvartal'naia obshchina pozdnefeodal'nogo goroda Bukhary</i>, p. 186.</p>	
165 x 216; 7 lines. Persian.	

517

tpq Jumādā I 1320 (6 August – 4 September 1902): hereditary transfer of estate¹

1031: KP 1554

<p>On the above date the estate of the late Qāḍī Mullā ‘Ālim Khwājah² was divided according to the divine laws of inheritance^a between his widow Munawwarah Bīgīm (receiving 1/7), his cousin Mullā Barnā Khwājah³ (3/7), and his cousin Arslān Khwājah⁴ (3/7). Following the confirmation of the legality of the division^b, these latter two received as their share a variety of moveable possessions itemised at the outset. Because Munawwarah Bīgīm’s actual share of the estate is greater than stipulated^c, she is charged with paying the late Qāḍī Mullā ‘Ālim Khwājah’s debt of 2000 <i>tangah</i>⁵.</p>	
<p>Stamp: Qāḍī al-quḍāt Qāḍī Mullā Mīr Badr al-Dīn b. Qāḍī al-quḍāt Qāḍī Mullā Šadr al-Dīn</p>	
<p>Witnesses: Mullā Mukhtār Khwājah; Mullā ‘Abd al-Ḥafīz Āqsaqāl; Šāliḥ Khwājah Āqsaqāl; Mīrzā Muḥīṭ Āqsaqāl; and others.</p>	
<p>¹ Document notarised in Bukhara: → Qāḍī Mullā Mīr Badr al-Dīn, doc. 87⁽⁴⁾. ² b. ‘Abd al-Mu’min Khwājah: → doc. 516. ³ b. ‘Abd al-Fattāḥ Khwājah: → docs. 514a, 519 and 520. The fact that the present document was notarised in Bukhara suggests that, unusually amongst the individuals encountered in the collection, Barnā Khwājah had property interests in both Samarqand and Bukhara. ⁴ b. ‘Abd al-Fattāḥ Khwājah: → docs. 515, 518 and 519. ⁵ For similar compensatory provisions, → docs. 320, 338 and 339.</p>	<p>^a ‘alā farā’id; ^b ba’d taḥaqquq sharā’iṭ ṣiḥḥat al-qismah wa’l-ifrāz; ^c az wajh-i ziyādatī-yi ḥiṣṣah-yi khūd</p>
219 x 350; 23 lines. Persian.	

518

tpq 30 Jumādā I 1327 (19 June 1909): reported declaration of debt

1041: KP 1554

Turki notarial addition: 3 June [= 17 June] 1909, document entry no. 1377

<p>On the above date Mullā Bāqī b. Fayḍ Bāy, aged 18 and a resident of the rural settlement of Bāgh-i Maydān, Siyāh Āb <i>volost</i>^{7a}, declared as a competent agent before the courthouse of Siyāh Āb <i>volost</i>^{7a} that he owes Arslān Khwājah b. Īshān Fattāḥ Khwājah 140 <i>tangah</i>, as</p>

the sum outstanding for a purchase of perfume, and that he undertakes^b to repay 70 *tangah* after 15 days, and the remaining 70 *tangah* 15 days after the first payment^c.

Stamps: (i) Narodnogo sud'i Seobskogo uchastka Samarkan. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi Siyāh Āb-i wilāyat-i Samarqand Mullā Muḥammad 'Āqil b. Mullā Bābā Jān

Witnesses: Mullā Shams al-Dīn Muḥarrīr (*sic*) b. Ustā Ghiyāth; Mullā Jān Makhdūm b. Qāḍī Mullā 'Abd al-Ḥakīm.

Signature: Mullā Bāqī b. Fayḍ Bāy

^a wulūs ; ^b madyūn bih dayn-i lāzim al-adā gardīdam;
^c ba'd az muḍī-yi muddat-i pānzdah rūz-i kāmīl az ta'rīkh-i thānī

176 x 220; 10 lines. Persian.

519

tpq Jumādā II 1334 (5 April – 3 May 1916): hereditary transfer of estate

1036: KP 1554

Turki notarial addition: 30 March [= 12 April] 1916, document entry no. 824

On the above date the unencumbered estate^a of the late Īshān Barnā Khwājah b. Īshān Fattāḥ Khwājah was divided according to the divine laws of inheritance^b between his widow Nuṣrat Āy bint Mullā Hamrāh, aged 50 (receiving 6/48), his son Ḥusayn Khwājah, aged 25 (14/48), and his daughters Bānū Āy, aged 37, Muḥabbat Āy, aged 20, Rāḥat Āy, aged 16, and the pre-adult Mastān Āy, aged 14 (7/48 apiece). The estate comprises [in part¹] sums of cash presently lent out to borrowers, and the *suknīyāt* on two plots of land in the rural settlement of Jūy-i Tāshkandī, Khwājah Chārūq village, Siyāh Āb *volost*^c. (i) The first of the plots measures 1½ *tanābs* of garden land, includes a *rabāṭ* and 3 reservoirs, and comprises *mamlakah*; it abuts in the west onto a garden belonging to Akram Bāy b. Mullā Aḥmad, in the north onto a garden belonging to Mullā 'Abd al-Sattār b. Muḥammad Zarīf Bāy, in the east onto a garden belonging to the heirs of 'Abd al-Raḥīm Ṣūfī, and in the south onto a public thoroughfare. (ii) The second measures (½ *tanāb* + ½ *chahār-yak*^d) and abuts in the west onto a public thoroughfare, in the north onto a canal^e, and in the east and south onto a garden belonging to Buzurg Khwājah b. Tursūn Khwājah.

Following the confirmation of the legality of the division^f, Nuṣrat Āy received as her share ¼ *tanāb* of the former plot. Ḥusayn Khwājah received all of the latter plot. Bānū Āy, Muḥabbat Āy and Rāḥat Āy each received ¼ *tanāb*^e of the former plot; the remaining ¼ *tanāb*, allocated to Mastān Āy, was received by Ḥusayn Khwājah, acting on his own behalf, and by Īshān Arslān Khwājah b. Fattāḥ Khwājah, acting in his capacity as attorney, as mandated by the terms of the transaction notarised as document entry no. 626, to the late Īshān Fattāḥ Khwājah's various adult heirs^h, and as guardian, as mandated by the terms of notarised doc. 627, to Mastān Āyⁱ.

Addendum: It is further stated that the late Barnā Khwājah bought the first of the two aforementioned plots on 29 March [= 11 April] 1907 in a transaction notarised as document entries no. 683 and 684, for 4000 *tangah*; and that he bought the second plot in 1908 by 1645 *tangah*.

Signatures: Arslān Khwājah b. Fattāḥ Khwājah, Raḥmat-Allāh Khwājah b. Rajab Khwājah, and Ḥusayn Khwājah b. Barnā Khwājah.	
Stamps: (i) Narodnogo sud'i Seobskogo uchastka Samarkan. uyezda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī Mullā Muḥammad Abu'l-Qāsim b. Qāḍī Mullā Yār Muḥammad	
¹ See also property detailed in doc. 520.	^a matrūkah-yi zāhirah; ^b 'alā farā'id Allāh ta'ālā; ^c wulūs ; ^e nīm ṭanāb nīm chahār-yak; ^e āb-rahah; ^f ba'd az taḥaqquq-i sharā'it-i ṣiḥḥat-i qismat; ^g chahār yak nīmchah ṭanāb; ^h wakālatan az qibal-i sā'ir warathah-yi kibār, az rū-yi wakālat-khaṭṭ bih sāl-i hādhā bih raqam-i 626-i makhtūm bih muhr-i janāb-i sharī'at-panāh qāḍī-yi qit'ah-yi awwal-i shahr-i Samarqand; ⁱ waṣāyatan az qibal-i musammāt Mastān Āy-i madhkūrah az rū-yi waṣāyat-khaṭṭ bih sāl-i hādhā bih raqam-i 627 naṣb wa ta'yīn-i qāḍī-yi madhkūr
220 x 354; 21+3 lines. Persian.	

520

tpq Jumādā II 1334 (5 April – 3 May 1916): postponement of transfer of estate

1037: KP 1554

Turki notarial addition: 31 March [= 13 April] 1916, document entry no. 593.

In a further Turki notarial addition, it is additionally noted that this document has been entered into the register of hereditary transfers^a upon payment of 70 *ṣūm*.

On the above date Īshān Barnā Khwājah b. Īshān Fattāḥ Khwājah¹ died aged 60 on 16 March [= 29 March] 1916, leaving his unencumbered estate^b to his widow Nuṣrat Āy bint Mullā Hamrāh, his son Ḥusayn Khwājah, aged 25, and his daughters Bānū Āy, aged 37, Muḥabbat Āy, aged 20, Rāḥat Āy, aged 16, and Mastān Āy, aged 14.

The document itemises two of the properties constituting the late man's estate. (i) The first of these is a wooden fixed-structure, two-storey^c shop located in the 'Atṭārī commercial row, Sūzangarān², Samarqand *wilāyat*, measuring $8\frac{3}{4} \times 3\frac{3}{4}$ *arshin*^{d(3)} and abutting in the west onto a shop belonging to Maghfirat Āy bint 'Abd al-Rasūl Bāy, in the north onto a shop belonging to Īrgash Bāy b. Muḥammad Sharīf, in the east onto a public thoroughfare, and in the south onto a shop belonging to the afore-mentioned Maghfirat Āy. (ii) The second is a shop located in Samarqand's bran market, and abutting in the west and south onto a shop belonging to Muḥammad Ṣāliḥ b. [-], in the north onto a public thoroughfare, and in the east onto a shop belonging to Muḥammad Ṣāliḥ b. 'Abd al-Shukūr. Taken together, the two properties plus their contents are valued at 6510.75 *ṣūm*.

In addition, the late Barnā Khwājah had 2930.25 *ṣūm* owed to him in credit, as itemised on the reverse of the document; at the same time, however, he was encumbered with heavy debts, similarly itemised on the reverse. In view of this complex situation, it is proposed that the estate should remain jointly-owned and commonly shared until all debts are received or paid off: whereupon the residue^e will duly be divided between said heirs.

It is further noted that the late Barnā Khwājah owned a house located in Qāḍī Ghafūr quarter⁴ and $3\frac{1}{2}$ *ṭanābs* of garden land located in the rural settlement of Khwājah Chārūq, Siyāh Āb

volost^f: and that these properties have already been transferred in transactions notarised by the *qāḍīs* respectively of district no. 1 and Siyāh Āb, with the consent of Arslān Khwājah, acting as attorney to Bānū Āy, who in turn acts on behalf of her pre-adult younger sisters. Signatures: Arslān Khwājah b. Barnā Khwājah and Raḥmat-Allāh Khwājah b. Rajab Khwājah.

Stamps: (i) Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mullā Muḥammad ‘Īsā Khwājah⁵ b. Qāḍī Mullā Shīrīn Khwājah; (iii) Mīr ‘Ubayd b. Mīr Sayyid Shaykh [in Arabic and Cyrillic script]

¹ Otherwise known as ‘Abd al-Fattāḥ Khwājah: → docs. 514 and 515.

² For Samarqand’s Sūzangarān quarter, see e.g. Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182. Reference in the present text to ‘Samarqand *wilāyat*’, rather than to the city itself, suggests however that reference here is instead to a discrete exurban settlement. → also doc. 535.

³ A measure of length, equivalent to approximately 0.71 m.

⁴ Situated east from the centre of town: see Abū Ṭāhir Qāḍī b. Abū Sa‘īd Samarqandī, *Samarīyah*, p. 131, and Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.

⁵ Attested active from Shawwāl 1333/August–September 1915 (→ doc. 624) to Jumādā II 1334/April–May 1916 (→ doc. 520). We know, however, that he was active from an earlier date: Palen identifies him in *Pravovoi byt’ tuzemnogo naseleniia*, pp. 11–12, as an informant for his report, together with Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī (→ doc. 462).

^a tarīkah daftarī; ^b matrūkah-yi zāhirah; ^c taḥtānī, fawqānī; ^d āljīn³; ^e az matrūkah-yi madhkūr mā zādahu mānd; ^f wulūs

220 x 354; 20 lines. Persian.

521

1302 (21 October 1884 – 9 October 1885): marriage warrant note

946: KP 1237

The *imām* of Gūr-i Amīr quarter¹ should note that Sa‘d-Allāh Bāy b. Muḥammad Sharīf Bāy has contracted a marriage agreement with Iqbālāh Āy bint Ḍiyā Bāy, veteran of a previous marriage. Having established that the bride-to-be is not married² or in a post-divorce waiting period, and that she is not receiving support from anybody else^a, the *imām* should proceed to solemnize the union. In the meanwhile, the marriage fee [i.e. from a previous wedding?] has arrived^b.

Stamp [side b]: Qāḍī-yi Samarqand Qāḍī Mullā Mīr Nizām al-Dīn Khwājah

¹ For this quarter see Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.

² The specification is unusual; in other documents of this type, the fact of the bride-to-be’s not being married is taken for granted.

^a nafaqah az kasī na-khūrdah bāshad; ^b nikāḥānah rasīd

94 x 136; 7 lines. Persian.

522

tpq Jumādā I 1304 (26 January – 24 February 1887): hereditary transfer of estate¹

962: KP 5991/590

On the above date the estate of the late Bībī Musallamah Āy was divided between her two sons ‘Abd al-Raḥman and ‘Abd al-Ghaffār (each receiving 2/5) and her daughter Bībī Qurṣīyah Āy (1/5).

Following the confirmation of the legality of the division^a, ‘Abd al-Raḥman received as his share two properties located in Samarqand *wilāyat*'s Sharbat-dār quarter. (i) The first of these comprises the *sukniyāt* on a courtyard property containing multiple houses and two shops, abutting in the west onto a courtyard house belonging to Mullā Samandar b. Mullā Iskandar, in the north onto a house belonging to Mullā ‘Abd al-Ghaffār b. Salīm Ṣūfī, in the east onto a public thoroughfare, and in the south onto a shop belonging to the aforementioned Mullā ‘Abd al-Ghaffār. (ii) The second comprises a shop abutting in the west onto a house belonging to Ḥājjī Ḥusayn b. Niyāz Bāy, in the north and south onto a shop belonging to the afore-mentioned Mullā ‘Abd al-Ghaffār, and in the east onto a public thoroughfare.

The share of the other heirs is notarised in a different set of deeds.

Stamp: Qāḍī-yi Samarqand Qāḍī Mullā Mīr Niẓām al-Dīn b. Qāḍī Mīr ‘Abd al-Ghaffār Khwājah

Witnesses: Qārī ‘Abd al-Sa‘īd Imām; Mīrzā ‘Abd al-Ḥamīd; Qārī ‘Ārif Jān; Qārī ‘Abd al-Qādir Āqsaqāl; Īshān Tūkhtamīsh Khwājah; and others.

¹ Unusually for a Samarqandi document of this date and genre, there is no accompanying Russian-language stamp.

^a ba‘d az taḥaqquq-i sharā‘it ṣiḥḥat al-qīsmah

215 x 317; 12 lines. Persian.

523

523a, *tpq* Jumādā I 1308 (13 December 1890 – 11 January 1891): reported declaration of sale

966: KP 5991/594

On the above date Ya‘qūb Bāy b. Mullā Qalandar Bāy, aged 58, declared before Dahbīd’s courthouse^a, attesting to his own name and ancestry^b and speaking as a competent agent, that he has sold^c to Mullā Ḥājjī Qurbān Bāy b. Qārī Nūr Muḥammad 2 *tanābs* of garden land, constituting *mamlakah* and located in the rural settlement of Bīsh Tūt, Dahbīd *volost*^d, abutting in the west onto a garden belonging to Fakhr al-Dīn Bāy b. Mullā Shams al-Dīn Bāy, in the north onto a public thoroughfare, in the east onto a blocked thoroughfare, and in the south onto a garden and courtyard house belonging to Raḥmat-Allāh b. ‘Iṣmat-Allāh; the sale, for 2400 *tangah*^e, was completed, with each party to the transaction receiving what was due. Mullā Khūj Kāmil b. Khūj Fāḍil and Jūrah Bāy b. Ustā Muḥammad Amīn state that they have witnessed the transaction.

‘Aẓīm Jān b. Ustā Bābā signs in his capacity as attorney.

Stamp: Dahbīd qāḍī-sī Qāḍī Mullā Khūj Khalīl ¹ b. Qāḍī Mullā Zayn al-Dīn	
Witnesses: ‘Abd al-Hāmid; Dāmullā Imām [Safidūk?]; Muḥammad Rasūl; Mu’min Jān; Husayn Khwājah; Dāmullā Ismā‘īl; and others.	
¹ This may be the figure identified as ‘people’s judge of the Dagbit [=Dahbīd] raion’ in <i>Spravochnaia knizhka Samarkandskoi oblasti na 1893 god, vyp. I</i> (1893), p. 10, where he is identified however as ‘Mulla Khodzha Kamil (<i>sic</i>) Mulla Zainutdinov’. He appears to have been succeeded the following year by ‘Mulla Nabi Khodzha Baba Khodzhinov’: <i>Spravochnaia knizhka Samarkandskoi oblasti na 1894 god, vyp. II</i> (1894), p. 9.	^a dār al-qaḍā-yi Dahbīd-i sharīf; ^b mukhbir bih ism wa nasab-i khūd; ^c bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī-yi qaḍ‘ī; ^d wulūs ; ^e tangah-yi rā’ijah
202 x 259; 9 lines. Persian.	

523b, *tpq* Dhu’l-Hijjah 1308 (8 July – 6 August 1891): reported declaration of sale

Ḥājī Qurbān b. Qārī Nūr Muḥammad states that on the above date he sold the above-mentioned garden land ^a to Ismā‘īl Bāy for 2400 <i>tangah</i> ; the transaction was witnessed by Maḥmūd Īllīk-Bāshī, [xxx] and Muḥammad Šiddīq.	
Stamp: Ḥājī Qurbān b. Qārī Nūr Muḥammad	
	^a hamīn darūn-i wathīqah būdah-gī-yi bāgh-rā
4 lines. Persian.	

524

524a, 1891: notification of labour levy

1022: KP 1557/2

By the order of the Chahārjūy <i>arīgh</i> ¹ <i>āqsaqāl</i> , the population of the village of [Aklān?] is on/by 12 April [= 25 April] to provide the <i>arīgh āqsaqāl</i> with 15 men equipped with <i>kitmans</i> ² , for work ³ .	
Addition: ‘Dahbīd wulāstnāy ūpra[wi?]tīlī-dan [xxx] dīb ṭarīqchī istarshinah muhrum [xxx]’	
Stamps: (i) Qāḍī [Mullā Hādī?] Khwājah b. [xxx]; (ii) Narodnogo sud’i [xxx] uchastka Samarkand. uyezda i oblasti	
¹ Located in the vicinity of Dahbīd: → docs. 598, 599.	
² i.e. digging tools.	
³ i.e. canal maintenance.	
110 x 150; 8 lines. Persian.	

524b¹, Šafar 1319 (20 May – 17 June 1901): marriage warrant note

The *imām* of the rural settlement of Qarā Tirī should note that ‘Ādil Bāy b. [–] has contracted to marry Tājī Āy bint Raḥīm Qulī Bāy, a virgin. Having ensured that there is no impediment to rightful marriage or hostility^a between the parties, the *imām* should proceed to solemnize the union.

No stamp.

¹ The relationship between 524a and 524b is unclear. ^a janjāl

8 lines. Persian.

525 – 533: documents relating to the line of Āstānah Qul*

525

tpq 25 Sha‘bān 1308 (5 April 1891): reported declaration of mortgage

541: KP 5991/264

Turki notarial addition: 23 March [= 4 April] 1891, document entry no. 429

On the above date Āq Bāy b. Mīrzā Qul Bāy, acting on his own behalf and as attorney^a to Sulaymān Qul b. the afore-mentioned Mīrzā Qul, and by his own account 25 years old, declared as a competent agent before the Kābud *tūmān* courthouse that he has temporarily sold^b to ‘Abd al-Raḥmān b. Astānah Qul the *suknīyāt* on 4 *tanābs* of *mamlakah* land located in the rural settlement of Ūyshūn Tipah, Qarā Qalpāq *volost*^c, and abutting in the west, north, east and south onto land belonging to Āq Bāy b. Mīrzā Qul; the sale was for 350 *tangah*. The speaker also declared that he would repay the stipulated sum in 9 months’ time^d.

Stamps: (i) Qāḍī Mullā ‘Abd al-Majīd² b. Muḥammad Yūnus Šūfi; (ii) Mīrzā ‘Abd al-Qādir

Witnesses: Yarlaqab Īllīk-Bāshī; ‘Abd al-Karīm; Thanā Qul; Mullā Birdī Bāy; Bābā Bīk; and others.

¹ Unusually in a document of this type, there is no recourse to the legal fiction of a rental agreement.

² Attested active from Sha‘bān 1308/April 1891 (→ docs. 5

25, 526) to 1893 (→ doc. 535). He is identified as ‘people’s judge of the Kabut/Karakalpak [=Kābud/Qarā Qalpāq] raion’ in *Spravochnaia knizhka Samarkandskoi oblasti na 1893 god, vyp. I* (1893), p. 10.

^a wakīl-i shar‘ī-yi thābit al-wakālah; ^b bay‘-i jā‘iz-i shar‘ī; ^c wulūs ; ^d ba‘d az inqīḍā-yi muddat-i nuh māh-i kāmīl-i qamarī az ta‘rīkh-i madhkūr

178 x 220; 12 lines. Persian.

* Note orthographic variation in this individual’s name: he appears variously as Āstānah Qul, Āstānah Bāy, Āstānah Qul Bāy, Āstān Qul, Āstān Bāy and Āstān Qulī. He is to be distinguished from his contemporary Āstān Qul Biy, *parwānachī, qūsh-bīgī* and *dīwān-bīgī* to Amīr ‘Abd al-Aḥad of Bukhara (see documents 38, 53 and 54 in Urunbaev *et al.*, *Katalog sredneaziatskikh zhlovannykh gramot*, pp. 34 and 39, plus Kurbanov, *Materialy po sredneaziatskoi sfragistike*, pp. 115-116): this latter is attested alive in Shawwāl 1313/March-April 1896 (see document 54, *op. cit.* p. 39) whereas Āstān/Āstānah Qul was dead by Sha‘bān 1312/January-February 1895 (→ doc. 527).

526

tpq 26 Sha‘bān 1308 (6 April 1891): reported registration of power of attorney¹

542: KP 5991/265

No Turki notarial addition

On the above date Āq Bāy b. Mīrzā Qul Bāy was registered^a as attorney^b to [his brother] Sulaymān Qul Bāy b. Mīrzā Qul Bāy before the Kābud *tūmān* courthouse; the registration was witnessed by Āstānah Qul b. Ḥakīm Bāy and Thanā Qul Bāy b. ‘Abdī Bāy. Said attorney should sell approximately ½ *ṭanāb*^c of land in the rural settlement of Ūyshūn Tipah *qishlāq*, and temporarily sell^d approximately 4 *ṭanābs* of land in the same region, and hand the appropriate share of payment over to Sulaymān Qul Bāy.

Stamps: (i) Qāḍī Mullā ‘Abd al-Majīd b. Muḥammad Yūnus Šūfī; (ii) Mīrzā ‘Abd al-Qādir

¹ Logically, this document would appear to precede doc. 525, but it is dated one day later.

^a thābit shud; ^b wakīl-i muṭlaq-i ‘āmm-i shar‘ī; ^c takhminan nīmchah ṭanāb; ^d bay‘-i jā‘iz-i shar‘ī

166 x 211; 9 lines. Persian.

527

tpq 2 Sha‘bān 1312 (29 January 1895): hereditary transfer of estate

539: KP 5991/262

Turki notarial addition: 15 January [= 27 January] 1895, document entry no. [x]5

On the above date the estate of the late Āstān Qulī was divided between his widow ‘Alāḥidah Āy (receiving 5/40), his son the blind ‘Abd al-Raḥmān (14/40), and his daughters ‘Adālat Āy, Hamrāh Āy and the pre-adult Sharāfat Āy (7/40 apiece). The estate under division comprises two properties. (i) One is a courtyard property worth 1000 *tangah* and located in Samarqand’s Amīrābād quarter, abutting in the west onto a house belonging to Ḥāmid b. ‘Ashūr, in the north onto a public thoroughfare, in the east onto a house belonging to the heirs of Qūldāsh, and in the south onto a house belonging to ‘Abd al-Rasūl, which is now in the possession of his heirs. (ii) The other is the *sukniyāt* on a shop^a valued 1000 *tangah* and located by Samarqand’s Khānīm (*sic*) *madrasah*, and abutting in the west onto a public thoroughfare, and in the north and south onto a shop belonging to the late ‘Abd al-Ra‘uf Makhdūm. ‘Abd al-Khāliq Samāwarchī b. ‘Abd al-Rāzīq (*sic*), uncle of Sharāfat Āy, is appointed to act as her guardian.

Mullā Mīr Nizām al-Dīn Khwājah, *qāḍī* of Samarqand, states that he has signed and stamped the document.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi Samarqand Mullā Mīr Nizām al-Dīn Khwājah

Witnesses: Mullā Qābil Jān Imām; Manglī Chuhrah-Āqāsī; Mullā ‘Abdallāh; ‘Aẓīm Jān; and others.

^a šunduqah

221 x 340; 11 lines. Persian.

528

tpq 15 Jumādā II 1313 (3 December 1895): reported declaration of conferral of power of attorney

538: KP 5991/261

No Turki notarial addition

<p>On the above date ‘Abd al-Raḥmān b. Astānah Qul Bāy, a 27-year old resident of the rural settlement of Amīrābād acting in his capacity as guardian^a to his pre-adult sister Sharāfat Āy, declared as a competent agent before the Kābud <i>tūmān</i> courthouse that he has appointed ‘Abd al-Karīm b. Qurbān Bāy as attorney and deputy^b. Said attorney should secure restitution of 280 <i>tangah</i> owing him^c and presently in the possession of Khāllī Qul Āqsaqāl: if the respondent denies the claim^d, the attorney should take recourse to measures stipulated by <i>sharī‘ah</i>^e.</p>	
<p>Stamps: (i) Qāḍī-yi tūmān-i Kābud Mullā Īsh Nazar b. Mullā Ghāyib Nazar; (ii) Narodnogo sud’i Kabudskogo uchastka Samarkand. uyezda i oblasti [plus <i>qāḍī</i> signature]; (iii) [xxx]</p>	
<p>Witnesses: Khāl Murād; Mullā Birdī Yār.</p>	
	<p>^a waṣī-yi shar‘ī; ^b wakīl-i shar‘ī wa qā‘im-maqām-i nafs-i khūd; ^c dayn-i lāzim al-adā; ^d ‘ind inkārihi; ^e ‘alā ḥasab al-shar‘.</p>
<p>171 x 218; 8 lines. Persian.</p>	

529

529a, *tpq* Rajab 1320 (4 October – 2 November 1902): reported conferral of power of attorney

540: KP 5991/263

<p>On the above date Mullā Ṣalāḥ al-Dīn b. Mīr Burhān, aged 36 and a resident of Shāh ‘Ārif Khwājah quarter, was confirmed as attorney^a to his wife^b Sharāfat Āy bint Āstānah Bāy, aged 17, before the Samarqand <i>wilāyat</i> courthouse; the appointment was witnessed by the competent witnesses Muḥammad Qul b. ‘Abd al-Wāsi‘ and Ma‘rūf Jān b. Ṣāliḥ Jān. Said attorney should, using his authority to negotiate peaceful settlements, issue cessations of claim and suchlike^c, take measures to secure a resolution^d of that claim for restitution outlined in his client’s deposition^e. Mullā Ṣalāḥ al-Dīn himself signs on behalf of the two illiterate witnesses.</p>	
<p>Stamp: Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus <i>qāḍī</i> signature: Qāḍī Mullā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī]</p>	
	<p>^a thābit shud [...] wakīl-i muṭlaq-i ‘āmm-i shar‘ī būdan; ^b zawjah-yi shar‘īyah-yi mankūḥah-yi madkhūlah; ^c bih kull mā tajrī fī’l-wakālat min al-ṣulḥ wa’l-ibrā wa ghayrihā; ^d bih qat‘ rasānad; ^e da‘wā-yi mā fī’l-maḥḍar-i shar‘ī-yi muwakkilah-yi khūd</p>
<p>176 x 220; 11 lines. Persian.</p>	

529b, *tpq* Šafar 1321 (29 April – 27 May 1903): reported declaration of receipt

Turki notarial addition: 28 April [= 11 May] 1903, document entry no. 1672

On the above date Mullā Šalāḥ al-Dīn Nūghay-Dūz b. Mullā Burhān Āqsaqāl, by his own account aged 38, and acting as attorney to his wife Sharāfat Āy bint Āstānah Baqqāl, declared as a competent agent before the Samarqand *wilāyat* courthouse that he has received from ‘Abd al-Raḥmān b. Āstānah Baqqāl Sharāfat Āy’s share of the late Āstānah Baqqāl’s estate, this comprising a small courtyard house of known dimensions, located in Khwāšī quarter, and 3 small shops^a of known dimensions, located in the vicinity of the Khānīm (*sic*) *madrasah*.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī (x 2) (iii) Mullā Abū Yūsuf b. Qāḍī Muḥammad Muftī

Witnesses: [Quldāsh?] Baqqāl b. Qurbān Bāy; Mīr Bābā Īllīk-Bāshī b. Mīr Fāḍil; Mullā Muḥammad Laṭīf; and others.

^ašunduqah

14 lines. Persian.

530

n/d¹: solicited legal opinion

536: KP 5991/259

Acting as attorney to his wife Sharāfat Āy bint Āstān Bāy – his powers in proxy to negotiate peaceful settlements, issue cessations of claim and suchlike^a as confirmed by a document stamped by the *qāḍī*^b – Mullā Šalāḥ al-Dīn received from the blind Qārī ‘Abd al-Raḥmān a courtyard house located in Khwāšī as a share of the estate of the late Āstān Bāy and ‘Alāḥidah Āy, together with 300 *tangah*. He duly dropped his claim for the rest of the estate of the late Āstān Bāy and ‘Alāḥidah Āy, and issued a notarised and operative^c cessation of claim. Following Sharāfat Āy’s death, Mullā Fayḍī, acting as guardian^d to the late woman’s daughter Ānah Bībī, has presented a deposition of claim^e asserting right of inheritance^f on the same estate. Given the force of Mullā Šalāḥ al-Dīn previous cessation of claim, is it not the case that the *qāḍī* should opt not to hear Mullā Fayḍī’s claim?

Answer: yes.

Stamps: (i) Mullā Abū Yūsuf Muftī b. Qāḍī Muḥammad Muftī b. Ya‘qūb; (ii) Mullā ‘Ādil Muftī b. Dāmullā Mansūr

Citations: (i) *al-wakālah hiya tafwīd al-taşarruf ilā ghayrihi ay iqāmat aḥad ghayrahu maqāmahu fī fi’l shar’ī ma’lūm* (Jāmi‘ al-rumūz); (ii) *lā tuqbal min al-wakālat bi’l-khuṣūmat bayyinah ‘alā al-wakālah min ghayr khaṣm wa law quḍiya ‘alayhā ṣaḥḥ liainna al-qadā fī’l-mujtahad fīhi kadhā fī’l-Qunyah* (Baḥr al-manāfi‘); (iii) *wa’l-aṣl ann taşarruf al-mā’ mūr in wāfaq amr al-āmīr nufidh ‘alā al-āmīr kadhā fī’l-Kāfī* (Baḥr al-manāfi‘); (iv) *wa idhā lam yusma ‘ da ‘wā al-mūrith law kān ḥayan fa-kadhā idda ‘ā man qām maqāmahu fa-huwa al-wārith* (Qā’idī); (v) *ibrā’ al-mūrith yamna ‘ da ‘wā al-wārith* (Qunyah); (vi) *qāl Abū Yūsuf wa Muḥammad raḥimahumā Allāh yuḥkam bi-dhālik wa yanfadhuhu idhā*

wujid bi-khaṭṭ (?) qā'im lahu (Ādāb al-qāḍī); (vii) wa fī'l-Qunyah ammā al-kitāb al-shar'ī alladhī wujid fī yad al-khaṣm hal yadfa' da'wā al-khaṣm wa'l-fatwā 'alā annahu yadfa' (Baḥr al-manāfi'); (viii) wa fī'l-'Uyūn yuftā bi-qawlihimā ann al-'amal bi-ghālib al-zann wājib wa'l-khaṭṭ yufīd ghālib al-zann fa-wajab al-'amal (Majma' al-baḥrayn).

¹ → docs. 453⁽⁵⁾ and 469a⁽³⁾ for the attested career dates of Mullā Abū Yūsuf and Mullā 'Ādil Muftī.

^a ṣulḥ wa ibrā wa kull mā yajrī fīhi al-wakālah; ^b khaṭṭ-i wakālat-i shar'īyah-yi makhtūmah-yi janāb-i qāḍī-yi islām; ^c makhtūmah [...] wa nāṭiqah; ^d waṣī-yi shar'ī; ^e maḥḍar-i shar'ī; ^f 'alā sabīl al-munāsakhah

353 x 221; 9 lines. Persian.

531

n/d¹: solicited legal opinion

544: KP 5991/267

In response to a claim presented by Mullā Fayḍī, acting as attorney to 'Adālat Āy's various heirs and as guardian^{a(2)} to this latter's pre-adult children, for a share of the late woman's estate, Qārī 'Abd al-Raḥmān claims in his defence that he has already secured a cessation of claim from 'Adālat Āy during her lifetime. Can Qārī 'Abd al-Raḥmān substantiate his rebuttal of Mullā Fayḍī's claim simply with a witness testimony^b, or does Mullā Fayḍī have the authority to put the respondent on oath^c?

Answer: yes³.

Stamp: Mullā 'Ādil Muftī b. Dāmullā Maṣṣūr

Citations: (i) *wa da'wā al-mudda'ī lā tandafi' bi-mujarrad da'wā al-mudda'ā 'alayhī; al-daf' wa inna-mā tandafi' bi-bayyinah aqāmahā 'alā al-daf'* (Fatāwā Ibrāhīm Shāhī); (ii) *idda'ā 'alā ṣabī wa lahu ab aw umm aw 'alā qayyim aw 'alā mutawallī al-waqf shay'an fī'l-waqf fa-innahum lā yuḥlafūn jamī 'ān wa'l-tarīq hāhunā al-bayyinah* (Khizānat al-muftūyin); (iii) *lā yamīn 'alā al-ṣabī ḥattā yudrik* ('Imādī); (iv) *fa'l wakīl wa'l-waṣī wa ab al-ṣaghīr yamlik al-istiḥlāf* (Durr al-mukhtār); (v) *fa in lam yaqum ḥullifahu in ṭalabahu khaṣmuḥu wa in nakal marratan aw sakat bi-lā wa quḍī bi'l-nukūl ṣaḥḥ* (Niqāyah).

¹ *taq 3 Dhu'l-Qa'dah 1321 (Thursday 21 January 1904): → doc. 533b.*

² The terms *waṣī* and *walī* appear to have had broadly similar meanings. See Palen, *Pravovoi byt' tuzemnogo naseleniia*, p. 38.

³ In view of the question posed, this seems a rather unsatisfactory answer.

^a walī-yi shar'ī²; ^b thābit-i bayyinah; ^c wilāyat-i istiḥlāf-i mudda'ā 'alayhī-yi madhkūr

382 x 222; 4 lines. Persian.

532

n/d¹: solicited legal opinion

537: KP 5991/260

Mullā Fayḍī acting as guardian to Ānah Āy, presents a claim for restitution against the blind 'Abd al-Raḥmān; in turn, 'Abd al-Raḥmān makes a counter-claim against Mullā

Fayḍī. Should the qāḍī not put the parties on oath^a and move to resolve the contention^b? And if the 2 parties refuse to swear on oath^c, should the qāḍī not act accordingly?

No answer.

Stamp: Mullā Abū Yūsuf b. Qāḍī Muḥammad Muftī

Citations: (i) *wa ba‘d mashā‘ikhinā rah jawāzū al-qism bi‘l-qur‘ān fī hādhā al-zamān* (Zayla‘ī²); (ii) *matā amkan al-qāḍī qaṭa‘ al-khuṣūmāt bi-aqṣar al-masāfatayn li‘l-hall al-qaṭ‘ mā ba‘dahimā* (Mukhtār al-Khaṣṣāf³); (iii) *al-qāḍī nuṣib li-qaṭ‘ al-khuṣūmāt, lā li-inshā‘ihā* (Qāḍī Khān); (iv) *al-qaḍā‘ shar‘an faṣl al-khuṣūmāt wa qaṭa‘ al-munāza‘āt* (‘Ālamgīrī); (v) *wa yajib ‘alā al-qāḍī al-qaḍā‘ ‘alā sabīl al-fawr ‘ind qiyām al-bayyinah aw ‘ind wujūd al-sharā‘iṭ, wa humā iqrār aw nukūl* (Ādāb al-qāḍī).

¹ → doc. 530⁽¹⁾ for the attested career dates of Mullā Abū Yūsuf b. Qāḍī Muḥammad Muftī.

² A work by Abū Muḥammad (Abū ‘Umar) Fakhr al-Dīn ‘Uthmān b. ‘Alī b. Muḥasīn al-Zayla‘ī (d. 1343), more formally known as *Tabyīn al-ḥaqā‘iq*; the work is a commentary upon the *Kanz al-daqā‘iq*.

³ A work by Abū Bakr al-Khaṣṣāf Aḥmad b. ‘Amur (‘Umar) (797-875).

^a sawgand; ^b baynahumā qaṭ‘-i khuṣūmat namūdah; ^c ‘ind nukūlihima

355 x 218; 4 lines. Persian.

533

533a, n/d¹: claim for restitution

543: KP 5991/266

Acting as attorney to Ānah Āy bint Bāy Muḥammad Bāy, Mullā Fayḍ presents a claim before the courthouse of Ḥaḍrat-i Shāh-i Zindah district against ‘Abd al-Raḥmān b. Astānah Bāy, a resident of Khwāṣī quarter.

The claim relates to property inherited by Ānah Āy through the line of Astānah Bāy. Upon Astānah Bāy’s death, his heirs comprised his widow ‘Alīḥadah Āy, a son, the respondent ‘Abd al-Raḥmān, and 3 daughters, Sharāfat Āy, Hamrāh Āy and ‘Adālat Āy. ‘Alīḥadah Āy soon died, and her share of the estate was divided between her afore-mentioned children. Soon after, ‘Adālat Āy also died, and her property was divided between her heirs, these being a husband, Mullā ‘Abd al-Wāḥid, 5 sons, ‘Abd al-Aḥad, Ḍiyā al-Dīn, Shams al-Dīn, ‘Abd al-Ṣamad and ‘Abd al-Ḥayy, and a daughter, Iqbālah Āy. Soon after that, Sharāfat Āy also died, and her property was divided between her own heirs, these being a husband, Ṣalāḥ al-Dīn Bāy², a pre-adult daughter, the plaintiff Ānah Āy, a brother, the respondent ‘Abd al-Raḥmān, and a sister, the afore-mentioned Hamrāh Āy. The final division of the estate was as follows: ‘Abd al-Raḥmān b. Astānah Bāy received 522/1320 of the total estate; Hamrāh Āy received 286/1320³; Mullā ‘Abd al-Wāḥid received 66/1320; ‘Abd al-Aḥad, Ḍiyā al-Dīn, Shams al-Dīn, ‘Abd al-Ṣamad and ‘Abd al-Ḥayy each received 36/1320; Iqbālah Āy received 18/1320; Ṣalāḥ al-Dīn received 66/1320; and Ānah Bāy, the plaintiff, received 132/1320. But ‘Abd al-Raḥmān has taken possession of all of the afore-mentioned estate, and refuses to give the plaintiff her share.

Stamp: Mullā ‘Ādil Muftī b. Dāmullā Mansūr

Citations: (i) <i>man tarak mālan aw haqqan fa-li-warathatihi</i> (Kāfī); (ii) <i>al-waṣī khaṣm fī amlāk al-yatīm min jihat al-yatīm</i> (Qāḍī Khān).	
¹ <i>tpq</i> 3 Dhu'l-Qa'dah 1321 (Thursday 21 January 1904): → doc. 532b.	
² Ṣalāḥ al-Dīn Bāy was presumably her second husband, the first being her daughter Ānah Āy's father Bāy Muḥammad Bāy.	
³ Note how Hamrāh Āy's final share of the estate is more than ½ of her brother's share; given that by the terms of doc. 527 Hamrāh Āy's share is precisely ½ of her brother's, it is apparent that either her mother and/or her sister has subsequently shown her a more preferential treatment, giving her 57/60 of what she/they give 'Abd al-Raḥmān.	
220 x 352; 25 lines. Persian.	

533b, *tpq* 3 Dhu'l-Qa'dah 1321 (21 January 1904): reported declaration of cessation of claim¹

Turki notarial addition: 6 January [= 19 January] 1904, document entry no. 4

On the above date the above-mentioned guardian declared as a competent agent before the Samarqand <i>wilāyat</i> courthouse that in a peaceful settlement ^a he has dropped his claim against the afore-mentioned respondent in return for 150 <i>tangah</i> . This amicable settlement and cessation of claim was achieved following the afore-mentioned guardian's failure to produce witness testimony on behalf of his claim ^b , and in view of the respondent's concern for the welfare of the afore-mentioned children.	
Stamps: (i) Narodnogo sud'i goroda Samarkanda, Samarkand. uyezda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī; (iii) Mullā Mīr Maḥmūd b. Mullā Mīr 'Ālim; (iv) Mullā Abū Yūsuf Muftī b. Qāḍī Muḥammad b. Ya'qūb	
Witnesses: Mullā Abu'l-Fayḍ Makhdūm Imām; Mullā Maḥmūd Īllīk-Bāshī; Mullā 'Abd al-Qādir Īllīk-Bāshī; Qūldāsh Bāy Baqqāl; Dhakariyā Bāy Baqqāl; 'Abd al-Khāliq Bāy Samāwārchī; Mīr Ṣādiq; and others.	
¹ The present document thus marks the end of a case which had been running for 9 years (→ doc. 527).	^a <i>ṣulḥan</i> ; ^b <i>binā bar 'ajz-i ān az iqāmat-i bayyinah</i>
10 lines. Persian.	

534

tpq 19 Dhu'l-Hijjah 1309 (15 July 1892): reported declaration of sale

954: KP 1237

Turki notarial addition: 30 June [= 12 July] 1892, document entry no. 587

On the above date Īgam Birdī Bāy b. Khudāy Birdī Bāy, by his own account aged 80, declared as a competent agent before the courthouse of Maḥallah, Shāwdār <i>tūmān</i> , that he has sold ^a to his grandson Barnā Bāy b. Mullā A'lā the <i>suknīyāt</i> on $\frac{3}{4}$ <i>ṭanāb</i> of garden

land, constituting *mamlakah* and located in the rural settlement of Qawālah, Ḥaḍrat-i Khwājah Ahrār *volost*^b. The property abuts in the west and south onto a garden belonging to the vendor, in the north onto rabāṭ belonging to the vendor, and in the east onto a garden belonging to the heirs of Mullā Rajab. The sale, for 700 *tangah*, has duly been completed^{c(1)}.

The *qāḍī* of Maḥallah states that he has affixed his stamp to the document.

Stamps: (i) Qāḍī Walī Khwājah b. ‘Awaḍ Khwājah Ṣadr; (ii) Muḥammad Yūsuf b. Muḥammad Sayyid Bāy, 1309

Witnesses: Mullā Īgam Birdī; Mullā Jān b. Bābā Jān; Jūrah Bāy b. [xxx] Bāy; Dāmullā Muḥammad Yūsuf

¹ An unusual variation on the conventional formula *ma’ al-taqābuḍ fī’l-badalayn*: → also docs. 85 and 465.

^a bay’-i bātt-i batāt-i nāfidh-i qaṭ‘ī; ^b wulūs; ^c ma’ qabḍ al-mabī’, dūn al-thaman wa’l-isqāṭ al-thaman ‘an dhimmatihī ba’d wujūbihī ‘alayhī¹

160 x 218; 11 lines. Persian.

535

1893: letter

811: KP 5991/509

[The signatories to the document offer their thanks and prayers towards the Russian tsar^a for 25 years of rule in Samarqand¹.] On 2 May [= 14 May] 1868, Samarqand and its dependent territories succumbed by God’s wish to the authority of the tsar. During the 25 years since then, the entire population of the region has been able to pursue its modest livelihood in ease and peace. In the years since the conquest, many *madrasahs*, mosques and *khānaqāhs* which had hitherto long been in ruins have been restored, thanks to the efforts of the Russian state^b; under the tsar’s protection^c, the population is furthermore now safe from tyranny and oppression. Year by year, Samarqand *wilāyat* is ever-more verdant: for which the speakers recognise that they are indebted to the generosity of the tsar^d. The population, both great and small alike, assures the tsar of its loyalty and devotion^e, and the speakers pray that God will grant the tsar a long and blessed life^f.

Stamps and signatures:

- (i) Mullā Mīr Nizām al-Dīn Khwājah, *qāḍī* of Samarqand
- (ii) Abu’l-Khayr Khwājah, *qāḍī* of Qūrghān
- (iii) Mullā Walī Khwājah², *qāḍī* of Maḥallah
- (iv) Mullā Abū Yūsuf³, *qāḍī* of Siyāh Āb
- (v) Mullā Ṣiddīq⁴, *qāḍī* of Chashmah Āb
- (vi) *qāḍī* of Shīrāz⁵
- (vii) Sayyid Burhān Khwājah *mutawallī*
- (viii) Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī
- (ix) [–] of Samarqand
- (x) ‘Abd al-Ṣamad Bāy, a resident of Samarqand’s Inābat Bīk settlement
- (xi) Mullā Ūrūn Bāy, a resident of Samarqand’s Inābat Bīk settlement
- (xii) Mullā ‘Abd al-Majīd

- (xiii) ‘Abd al-Jabbār, *qāḍī* of Ūrgūt
 (xiv) Ḥaydar Bīk Āqsaqāl, *āqsaqāl* of Khwājah Aḥrār [*volost*?]
 (xv) Muḥammad Qāsim, *āqsaqāl* of Qalandar-Khānah
 (xvi) Mīr ‘Awaḍ Khwājah Āqsaqāl b. Yūsuf Khwājah, *āqsaqāl* of Sūzangarān
 (xvii) [Muḥyī?] al-Dīn Āqsaqāl, *āqsaqāl* of Payshanbah
 (xviii) Mullā ‘Āqil b. Mullā Bābā Jān, *muftī* of Siyāh Āb
 (xix) Mūsā Khwājah Muftī b. Qāḍī Shīrīn Khwājah, *muftī* of Samarqand
 (xx) Mullā Muḥammad Fāḍil Muftī b. Mullā Fuḍayl
 (xxi) Mīrzā ‘Abd al-Raḥīm
 (xxii) Mullā Mu’min Jān
 (xxiii) Hādī Khwājah b. Shīrīn Khwājah, *muftī* of Dahbīd
 (xxiv) Mullā Qābil Jān b. Muḥammad Raḥīm Bāy
 (xxv) Mullā ‘Ubayd-Allāh b. Mullā [xxx]

¹ The document instances a genre of writing well studied by Aftandil Erkinov in his *Praying For and Against the Tsar. Prayers and Sermons in Russian-Dominated Khiva and Tzarist Turkestan* (Berlin: Klaus Schwarz Verlag: Anor 16, 2004).

² This figure is identified as ‘people’s judge of Maḥallah raion’ also in *Spravochnaia knizhka Samarkandskoi oblasti na 1894 god, vyp. II* (1894), p. 9.

³ → doc. 453⁽⁴⁾.

⁴ This figure is identified as ‘people’s judge of Chashmaob [=Chashmah Āb] raion’ also in *ibid.*, p. 9, where his name is given as ‘Mulla Muhamed Sytdyq Mulla Maksumov’.

⁵ A *tūmān* in the Samarqand region named after the eponymous city in southwest central Iran. See V.V. Barthold, *Turkestan Down to the Mongol Invasion* (London: Gibb Memorial Trust, 1968), p. 94. *Spravochnaia knizhka Samarkandskoi oblasti na 1894 god, vyp. II* (1894), p. 10, notes that the Shīrāz people’s judge around this time was a certain ‘Mulla Khodzha Murat Isaev’.

^a janāb-i imparātūr-i a‘zām ḥaḍrat-lārī; ^b rūsīyah dawlatī-din ḥukkām-i dhu’l-iḥtirām-lār-nī sa’y wa kūshish-lārī bīlān niḥāyat-sīz ābād būlūb; ^c imparātūr-i a‘zām ḥaḍratlārī-nī ḥimāyat-lārī bīlān; ^d ūshbū imparātūr-i a‘zām-nī marḥamatlārī-nī kūp ghanīmat bilīb-bīz; ^e bīzlār-nī ra’iyah-līgīmiz-nī wa ikhlāṣ, i‘tiqādīmīz-nī imparātūr-i a‘zām ḥaḍratlārī-ghah yitkūrsahlār; ^f du‘ā qīlāmīz, kih khūdā-yi tabārak wa ta‘ālā ‘umr-lārī-nī ūzāq wa bakht-dawlat-lārī-nī bar-qarār qīlsūn

524 x 642; 17 lines. Turki. Document reproduced at back of volume.

536

n/d¹: solicited legal opinion

387: KP 115/2

Sayyid Aḥmad Bāy receives 50835 *tangah* from Bāqī Muḥammad Bāy, a merchant, for a joint venture project^a, whereby Muḥammad Bāqī Bāy supplies the capital and Sayyid Aḥmad Bāy the labour, on the understanding that they then split the profit in half. Sayyid Aḥmad takes and spends the afore-mentioned sum, and when asked by Bāqī Muḥammad Bāy he proves to be incapable of repaying it. In a state of bankruptcy^b, he thus transfers^c 44000 *tangah* of the debt onto several individuals who in turn are indebted to himself, and presents the creditor^d with a set of deeds, he himself paying the remaining 6835 *tangah*.

(i) To whom out of Sayyid Aḥmad Bāy, Sayyid Aḥmad Bāy's debtors or a combination thereof, should Bāqī Muḥammad Bāy approach for restitution? (ii) Is Sayyid Aḥmad not unjustified when he claims, without basis^e and notwithstanding the terms of his bankruptcy, that by performing the transfer he has disburdened himself of the debt^f?

Answer: yes.

Stamps: (i) Mullā Mīr Sayyid Murād Khwājah b. Nizām al-Dīn Khwājah, 1308; (ii) Mullā Zayn al-Dīn Khwājah Muftī b. Jamāl al-Dīn Khwājah Muftī, 1307; (iii) Mūsā Khwājah Muftī b. Qāḍī Shīrīn Khwājah; (iv) Mullā Abu'l-Khayr Muftī b. Mullā Bāy Muḥammad, 1311; (v) Mullā Fayḍ-Allāh Muftī b. Mullā Ni'mat-Allāh; (vi) Mullā 'Abd al-Raḥmān Khwājah Muftī b. 'Abdallāh Khwājah; (vii) Mullā Yār Muḥammad Muftī b. Ḥājji Muḥammad Ṣūfi; (viii) Mullā 'Alī Akbar Muftī b. Qāḍī Mullā Shīr Muḥammad; (ix) Mullā 'Āqil Muftī b. Bābā Jān; (x) Mullā Abu'l-Khayr Muftī b. Mullā 'Arif Jān, 1311

Citations: (i) *fa-hiya ay al-hawālat bi-sharṭ 'adam barā'atihi ay al-muḥl kafālat wa hādhihi ay al-kafālat bi-sharṭ barā'at al-aṣīl ḥawālat; ṭalab al-makfūl lahu; aḥadahumā lahu an yuṭālib al-ākhar* (Jāmi' al-rumūz); (ii) ... (?)*-hima li-ann muqtaḍāhu al-ḍamm* (Hidāyah); (iii) *qawl lā yustanad ilā dalīl zāhir lā yu'tabar* (Niṣāb al-riwāyāt); (iv) *al kafālat wa hiya ḍamm dhimmat ilā dhimmat ākhar ay al-aṣīl fī'l-muṭālabat ay ishtirāk kull min al-kafīl wa 'l-aṣīl fī jawāz ṭalab al-makfūl lahu fī'l-dayn wa 'l-istifā' min aḥadihimā ka'l-ghāṣib wa ghāṣib al-ghāṣib* (Jāmi' al-rumūz).

¹ *tpq* 1311/15 July 1893 – 4 July 1894.

^a bih 'aqd-i muḍarabah arbāḥan bi'l-niṣf; ^b sharṭ-i 'adam-i barāt-i nafs-i khūd; ^c ḥawālah kardah; ^d rabb al-māl; ^e bī dalīl-i shar'ī; ^f bih mujarrad-i ḥawālah, bā wujūd-i mashrūṭ bih 'adam-i barāt-i nafs būdan az dayn-i dā'in-i madhkūr, bih rabb gardīdah-am

342 x 220; 9 lines. Persian.

537

n/d¹: solicited legal opinion

900: KP 1237

Is it not the case that demanding bribes is a sin, and that the judgment of a judge who has received bribes is inoperative^a, and that the briber, the taker of bribes and the broker who finesses such transactions are cursed and deserving of severe punishment^b?

Answer: yes.

Stamps: (i) Mullā Mīr Sayyid Murād Khwājah b. Nizām al-Dīn Khwājah Muftī; (ii) Mullā Zayn al-Dīn Khwājah Muftī b. Jamāl al-Dīn Khwājah Muftī; (iii) Mūsā Khwājah Muftī b. Qāḍī Shīrīn Khwājah Mūsawī; (iv) Mullā 'Abd al-Raḥmān Khwājah b. Mullā 'Abdallāh Khwājah Muftī; (v) Mullā Abu'l-Khayr Muftī b. Mullā Bāy Muḥammad, 1311; (vi) Mullā Abu'l-Khayr Muftī b. Mullā 'Arif Jān, 1311; (vii) Mullā Yār Muḥammad Muftī b. Ḥājji Muḥammad Ṣūfi; (viii) Mullā 'Āqil Muftī b. Mullā Bābā Jān; (ix) Mullā Abū Yūsuf Muftī b. Qāḍī Muḥammad b. Ya'qūb; (x) Mullā Fayḍ-Allāh Muftī b. Mullā Ni'mat-Allāh; (xi) Sayyid Maḥmūd Khwājah Muftī b. [Khalīfah?] Mīr Ghiyāth al-Dīn

Citations: (i) *wa min ashrāt al-sā‘at an yamīl al-quḍāt ilā al-irtishā’; fa-kānū sababan li-irtifā’ shar’ Allāh ta‘ālā min bayn al-‘ibād* (Baḥr al-manāfi‘, fi-qaḍā); (ii) *i‘lam ann al-rishwah ḥarām wa‘l-rishwah māl shuriṭ an (?) bi-‘aynihu* (Khizānat al-muftīyin); (iii) *dhukir ‘Alqamah wa Masrūq raḍiya Allāh ‘annahumā sa‘alā ‘an ‘Abdallāh ibn Mas‘ūd raḍī Allāh ‘anhu ‘an al-suḥt, fa-qāl al-rishwah fa-qālā fi‘l-ḥukm qāl dhālik kufr: wa tā‘wīluhu min wajhayn: aḥaduhumā annahu arād bihi al-tahḍīd lā al-tahqīq, wa‘l-thānī annahu arād bihi al-tahqīq fa‘innamā qāl dhālik fi‘l-mustaḥil, idhā istaḥal dhālik yakfur* (Ādāb al-qāḍī, jild thānī min 18; (iv) *thumm qāl “wa lā tashtarū bi-āyātī thamanan qalīlan” innamā arād bihi al-nahī ‘an akhdh al-rishwah* (Ādāb al-qāḍī, daftar-i thānī); (v) *wa man akhadhahu ay al-qaḍā bi‘l-rishwah ilakh fa‘l-murtashī al-akhdh wa‘l-rāshī al-dāfi‘ lā yaṣīr qāḍīyan ‘alā al-ṣaḥīḥ fa-law qaḍā fi‘l-ijtihādiyat lam yanfadh fali-qāḍin ākhar an yubṭil wa i‘lam ann mā dafa‘ ammā li‘l-tawaddud wa ḥalāl min jānibayn wa ammā yaṣīr waratah qāḍīyan wa huwa ḥarām minhumā wa amā li-khawf ‘alā nafasuhu wa māluhu wa huwa ḥarām ‘alā al-ākhdh bilā khilāf ḥalāl al-dāfi‘ ‘ind al-aktharīn akh wa‘l-rishwah lā yumlak wa lidhā kān lahu al-istirdād wa law aṣlah amruhu kamā fi‘l-Mughnī wa‘l-Nihāyah wa ghayrihimā* (Khizānat al-muftīyin); (vi) *wa yaṣīr al-qāḍī qāḍīyan bi-tarāḍī al-muslimīn* (Jāmi‘ al-rumūz); (vii) (Fatāwā Imām Qāḍī Khān); (viii) *wa‘l-qāḍī idhā akhdh al-qaḍā bi‘l-rishwah, lā yaṣīr qāḍīyan wa law qaḍā lā yunfadh* (Khulāṣah, min awwal al-qaḍā); (ix) *wa yanbaghī li‘l-muqallid an yakhtār man huwa al-aqdar wa‘l-awlā li-qawlihi ‘alayhi al-salām “Man qallad insānan ‘amalan wa fi ra‘īyatihī man huwa awlā fa-qaḍ khān Allāh wa rasūlāhu wa jamā‘at al-muslimīn”* (Sharḥ-i Mukhtār, min Ādāb al-qāḍī)

¹ *tpq* 1311/15 July 1893 – 4 July 1894.

^a ḥukm-i qāḍī-yi rāshī dar jamī‘-i umūr wa ‘uqūd-i muslimīn bih riwāyat-i rājihah-yi qawīyah lā yanfadh; ^b rāshī, wa murtashī, wa rā‘ish – ya‘nī mutawassiṭ – wa dalālat-kunandah bih akdh-i rishwah ‘ind Allāh mal‘ūnūn, wa mustahiqq-i ‘adhāb-i alīm mī-gardīdah bāshand

445 x 356; 5 lines. Persian.

538

538a, n/d¹: solicited legal opinion

820: KP 115/6

In response to an appeal made in a deposition of claim^a by ‘Uthmān Khwājah for the restitution of the *suknīyāt* on a certain plot of land, the respondent Mullā ‘Abd al-Qādir declares that the land in question is the property instead of his own 6-year old son ‘Abd al-Raḥīm^b. But when asked, in keeping with legal opinion^c, to swear on oath^d to the validity of his testimony, the respondent refuses to do so^e. This being so, should the plaintiff’s original claim not be regarded as proven?

Answer: yes.

Stamps: (i) Mullā Hādī Khwājah Muftī b. Qāḍī Mīr Shīrīn; (ii) Mullā Fayḍ-Allāh Muftī b. Mullā Ni‘mat-Allāh; (iii) Mullā Muqaddas Muftī² b. Qāḍī Mullā Sayyid Ghanī Muftī; (iv) Mullā ‘Ibād-Allāh b. Mullā Ni‘mat-Allāh Muftī; (v) Mullā [Abu?] Sa‘īd Muftī b. Qāḍī Mullā Muḥammad Abū Ya‘qūb; (vi) Mullā Muḥammad Abū‘l-Qāsim Muftī b. Mullā Yār Muḥammad Mudarris Muftī, 1322

<p>Citations: (i) <i>law idda ‘ā al-mudda ‘ī dayqatan aw baytan annahā lahu fa-qāl dhu ‘l-yad li-ibnī al-ṣaghīr lā yustahlif al-mudda ‘ā ‘alayhi li-ann iqrārahu li-waladihi al-ṣaghīr qad ṣahḥa wa lazim ilakh; wa in ārād taḥlifahu li-ya ‘khudh al-qīmat, in nakal fa ‘alā qiyās qawl Abī Ḥanīfah wa Abī Yūsuf raḥimahumā Allāh ta ‘ālā lā yuḥallifuhu ba ‘d iqrārihi wa qawl Muḥammad raḥimahu Allāh yuḥallaf fa-in nakal ya ‘khudh qīmat al-dār</i> (Baḥr al-manāfi’); (ii) <i>wa ‘l-fatwā ‘alā qawl Muḥammad raḥimahu Allāh, daf‘an li ‘l-ḥīlat</i> (Fatāwā al-khulāṣah); (iii) <i>qālū yanbaghī an yuftā fī hādhihi al-masalah bi-qawl Muḥammad raḥimahu Allāh ta ‘ālā bi-hādhihi al-ḥīlat li-daf‘ al-yamīn ‘an nafsīhi</i> (Baḥr al-manāfi’); (iv) (Fatāwā Qāḍī Khān); (v) <i>wa fā ‘idat al-ḥalf zuḥūr al-ḥaqq bi ‘l-nukūl wa ‘l-nukūl iqrār</i> (Sharḥ-i Durr al-mukhtār); (vi) <i>wa fī qawā ‘id al-faḍlī ‘alayhi al-thaman fī qawlihim jamī‘an</i> (Khulāṣah); (vii) <i>al-bayyinah ‘alā al-mudda ‘ī wa ‘l-yamīn ‘alā man ankar al-ḥadīth</i> (Hidāyah).</p>	
<p>¹ tpq 1322/18 March 1904 – 7 March 1905. ² Attested active from ca. September 1905 (→ doc. 556b) to 1324/February 1906-February 1907 (→ doc. 596). For his activities see also Isogai, ‘Seven Fatwa Documents from Early 20th Century Samarqand’, pp. 271-72.</p>	<p>^a maḥḍar-i shar‘ī; ^b iqrār-i milkīyat-i zamīn-i madhkūrah az barā-yi [...]; ^c biḥ riwāyat-i muzayyalah bi-‘alayhi al-fatwā; ^d sawgand; ^e nazd-i nukūl</p>
<p>354 x 222; 5 lines. Persian.</p>	

538b, n/d¹: solicited legal opinion

<p>If the afore-mentioned respondent denies the afore-mentioned plaintiff’s claim^a, should he not be required to swear on oath^b [to the validity of his testimony]? Answer: yes.</p>	
<p>Stamps: (i) Mullā Qāḍī Khwājah Muftī b. Qāḍī Mullā Khwājah; (ii) Mullā Abu‘l-Khayr Muftī b. Mullā ‘Ārif Jān, 1311; (iii) Mullā ‘Ādil Muftī b. Dāmullā Manṣūr; (iv) Mullā Sayyid ‘Abd al-Majīd b. Mullā Sayyid ‘Abdallāh Mudarris Muftī; (v) Mullā Muqaddas Muftī b. Qāḍī Mullā Sayyid Ghanī Muftī</p>	
<p>Citations: (i) <i>wa in ārād taḥlifahu li-ya ‘khudh al-qīmat, in nakal fa-‘alā qiyās qawl Abī Ḥanīfah raḥimahu Allāh ta ‘ālā wa Abī Yūsuf raḥimahu Allāh ta ‘ālā, lā yuḥallifuhu ba ‘d iqrārihi ilakh; wa qawl Muḥammad yuḥallif fa-in nakal ya ‘khudh qīmat al-dār</i> (Baḥr al-manāfi’); (ii) <i>wa ‘l-fatwā ‘alā qawl Muḥammad raḥimahu Allāh, daf‘an li ‘l-ḥīlat</i> (Fatāwā al-khulāṣah); (iii) <i>idda ‘ā dāran fī yad rajul; fa-qāl al-mudda ‘ā ‘alayhi annahu waqaf ‘alā al-fuqarā, yaṣiḥḥ iqraruhu; wa yaṣīr waqfan ilakh; wa qawl Muḥammad raḥmat Allāh ta ‘ālā yuḥallifuhu fa-in nakal</i> (Baḥr al-manāfi’); (iv) <i>fa-in ḥalaf bari‘a ‘an da ‘wāhu fa-in nakal ḍamin qīmat al-manzil li ‘l-mudda ‘ī</i> (‘Imādī); (v) <i>qālū yanbaghī an yuftā fī hādhihi al-mas‘alah bi-qawl Muḥammad raḥimahu Allāh ta ‘ālā kay lā yaḥtāl bi-hādhihi al-muḥlat li-daf‘ al-yamīn ‘an nafsīhi wa ‘l-fatwā ‘alā qawl Muḥammad raḥimahu Allāh raf‘an li ‘l-muḥlat</i> (Khulāṣah).</p>	
<p>¹ tpq 1322: → doc. 538a.</p>	<p>^a ‘ind inkārihi; ^b sawgand mutawajjih bāshad biḥ sharā‘it, yā nī?</p>
<p>4 lines. Persian.</p>	

n/d¹: solicited legal opinion

1001: KP 1359

Yalangtūsh Bī Ālchīn built two *madrasahs*, the Shīrdār and the Ṭilā-Kār; for their upkeep, he converted into *waqf* 14 plots of land of his own acquisition^a located in and around the Samarqand region and beyond. Since the *waqf* endowment deed was not formally notarised^b, various *qāḍīs* of the time appended signed confirmatory attestations^c to the text, which since then has been continually reconfirmed^d. There has been no refusal to pay the *kharāj-i pādishāhī*, and the *mutawallī* has duly allocated the *waqf* revenues to the poor^e. Is it not the case, therefore, that any moves towards invalidating the terms of the *waqf*^f, such as the re-allocation of funds, is invalid^g?

No answer.

In place of stamps, signed by (i) Mullā Yār Muḥammad Muftī; (ii) Mullā Abu'l-Khayr Muftī b. Mullā 'Ārif Jān, 1311; (iii) Mullā Qurbān Muftī b. Mullā Jān Muḥammad; (iv) Mullā Abu'l-Khayr Muftī b. Mullā Bāy Muḥammad; (v) Mullā 'Ibād-Allāh Muftī b. Mullā Ni'mat-Allāh; (vi) Mullā Fayḍ-Allāh Muftī b. Mullā Ni'mat-Allāh; (vii) Mūsā Khwājah Muftī b. Qāḍī Shīrīn Khwājah; (viii) Mullā Hādī Khwājah Muftī b. Qāḍī Mīr Shīrīn; (ix) Akābir Khwājah Muftī b. 'Abd al-'Azīz Khwājah Muftī; (x) Sayyid Murād Khwājah Muftī

Citations: (i) *qāl Abū Hanīfah raḥimahu Allāh ta 'ālā lā yazūl milk al-wāqif 'an al-waqf illā ann yaḥkum bihi al-ḥākim ilakh; wa qāl Abū Yūsuf raḥimahu Allāh ta 'ālā yazūl milkuhu bi-mujarrad al-qawl; wa qāl Muḥammad raḥimahu Allāh ta 'ālā lā yazūl ḥattā yaj'al li'l-waqf walīyan wa yusallim ilayhi ilakh; wa 'indahumā jins al-'ayn 'alā ḥukm milk Allāh fa-yazūl milk al-wāqif 'anhu ilā Allāh ta 'ālā 'alā wajh ta 'ūd wa manfa'atuhu ilā al-'ibād fa-yalzam wa lā yubā' wa lā yūhab wa lā yūrath ilakh; wa idhā ṣaḥḥ kharaj min milk al-wāqif wa lam yadkhul; wa milk al-mawqūf 'alayhi ilakh; qāl wa yajūz waqf al-'aqār li-ann jamā'ah min al-ṣaḥabah riḍwan Allāh 'alayhim waqafū ilakh; qāl wa idhā ṣaḥḥ al-waqf lam yajūz bay'uhu wa lā tamlīkuhu; al-waqf ba'd al-ṣiḥḥat lā yaqbal al-milk ka-l-ḥurr lā yaqbal al-raqabah (Sharḥ-i Wiqāyah); (ii) *al-waqf idhā lazim lā yumlak wa lā yumallak (Muḥīṭ Burhānī²); (iii) shart' al-wāqif yajib ittibā'uhu li-qawluhum; shart' al-wāqif ka-naṣṣ al-shāri' ay fī wujūb al-'ayn (Ashbāh); (iv) li-ann al-waqf yabqā ilā al-qurūn (Wāqī'āt al-muftīyīn); (v) li-ann al-shahādat fī ḥuqūq Allāh ta 'ālā wājibat 'alā kull aḥad (Mawlawī 'Alī Qārī Sharḥ-i Niqāyah); (vi) wa bi-l-tasāmu' illā fī'l-nasab ilakh; wa inn hādhā waqf 'alā kadhā (Niqāyah); (vii) al-aṣl fī'l-akhbār al-ṣidq (Mawlawī Fakhr al-Dīn); (viii) al-khaṭṭ ba'd imḍā al-qāḍī ḥujjat (Qā'idī); (ix) ḥann al-ghālib mulḥaq bi'l-yaqīn (Baḥr al-manāfi'); (x) al-'amal bi-dalīl zāhir wājib (Baḥr al-manāfi'); (xi) wa'l-khaṭṭ yufīd ghālib al-ḥann fa-wajab al-'amal bihu (Baḥr al-manāfi'); (xii) wa yajib 'alā al-'immah wa'l-salāṭīn ilṣāq al-ḥuqūq ilā arbābihimā (Ikhtiyār Sharḥ-i Mukhtār); (xiii) al-shahādat 'alā al-waqf al-mashhūr bi'l-shuhrat jā'izat 'alā aṣl al-waqf wa uftiyat bi-jawāzihi huwa al-mukhtār (Ṣuḡhrā, min al-shahādat); (xiv) fa'l-ṣaḥīḥ jawāz al-shahādat 'alā aṣl al-waqf, li-annah yabqā ba'd inqīdā' qurūn wa annahu yushtahar (Khizānat al-muftīyīn); (xv) lā yathbut al-shuhrat illā bi-khabar jamā'at lā yutawahham ṭawāṭu'uhum 'alā kidhb aw khabar 'adlayn (Khizānat al-muftīyīn); (xvi) law qaḍā qāḍīn 'alā qawl min aqāwīl al-'ulamā' la-kān ṣaḥīḥan fa-lays li-aḥad min al-quḍāt naqḍuhu ilā yawm al-qiyām (Jāmi' al-rumūz); (xvii) al-ḥukkām yūḍā' li-ijrā al-aḥkām (Mukhtār al-ikhtiyār³).**

<p>¹ <i>tpq</i> 15 July 1893 – 4 July 1894. → docs. 453⁽⁶⁾, 461a⁽¹⁾, 493⁽⁵⁾, 473a⁽⁵⁾ and 453⁽³⁾ for the attested career dates of Mullā Yār Muḥammad Muftī b. Ḥājji Muḥammad, Mullā ‘Abu’l-Khayr Muftī b. Mullā ‘Ārif Jān, Mullā ‘Ibād-Allāh Muftī b. Mullā Ni‘mat-Allāh, Mullā Fayḍ-Allāh Muftī and Mūsā Khwājah Muftī.</p> <p>² A work by Burhān al-Dīn Ṣadr al-Islām Maḥmūd al-Bukhārī (1156-1219); the work is the subject of a commentary by the same author entitled the <i>Dhakhīrat al-Burhānīyah fī’l-fatāwā</i> (→ doc. 56⁽³⁾). See Brockelmann, <i>GAL</i> I.375, p. 464.</p> <p>³ This work is presumably to be distinguished from the Shi‘i work of the same name by Ikhtiyār b. Ṭālib al-Dīn al-Ḥasanī noted in Brockelmann, <i>GAL</i> suppl. II.608.</p>	<p>^a zar-kharīd; ^b binā bar fuqḍān-i waqfiyah-yi ān az rū-yi akhbār wa ashhād; ^c shahādat-nāmah-hā; ^d qarnan fa-qarnan wulāt wa quḍāt wa salāṭīn-i māḍīyah khaṭṭ-i madhkūrah-rā dīdah wa taḥqīq namūdah wa imḍā kardah; ^e ahl-i waḍā’if; ^f ibṭāl-i waqf-i madhkūr; ^g lā yajūz wa lā yaṣiḥḥ</p>
530 x 700; 8 lines. Persian.	

540

n/d¹: solicited legal opinion

1017: KP 1557/2

<p>Acting on behalf of his client ‘Abd al-Ḥāmid Bāy, Mullā Khūj Nūr al-Dīn responds to a claim for restitution of a debt^a presented by ‘Abd al-Wāḥid Bāy, acting as attorney to Manṣūr Bāy, who is in turn guardian^b to Ḥaydar Bāy’s pre-adult children. The speaker offers a defence against the claim^c, stating that the attorney and guardian of said children declared that Ḥaydar Bāy received the money in question during his own lifetime^d. The witness testimony which the respondent adduces in support of his denial is acceptable^e; furthermore, ‘Abd al-Wāḥid Bāy and Manṣūr Bāy have failed to swear that they never made the afore-mentioned declaration^f. Should the judge therefore not find against the plaintiff?</p> <p>Answer: yes.</p>	
<p>Stamps: (i) Mullā Fayḍ-Allāh Muftī b. Mullā Ni‘mat-Allāh; (ii) Mullā ‘Ibād-Allāh Muftī b. Mullā Ni‘mat-Allāh²</p>	
<p>Citations: (i) <i>da’wā al-iqrār fī’l-daf’ tusma’ ‘ind al-‘āmmah</i> (Durr al-mukhtār); (ii) <i>fa-aqarr al-wakīl ann al-muwakkil istawfā daynahu aw shibha dhālik yaṣiḥḥ iqrāruhu ‘alā muwakillih li-makān al-istithnā’ illā annahu yaṣīr khārijan ‘an al-wakālat</i> (Qāḍī Khān); (iii) <i>fa-inkār al-wakīl dhālik fa-lahu an yastahliḥu</i> (Qāḍī Khān); (iv) <i>wa yakhruj bi’l-iqrār ‘an al-wakālat</i> (Qunyah); (v) <i>al-ab aw al-waṣī idhā aqarr bi’l-istifā’ ilakh, ṣaḥḥ al-iqrār</i> (Qunyah); (vi) <i>al-mudda ‘ā ‘alayhi idhā ‘ajaz ‘an ithbāt al-dafa’, yuḥlaf al-mudda ‘ī li-ann al-mudda ‘ā ‘alayhi inqalab mudda’yān</i> (Tatimmat al-fatāwā); (vii) <i>wa idhā ṣaḥḥ da’wāhu fī maqām al-dafa’ ṣaḥḥ istiḥlāfuhu</i> (Khizānat al-‘ulamā’³).</p>	
<p>¹ → docs. 473a⁽⁵⁾ and 493⁽⁵⁾ for the attested career dates of Mullā Fayḍ-Allāh and Mullā ‘Ibād-Allāh.</p> <p>² Both stamps have subsequently been scribbled over.</p> <p>³ The editors have been unable to identify this work.</p>	<p>^a daynan li’l-mayyit; ^b waṣī-yi shar‘ī; ^c daf’an li-da’wā’hu; ^d ḥāl ḥayātih; ^e ‘ind al-inkār bayyinah-yi anḥā maqbūl; ^f bih ‘adam-i iqrārī-yi khūd-hā sawgand nī-khūrand</p>
354 x 220; 7 lines. Persian.	

n/d¹: solicited legal opinion

1063: KP 1597

Acting as attorney to Muḥarram Āy, Qābil Khwājah has presented a deposition of claim^a against [her husband] Īshān Khwājah for [an acknowledgment of] divorce^{b(1)} and the return of the remaining dowry^c; the respondent has contested the claim. Two individuals of uncertain standing^d appear before the judge to provide attestation in favour of the plaintiff; of these, one has partisan sympathies in favour of the plaintiff, and the other is a drug addict^e. Given that manifest partiality and drug addiction are unacceptable^f, should the *qāḍī* not reject their testimony before they and the plaintiff are submitted to the cleansing oath^g?

Answer: yes.

Stamp: Mullā ‘Abd al-Raḥmān Khwājah b. Mullā ‘Abdallāh Khwājah Muftī

Citations: (i) *qāl fī l-Muḥīt lā yajūz shahādat rajul ‘alā rajul baynahumā ‘adāwat fī shay’ min umūr al-dunyā* (Durar Sharḥ-i Ghurar); (ii) *fī l-Tātār Khānīyah wa fī l-shahādat al-khashkhāshī wa l-afyūnī khilāf wa l-aṣaḥḥ lā yajūz* (Niṣāb al-riwāyāt); (iii) *ṭalab al-‘ilm farīdat bi-qadr mā yuhtāj ilayhi li-amr lā budd min aḥkām al-wuḍū’ wa l-ṣalat wa sā’ir al-sharā’i’* (Sirājīyah); (iv) *fa-miqdār mā yuhtāj ilayhi li-iqāmat al-fard min al-fiqh farīdah* (Jāmi’ al-rumūz); (v) *man tarak al-ishtighāl bi’l-‘ilm al-mafrūd ‘alayh lam tuqbal shahādatuhu kadhā fī Baḥr al-rā’iq* (Baḥr al-manāfi’); (vi) *al-ḥukm qabl al-tazkīyah lā yanfadh wa bihi yuftā* (Īthār Sharḥ al-mukhtār); (vii) *wa fī l-Baḥr ‘an al-Tahdhīb yuḥallaf al-shuhūd fī zamāninā lammā ta’adhdhur al-tazkīyah idh al-majhūl lā yu’raf bi-majhūl; wa aqarrahu al-muṣannif* (Īthār durr al-mukhtār fī l-shahādat); (viii) *wa fī l-‘Tahdhīb’, wa fī zamāninā lammā ta’adhdhar al-tazkīyah li-ghalabat al-fisq ikhtār istiḥlāf al-shuhūd kamā ikhtār ibn Abī Laylā li-ḥuṣūl ghalabat al-ẓann* (Tatār Khānīyah); (ix) *yaḥlif al-shuhūd fī zamāninā li-ta’adhdhur al-tazkīyah idh al-majhūl lā ya’ruf bi-majhūl wa aqarrahu al-muṣannif* (Durr al-mukhtār); (x) *wa law aqām al-bayyinah annahā lahu qāl Abū Yūsuf ‘la yuqḍā lahu bi-shay’ ḥattā yaḥlif bi-Allāh, fa-lays li’l-qāḍī an yaḥkum qabl an yaḥlif’* (Qā’idī); (xi) *aḥad shāhidayn ma’ mudda’ā al-muftayn* (Hidāyah).

¹ *ṭalāq* here may be an abbreviation for *khatt-i ṭalāq*: while a wife technically could not initiate a divorce, she might demand acknowledgment of divorce as a means of securing restitution of her dowry.

^a maḥḍar-i shar’ī; ^b ṭalāq¹; ^c baqīyah mahray-yi ān-rā; ^d mastūr al-ḥāl; ^e aḥad az shāhidayn-i madhkūrayn khaṣm-i mudda’ī, wa ān dīgar kūknārī wa āfyūnī būdah ast; ^f shahādah-yi khaṣm-i zāhir wa āfyūnī lā tuqbal būdah; ^g qabl az taḥlīf-i shāhidayn

352 x 222; 6 lines. Persian.

n/d¹: rebuttal of claim

1065: KP 1597

In response to a claim made against him by Muḥammad Sayyid Bāy b. Ḥājji Ḥaydar Bāy, Ibrāhīm Bāy b. Nadir Bāy Āqsaqāl presents a defence before the courthouse of Samarqand *wilāyat*'s district no. 2. He states that the claim which the other party has made against him is void and inadmissible, and motivated by his refusal to give the plaintiff more time in

which to repay an outstanding debt^a: in response to which refusal, the plaintiff undertook to harass the respondent with various concocted claims for restitution^b. Although this means that any resultant claim by the plaintiff should be inadmissible^c, said plaintiff continues with his deceitful and aggressive litigation^d. The speaker requests the judge to make the plaintiff change his ways.

Stamp: Mūsā Khwājah Muftī b. Qāḍī Shīrīn Khwājah Mūsawī

¹ → doc. 453⁽³⁾ for the attested career dates of Mūsā Khwājah Muftī.

^a maḥḍar-i hādhā az wajh-i dayn-i mā fi'l-dhimmah-yi khūd-i man muhlat ṭalabīd, wa man qabūl nī-namūdā; ^b “Man bar tū da'wā-hā-yi bar durūgh bar-āwurdah, tū-rā tashwīsh mīdīham?”; ^c māni'-i samā'-i da'wā-yi madhkūrah-yi maḥḍar-i hādhā būdah ast; ^d kidhban wa khuṣūmatan bih man, mudda'ī, da'wā namūdāh ast

221 x 188; 10 lines. Persian.

543

n/d¹: solicited legal opinion

1069: KP 1597

If Ibrāhīm Jān presents a claim for restitution against 'Aṭṭār Bāy, is it not wrong for the authorities to give the respondent three days' grace without the consent of the plaintiff? And if the respondent asserts that he will respond to the claim in three days' time, is it not the case that his assertion should be rejected because it lacks justification^a, and he should be compelled to answer all questions immediately – even though [in other circumstances] one can deny a claim without speaking^b?

Answer: yes.

Stamp: Mūsā Khwājah Muftī b. Qāḍī Shīrīn Khwājah

Citations: (i) *lā yumahhal bilā riḍā al-mudda 'ī* (Kanz al-fuqahā²); (ii) *qawl lā yastanid ilā dalīl zāāhir lā yu 'tabar* (Hidāyah?); (iii) *al-mudda 'ā 'alayhi man yajib* (Niḡāyah); (iv) *wa idhā ḥaḍara wa idda 'ā 'alayhi wājib 'alayhi al-jawāb ammā bilā idhnihi ḥattā sakat kān inkāran fa-yusmi ' al-bayyinah 'alayhi* ('Ālamgīrī).

¹ → doc. 453⁽³⁾ for the attested career dates of Mūsā Khwājah Muftī.

² The editors have been unable to identify a Ḥanafī work of this name.

^a dalīl-i zāhir; ^b ḥattā kih sukūt dar martabah-yi inkār bāshad

358 x 221; 3 lines. Persian.

544

n/d¹: solicited legal opinion

960: KP 5991/588

Is it not the case that an attorney entrusted with authority to receive the repayment of debt, to pursue legal contention or to negotiate a peaceful settlement^a lacks the authority to transfer, give over or defer receipt of his client's property^b in defiance of instructions²?

Answer: yes.

Stamps: (i) Ḥājji Mullā Mukhtār Khwājah Mudarris Ūrāq ³ b. Mullā Yaḥyā Khwājah Muftī Mudarris; (ii) Mullā Qawām al-Dīn Makhdūm Muftī b. Mullā Niyāz Muḥammad Muftī; (iii) Mullā Mawlawī Qulī Mudarris b. Mullā ‘Abd al-Shukūr Muftī Mudarris; (iv) Mullā Fayḍ-Allāh Muftī b. Mullā Ni‘mat-Allāh	
Citations: (i) <i>al-wakīl bi-qabḍ al-dayn lays an yaqbal al-ḥawālat kadhā fī'l-Khulāṣah, wa lays li'l-wakīl bi-qabḍ al-dayn aw an yu'akhhirahu aw an ilakh kadhā fī'l-Ḥādī</i> (‘Ālamgīrī); (ii) <i>al-wakīl idhā khālaf fa-mā wukkila ‘alā al-muwakkil, lā yanfadh</i> (Baḥr al-manāfi‘).	
<p>¹ → docs. 493⁽⁴⁾ and 473⁽⁵⁾ for the attested career dates respectively of Mullā Qawām al-Dīn Makhdūm and Mullā Fayḍ-Allāh.</p> <p>² For similar enquiries about an attorney’s disregarding the instructions of his client, → docs. 32 and 503.</p> <p>³ ≈ son of that Mullā Yaḥyā Khwājah Muftī Ṣudūr b. Mullā ‘Īsā Khwājah attested as active in Bukhara ca. 1275 (→ doc. 102)?</p>	<p>^a wakīl bih qabḍ al-dayn, wa wakīl bih khuṣūmat, wa wakīl bih ṣulḥ; ^b wilāyat-i ḥawālah wa wilāyat-i bakhshīsh wa wilāyat-i ta’khīr wa tā’jīl-i ḥaqq-i muwakkil</p>
354 x 22; 3 lines. Persian.	

545

tpq 20 Dhu’l-Qa‘dah 1311 (25 May 1894): reported legal undertaking

1056: KP 1590

On the above date Muḥammad Sharīf Bāy b. Muḥammad ‘Alī Bāy, aged 50, his brother Muḥammad Zārīf Bāy, aged 42, and ‘Abd al-Rasūl b. ‘Ādil Bāy together declared as competent agents before the courthouse of Siyāh Āb <i>tūmān</i> , Samarqand, that they were building a construction on the embankment of the Jimjimah canal, within a plot of land which they owned. Given, however, that their building of said construction was causing unjustifiable damage ^a to a mill endowed as <i>waqf</i> to the benefit of the <i>madrakah</i> in Dar-i Zanjīr quarter, which is located upstream of their own property ^b , the speakers agreed to dismantle their construction ^c , so as not to do damage to the endowed mill. Their undertaking was with the approval of Mullā Najm al-Dīn b. Shams al-Dīn, <i>mutawallī</i> of the aforementioned <i>madrakah</i> .	
Stamps: (i) Narodnogo sud’i Seobskogo uchastka Samarkand. uyezda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī-yi Siyāh Āb, Qāḍī Mullā Abū Yūsuf; (iii) [xxx] vol. Samarkand. uyezda i oblasti [plus signature, Qārī Ūzāq]; (iv) Mullā ‘Āqil Muftī b. Mullā Bābā Jān	
Witnesses: Fāḍil Bāy; Ustā Sayyid Murād Ghālib; ‘Abd al-Nazar Āqsaqāl; Mullā ‘Abd al-Rawf; Sāqī Pahlawān; Mullā Ghiyāth; Nār Muḥammad; Khāl Muḥammad Bāy-Bachchah; and others.	
	<p>^a ḍarar-i lā ḥaqq; ^b dar ‘ulwī-yi zamīn-i madhkūr-i mā;</p> <p>^c khābānīdah wayrān ya‘nī hadm mī-namāyim</p>
201 x 332; 10 lines. Persian.	

546 – 567: documents relating to the line of Mullā ‘Abd al-Raḥmān b. Mullā ‘Azīm

546

n/d¹: solicited legal opinion

554: KP 5991/277

The late Mullā ‘Abd al-Raḥmān has bequeathed a certain plot of land to his heirs; at the time of his death, he also was in debt^a. Acting both on their own behalf and in their capacity as guardian to others, his heirs wish to sell the plot in question for a fair sum, and use the money to cover ‘Abd al-Raḥmān’s funeral expenses and sundry costs^b. Is it acceptable for them to do this?

Answer: yes.

Stamp: Mullā Abu’l-Khayr Muftī b. Mullā ‘Ārif Jān, 1311

Citations: (i) *‘aqār mushtarak bayn al-ṣighār wa’l-kibār yaṣiḥḥ al-bay’ fī’l-kull* (Jāmi‘ al-ṣaghīr); (ii) *al-dayn muqaddam ‘alā al-mīrāth* (Naẓm al-fiqh).

¹ *tpq* 1311 (15 July 1893 – 4 July 1894). → doc. 461a⁽¹⁾ for Mullā Abu’l-Khayr Muftī’s attested career dates.

^a dayn-i thābitah-yi kadhā dāshtah; ^b ṣarf-i lawāzimāt-i takfīn wa tajhīz wa baqīyah-yi ān

356 x 221; 4 lines. Persian.

547

tpq 28 Rabī‘ I 1315 (27 August 1897): reported declaration of sale

559: KP 5991/282

On the above date ‘Abd al-Qayyūm Bāy b. Mullā ‘Abd al-Raḥmān, by his own account aged 33 and a resident of Makhdūm-i Khārazm¹ quarter, attesting to his own name and ancestry^a and speaking as a competent agent, declared before the courthouse of Siyāh Āb, in Samarqand *wilāyat*, that he has sold^b to his brother Mullā ‘Abd al-Wāḥid the *suknīyāt* on approximately [$1\frac{3}{4}$ *ṭanābs*?^c] of his own ancestral garden land, constituting *mamlakah* and located in the rural settlement of Kīrzār, Khwājah Chārūq village, abutting in the west onto a garden belonging to Mullā Khūj Bābā b. Khūj Najm al-Dīn, in the north onto a garden belonging to the purchaser, in the east onto a garden belonging to Ismā‘īl Bāy b. Mullā Ya‘qūb, and in the south onto a garden belonging to the heirs of the afore-mentioned Mullā ‘Abd al-Raḥmān; the sale, for 700 *tangah*^d, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Narodnogo sud’i Seobskogo uchastka Samarkan. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mīr Abu’l-Ḥayy Khwājah b. Qāḍī Mīr Shīrīn Khwājah

Turki-language addendum: Qārī Ṣābir attests on behalf of the [illiterate] witnesses Mullā ‘Abd al-Ghaffār b. Mullā ‘Abd al-Karīm and Mullā Sharāf Bāy b. ‘Āshūr Muḥammad Bāy that both the vendor and the purchaser are content with the transaction.

<p>¹ A variation on the more conventional Makhdūm-i Khwārazmī: → doc. 557 and ff. For this quarter see e.g. Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 181, and idem, <i>Samarqand qabristonlari</i>, p. 20.</p>	<p>^a mukhbir bih ism wa nasab-i khūd; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī-yi qaṭ‘ī; ^c yak nīm chahār-yak ṭanāb nīmchah; ^d tangah-yi rā‘ijah</p>
<p>178 (folded) x 222; 14 lines. Persian, with Turki-language addendum.</p>	

548

tpq 29 Dhu’l-Ḥijjah 1315 (21 May 1898): hereditary transfer of estate, and declared abstention from claim

551: KP 5991/274

<p>On the above date the estate of the late Mullā ‘Abd al-Raḥmān b. Mullā ‘Azīm was divided^a between his widows Bībī Rābi‘ah Āy and Bībī Mu’minah, 3 sons (‘Abd al-Qayyūm, ‘Abd al-Wāḥid and ‘Abd al-Hāshim), and 6 daughters (Ḥikāyat, Khadījah, Marḍīyah, Maghfirat, Ma‘rifat and Istam Āy). The property in question comprises the jointly-owned and shared <i>suknīyāt</i> on a plot of land located in the rural settlement of Ūrtah Yūz <i>qishlāq</i>, and abutting in the west onto land belonging to Mawlān Āqsaqāl b. Khudāy Birdī, in the north onto land belonging to Aḥmad b. Yūsuf, in the east onto land belonging to Allāh Murād b. Pīr Naẓar Bāy, and in the south onto the embankment of a common canal. ‘Abd al-Qayyūm Bāy b. ‘Abd al-Raḥmān has declared that he henceforth disavows any claim to said property^b in return for payment of 170 <i>tangah</i>.</p>	
<p>Stamps: (i) Qāḍī-yi tūmān-i Kābud Qāḍī Mullā [xxx] b. Yakhshī Bāy; (ii) Narodnogo sud’i Kabudskogo uchastka Samarkan. uyezda i oblasti [plus <i>qāḍī</i> signature]; (iii) Mullā Qurbān</p>	
<p>Witnesses: Mullā Bābā Jān; Mullā Abu’l-Qāsim.</p>	
	<p>^a mushā‘ wa mushtarak gudhāshtah shud; ^b nafs-i khūd-rā az zamīn-i madhkūrah takhāruj-i shar‘ī namūd</p>
<p>147 x 216; 7 lines. Persian.</p>	

549

tpq Jumādā II 1317 (7 October – 4 November 1899): reported registration of power of attorney

565: KP 5991/288

Turki notarial addition: 7 October [= 20 October] 1899, document entry no. 2940; Russian stamp, 15 kopeks

<p>On the above date Mullā ‘Abd al-Qayyūm b. Mullā ‘Abd al-Raḥmān was registered as attorney^a to Ikrāmah Āy bint Mullā Ḥājji¹ before the Samarqand <i>wilāyat</i> courthouse; the registration was witnessed by the competent witnesses Mullā ‘Abd al-Ghaffār b. Mullā ‘Abd al-Karīm and Qārī Khayr-Allāh b. Maḥmūd Bīk. Said attorney should respond to the claim for restitution presented by Mullā ‘Abd al-Wāḥid b. ‘Abd al-Raḥmān.</p>
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Stamps: (i) [xxx] [plus plus <i>qāḍī</i> signature]; (ii) Qāḍī-yi Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī	
Witnesses: Mullā ‘Abd al-Qayyūm b. ‘Abd al-Raḥmān; Mullā ‘Abd al-Ghaffār b. Mullā ‘Abd al-Karīm; Qārī Khayr-Allāh b. Maḥmūd Bīk.	
¹ The identity of this individual and her relationship with Mullā ‘Abd al-Wāḥid is unclear.	^a thābit shud [...] wakīl-i muṭlaq-i ‘āmm-i shar‘ī
175 x 218; 6 lines. Persian.	

550

tpq Rabī‘ II 1319 (18 July – 15 August 1901): reported registration of power of attorney

561: KP 5991/284

Turki notarial addition: 10 July 1901 [= 23 July 1901], document entry no. 2079; Russian stamps, 15+15+10 kopeks

On the above date Mullā ‘Abd al-Wāḥid b. Mullā ‘Abd al-Raḥmān was registered as attorney ^a to ‘Ibādat Āy bint Mullā Mīr Fuḍayl before the Samarqand <i>wilāyat</i> courthouse; the registration was witnessed by the competent witnesses ‘Abd al-Raḥīm b. Ṣafar Bāy, a resident of Qishlāq-i Qalandar-Khānah, and Muḥammad Sharīf Bāy b. Mullā Mīr ‘Ādil, a resident of Hawḍ-i Buland quarter ¹ . Said attorney should secure receipt of his client’s inherited share of the cash and movable possessions comprising the estate of the late Mullā Mīr ‘Umar ² . In case of resistance ^b , he should go before a judge and secure resolution in accordance with <i>sharī‘ah</i> ^c . Signed by Mullā ‘Abd al-Wāḥid b. Mullā ‘Abd al-Raḥmān.	
Stamps: (i) [xxx] Samarkand. uyezda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī-yi Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī	
¹ For this quarter see Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182. ² ‘Ibādat Āy’s brother: → doc. 551.	^a thābit shud [...] wakīl-i muṭlaq-i ‘āmm-i shar‘ī; ^b ‘ind al-inkār; ^c ‘alā ḥasab al-shar‘
176 (folded) x 222; 7 lines. Persian.	

551

tpq 4 Rabī‘ II 1319 (21 July 1901): reported registration of power of attorney

564: KP 5991/287

Russian stamp, 15 kopeks

On the above date Mullā ‘Abd al-Wāḥid b. Mullā ‘Abd al-Raḥmān was registered as attorney ^a to Bībī Rābi‘ah ¹ bint Mullā Mīr Fuḍayl Bāy before the Samarqand <i>wilāyat</i> courthouse; the registration was witnessed by the competent witnesses Mullā ‘Abd al-Ghaffār b. Mullā ‘Abd al-Karīm and Muḥammad Sharīf b. Mīr ‘Ādil. Said attorney should secure receipt of his client’s inherited share of the estate belonging to the late Mullā Mīr ‘Umar b. Mullā Mīr Fuḍayl. In case of resistance ^b , he should go before a judge and secure resolution in accordance with <i>sharī‘ah</i> ^c .	
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Stamps: (i) Qāḍī-yi Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī [plus signature]; (ii) Mullā Muḥammad Fāḍil Muftī b. Mullā Mīr Fuḍayl	
¹ ≈ the late Mullā ‘Abd al-Raḥmān’s widow? → docs. 548, 557.	^a thābit shud [...] wakīl-i muṭlaq-i ‘amm-i shar‘ī; ^b ‘ind al-inkār; ^c ‘alā ḥasab al-shar‘
178 x 222; 9 lines. Persian.	

552

552a, n/d¹: solicited legal opinion

553: KP 5991/276

<p>(i) Bībī Mu’minah², a free individual of sound mind and of majority^{3a}, declares that her claim for restitution against Mullā ‘Abd al-Wāḥid for the southeastern part of a courtyard property located in Makhdūm-i Khwārazm quarter is inadmissible; her declaration is notarised by the <i>qāḍī</i>. (ii) ‘Abd al-Hāshim b. Šūfī ‘Abd al-Raḥmān issues a cessation of claim in return for a larger share of the estate than that to which he was originally entitled. (iii) Ma’rifat Āy and Istam Āy acknowledge receipt from the afore-mentioned Mullā ‘Abd al-Wāḥid of their share of ½ a courtyard property located in the afore-mentioned quarter, together with 250 <i>tangah</i>: they accordingly drop their claim for restitution against Mullā ‘Abd al-Wāḥid. Now, however, these parties all present further claims for against Mullā ‘Abd al-Wāḥid, this time for a share of the estate of the late Šūfī ‘Abd al-Raḥmān; they are thus acting in breach of their former cessations of claim. Is it not the case that the claims against Mullā ‘Abd al-Wāḥid by Bībī Mu’minah and ‘Abd al-Hāshim are invalid^b, and that the claim by Ma’rifat Āy and Istam Āy is inadmissible should they fail to swear that they have not already issued an <i>ibrā</i>^c against Mullā ‘Abd al-Wāḥid? Answer: yes.</p>
<p>Stamps: (i) Mullā Abū Yūsuf b. Qāḍī Muḥammad Muftī b. Ya‘qūb; (ii) Mullā ‘Ādil Muftī b. Dāmullā Maṣṣūr; (iii) Mullā Sayyid ‘Abd al-Majīd b. Sayyid Mudarris Muftī, 1320; (iv) Mullā Muḥammad ‘Abd al-Ghanī b. Mullā Muḥammad Fāḍil Muftī; (v) Mullā Fayḍ-Allāh Muftī b. Mullā Ni‘mat-Allāh</p>
<p>Citations: (i) <i>al-khaṭṭ yaşluḥ hujjatan li-daf’ al-istiḥqāq</i> (Mawlawī Fakhr al-Dīn); (ii) <i>ammā al-kitāb al-shar‘ī alladhī wujud fī yad al-khaşm hal yadfa’ da’wā al-khaşm wa’l-fatwā ‘alā annahu yadfa’ wa ya’mal al-quḍāt bi-kitāb al-quḍāt al-māḍīn birran lahum</i> (Jāmi‘ al-fatāwā); (iii) <i>khaṭṭ al-qāḍī hujjat ‘alā kull ḥāl, idhā kān ‘alā waḥq al-qawā’id al-shar‘īyah</i> (Fuşūl Ustrūshānī); (iv) <i>wa’l-mu’tamad ann al-ibrā’ al-‘amm yamna’ al-da’wā bi-ḥaqq qaḍā’an wa diyānatan ‘alā al-muḥṭiyin</i> (Hamawī Sharḥ-i Ashbāh); (v) <i>lā tusma’ al-da’wā ba’d al-ibrā’ al-‘amm</i> (Ashbāh); (vi) <i>wa in qāl al-mudda ‘ā ‘alayhi abrā’nī ‘an hādhā al-da’wā yuḥallaḥ al-mudda’ī awwalan fa-in ḥalif qaḍa’t al-khuşūmat wa in ḥalaf tusma’ da’wāuhu qāl wa ‘alā hādhā quḍāt zamāninā</i> (Timur-Tāshī); (vii) <i>al-khaṭṭ yaşluḥ hujjatan li-daf’ al-istiḥqāq</i> (Mawlawī Fakhr al-Dīn); (viii) <i>wa yanbaghī an yuḥallaḥ al-mudda’ī awwalan ‘alā al-barā’at</i> (Qāḍī Khān); (ix) <i>qāl Zuhr al-Dīn yanbaghī an yuḥallaḥ al-mudda’ī awwalan ‘alā al-barā’at</i> (Fuşūl Ustrūshānī); (x) <i>al-tahlīf ḥaqq al-mudda’ī qabl ṭalab al-khaşm</i> (Nihāyah); (xi) <i>yamīn ḥaqq al-qāḍī ma’a ṭalab al-khaşm</i> (Jāmi‘ al-rumūz).</p>

<p>¹ <i>tpq</i> 1320 (10 April 1902 – 29 March 1903). ² Widow of the late ‘Abd al-Rahmān: → docs. 548, 557. ³ The formula appears also in doc. 584a.</p>	<p>^a ḥurrah, ‘āqilah, bālighah; ^b ṣaḥīḥah wa jāriyah na-būdah; ^c qabl az ḥalf bih ‘adam-i ibrā-yi khūd-rā</p>
<p>356 x 221; 10 lines. Persian.</p>	

552b, n/d¹: solicited legal opinion

<p>At some unspecified point – it does not matter when^a – Mullā ‘Abd al-Wāḥid offers a defence against the claim made against him. It is conventional practice in such instances for the respondent to offer a witness testimony in support of his defence; however, he fails to do so. At his request, the <i>qāḍī</i> undertakes to put the plaintiffs Ma‘rifat Āy and Istam Āy on oath^b. Both individuals fail to comply^c. Is it not the case that any postponement to putting the plaintiffs on oath offers no obstacle to Mullā ‘Abd al-Wāḥid’s own defence^d? Answer: yes.</p>	
<p>Stamps: (i) Mullā Abū Yūsuf b. Qāḍī Muḥammad Muftī b. Ya‘qūb; (ii) Mullā Sayyid ‘Abd al-Majīd b. Mullā Sayyid ‘Abdallāh Mudarris Muftī, 1320; (iii) Mullā Muḥammad ‘Uthmān Muftī, 13[xx]</p>	
<p>Citations: (i) <i>daf‘ al-da‘wā ṣaḥīḥ</i> (Ashbāh); (ii) <i>kullu dhī ḥaqq wa daf‘ wa ḥujjat ‘alā ḥaqqihi, wa daf‘uhu wa ḥujjatuhu matā yawman fī’l-dahr</i> (Ustrūshanī); (iii) <i>wa fā’idat al-ḥalf zuḥūr al-ḥaqq bi’l-nukūl, wa’l-nukūl iqrār</i> (Sharḥ-i Durar al-biḥār²); (iv) <i>al-tahlīf ḥaqq al-qāḍī ma’a ṭalab al-khaṣm</i> (Jāmi‘ al-rumūz).</p>	
<p>¹ <i>tpq</i> 1320 (10 April 1902 – 29 March 1903). ² A work by Shams al-Dīn Yūsuf al-Qūnawī (1315-86), subject in turn of 4 commentaries by (i) ‘Abd al-Wahhāb al-Dimashqī (1324-66), (ii) Qul Aḥmad b. Khiḍr (1306-83), (iii) Shaykh Shams al-Dīn Muḥammad al-Bukhārī (d. 850/1446) and (iv) Ibn Quṭlubughā (1399-1477).</p>	<p>^a matā atā yawman; ^b sawgand; ^c ‘ind nukūlihimā; ^d ta’khīr-i istiḥlāf māni’-yi daf‘-i madhkūr na-bāshad</p>
<p>3 lines. Persian.</p>	

553

tpq Jumādā I 1320 (6 August – 4 September 1902): reported declaration of cessation of claim

545: KP 5991/268

Turki notarial addition: 25 July [= 7 August] 1902, document entry no. 1670. Russian stamp, 5 kopeks

<p>On the above date Bībī Marḍiyah Āy bint Mullā ‘Abd al-Rahmān, aged 38 and resident of Andījān <i>qishlāq</i>, Maḥallah <i>volost</i>^a, declared as a competent agent before the courthouse of Samarqand’s Siyāh Āb <i>tūmān</i> that she has received 200 <i>tangah</i> from her brother Mullā ‘Abd al-Wāḥid Bāy, and that in return she is dropping her claim to a share of her late father’s estate; any subsequent such claim will be void and inadmissible.</p>

Stamps: (i) Narodnogo sud'i Seobskogo uchastka Samarkan. uyezda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī Mīr Abu'l-Ḥayy Khwājah b. Qāḍī Mīr Shīrīn Khwājah	
Witnesses: Muḥammad Rāfi' Bāy b. Īsh Muḥammad Bāy; 'Abd al-Ghaffār Bāy b. Mullā 'Abd al-Karīm.	
	^a wulūs
176 x 220; 8 lines. Persian.	

554

n/d¹: rebuttal of claim

556: KP 5991/279

Before Samarqand <i>wilāyat</i> 's courthouse no. 1, Mullā 'Abd al-Wāḥid b. Mullā 'Abd al-Raḥmān responds to a claim for restitution made against him by [– ²], attorney to his sisters Ma'rifat Āy and Istam Āy. The speaker asserts that the claim made against him by the attorney for a share of his late father's estate is void, since both sisters have already received – and acknowledged receipt of – their own respective shares. The attorney should thus disavow his void claim: but he refuses to do so.	
Stamp: Mullā Sayyid 'Abd al-Majīd b. Mullā Sayyid 'Abdallāh Mudarris Muftī, 1320	
¹ <i>tpq</i> 1320 (10 April 1902 – 29 March 1903). ² ≈ Mullā Sayyid Khwājah, identified as Ma'rifat Āy's attorney in doc. 557.	
222 x 238; 11 lines. Persian.	

555

n/d¹: solicited legal opinion

557: KP 5991/280

Mullā 'Abd al-Wāḥid, the respondent in a claim for restitution, opts not to put the two plaintiffs Ma'rifat Āy and Istam Āy on oath ^a . If the <i>qāḍī</i> then repeatedly tries to put the respondent on oath ^b , and the respondent refuses ^c , should the <i>qāḍī</i> not find in favour of the plaintiffs? Answer: yes.	
Stamps: (i) Mullā Abū Yūsuf b. Qāḍī Muḥammad Muftī b. Ya'qūb; (ii) Mullā Abu'l-Khayr Muftī b. Mullā 'Ārif Jān, 1311	
Citations: (i) <i>al-ḥaqq yabṭul wa tasquṭ bi'l-riḍā</i> (Qā'idī); (ii) <i>wa lā yuḥallaḥ bi-ghayr ṭalabihi wa hādihā 'ind al-ṭarafayn wa kadhā 'ind Abī Yūsuf</i> (Jāmi' al-rumūz); (iii) <i>wa qā'idat al-ḥilf zuhūr al-ḥaqq bi'l-nukūl, wa 'l-nukūl iqrār</i> (Sharḥ-i Durar al-biḥār).	
¹ <i>tpq</i> 1311 (15 July 1893 – 4 July 1894). → docs. 530(1) and 461a(1) for the attested career dates of Mullā Abū Yūsuf and Mullā Abu'l-Khayr Muftī b. Mullā 'Ārif Jān.	^a 'adam-i ṭalab-i dāfi'-i istiḥlāf-i musammātayn Ma'rifat Āy wa Istam Āy, mudda'iyatayn-rā; ^b mukarraran chand martabah Mullā 'Abd al-Wāḥid dāfi'-rā bih aṣl-i da'wā sawgand dādah; ^c 'ind nukūlihi
356 x 220; 3 lines. Persian.	

556a, n/d¹: solicited legal opinion

558: KP 5991/281

The <i>qāḍī-yi islām</i> appoints ‘Abd al-Wāḥid as guardian to the mentally incapacitated ^a Hāshim Bāy. But he then discovers that ‘Abd al-Wāḥid is using his position for fraud and deception ^b . Should he not remove him from office and replace him with somebody else? Answer: yes.	
Stamps: (i) Mullā ‘Ādil Muftī b. Dāmullā Maṣṣūr; (ii) Mullā Sayf al-Dīn ² b. Mullā ‘Abd al-Sattār Muftī	
Citations: (i) <i>al-qāḍī nuṣīb nāziran khuṣūṣan li’l-ṣiḡhār</i> (‘Ālamgīrī); (ii) <i>wa yanbaghī li’l-qāḍī an yuḥāsib al-umanā’ bi-mā fī aydīhim min amwāl al-yatāmā</i> (Ādāb al-qāḍī); (iii) <i>wa lā yuntaṣab aḥad khaṣman ‘an aḥad, qaṣdan min ḡhayr wakālat wa nayābat shar’īyat</i> (Hidāyah).	
¹ <i>taq</i> 8 September 1905: → doc. 557, concluding the case in question. ² Attested active from 1315/June 1897-May 1898 (doc. no. 4063/29-16 in the Samarqand Museum of the History and Art of the Uzbek People, discussed in Isogai, ‘Judicial Proceedings at Central Asian Islamic Courts’) to Ramaḍān 1328/October 1910 (→ doc. 565). For his activities see also Isogai, ‘Seven Fatwa Documents from Early 20 th Century Samarqand’, pp. 264-265.	^a ma‘tūh; ^b nazd-i zūhūr-i khiyānat
356 x 222; 4 lines. Persian.	

556b, n/d¹: solicited legal opinion

If the mentally incapacitated ^a Hāshim Bāy appoints Mukhtār Bāy as his attorney and Mukhtār Bāy thereupon presents a claim against Hāshim’s guardian Mullā ‘Abd al-Wāḥid, is the appointment not invalid and inoperative ^b , and need not ‘Abd al-Wāḥid make no reply to the charges? Answer: yes.	
Stamps: (i) Mullā ‘Ādil Muftī b. Dāmullā Maṣṣūr; (ii) Mullā Muqaddas Muftī b. Qāḍī Mullā Sayyid Ghanī	
Citations: (i) <i>al-ḡajr huwa man’ nafādh al-qawl, wa sababuhu al-ṣiḡhār wa’l-junūn</i> (Niqāyah); (ii) <i>wa’l-majnūn wa’l-majnūnah wa’l-ma’tūh wa’l-ma’tūhah ka’l-ṣaḡhīr wa’l-ṣaḡhīrah</i> (Fatāwā ‘Ālamgīrī); (iii) <i>wa lā yuntaṣab aḥad khaṣman ‘an aḥad, qaṣdan min ḡhayr wakālat wa nayābat shar’īyat</i> (Hidāyah); (iv) <i>al-da’wā lā yaṣiḡḡ illā khaṣm ‘alā khaṣm</i> (‘Imādī).	
¹ <i>taq</i> 8 September 1905: → doc. 557.	^a ma‘tūh, fāsīd al-tadbīr; ^b lā yajūz wa lā yuqbal
4 lines. Persian.	

26 August [=8 September] 1905: copy of judicial ruling

549: KP 5991/272

Turki notarial addition: copy^a of ruling no. 404

Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī, people's judge of Samarqand's Shāh-i Zindah district^b, relates his investigation into a claim made against Mullā 'Abd al-Wāḥid b. Mullā 'Abd al-Raḥmān, a resident of Makhdūm-i Khwārazmī quarter, by (i) Mukhtār Bāy b. Muḥammad Sharīf, acting as attorney^c to 'Abd al-Hāshim and Istam Āy bint Mullā 'Abd al-Raḥmān, residents of Qāḍī Ghafūr quarter, and (ii) Mullā Sayyid Khwājah b. Mullā Muḥammad Khwājah, attorney to Ma'rifat Āy bint Mullā 'Abd al-Raḥmān, a resident of Kamāl Khwājah quarter, and to this latter's attorney Mullā Nadhrī Qul b. Mullā Muḥammad Šāliḥ.

The speaker summoned the contending parties into his presence, and questioned them in accordance with *sharī'ah*^d. The plaintiffs related in their deposition of claim^e against the respondent that, when the late 'Abd al-Raḥmān died, he left to his heirs two substantial properties. (i) The first of these was a courtyard property located in Makhdūm-i Khwārazmī quarter, which abutted in the west onto a house belonging to the heirs of Dāmullā Fāḍil Muftī, in the north partly onto a house belonging to Mīrzā Ismā'īl b. Mīrzā Afḍal and partly onto a house belonging to Ūrūn Bāy, in the east onto a house belonging to Mīr Muḥammad Ḥājjī b. 'Abd al-Ḥakīm, and in the south onto a public thoroughfare. (ii) The second property was a plot of approximately 3 *tanābs* of garden land located in Kīrzār, which abutted in the west onto a garden belonging to Mullā Khūj Bābā the box-seller, in the north onto a public thoroughfare, in the east onto a garden belonging to Ḥājjī Ismā'īl, and in the south onto a garden belonging to 'Abd al-Ghaffār. 'Abd al-Raḥmān additionally left (i) 1200 *tangah*^f, as the value of 15 *tanābs* of land located in Ūrtā Yūz village; (ii) 700 *tangah*, as the value of a certain quantity of poplar wood; (iii) 5000 *tangah*, as the 10-year rent for a plot of garden land; and (iv) 6000 *tangah* as cash.

The property was divided into 144 shares and split between 'Abd al-Raḥmān's two wives, Bībī Rābī'ah Āy and Bībī Mu'minah (each receiving 9/144); his three sons, 'Abd al-Qayyūm, 'Abd al-Wāḥid and 'Abd al-Hāshim (each receiving 28/144), and his six daughters, Ḥikāyat, Khadījah, Marḍīyah, Maghfirat, Ma'rifat and Istam Āy (each receiving 14/144). But, the plaintiffs claimed, 'Abd al-Wāḥid had taken possession of the entire estate, and refused to yield any of the property to his fellow heirs.

Summoning together the contending parties, the speaker now solicited the respondent's account of events. 'Abd al-Wāḥid claimed in his defence that he had already given his fellow heirs all their property. He further stated that the property which previously belonged to 'Abd al-Hāshim Bāy was now property of his own acquisition^g, by dint of a transaction notarised in a set of deeds dated 21 June (= Tuesday 4 July 1905) and registered as document entry no. 1933; and that he had discharged any obligation to Istam Āy and Ma'rifat Āy by dint of having paid each of them 250 *tangah* for their respective shares of the estate, to their own satisfaction.

The speaker weighed up the opposing sets of arguments. He decided that the cessations of claim to which the respondent alluded were void and inoperative, and that the respondent's rebuttal of claim should be rejected for being misleading. 'Abd al-Wāḥid should consequently hand over the disputed property.

Stamp: Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti

Two spaces have been left for (i) the respondent Mullā Abd al-Wāḥid's signature and (ii) the plaintiff Sayyid Khwājah's stamp. Neither the signature nor the stamp has been executed.

¹ References to actions undertaken 'in accordance with *sharī'ah*' proliferate in documents from ca. 1905 onwards. This perhaps reflects the reified conception of the *sharī'ah* in the wake of colonial efforts at codification. See Sartori, 'An Overview of Tsarist Policy on Islamic Courts in Turkestan', pp. 494 and 501.

^a kūpiyah; ^b Samarqand shahr-nī qit'ah-yi ḥadrat-i Shāh-i Zindah Samarqand nārūd-nī sūdiyāh-sī; ^c wakīl-i mufawwāḍ ilayh-yi shar'ī; ^d muwāfiq-i sharī'ah; ^e maḥḍar-i shar'ī; ^f tangah-yi bukhārī; ^g zar-kharīd milk

222 x 356; 40 lines. Turki.

558

tpq Rajab 1324 (21 August – 19 September 1906): solicited legal opinion

555: KP 5991/278

Mullā 'Abd al-Qayyūm b. Mullā 'Abd al-Rahmān has presented a claim against his brother 'Abd al-Wāḥid for a share in the parental estate: this is despite the fact that he has already issued three cessations of claim.

In a cessation of claim dated 17 Jumādā II 1315 (Saturday 13 November 1897), Mullā 'Abd al-Qayyūm dropped his claim to a share of father's estate in return for payment of 110 *tangah*^a. Acting on his own behalf and as attorney to Ikrāmah Āy bint Mullā Ḥājījī, in Rajab 1317 (5 November – 4 December 1899) he dropped his claim to a courtyard property from his father's estate, in return for 79 *gaz* of land. And in Rajab 1324 (21 August – 19 September 1906), he fully and freely dropped in the presence of the *qāḍī* his claim against his brother for a share of the parental estate in return for a payment of 30 *tangah*. The notarised declarations of each cessation of claim^b are presently in the possession of the respondent. Given that any claim for restitution is inadmissible after the declaration of cessation of claim^c, and that the three afore-mentioned cessations of claim are operative with binding force^d, is it not the case that the judge should opt not to hear the afore-mentioned plaintiff's claim?

Answer: yes.

Stamps: (i) Mullā Sayyid 'Abd al-Majīd b. Mullā Sayyid 'Abdallāh Mudarris Muftī, 1320; (ii) Mullā Sayf al-Dīn b. Mullā 'Abd al-Sattār Muftī

Citations: (i) *lā tusma 'al-da 'wā ba 'd al-ibrā al- 'āmm* (Ashbāh); (ii) *wa law abrā, thumm idda 'ā, fa-da 'wāhu bāṭil* ('Imādi); (iii) *khaṭṭ al-qāḍī ḥujjat 'alā kull ḥāl idhā kān 'alā wifq al-qawā'id al-shar'iyatan* (Ustrūshanī); (iii) *wa ammā mā wajad fī dīwān nafsīhi in kān dhākiran tilk al-ḥādithah ya 'mal bihi wa qālā yu 'mal muṭlaqan* (Jāmi' al-rumūz); (iv) *ann jamā 'at min aimmat Balkh wa 'l-Samarqand law wujud maktūban bi 'l-khaṭṭ al-qāḍī wa khatmīhi wa huwa lāzim 'alayhi wa yajib an yaḥkum bihi li-annah yuḥkam bi-dhālik* (Fatāwā muḍmarāt); (v) *wa qāl Abū Yūsuf wa Muḥammad raḥimahumā yuḥkam bi-dhālik wa yanfadhuhu idhā wajad taḥt khātām lahu* (Ādāb al-qāḍī [?]); (vi) *al-ṣakk al-musajjal qā'im maqām al-shāhidayn li-ann ḥukm al-Qāḍī nāfidh zāhīran wa bāṭinan* (Fatāwā Imām Qāḍī Khān); (vii) *wa ammā al-kitāb al-shar'ī alladhi wujud fī yad al-khaṣm hal yadfa 'da 'wā al-khaṣm fa 'l-fatwā 'alā annahu yadfa'* (Mukhtār al-fatāwā).

	^a tangah-yi bukhārīyat al-ḍarb; ^b wathā'iq-i makhtūmah; ^c da'wā-yi ba'd az ibrā lā yusma' būdah; ^d khutūṭ-i madhkūrāt ḥujjat-i shar'īyah wa wājib al-'amal wa dāfi'ah būdah
356 x 222; 10 lines. Persian.	

559

tpq 23 Šafar 1325 (7 April 1907): reported registration of power of attorney

550: KP 5991/273

Turki notarial addition: 24 March [= 6 April] 1907, document entry no. 729; 4 Russian stamps, 15+15+5+5 kopeks

<p>On the above date Mullā 'Abd al-Wāḥid b. Mullā 'Abd al-Raḥmān, aged 52, a resident of Makhdūm-i Khwārazmī quarter, was registered as attorney to his wife Bībī Risālat Āy bint Qāsim Bāy, aged 47, before Samarqand <i>wilāyat</i>'s Shāh-i Zindah courthouse; the registration was witnessed by the competent witnesses Mullā Ḥusayn b. Sayyid Aḥmad, aged 22, and Mullā Bābā Khwājah b. Mullā Abu'l-Qāsim, aged 20, both of whom are religious students occupying cells in the afore-mentioned quarter.</p> <p>Said attorney should seek restitution of property from the estates of the late Khānīm (<i>sic</i>) Bībī bint Mullā 'Abd al-Raḥmān¹ and of the late Maḥmūd Bāy and Šādiq Bāy, sons of the afore-mentioned Qāsim Bāy. If the respondents acknowledge the claim, the attorney should take possession of the property and pass it on to Bībī Risālat Āy. If the respondents deny the claim and the case goes to court^a, the attorney should secure a resolution in accordance with <i>sharī'ah</i>.</p>	
<p>Stamps: (i) Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī, 1323</p>	
<p>¹ Khānīm Bībī is not mentioned among the heirs of Mullā 'Abd al-Raḥmān in doc. 548.</p>	<p>^a 'ind iqrārihim; ^b 'ind inkārihim wa wuqu' al-munāza'at wa'l-khāsimat</p>
176 x 220; 13 lines. Persian.	

560

tpq 6 July 1907 [=19 July 1907]: reported declaration of conferral of power of attorney¹

563: KP 5991/286

Turki notarial addition: 6 July [= 19 July] 1907, document entry no. 1896; Russian stamp: 75 kopeks²

<p>On the above date Bībī Risālat bint Qāsim Bāy, aged 47 and a resident of Ḥaḍrat-i Makhdūm-i Khwārazmī quarter, states that she has declared before the courthouse of Samarqand's Ḥaḍrat-i Shāh-i Zindah district that, at her own volition and by her own initiative^a, she has appointed her husband Mullā 'Abd al-Wāḥid b. Mullā 'Abd al-Raḥmān as her attorney^b.</p> <p>On 8 April [= 21 April] 1907, in a transaction notarised in deeds registered as entry no. 112, the speaker diverted 2 <i>tanābs</i> of garden land in the rural settlement of Kīrzār from a total</p>
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of 5 such *tanābs* in her own joint ownership. Said attorney is instructed to take these two *tanābs* from the possession of her co-owners Qārī Muḥyī al-Dīn, attorney to Sharāfat Āy, and Qārī Ḥāmid, and to sell them for a fair price. If the transaction comes to the attention of the esteemed Russian authorities, the attorney should attend to the matter on the speaker's behalf, and have the transaction duly notarised; he should then take receipt of payment for the property. If anybody disputes the speaker's ownership of the land in question, or makes some other contention, the attorney should secure a resolution of contention in accordance with *sharī'ah*. Should it prove necessary, the attorney may appoint a further attorney on his own behalf³, and should inform the authorities of the fact.

Mullā 'Abd al-Wāḥid states and signs that he has accepted the commission, and is satisfied.

Akram Bāy b. 'Ālim Bāy and Mullā 'Abd al-Wāḥid b. Mullā 'Abd al-Wāsi' state that they have witnessed the appointment.

Stamps: (i) Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī; (iii) Mullā Muḥammad 'Abd al-Ghanī Muftī b. Mullā Muḥammad Fāḍil Muftī [plus note identifying him as a further witness]

¹ Unusually in a document of this nature, the individual making the *igrār* is encountered in the first person rather than the third.

² Reference in the body of the document to payment of 75 *tiyin*.

³ For stipulations regarding this practice → also docs. 500 and 514.i.

^a *ūz riḍā wa ragħbatīm ilān*; ^b *wakīl-i muṭlaq-i 'āmm-i shar'ī*

222 x 356; 17 lines. Turki.

561

tpq 15 Jumādā II 1325 (26 July 1907): reported declaration of property exchange

560: KP 5991/283

Turki notarial addition: 14 July [= 27 July] 1907, document entry no. 1977; 4 Russian stamps, 40+40+40+5 kopeks

On the above date Mullā 'Abd al-Wāḥid b. Mullā 'Abd al-Raḥmān, aged 52, declared as a competent agent^a before the Samarqand *wilāyat* courthouse that he has performed an exchange of properties^b with his wife^c Bībī Risālat bint Qāsim Bāy.

He declared that he has received from Bībī Risālat approximately 2 *tanābs* of jointly-owned garden land from a property comprising *suknīyāt* and a 5-*tanāb* plot of garden land planted with fruit trees^d and located in Kīrzār *qishlāq*; the property abuts in the west onto a garden belonging to 'Ārif Bāy and Ḥāmid Bāy, sons of Fathī Khān, in the east partly onto a garden belonging to the heirs of Muḥammad Sayyid, partly onto a garden belonging to 'Uthmān Bāy b. Qāsim Bāy and partly onto a garden belonging to the heirs of Qumrī Āy and Salīm Bāy, and in the south onto a public thoroughfare. The property in question comprises the estate of the late Qāsim Bāy and his wife Jānīm Āy, and is now the property of Bībī Risālat and her brothers Maqṣūd Bāy, Muḥammad Šādiq and Maḥmūd; Bībī Risālat's share accrued to her on 18 April [= 1 May] 1907, by the terms of [a document registered as] no. 112.

In return, he has given Bībī Risālat a 49/69 share in two *suknīyāt* and a 2½-*tanāb* plot of garden land planted with fruit trees, comprising properties both inherited and of his own acquisition^e, and located in Kīrzār *qishlāq*, inside Ḥaḍrat-i Shāh-i Zindah district, abutting in the west onto a garden belonging to the heirs of Mullā ‘Abd al-Raḥmān, in the north onto a public thoroughfare, in the east onto a garden belonging to Hājji Ismā‘īl b. Mullā Ya‘qūb, and in the south partly onto a garden belonging to ‘Abd al-Sattār b. Mullā ‘Abd al-Karīm and partly onto a garden belonging to ‘Abd al-Ghaffār b. Mullā ‘Abd al-Karīm.

The speaker states that he henceforth has no right or claim to the latter property, and that the afore-mentioned woman has no right or claim on the latter; this is with the consent of Mullā ‘Abd al-Wāsi‘, child of the afore-mentioned woman, acting on behalf of his mother.

Qārī Muḥyī al-Dīn b. Nāṣir Bāy and Ḥusayn Bāy b. ‘Abd al-Karīm state that they have witnessed the transaction. [Signature: Mullā ‘Abd al-Wāḥid b. Mullā ‘Abd al-Raḥmān; stamp: Ustā Muḥammad Ṣāliḥ]

Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī states that he has received a fee^f of 1 *ṣūm* and 25 *tiyin*¹, and confirms the validity of the exchange, the details of which are further outlined in the right-hand margin of the document. [Stamps: (i) Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti (x 2) [plus *qāḍī* signature]; (ii) Qāḍī-yi qiṭ‘ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī]

Additional stamp: Mullā Muḥaddas Muftī b. Qāḍī Mullā Sayyid Ghanī Muftī

¹ i.e. the 125-kopek value of the affixed stamps.

^a ḥāl jawāz iqrārihi wa nafādh jamī‘ taṣarrufātihi; ^b mubādalah-yi ṣaḥīḥah-yi shar‘īyah; ^c zawjah-yi shar‘īyah-yi madkhūlah; ^d tāk-zār; ^e mīrāthī wa zar-kharīd-i khūdam; ^f muhrānah

178 (folded) x 222; 34 lines. Persian.

562

562a, *tpq* 26 Jumādā II 1325 (6 August 1907): reported confirmation of power of attorney

552: KP 5991/275

Turki notarial addition: 17 July [= 30 July] 1907, document entry no. 2025; 3 Russian stamps, 15+15+15 kopeks

On the above date Mullā Sulaymān Makhdūm Muftī, son of the late Qāḍī Mullā Mīr Bābā, was confirmed^a as attorney^b to Ḥikāyat Āy, widow of ‘Aṣām Bāy, and Bībī Khadījah, widow of Mullā ‘Abd al-Ghaffār, before the Samarqand *wilāyat* courthouse; the appointment was witnessed by the competent witnesses Mullā ‘Abd al-Karīm b. Mu‘min Bāy-Bachchah Kīrzārī the weaver^c and Mawlām Birdī b. Muḥammad Nāṣir Bāy Kīrzārī.

Said attorney should produce on behalf of his clients a cessation of claim against [their brother¹] Mullā ‘Abd al-Wāḥid b. Mullā ‘Abd al-Raḥmān for a share of the late Mullā ‘Abd al-Raḥmān’s estate.

Stamps: (i) Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qiṭ‘ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī

¹ → doc. 562b.	^a thābit shud; ^b wakīl-i ‘āmm-i shar‘ī bi’l-ibrā wa’l-iqrār; ^c qalamī-bāf
180 (folded) x 222; 13 lines. Persian.	

562b, *tpq* 26 Jumādā II 1325 (6 August 1907): reported declaration of cessation of claim

Turki notarial addition: 24 July [= Tuesday 6 August] 1907, document entry no. 2059; Russian stamp, 15 kopeks

<p>On the above date Mullā Sulaymān Makhdūm Muftī b. Qādī Mullā Mīr Bābā, acting as attorney to Ḥikāyat Āy and Bībī Khadījah, daughters of Mullā ‘Abd al-Raḥmān, declared as a competent agent⁽¹⁾ before the Samarqand <i>wilāyat</i> courthouse that he has received from Mullā ‘Abd al-Wāḥid b. ‘Abd al-Raḥmān his two clients’ share of their late father’s estate located in Kīrzār <i>qishlāq</i>: and that his clients henceforth have no claims on the property. In the right-hand column of the document, the division of Mullā ‘Abd al-Raḥmān b. ‘Azīm Jān’s estate is detailed in full. The late man’s widows Rābi‘ah Bībī and Mu‘minah Bībī each receive 6/96², his sons Mullā ‘Abd al-Wāḥid, Mullā ‘Abd al-Qayyūm and Mullā Hāshim each receive 14/96, and his daughters Bībī Ḥikāyat, Bībī Khadījah, Bībī Marḍīyah, Bībī Maghfirat, Bībī Istam and Bībī Ma‘rifat each receive 7/96.</p>	
<p>Stamps: (i) Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus <i>qādī</i> signature]; (ii) Qādī-yi qiṭ‘ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī</p>	
<p>¹ The use here of the dual form appears to be a scribal error: the person here making the declaration (<i>iqrār</i>) is plainly the attorney, rather than his clients.</p> <p>² Written as 69, but this evidently a scribal error.</p>	<p>^a ḥāl jawāz iqrārihimā¹</p>
13 lines. Persian.	

563

tpq 17 Ramaḍān 1326 (13 October 1908): reported declaration of mortgage

546: KP 5991/269

Turki notarial addition: 29 September [= 12 October] 1909, document entry no. 6507

<p>On the above date ‘Abd al-Qayyūm Bāy b. ‘Abd al-Raḥmān Ṣūfī, aged 44, declared as a competent agent before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that he has temporarily sold^a to Mullā Mīr Muḥammad b. Ḥājī ‘Abd al-Ḥakīm 1/3 of the jointly-owned <i>suknīyāt</i> on a courtyard property located in the quarter of Ḥaḍrat-i Makhdūm Khwārāzmī district and measuring 79 <i>gaz</i>, of which an area measuring 13 x 5 <i>gaz</i> comprises buildings and the rest is open space. The property abuts in the west onto a courtyard property belonging to the heirs of Mullā Fāḍil Muftī, in the north and east onto a house belonging to the heirs of ‘Abd al-Raḥmān Ṣūfī, and in the south partly onto a house belonging to the afore-mentioned ‘Abd al-Raḥmān Ṣūfī and partly onto a public thoroughfare.</p>
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<p>The sale is for 300 <i>tangah</i>; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged. The speaker undertakes additionally¹ to rent the property under transaction for 60 <i>tangah</i> per year^b.</p>	
<p>Stamps: (i) Narodn. sud' i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī-yi qiṭ'ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī</p>	
<p>Witnesses: Murād Bāy Īllīk-Bāshī b. Mīng Bāy; Qāḍī Mullā 'Abd al-Wāḥid b. Mullā 'Abd al-Raḥmān.</p>	
<p>¹ Unusually, the <i>ayḍan</i> addendum is presented here as the <i>muqīrr</i>'s direct statement, rather than as an additionally cited <i>iqrār</i>. → also doc. 140.</p>	<p>^a bay'-i jā'iz-i shar'ī; ^b ma' muḍī-yi muddat-i yak sāl-i kāmil-i qamarī az ta'rīkh-i madhkūr, bih badal-i mablagh-i shaṣt tangah-yi mawṣūfiyah</p>
<p>178 x 221; 20 lines. Persian.</p>	

564

tpq Jumādā I 1328 (11 May – 9 June 1910): reported declaration of cessation of claim

562: KP 5991/285

Turki notarial addition: 18 May [= 31 May] 1910; document entry no. 1315

<p>On the above date Mullā Sayyid Khwājah b. Mullā Muḥammadī Khwājah, acting as attorney^a on behalf of Mullā Nadhrī Qul b. Mullā Muḥammad Ṣāliḥ (who in turn is attorney^b to Ma'rifat Āy bint Mullā 'Abd al-Raḥmān), declared as a competent agent before the courthouse of Samarqand <i>wilāyat</i>'s Shāh-i Zindah district that he has received from Mullā 'Abd al-Wāḥid b. Mullā 'Abd al-Raḥmān a garden measuring approximately ½ <i>ṭanāb</i>^c and located in the rural settlement of Kīrzār, and abutting in the west onto a reservoir belonging to Mullā 'Abd al-Wāḥid, in the north onto a public thoroughfare, in the east onto a garden belonging to Ismā'īl Bāy the tea merchant, and in the south onto a further property of Mullā 'Abd al-Wāḥid. In return, and according to a settlement urged by third-party mediators^d, the plaintiff has consented to drop her claim to a share of the late 'Abd al-Raḥmān's estate, namely a garden measuring 2¾ <i>ṭanābs</i>, a courtyard property located in Ḥaḍrat-i Makhdūm-i Khwārazmī quarter, and various sundry possessions.</p>	
<p>Signed by (i) Mullā Nadhrī Qul b. Mullā Muḥammad Ṣāliḥ; (ii) Mullā 'Abd al-Wāḥid b. Mullā 'Abd al-Raḥmān</p>	
<p>Stamps: (i) Narodn. sud' i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī-yi qiṭ'ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī</p>	
<p>¹ For discussion of mediation, → doc. 478b(2).</p>	<p>^a wakīl-i shar'ī; ^b wakīl-i shar'ī-yi mufawwaḍ [...] bih khaṭṭ-i wakālat; ^c nīm wa nīmchah panj mithqāl ṭanāb; ^d bih istiṣwāb-i jamī' az muslimīn bayn-i māyān</p>
<p>178 x 223; 16 lines. Persian.</p>	

565

27 Ramaḍān 1328 (2 October 1910): claim for restitution

547: KP 5991/270

No Turki notarial addition

Mullā ‘Abd al-Wāḥid Bāy b. Mullā ‘Abd al-Raḥmān presents a claim against Mukhtār Bāy b. Muḥammad Sharīf and ‘Uthmān Bāy b. Mullā Rustam Bāy, residents of Makhdūm-i Khwārazmī quarter, accusing them of insulting and assaulting him. Having thus been subjected to unjustifiable insult, the plaintiff states that the two respondents deserve effective punishment^a.

Stamp: Mullā Sayf al-Dīn Muftī b. Mullā ‘Abd al-Sattār

Citation: *man adhā ghayrahu bi-qawl aw fi ‘l yu ‘zar* (Ashbāh).

^a ta‘zīr-i balīgh

221 x 261; 11 lines. Persian.

566

16 June [=29 June] 1917: judicial ruling

548: KP 5991/271

Qāḍī Mullā Baqā Khwājah b. ‘Abdallāh Khwājah, the judge^a of Samarqand’s Ḥaḍrat-i Shāh-i Zindah district no. 1, recounts his response to a claim made by Mullā ‘Abd al-Salām b. Tursūn Bāy, acting as attorney to Maghfirat Āy bint Mullā ‘Abd al-Raḥmān and resident of Ḥaḍrat-i Makhdūm-i Khwārazmī quarter, against Ustā Gawhar b. ‘Abdallāh Bāy, attorney to Ḥājjī Ishāq Bāy b. Qārī ‘Azīm and Mullā Abu’l-Qāsim b. Ḥājjī Ishāq, residents of Qāḍī Ghafūr quarter.

The speaker states that he examined the submissions in accordance with *sharī‘ah*^b. The plaintiff’s deposition of claim^c as presented by her attorney was as follows. When Ismā‘īl Jān died, his estate comprised (i) a courtyard property located in Qāḍī Ghafūr quarter and abutting in the west partly onto a courtyard property belonging to the heirs of Ibrāhīm Bāy and partly onto one belonging to the heirs of Aḥmad Bāy, in the north onto a public thoroughfare, and in the east and south onto a courtyard property belonging to ‘Abd al-Khalīl Bāy b. ‘Abd al-Qādir; (ii) a garden measuring $1\frac{3}{4}$ *tanābs* and located in the rural settlement of Kīrzār, abutting in the west onto a garden belonging to Khwājah Bābā Bāy b. Najm al-Dīn, in the north partly onto a garden of the plaintiff’s own acquisition^d and partly onto a public thoroughfare, in the east onto a garden belonging to the heirs of Ḥājjī Ismā‘īl, and in the south onto a garden belonging to ‘Abd al-Ghaffār b. ‘Abd al-Karīm; and (iii) various additional itemised possessions, together with 5550 *ṣūm*^e. Said estate passed to the late man’s heirs, namely his two wives – the plaintiff and ‘Anbar Āy bint Halīm Bāy – his daughter Munawwarah Āy and his two brothers (*sic*) Ḥakīm Bāy and Ḥājjī Ishāq. Before the division of property could take effect, Munawwarah Āy died; her estate, valued at 5819 *ṣūm*, passed to her heirs, namely her husband, the respondent Mullā Abu’l-Qāsim, her mother, the plaintiff Ma‘rifat Āy, her son ‘Abd al-‘Azīz and her two daughters

Muḥabbat Āy and Sabāḥat Āy. In accordance with *sharī‘ah*, Qārī ‘Azīm’s estate was now divided into 768 shares: ‘Anbar Āy received 48, Ḥakīm Bāy and Ḥājjī Ishāq each received 144, Mullā ‘Abd al-Qāsim received 96, the plaintiff and ‘Abd al-‘Azīz each received 112, and Muḥabbat Āy and Sabāḥat Āy each received 56. But Ḥājjī Ishāq retained possession of the entire estate of the late Ismā‘īl Jān, and Mullā Abu’l-Qāsim retained possession of Munawwarah Āy’s holdings, thus refusing to yield up the plaintiff’s share.

In response to this claim, the speaker summoned^f the plaintiff and her attorney and the respondents with their attorney, and questioned them. The plaintiff first presented her aforementioned claim, and the speaker then questioned the respondents^{g(1)}. He then adjourned the hearing for 3 days in order to consult with legal experts^h. At this juncture a number of impartial actors achieved a reconciliation between the two parties²ⁱ. By the terms of the settlement, the plaintiff Maghfirat Āy relinquished her claim in return for (i) $\frac{3}{4}$ *ṭanāb* of garden land located in Kīrzār and abutting in the west onto a garden belonging to Khwājah Bābā b. Najm al-Dīn, in the north to a garden confirmed by deeds notarised as entry no. 1280 in the 1915 register of transactions as similarly belonging to the plaintiff, and in the west and south onto gardens belonging to the heirs of Ḥājjī Ismā‘īl, and (ii) a cash payment of 400 *ṣūm*. She additionally dropped for gratis her claim against Ḥājjī Ishāq for goods valued at 718 *ṣūm*. The plaintiff declared that any future claim on the estate of Munawwarah Āy and Ismā‘īl Jān, even if made in good faithⁱ, will be void and inadmissible. Because the two respondents accept the plaintiff’s declaration, they are now required by the terms of the peaceful settlement^k to confer the afore-mentioned property upon the plaintiff; if they refuse to do so, the legal authorities will do so in their place^l.

The speaker has communicated the above ruling to both parties.

Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus signature of Qādī Mullā Baqā Khwājah b. ‘Abdallāh Khwājah]; (ii) Pārsā Khwājah Īllīk-Bāshī b. Niẓām al-Dīn Khwājah, 1330; (iii) Sayyid Gawhar b. ‘Abdallāh Bāy; (iii) Ustā Ismā‘īl b. Ibrāhīm

¹ A Turki plural ending is appended to an Arabic formulation; → also doc. 495.i.

² For discussion of mediation, → also doc. 478b.

^a nārūdnāy sūdiyāh; ^b murāfa‘ah-lār-nī muwāfiq-i sharī‘at sūrārdīm; ^c maḥḍar-i sharī‘ī; ^d muwakkil-īm-nī zar-kharīd bāghī; ^e ṣūm-i nuqrah; ^f qamtū; ^g mudda‘ā ‘alayhi-lār¹ ^h mashwarat-i fuqahā ūchūn muhlat qīlīb; ⁱ kūp khāliṣ-lār ūrtah-lārī-ghah tūshūb iṣlāḥ qīldī-lār; ^j ham ṭahir da‘wā qīlsām; ^k badal-i ṣulḥ wajhī-ndīm; ^l tamarrud qīlsah-lār ḥukūmat-dārān ālīb bīrsūn-lār

140 x 280; 44 lines. Persian. Document reproduced at back of volume.

567

567a, n/d¹: solicited legal opinion

1062: KP 1597

Acting as attorney to Fūlād Bāy, Ustā Gawhar² has presented a claim for restitution against Mu‘min Bāy. The claim is for repayment of a debt of 11302 *tangah*^a, together with 15000 *tangah* owing as surety for a horse. Without his client’s consent, [Ustā Gawhar³] has negotiated with Maḥmūd Bāy, attorney^c to Mu‘min Bāy, and has issued a temporary

postponement of claim^d. Given that this unmandated response constitutes an unmerited infringement of the plaintiff's rights^e, and that the postponement of claim is thus unjustified, should the judge [f] not reject the respondent's case and secure a due resolution of contention by means of witness testimony and the putting on oath?

Answer: yes.

Stamp: Mullā Sayyid 'Abd al-Majīd b. Mullā Sayyid 'Abdallāh Mudarris Muftī, 1320

Citations: (i) *idhā kān al-rajul ma'rūfan bi'l-ḥiyal wa'l-abāṭil, lā yuqbal minhu al-daf'* (Niṣāb al-riwāyāt); (ii) *al-qāḍī nuṣīb nāziran li'l-muslimīn wa yanbaghī an yanzur fī ḥaqq al-mudda 'ī bi-an lā yalṭafit ilā bayyinat al-mudda 'ā 'alayhi in 'arifahu bi'l-iftisāq wa'l-tazwīr wa dafa' fī annahu qaṣd bi-hādhā al-īḍrār bi'l-mudda 'ī (Muḥīṭ); (iii) wa maqṣūd min dhālik al-īḍrār bi'l-mudda 'ī li-yata'dhar 'alayhi ithbāt ḥaqqihi bi'l-bayyinah; fa-lā yandafi' 'anhu khuṣūmatuhu idhā kān muttahaman bi-mithl hādhihi al-ḥāl (Hammādīyah); (iv) wa yanbaghī li'l-qāḍī an yas'alahu 'an al-daf' in kān ṣaḥīḥan amhalahu wa in kān fāsīdan lā yumhiluhu lā yalṭafit ilayh (Mu'ayyad-Zādah); (v) *al-istiḥlāf yajrī fī da'āwā al-ṣaḥīḥ dūn al-fāsida* (Sharḥ-i Multaqā al-abḥur); (vi) *wa'l-aḥsan dhikr lafẓ kih fa-innahu li'l-sharṭ 'alā al-aṣaḥḥ ka-mā fī'l-Khizānah* (Jāmi' al-rumūz); (vii) *li-ann ta'līq barā'at bi'l-sharṭ bāṭil* (Hidāyah); (viii) *li-ann ta'līq barā'at bi'l-shurūṭ bāṭil* (Bazzāzīyah); (ix) *kull shay' yathbut bi'l-bayyinah fa-'ind al-'ajz 'anhā yatawajjah al-yamīn 'alā al-munkir* (Sharḥ-i Wiqāyah); (x) *wa fī kull mawḍi' law aqarr lazim wa law ankar yuḥallaf* (Khizānat al-'ulamā'); (xi) *al-qāḍī maṣnūb li-ihyā' ḥuqūq al-nās wa ṣiyānatihā, fa-yajib 'alayhi i'ānatuhā* (Wāqī'āt Ḥusāmī).*

¹ *tpq* 1320 (10 April 1902 – 29 March 1903).

² Attorney also to Ḥājī Iṣḥāq Bāy b. Qārī 'Azīm and Mullā Abu'l-Qāsim b. Ḥājī Iṣḥāq: → doc. 566.

³ The wording of the text suggests that it is Maḥmūd Bāy who acts thus, but this scarcely makes sense: it is hardly in the respondent's power to issue a cessation or postponement of claim, and the text subsequently (^e) makes clear that the issue at stake is the infringement of the rights of the plaintiff, not the respondent.

^a 11302 tangah-rā, bih ṭarīq-i qarḍ; ^b az ghayr-i talqīn-i muwakkil-i madhkūr-i khūd; ^c wakīl [...] kih az jumlah-yi wukalā-yi mufta'alah-yi bāb-i quḍāt ast; ^d bih ṭarīq-i ibrā ta'līqī-rā guftah bāshad; ^e ghayr-i ḥaqq-i ān ibṭāl-i ḥuqūq-i mudda'ī ast; ^f kih maṣnūb az barā-yi ihyā-yi ḥuqūq-i nās-and

355 x 222; 6 lines. Persian. The bottom left-hand corner of the document is missing.

567b, n/d¹: reported court proceedings

Under questioning^a, the afore-mentioned respondent speaks in his defence. He asserts, first, that Fūlād Bāy has disavowed any claim against him, in a statement witnessed by Mullā Qawām al-Dīn Makhdūm Muftī and Mullā Muqaddas Muftī; and, secondly, that he actually bought from Fūlād Bāy the horse with regard to which the plaintiff is now claiming, in a transaction witnessed by numerous onlookers.

Fūlād Bāy rejects Mu'min Bāy's rebuttal of claim, and asserts that he merely entrusted the horse to the respondent.

Signature: Mullā Qawām al-Dīn Makhdūm

Stamp: Qāḍī al-quḍāt Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā 'Abdallāh Khwājah

¹ *tpq* 1320 (10 April 1902 – 29 March 1903): → doc. 567a. → also doc. 475⁽²⁾ for the attested career dates of Mullā Muḥammad Baqā.

^a 'ind al-istifsār

7 lines. Persian.

568

tpq 28 Šafar 1316 (18 July 1898): hereditary transfer of estate

1068: KP 1597

No Turki notarial addition

On the above date the unencumbered estate of the late Kattah Bāy^a was divided according to the divine laws of inheritance^b between his widow, Sa‘ādat Āy bint Muḥammad Raḥīm Bāy, his daughter Zulfīyah Āy, his son Qābil Bāy, and various other parties whose relationship to the late Kattah Bāy remains unspecified.

Sa‘ādat Āy and Zulfīyah Āy together received 1/3 of the total estate, their share comprising the *suknīyāt* on 1 *ṭanāb* of garden land, constituting *mamlakah* and located in the rural settlement of Namāzgāh, a subsidiary settlement of Dabūs, abutting in the west onto a public thoroughfare, in the north onto a garden belonging to Ustā Maḥmūd b. Nāšir Bāy, in the east onto a garden belonging to Ustā Mīr ‘Āqil Bāy b. Ustā Mīr Jamāl Bāy, and in the south onto a private road).

Qābil Bāy’s share, amounting to 1/3 of the total, comprised the southern half of the aforementioned plot of land.

The remaining 1/3 of the estate was divided between Islām Bāy (who received a courtyard property in Yūsuf [Kharrat?] quarter) and Mansūr Bāy, Mīrzā Bāy and Mukhtār Bāy (who together receive a house located in Mullā Qalandar quarter).

Stamps: (i) Narodnogo sud’i Makhallinskogo uchastka Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi Maḥallah Mullā ‘Abd al-Khāliq b. Mullā Nāšir Muḥammad

Witnesses: Mullā Muḥammad Sharīf Mudarris; Muḥammad Rāfi‘ Bāy Īllīk-Bāshī; Samī‘ Bāy b. Karīm Bāy; and others.

^a amwāl-i zāhirah wa fārighah az duyūn wa wašāyā-yi Kattah Bāy; ^b ‘alā farā’id

165 x 221; 10 lines. Persian.

569

569a, *tpq* 6 Rajab 1316 (20 November 1898): reported declaration of mortgage

1131: KP 5991/673

On the above date Ḥājjī Muḥammad Ḍiyā b. Muḥammad Sharīf Bāy, aged 66 and resident of Kāshgharī quarter, declared as a competent agent before the Samarqand *wilāyat* courthouse that he has temporarily sold^a to Jūrah Bāy Yahūdī b. Sham‘ūn the *suknīyāt* on a courtyard property located in the afore-mentioned quarter, and abutting in the west onto a house belonging to the vendor, in the north onto a house belonging to Qāsim b. Mīr ‘Azīz, and in the east and south onto a public thoroughfare. The sale is for 500 *tangah*; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged.

The speaker additionally declared that he has undertaken to rent the property under transaction for 12 *tangah* per month^b.

[There follows a Turki-language addendum expressing satisfaction at the transaction on the part of the vendor and purchaser. It is signed on Ḥājjī Muḥammad Ḍiyā’s behalf by Mullā ‘Uthmān, Iskandar Khwājah and ‘Ārif Jān.]

No stamp.	
Witnesses: Mīr Bābā Īllīk-Bāshī; Dhikr Āqsaqāl; Āstānah Qulī b. Diyā al-Dīn.	
	^a bay‘-i jā‘iz-i shar‘ī; ^b bih gudhashtan-i har yak māh-i kāmīl-i qamarī bih badal-i dawāzdah tangah-yi mawṣūfah
176 x 223; 9 lines. Persian.	

569b, n/d¹: appeal²

<p>The <i>mutawallī</i> and beneficiaries at the Mīrzā Ulūgh Bīk <i>madrasah</i> request the intervention of the chief inspector^a. Two individuals, Mullā ‘Abd al-Karīm Sanīdī and Mullā Yār Muḥammad Muftī³ b. Ḥājī Muḥammad, have been confirmed in office^b as teachers at the afore-mentioned <i>madrasah</i>. But neither of them is able to teach a single subject^c. At other <i>madrasahs</i> where there are <i>mullās</i> who are capable of teaching^d: but if any student attempts to study elsewhere, the two afore-mentioned teachers threaten to have them expelled by the inspector^e. Since both teachers thus lack the proper attributes of a <i>mullā</i>^f, the speakers request the addressee to remove them^g, and to replace them with individuals who are capable of doing the job.</p> <p>At the top of the letter is a list of the subjects which need to be taught: morphology^h, syntaxⁱ, theology^j, logic^k, axioms^l, rhetoric^m, and jurisprudenceⁿ.</p>	
No stamp.	
<p>¹ Presumably roughly contemporary with 569a, as above.</p> <p>² Appeals regarding the incompetence of teachers were not uncommon: see e.g. Sartori, ‘Judicial Elections as a Colonial Reform: The <i>Qāḍīs</i> and <i>Biys</i> in Tashkent, 1868-1883’, in <i>Cahiers du monde russe</i> 49.1 (2008), pp. 79-100 [p. 86]; for an earlier period, also → doc. 41 above. It is unclear, incidentally, how the present document and doc. 569a relate to one another. Both may simply be scribal practice texts: the present document is riddled with textual revisions.</p> <p>³ This individual would again be the subject of complaint from his students at the Ulūgh Bīk <i>madrasah</i> in early 1902: → doc. 446.2.</p>	<p>^a gilāwnī inspīktūr; ^b mustahkam būlgān; ^c hīch bir ‘ilm-nī dars aytmaqī-ghah qādir īmas; ^d yakhshī, har ‘ilm-ghah dars aytmaqī-ghah qādir mullā-nī; ^e inspīktūr; ^f ūshbū īkkī nafar mullā-līgī yūq; ^g ūrīnlārī-dīn ‘azl qīlīb; ^h ‘ilm-i sharf; ⁱ naḥw; ^j ‘ilm-i kalām; ^k mantīq; ^l uṣūl; ^m bayān; ⁿ fiqh</p>
11 lines. Turki.	

570

570a, n/d¹: claim for restitution

570: KP 5991/293

Acting as attorney to his daughter Mukarramah Āy, Ma‘rūf Bāy b. Fāḍil Bāy presents a claim against Mīr Bābā Bāy b. Sulṭān Bāy and [Mīr Bābā Bāy’s wife] Bībī Zuhrā Āy bint [-], residents of Ṣūfī Rāziq quarter ² .
--

The speaker relates that Mīr Bābā Bāy sold^a to his own son Ḍiyā Bāy a property located in Samarqand's Šūfī Rāziq quarter, and abutting in the west onto a courtyard property belonging to Mīrzā Bāy b. [-], in the north onto a blocked thoroughfare, in the east also onto a blocked thoroughfare, and in the south onto a house belonging to Mīrzā Bābā Bāy b. Sulṭān Bāy; the sale was for 4000 *tangah*. After Ḍiyā Bāy's death, both this property and various other possessions were divided between his widow, said plaintiff Mukarramah Āy (receiving 3/24 of the total estate), his daughter, the pre-adult Mubarrā Āy (12/24), his mother Bībī Zuhrā Āy (4/24) and his father, said respondent Mīr Bābā Bāy (5/24). But the respondent refuses to hand over the plaintiff's share.

Stamp: Mullā Fayḍ-Allāh Muftī b. Mullā Ni'mat-Allāh

Citations: (i) *mā kān li'l-insān 'ind al-mawt yakūn mīrāthan li-warathatih* (Ḥammādīyah); (ii) *al-wakīl qā'im maqām al-muwakkil* (Muḥīt).

¹ *taq* 13 Šafar 1319 (1 June 1901): → doc. 570b.

² Apparently named after Šūfī Muḥammad Rāziq, who in Dhu'l-Hijjah 1267/September 1850 converted 23 *tanābs* of land into *waqf* for the construction of a mosque in the vicinity of where he lived. See Faiziev, *Istoriia Samarkanda pervoi pol. XIX veka*, pp. 53-54 (*waqf* doc. 15), and Abramov, 'Istoriia Samarkanda v ego mikrotoponimakh', p. 182.

^a bay'an bāttan

222 x 356; 23 lines. Persian.

570b, 13 Šafar 1319 (1 June 1901): rebuttal of claim

Mullā Mīr Bābā presents a rebuttal against the above claim. He asserts that the estate of the late Muḥammad Ḍiyā was divided up to the satisfaction of the plaintiff and her attorney, and that the plaintiff produced a statement declaring that she henceforth had no claim on the property.

Stamp: Qāḍī-yi Samarqand Qāḍī Mīr Muḥammad

5 lines. Persian.

571

571a, n/d¹: claim for restitution

1130: KP 5991/672

Acting as attorney to his sister Ma'šūmah Āy, Raḥmat Bāy b. Mullā Sharīf presents before the Samarqand *wilāyat* courthouse a claim against Mullā Mīrzā 'Uthmān Muftī b. Mullā Imām Muḥammad.

The speaker relates that the respondent's brother [and plaintiff's husband²] Mullā Qāsim sold to the plaintiff the *suknīyāt* on a courtyard property comprising a house and vestibule, located in Ḥawḍ-i Buland quarter and abutting in the west onto a courtyard property belonging to Mullā Muḥammad 'Uthmān Muftī, in the north onto a balcony, in the east onto a house belonging to Bībī Khadījah bint Mullā Imām, and in the south onto a public thoroughfare; the sale was for 200 *tangah*. But [following Mullā Qāsim's death?] the respondent refuses to allow her to take possession of the property.

Stamp: Mullā Sayyid ‘Abd al-Majīd b. Mullā Sayyid ‘Abdallāh Mudarris Muftī, 1320	
Citations: (i) <i>ḥukm al-mabī‘ thubūt al-milk li’l-mushtarī fi’l-mabī‘</i> (Khizānat al-muftīyin); (ii) <i>al-wakīl qā‘im maqām al-muwakkil</i> (Qāḍī Khān).	
¹ <i>tpq</i> 14 Dhu’l-Ḥijjah 1320 (14 March 1903): → doc. 571b.i. ² → doc. 571b.	
220 x 252; 11 lines. Persian.	

571b.i, *tpq* 14 Dhu’l-Ḥijjah 1320 (14 March 1903): reported declaration of conferral of power of attorney

Turki notarial addition: 9 [May?] 1903, document entry no. 157

On the above date the afore-mentioned Ma‘šūmah Āy bint Mullā Sharīf declared as a competent agent ^{a(1)} before the Samarqand <i>wilāyat</i> courthouse that she has appointed her brother Raḥmat Bāy as attorney ^{2b} . Said attorney should secure restitution from the respondent of the afore-mentioned <i>suknīyāt</i> which the plaintiff purchased from her husband Mullā Qāsim. If the respondent acknowledges the force of the claim ^c , the attorney should inform the speaker; if he denies the claim ^d , meanwhile, the attorney is authorised to take legal measures in accordance with <i>sharī‘ah</i> in order to secure resolution through a peaceful settlement, a cessation of claim and a putting on oath ^e . The statement is signed by Mīrzā Nūr-Allāh b. Mīrzā Kalān Bāy on behalf of the illiterate speaker.	
Stamps: (i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī-yi qit‘ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī; (iii) Mullā Sayyid ‘Abd al-Majīd	
¹ The formulation is incorrectly rendered in the masculine form. ² The production of this document apparently <i>subsequent</i> to that of doc. 571a (it appears on the same side of the paper as declared cessation of claim doc. 571b.ii, below) suggests that it was issued in order to quell doubts as to the authority with which Raḥmat Bāy issued the above claim for restitution. → similarly doc. 618.	^a ḥāl jawāz iqrārihi; ^b wakīl-i muṭlaq-i ‘āmm-i shar‘ī; ^c ‘ind iqrārihi; ^d ‘ind inkārihi; ^e ‘alā ḥasab al-shar‘ min sulḥ wa’l-ibrā’ wa’l-istiḥlāf biḥ riḍā-yi man, muqirrah, biḥ qat‘ rasānad
8 lines. Persian.	

571b.ii, *tpq* 24 Dhu’l-Ḥijjah 1320 (24 March 1903): reported declaration of cessation of claim

No Turki notarial addition

On the above date Raḥmat Bāy b. Mullā Sharīf, acting as attorney to the plaintiff Ma‘šūmah Āy, declared as a competent agent before Samarqand <i>wilāyat</i> ’s courthouse that, in rebuttal against the afore-mentioned claim, Mullā Bābā Makhdūm b. Mullā Jān Makhdūm, attorney of the respondent Mullā Mīrzā ‘Uthmān, produced for inspection an authoritative cessation

of claim^a dated 15 April [= 27 April] 1892 and notarised as document entry no. 1031¹, in which Ma‘šūmah Āy declares that the respondent has paid her 50 *tangah* for the property outlined above². In view of this document, and on his client’s authority, the speaker has dropped the afore-mentioned claim.

He further declared that if in the future he (acting as attorney) or his client (acting on his own behalf) ever makes a further claim on the late Mullā Qāsim’s estate, the claim will be void and inadmissible.

Stamps: i) Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qiṭ‘ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī; (iii) Mullā ‘Ādil Muftī; (iv) Bābā Makhdūm b. Mullā Jān Makhdūm; (v) ‘Abd al-Qayyūm b. Shīrīn Āqsaqāl

Witnesses: [xxx] Ma‘rūf b. Muḥammad Raḥīm Bāy; Mullā ‘Abd al-Ḥayy b. Bāy Muḥammad Bāy.

¹ The relationship between this document and that dated 15 July [=27 July] 1892, notarised as entry no. 131 and noted in doc. 572 is unclear.

² i.e. as outlined in doc. 571a.

^a *khaṭṭ-i ibrā-yi bilā shubhah*

19 lines. Persian.

572

9 March [= 22 March] 1903: judicial ruling

1137: KP 5991/677

Turki notarial addition: copy^a of ruling registered as document entry no. 157

Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī, the Samarqandi people’s judge^b, relates his response to a claim for restitution presented before Samarqand’s courthouse by Raḥmat Bāy against Mullā ‘Uthmān Muftī b. Mullā Imām, a resident of Ḥawḍ-i Buland quarter; Raḥmat Bāy claimed that the late Mullā Qāsim b. Mullā Imām had sold to his client [Ma‘šūmah Āy] a certain property which the respondent now refused to yield.

The speaker reports that he summoned into his presence both parties in the dispute, plus a number of impartial actors^{1c} including Mullā Sayf al-Dīn Makhdūm Muftī, ‘Ādil Muftī, Sayyid ‘Abd al-Majīd Muftī, Jūrah Bāy b. ‘Ādil Bāy, Dūst Murād Bīk b. Khudāyār Bīk, Mullā ‘Abd al-Qayyūm b. Bābā Shīrīn Āqsaqāl, Mullā ‘Abd al-Ghanī b. Mullā Fāḍil and Mullā ‘Abd al-Ḥayy b. Mullā Bāy Muḥammad. In response to the plaintiff’s claim, he put questions to Mullā Bābā Makhdūm, attorney to the respondent. Mullā Bābā Makhdūm brought forth for inspection a statement of cessation of claim^d notarised as document entry no. 131², in which Ma‘šūmah Āy freely acknowledged that Mullā Qāsim’s former property no longer belonged to her; it thus transpired that the plaintiff’s claim was manifestly untrue^e. At the prompting of the afore-mentioned impartial actors^f, Raḥmat Bāy freely^g dropped the claim³ in return for 50 *tangah*, and issued an *iqrār* on behalf of his client, and acknowledged that if he (acting as attorney) or his client (acting on his own behalf) henceforth made any further claim against Mullā ‘Uthmān – for any reason, but particularly with regard to the late Mullā Qāsim’s estate^h – it would be void and inadmissible. The speaker reports that the parties thus reached an amicable settlement, and that he has duly affixed his stamp to the document.

Stamps: (i) Narodnogo sud'i [xxx] uchastka Samarkand. uyezda i oblasti; (ii) 'Abd al-Qayyūm b. Shīrīn Āqsaqāl; (iii) Bābā Makhdūm b. Mullā Jān Makhdūm (x 2); (iv) Mullā 'Ādil Muftī	
Signatures: Mullā Sayyid 'Abd al-Majīd b. Mullā Sayyid 'Abdallāh; M.G. Fayzilov	
¹ For discussion of such intermediaries and mediation, → doc. 478b. ² The relationship between this document and that dated 15 April [= 27 April] 1892, notarised as document entry no. 1031 and noted in doc. 571b.ii, is unclear. ³ i.e. the claim outlined in doc. 571a.	^a kūpiyah; ^b Samarqand shahrī-nī nārūdñāy sūdīyah-sī; ^c khāliṣ-lār; ^d khaṭṭ-i ibrā; ^e zāhir al-kidhb; ^f yūqārī-dah dhikr būlgān khāliṣ-lār-nī ṣalāh-lārī ṭlān; ^g ūz ikhtiyār wa rādī-līgī ṭlān; ^h madhkūr wajh-din wa bāshqah wajh-din, khuṣūṣan Mullā Qāsim matrūkah-sī-din
156 x 333; 33 handwritten lines on a pre-printed form. Turki.	

573

n/d¹: solicited legal opinion

1046: KP 1575/4

Bībī 'Ā'ishah, veteran of a previous marriage, states that, in the three months since her divorce from her husband 'Abd al-Jalīl Bāy, she has observed a regular menstrual cycle ^a [and thus is discernably not pregnant]. Given that this three-month waiting period has come to an end, is it not the case that she may lawfully remarry her former husband? Answer: yes.	
Stamp: Mullā Sayyid 'Abd al-Majīd b. Mullā Sayyid 'Abdallāh Mudarris Muftī, 1320	
Citations: (i) <i>qāl dar īn masalah kih idhā aqarrat bi-inqīdā' al-'iddat agar tafsīr kunad wa gūyad sih haydam āmadah ast, har haydī sih rūz, wa sih ṭuhr āmadah ast, har ṭuhrī pānzdah rūz, hal yuṣaddaq 'ind Abī Ḥanīfah kamā yuṣaddaq bi-ghayr tafsīr 'indahumā ajāb na'm (Fatāwā-yi Qā'idī)</i> ; (ii) <i>wa aqall al-muddat alaltī yuṣaddaq al-ḥurrah 'alā inqīdā' 'iddat fihā shahrān 'ind Abī Ḥanīfah raḥimahu Allāh; wa 'indahumā tis'ah wa thalāthūn yawmān (Khulāṣah)</i> ; (iii) <i>wa aqall al-muddat allatī yuṣaddaq fihā 'alā murūr 'iddatihā sittūn yawman 'ind Abī Ḥanīfah raḥimahu Allāh; wa 'indahumā tis'ah wa thalāthūn yawman wa bihi yuftā kadhā fī'l-'Ḥaqā'iq' (Hidāyat al-muftīyin)</i> .	
¹ <i>tpq</i> 1320 (10 April 1902 – 29 March 1903).	^a chahār rūz pāk gashtam, thānī khūn dīdam; shash rūz khūn dīdam, bāz pāk shudam; pānzdah rūz pāk gashtam, bāz khūn dīdam; chahār rūz khūn dīdam, bāz pāk shudam; pānzdah rūz pāk gashtam, bāz khūn dīdam; shash rūz khūn dīdam, wa'l-ḥāl pāk hastam; chahār rūz mī-shawad kih pāk hastam.
358 x 222; 5 lines. Persian.	

574

n/d¹: solicited legal opinion

937: KP 1237

'Abd al-Ṣamad has made a claim for restitution against Ismā'īl Pahlawān. The judge of Samarqand's District no. 1 found in a ruling against the plaintiff, saying that if a claim lacks witness testimony it is inadmissible^a. The plaintiff was dissatisfied with the ruling, and took

the case before the Samarqand Assembly of Judges^{2b}. To this end he fully and willingly entrusted his interests to Fāḍil Āqsaqāl, whom he conferred with the power to negotiate a peaceful settlement on his behalf^c; the respondent, meanwhile, conferred the same power upon Mullā Qāsim. Fāḍil Āqsaqāl agreed upon negotiation to drop his client's claim in return for 400 *tangah*^d, and issued a cessation of claim. But the plaintiff then rejected the terms of the peaceful settlement^e. Is it not the case, though, that the appointment of both attorneys was valid, that the peaceful settlement by the two attorneys resulted in a due resolution of contention, and that the respondent is thus indeed absolved of the plaintiff's claim^f?

Answer: yes.

Stamps: (i) Mullā Qāḍī Khwājah Muftī b. Qāḍī Mullā Khwājah; (ii) Mullā Abu'l-Khayr Muftī b. Mullā 'Ārif Jān, 1311; (iii) Mīrzā Aḥmad Muftī b. Qārī 'Abd al-Mu'min, 1299; (iv) Mullā 'Ādil Muftī b. Dāmullā Maṣṣūr; (v) Mullā Sayyid 'Abd al-Majīd b. Mullā Sayyid 'Abdallāh Mudarris Muftī, 1320; (vi) Mullā Fayḍ-Allāh Muftī b. Mullā Ni'mat-Allāh; (vii) Mullā Abū Yūsuf b. Qāḍī Muḥammad Muftī b. Ya'qūb; (viii) Mullā Muḥammad 'Abd al-Ghanī b. Mullā Muḥammad Fāḍil Muftī; (ix) Mullā 'Abd al-Salām Muftī b. Mullā Nawrūz; (x) Mullā Muḥaddas Muftī b. Qāḍī Mullā Sayyid Ghanī Muftī

Citations: (i) *al-wakālat hiya tafwīḍ al-taṣarruf ilā ghayrihi ilakh; wa yaṣiḥḥ tawkīl al-ḥurr al-bāliḡ ilakh; bi-kulli mā yaqaduhu bi-nafsihi wa bi'l-khuṣūmatihi wa bi'l-īfā' ihi wa istiḥā' ihi* (Niḡāyah); (ii) *wa 'l-aṣl ann taṣarruf al-ma'mūr in wāfaqa amr al-āmīr nufidh 'alā al-āmīr* (Fatāwā al-khulāṣah); (iii) *wa law wakkal al-ṭalīb rajulan li-yuṣāliḥa al-maṭlūba wa 'l-maṭlūbu wakkal rajulan li-yuṣāliḥa al-ṭalīb; fa'ltaqā al-wakīlān wa aslah jāz* (Fatāwā 'Ālamgīrī); (iv) *al-ṣulḥ 'aqd yarfa' al-nizā' wa yaqṭa' al-khuṣūmat* (Durr al-mukhtār); (v) *wa ḥukmuhu wuqū' al-barā'at 'an al-da'wā* ('Ālamgīrī); (vi) *wa man wakkal rajulan li-yuṣāliḥ 'anhu lam yulzam al-wakīl mā ṣālah 'alayhi wa 'l-māl lāzim 'alā al-muwakkil* (Jawāhir); (vii) *idhā wakkal al-rajul wakīlan bi'l-ṣulḥi fī mā idda'ā fī hādhihi al-dār aw fī hādhihi fa-ayyan mā ṣalah al-wakīl 'anhu, fa-huwa jā'iz* ('Ālamgīrī); (viii) *kull 'aqd jāz an ya'qadahu al-insān nafsuhu jāz an yuwakkil bihi ghayrahu* (Kifāyah); (ix) *yajūz li'l-wakīl an yaf'al kull mā yaf'aluhu al-muwakkil* (Ashbāh); (x) *al-daf' min ghayr al-mudda'ā 'alayhi ṣaḥīḥ lā min jānīb al-mudda'ī li-ann kull daf' huwa min jānīb al-mudda'ā 'alayhi daf' da'wā al-mudda'ī, lā daf' al-daf', wa min jānībīhi daf' al-daf', wa daf' al-daf' ghayr ṣaḥīḥ fī zamāninā wa bihu yuftā* (Muḥīṭ); (xi) *wa yajūz al-tawkīl bi'l-ṣulḥ wa bi'l-ibrā' wa yajūz bi'l-ṭalāq wa bi'l-'iṭāq* (Badā'i' al-ṣanā'i³); (xii) *al-daf' min ghayr al-mudda'ā 'alayhi lā yaṣiḥḥ* (Ashbāh).

¹ *tpq* 1320 (10 April 1903 – 29 March 1904).

² For the genesis of this institution under Russian colonial rule as *inter alia* a court of appeal, see Sartori, 'An Overview of Tsarist Policy on Islamic Courts in Turkestan', pp. 484-485.

³ A work by Abū Bakr b. Mas'ūd b. Aḥmad Malik al-'Ulāmā' 'Alā' al-Dīn al-Kāshānī (d. Aleppo in Rajab 1191/27 July-23 August 1191), composed as a commentary upon the *Tuḥfat al-fuqahā'* by 'Alā' al-Dīn Samarqandī (d. 539/1143), but containing extensive original material. The work was published in a 7-volume edition in Cairo in 1909, with Beirut reprints in 1974 and 1982; a 10-volume edition of the work, additionally containing a selection of *ḥadīth* extracts, was published in Cairo in 1974: see Brockelmann, *GAL* I.374, p. 462.

^a 'amr bi-iqāmat bayyinah, wa illā da'wā-yi ān ghayr-i masmū'ah' guftah, ḥukm namūdah; ^b ḥādīthah-yi madhkūrah marfū'ah biḥ quḍāt-i dhu'l-iḥtirām siyāzd gardīdah; ^c wakīl bi'l-muṣālahah-yi shar'īyah; ^d tangah-yi rā'ijah; ^e ṣulḥ-i madhkūr-rā qabūl nī-namūdah; ^f dhimmah-yi mudda'ā 'alayhi-yi madhkūr barīyatan az da'wā-yi mudda'ī-yi madhkūr mī-gardīdah bāshad

354 x 222; 8 lines. Persian.

575

n/d¹: solicited legal opinion

568: KP 5991/291

Is it not the case that a valid defence^a by the respondent Aḥmad Murād [against a claim for restitution by Ni‘mat Bāy] should be admissible regardless of when it is made^b? If Ni‘mat Bāy denies the validity of this defence, is it not the case that a witness testimony in support of the defence will be acceptable? And if the respondent fails^c [to adduce any such witness testimony], is it not the case that Ni‘mat Bāy should swear an oath in support of his claim^d?

Answer: yes.

Stamp: Mullā ‘Ādil Muftī b. Dāmullā Manṣūr

Citations: (i) *daf‘ al-da‘wā ṣaḥīḥ* (Ashbāh); (ii) *lā tusma‘ al-da‘wā ba‘d al-ibrā al-‘āmm* (Ashbāh); (iii) *wa‘l-mu‘tamad ann al-ibrā‘ al-‘āmm yamna‘ al-da‘wā bi-ḥaqq qaḍān wa diyānatan ‘alā al-muftā bih* (Ashbāh); (iv) *bayyinat al-daf‘ maqbūlah* (‘Imādī); (v) *wa idhā ṣaḥḥa da‘wāhu fī maqām al-daf‘, ṣaḥḥa istiḥlāfuhu* (Khizānat al-‘ulamā’); (vi) *kull dhī ḥaqq wa daf‘ wa ḥujjat ‘alā ḥaqqihu wa daf‘uhu wa ḥujjat (?) matā ilā yawmān min al-dahr* (Fuṣūl Ustrūshanī).

¹ → doc. 469a(3) for the attested career dates of Mullā ‘Ādil Muftī. ^a daf‘-i ṣaḥīḥ-i shar‘ī; ^b matā atā yawman; ^c ind ‘ajzihi; ^d sawgand-i Ni‘mat Bāy-i madhkūr tawajjuh bāshad

355 x 221; 3 lines. Persian.

576

n/d¹: reported rebuttal of claim

578: KP 5991/301

In defence^a against to a claim made against him by Muḥammad Zārīf b. Mullā Bābā Jān, a resident of the rural settlement of Kattah Qūrgān-i Arīgh, for restitution^b of the aforementioned some of money, Akah Mu‘min b. ‘Abd al-Shukūr Bāy declares before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that the claim is void and inadmissible. The speaker states that Muḥammad Zārīf bought Mu‘min’s horse in the presence of witnesses, and to his own satisfaction^c: he should therefore refrain from his complaint.

Stamp: Mullā ‘Ādil Muftī b. Dāmullā Manṣūr

Citation: *wa ṣaḥḥ in bari‘ min kull ‘ayb* (Niqāyah)

¹ → doc. 469a(3) for the attested career dates of Mullā ‘Ādil Muftī. ^a daf‘an; ^b istirdād; ^c bih riḍā wa raghat-i khūd

220 x 170; 7 lines. Persian.

577

n/d¹: claim for restitution

785: KP 5991/487

Turki notarial addition (577b): 1 June [= 14 June] 1915, document entry no.^a 416; the respondent has been summoned.

Hājī Mulla Īshān Qul Bāy b. Mulla Ḥakīm, an educated member of the merchant class^b and resident of Ḥaḍrat-i Khwājah Dhu'l-Murād quarter², presents a claim before the courthouse of Samarqand's Ḥaḍrat-i Shāh-i Zindah district against Dāmullā Muḥammad Ṣāliḥ Khalīfah b. [-], *imām* of the afore-mentioned quarter. The plaintiff claims that the defendant criminally insulted him^b in the presence of 3 *illik-bāshīs* and 2 *mu'adhdhins*. He states that the 5 witnesses subsequently confirmed upon questioning^d that he had been exposed to abuse^e, and that the defendant deserves corporal and other punishment in keeping with the terms of the law^f.

Stamp: Mulla 'Ādil Muftī b. Dāmullā Manṣūr

Citation: *man adhā ghayrahu bi-qawl aw fi'l yu'zar* (Ashbāh).

¹ → doc. 469a⁽³⁾ for the attested career dates of Mulla 'Ādil Muftī.

² Rendered in the text as Khwājah Zūd Murād. For this quarter see e.g. Abramov, 'Istoriia Samarkanda v ego mikrotoponimakh', p. 182, and Faiziev, *Istoriia Samarkanda pervoi pol. XIX veka*, p. 9.

^a nūmir; ^b az ahl-i 'ilm wa dhu'l-tujjār; ^c bih alfāz-i qabīḥah-yi mawjibat al-ta'zīr dashnām dādah ast; ^d 'ind al-istifsār; ^e 'ār-i lāḥiq gardīdah; ^f mustaḥaqq-i ta'zīr-i balīgh 'alā mā yarāh ḥakim al-shar' al-sharīf min al-ḍarb wa ghayrihimā

220 x 178; 9 lines. Persian.

578

n/d¹: solicited legal opinion

936: KP 1237

Barāt Bāy sold^a two shops of his own possession, located in Mātrīd quarter, to Muḥammad Rajab Bāy for a certain sum, with each party to the transaction receiving what was due. Some time later, a creditor of Barāt seized the afore-mentioned property, on the authority of a judicial ruling^b, to redeem the money thus owed him. Muḥammad Rajab Bāy therefore presented a claim before the Samarqand *qāḍī* seeking by way of compensation another two shops from Barāt Bāy. The *qāḍī* examined the original declaration of sale, and ruled that Muḥammad Rajab Bāy indeed enjoyed ownership over two other shops, and that the vendor Barāt Bāy should yield these over to him^c. Muḥammad Rajab Bāy duly took possession of the properties. Now, after Barāt Bāy's death, his heirs demand that these properties be returned to them. Upon investigation, it transpires that the ruling whereby Muḥammad Rajab Bāy was granted ownership of the latter properties was erroneous. If, the light of this fact^d, the judge overturns the ruling, should he not listen again to Muḥammad Rajab Bāy's afore-mentioned claim and secure a resolution in accordance with *sharī'ah*?

Answer: yes.

Stamp: Mulla 'Ādil Muftī b. Dāmullā Manṣūr

Citations: (i) *rajul ishtarā ‘abdan wa qabiḍahu fa-istaḥaqqahu insān bi’l-milk al-muṭlaq bi’l-hiba kān lahu an yarji ‘a bi’l-thaman ‘alā bā’i’ihi* (Fatāwā Qāḍī Khān); (ii) *idhā zahar wajh fasādihi fa-li’l-thāni naqduhu* (Fatāwā ‘Ālamgīrī); (iii) *fa’l-hāṣil ann al-ḥukm al-marfū’ lā budd an yakūn fī ḥādithah wa khuṣūmatuhu ṣahīḥat, kamā ṣarah bihi “al-‘Imādī” fī’l-Fuṣūl, wa “al-Bazzāzīyah” fī’l-fatāwā ilakh, wa fī fatāwā “Qāḍī Khān” innamā yunfadh al-qaḍā ‘inda sharā’iṭah fī’l-khuṣūmat wa ghayrihā fa idhā lām tūjad lam tunfadh intihā* (Fatāwā Khayrīyah,² min al-qaḍā); (iv) *wa idhā ṣahḥat sāl al-Qāḍī al-khaṣm ‘anhā fa-in aqarr aw ankar wa sāl al-mudda ī al-bayyinah fa-in aqām qaḍā ‘alayhi wa in lam yuqim ḥallaḥahu in ṭalabahu khaṣmuhu fa-inn nakal marat aw sakat bilā āfat qaḍā bi-n-nukūl ṣahḥ wa ‘raḍa thalāthan tamm al-qaḍā’ aḥwaṭ* (Niḳāyah); (v) *fa-ṭarīq qaṭ’ al-khuṣūmat al-bayyinat ‘alā al-mudda ī wa’l-yamīn ‘alā man ankar* (Niṣāb al-riwāyāt); (vi) *al-qāḍī nuṣib li-faṣl al-khuṣūmāt bayn al-khuṣūm* (Sharḥ-i Kanz); (vii) *man tarak mālan aw ḥaqqaq fa-huwa li-warathatihi* (Kāfi).

¹ → doc. 469a⁽³⁾ for the attested career dates of Mullā ‘Ādil Muftī.

² [=Otherwise known as the *al-Fatāwā al-Khayrīyah fī naf’ al-barīyah*]: a work by Khayr al-Dīn b. Aḥmad b. ‘Alī al-Ayyūbī al-Rumī, (1585-1671), completed after his death by his son Muḥyī al-Dīn. The work has been published in Bulaq, Istanbul and Cairo: see Brockelmann, *GAL* II.314, p. 408.

^a bay’-i qaṭ’ī; ^b bih ḥukm-i ḥākīmān; ^c ḥukm bih thubūt-i milkīyat-i mushtarī-yi madhkūr bih dū bāb dukān-i thānī, wa bih taslīm-i bā’i’-i madhkūr-i ānhā-rā bih mushtarī-yi madhkūr; ^d nazd-i zuḥūr-i khatā’

354 x 222; 9 lines. Persian.

579

n/d¹: claim for restitution

939: KP 1237

‘Abd al-Rashīd Khān b. Kattah Khān, a resident of the rural settlement of Khān *qishlāq*, a subsidiary settlement of Qarā Qalpāq, presents a claim before the Samarqand *wilāyat* courthouse against ‘Abd al-Mu’min b. ‘Abdī Bāy, a resident of the rural settlement of Qūlbah², a subsidiary settlement of Maḥallah *volost*^a.

The plaintiff claims that the respondent has seized a bag with 270 *tangah*^b from a shop located by Khānīm Khafīyah *madrasah*. He should thus return the property, but refuses to do so.

Stamp: Mullā ‘Ādil Muftī b. Dāmullā Manṣūr

Citations: (i) *fa-lahu an yastaridd milkahu man qabiḍ bi-ghayr ḥaqq* (Jawāhir); (ii) *wa radd al-‘ayn qā’imah wa’l-gharm hālikah yajib al-mithl fī’l-mithl* (Niḳāyah).

¹ → doc. 469a⁽³⁾ for the attested career dates of Mullā ‘Ādil Muftī.

² Citing material in Vyatkin, M.A. Salakhedinova locates this settlement on the right bank of the Zarafshān river, north of Bāgh-i Maydān, Samarqand. See also Ḥāfiz-i Tanīsh, *Sharaf-nāmah-i shāhī* vol. II, ed. M.A. Salakhedinova (Moscow: Nauka, 1989), p. 276.

^a wulūs; ^b tangah-yi rā’ijah-yi bukhāriyat al-ḍarb

221 x 178; 9 lines. Persian.

n/d¹: solicited legal opinion

1019: KP 1557/2

[–], a virgin, appoints somebody as attorney, with instructions that he should rebut a claim made against her by an opposite party^a, to the effect that [–] is not a virtuous woman living in seclusion^b. Given that [–] is a noblewoman^{2c}, she is entitled to issue such instructions; the attorney's statement – even if not supported by an oath^d – that she is a virtuous woman should hold force; and the attorney has authority as the woman's deputy^e. If the opposing party swears on oath [to the validity of his or her claim]^f, should the *qāḍī* not send his lieutenant^g with two competent witnesses^h to secure the woman's testimony?

Answer: yes.

Stamp: Mullā 'Ādil Muftī b. Dāmullā Maṣṣūr

Citations: (i) *al-ashraf wa hum al-dahāqīn* ('Ālamgīrī); (ii) *wa law kānat bikran mukhaddaratan, lam tajrī 'ādātuhā bi'l-burūz huḍūr majlis al-ḥukm yalzamuhā al-tawkīl* (Kāfūrī); (iii) *al-wakīl qā'im maqām al-muwakkil* (Qāḍī Khān); (iv) *wa idhā ikhtilaf wakīl al-marati ma' al-mudda'ī annahā mukhaddarah nazar al-ḥākim fī ḥālihā in kānat bikran fa'l-qawl qawl wakīlihā bi-ghayr al-yamīn wa 'alā khaṣmihā al-bayyinah* (Wāqī'āt Ḥusāmī); (v) *wa la takallaḥ al-ḥuḍūr li'l-da'wā idhā kānat mukhaddarah; wa lā li'l-yamīn bal yaḥḍur ilayhā al-qāḍī; aw yab'ath ilayā nā'ibahu li-yuḥallifaha bi-ḥaḍrat al-shāhidayn; wa tuqbal tawkīlūhā bilā riḍā al-khaṣm idhā kānat mukhaddaratan ittifaqan* (Tanwīr, Sharḥ-i Ashbāh)

¹ → doc. 469a⁽³⁾ for the attested career dates of Mullā 'Ādil Muftī.

² For the relationship between social 'class' and female autonomy and virtue, → also doc. 435.

^a az barā-yi jawāb-i da'wā-yi khaṣm-i shar'ī-yi khūd; ^b mukhaddarah; ^c az banāt-i ashraf; ^d yamīn; ^e qā'im-maqām; ^f nazd-i tawajjah-yi yamīn bar ān; ^g nā'ib; ^h ma' dū shāhid-i 'udūl

354 x 220; 5 lines. Persian. Bottom-left part of the document has been cut off.

n/d¹: solicited legal opinion

1030: KP 1554

Should various possessions (itemised in the margin of the document) which constitute a certain late woman's estate pass to her maternal uncle^a Arslān Pāshā, a relative in the fourth degree of consanguinity^b, on the grounds^c of his being closer related to the dead woman than is his maternal cousin?

Answer: yes.

Stamp: Mullā 'Ādil Muftī b. Dāmullā Maṣṣūr

Citations: (i) *thumm Dhu'l-arḥām wa Dhu'l-raḥm kull qarīb lays bi-dhī sahm wa lā 'aṣabat ilakh wa hum arba'at aṣnāf ilakh, wa'l-rābi' yantamī ilā jadd al-mayyit aw jaddatihi wa hum al-'ammāt wa'l-akhwāl wa'l-khālāt ilakh, awlāhum bi'l-mīrāth aqrabuhum ilā al-mayyit ilakh fa-man infarad minhum akhadh jamī' al-māl* (Farā'id); (ii) *al-sharī'at al-gharrā' aḥḍal al-sharā'i'* (Jāmi' al-rumūz).

¹ → doc. 469a ⁽³⁾ for the attested career dates of Mullā ‘Ādil Muftī.	^a taḡhā; ^b az šinf-i chahārum-i dhu’l-arḡām; ^c bi’l-infirād
221 x 176; 3 lines. Persian.	

582

n/d¹: claim for restitution

786: KP 5991/488

Mullā ‘Ādil Muftī b. Mullā Maṣṣūr presents a claim against [–] bint Dāmullā Qāsim and Āy Tūrah Āy bint Mīrzā Niyāz, residents of Samarqand’s Kūk Masjid quarter, for restitution of 5000 <i>tangah</i> ^a . The plaintiff claims that the late Mīrzā Niyāz owed him ^b the above sum, but that he died before repaying any of it ^c : and that much of the money thus owed is now in the possession of the afore-mentioned respondents. Although he is in his rights in demanding the return of the money ^d , the respondents refuse to hand it back.	
Stamp: Mullā Sayyid Hādī Khwājah Muftī b. Muḡammad Āftāb Khwājah Ūrāq	
Citation: <i>al-dayn fī dhimmat al-mūrith yutaḡil ba’d mawtihi ilā tarikatahu; fa-yūfā fī tarikatihi</i> (Muḡīṭ Burhānī).	
¹ → doc. 469a ⁽³⁾ for the attested career dates of Mullā ‘Ādil Muftī.	^a panj hazār tangah-yi rā’ijah-yi bukhārī; ^b dayn-i ṣaḡīḡ-i lāzim al-adā’; ^c qabl az adā’yi shay’ az ān; ^d mudda’ī-rā wilāyat-i ṡalab-i tangah-yi madhkūrah
221 x 178; 10 lines. Persian.	

583

n/d¹: solicited legal opinion

818: KP 115/4

‘Adālat Āy, a creditor of Tursūn Khwājah, illegally ^a seized 232 <i>tangah</i> ^b from the debtor, claiming that this was as interest ^c . Is Tursūn Khwājah entitled to seek restitution ^d for the money thus seized? Answer: yes.	
Stamp: Mullā Qādī Khwājah Muftī b. Qādī Mullā Khwājah	
Citations: (i) <i>man akhadh shay’an min madyūnihi bi-jihat al-ribḡ min ḡayr mu’āmalah lā yaṡīb lahu dhālik fa-lahu an yastaridd minhu</i> (Tātār Khānīyah); (ii) <i>man tanāwal bilā mu’āmalah shar’iyah ‘alā annahu ribḡ li’l-māl lā yajūz wa huwa abū maḡḡ maḡmūn bi’l-tanāwul wa lam yuradd al-shar’ bi-ḡīlah muṡlaqan</i> (Khizānat al-akmal); (iii) <i>kull qarḡ jarr naf’an fa-huwa ḡarām maḡḡ fa-lahu istirdāduhu ilakh; daḡ’an li-shubḡat al-ribā’</i> (Sharḡ-i Iḡkām wa’l-aḡkām); (iv) <i>al-ribā’ ḡarām fī’l-adyān kullihā</i> (Niṣāb al-riwāyāt).	
¹ Mullā Qādī Khwājah Muftī attested active ca. 1320 → doc. 574.	^a az ḡayr-i mu’āmalah-yi shar’iyah; ^b tangah-yi rā’ijah; ^c ribḡ; ^d wilāyat-i istirdād
346 x 215; 5 lines. Persian.	

Mullā ‘Iṣmat Jān – a free individual of sound mind and of majority^{2a}, and a competent legal agent^{3b} – borrowed 3500 *tangah* from ‘Ubayd-Allāh Bāy, and in return temporarily sold^c to this latter 14/32 of a jointly-owned ancestral property in his own possession, undertaking to return the money after 1 year^d; the transaction was notarised in a set of deeds stamped by the *qāḍī*. But ‘Ubayd-Allāh has now dissolved the terms of the mortgage^e, on the grounds that the contract is not binding^f, and has demanded the return^g of his money. Given that the contract^h is indeed not binding, is it not the case that ‘Ubayd-Allāh’s revocation of the mortgage is justified, even despite the fact that the stipulated period for repayment has not yet passedⁱ?

Answer: yes.

Stamp: Mullā Abū Yūsuf Muftī b. Qāḍī Muḥammad

Citations: (i) *wa law ārād al-mushtarī naqḍ al-bay’ wa istirdād al-thaman, lahu dhālik fī kull ḥal li-ann al-bay’ ghayr lāzim, wa li-kull wāḥid minhumā ḥaqq al-naqḍ wa ’l-faskh* (‘Imādī); (ii) *wa li-kull min al-muta’āqidayn fī bay’ al-jā’iz ḥaqq al-faskh* (Kifāyah); (iii) *qāl Abū Yūsuf wa Muḥammad raḥimahumā Allāh ta’ālā yuḥkam bi-dhālik wa yunfaduhū idhā wujid taḥta khātam lahu* (Āḍāb al-qāḍī); (iv) *wa ’l-khaṭṭ yuftd ghālib al-zann fa-wajab al-’amal bihi* (Majma’ al-baḥrayn); (v) *laysa fī ashya’ dayn illā ḥālan* (Ashbāh); (vi) *wa ’l-qāḍī ma ’mūr bi-ittibā’ al-zāhir* (Kifāyah); (vii) *al-ḥukkām yūḍa’ li-ijrā al-aḥkām* (Muḥīṭ Sarakhsī).

¹ → doc. 530(!), for the attested career dates of Mullā Abū Yūsuf b. Qāḍī Muḥammad Muftī.

² The formula appears also in doc. 552a.

³ For this formula → also doc. 453.

^a ḥurr, ‘āqil, bāligh; ^b jā’iz al-iqrār wa ’l-taşarruf; ^c biḥ bay’-i jā’iz-i shar’ī furūkhtah; ^d muddat-i yak sāl ta’jil namūdah; ^e naqḍ-i bay’-i madhkūr; ^f binā bar ‘adam-i luzūm; ^g istirdād; ^h ‘aqd; ⁱ har chand kih muddat-i madhkūrah munqaḍīyah nī-shudah bāshad

354 x 222; 6 lines. Persian.

584b, n/d¹: solicited legal opinion

Given the manifest fraudulence^a of Mullā ‘Iṣmat’s objection to the above appeal, should the *qāḍī* not simply sign the set of deeds in ‘Ubayd-Allāh’s possession, and rule for repayment of the stipulated sum?

Answer: yes.

Stamps: (i) Mullā ‘Ādil Muftī b. Mullā Manşūr; (ii) Mullā Muḥammad Fāḍil Muftī b. Mullā Mīr Fuḍayl; (iii) Mullā Fayḍ-Allāh Muftī b. Mullā Ni‘mat-Allāh

Citations: (i) *wa yanbaghī li ’l-qāḍī an yas’alahu ‘an al-daf’ fa-inn kān ṣaḥīḥan amhalahu wa in kān fāsīdan lā yumhiluhu, wa lā yaltafit ilayhi* (Qāḍī Khān); (ii) *wa idhā idda’ā ‘ind al-qāḍī da’wan, fa-’alā al-qāḍī an yanzur fīhā fa’in kānat fāsīdatan lā yaltafit ilayhi wa umir al-mudda’ī bi-kaff’anhā* (Ḥammāḍiyah); (iii) *al-naẓar ‘alā al-zāhir wājib* (Jāmi’ al-rumūz); (iv) *ammā al-qāḍī fa-ya’ta’mid al-zāhir* (Mawlawī Fakhr al-Dīn); (v) *khaṭṭ al-qāḍī ḥujjat’alā kull ḥāl idhā kān ‘alā waḥq al-qawā’id al-shar’īyah* (Ustrūshanī); (vi) *wa ya’mal al-quḍāt bi-kitāb al-quḍāt al-māḍīn birran lahum* (Jāmi’ al-fatāwā); (vii) *al-qāḍī nusib nāẓiran li ’l-muslimīn, wa yanbaghī an yanzur fī ḥaqq al-mudda’ī bi-an lā yaltafit ilā bayyinat al-mudda’ī ‘alayhi in ‘araḥahu bi ’l-iftī’āl wa ’l-tazwīr wa waqa’ fī ra’yihī annahu qaṣad bi-hādhā al-iḍrār bi ’l-mudda’ī* (Muḥīṭ Burhānī).

¹ → docs. 469a ⁽³⁾ and 473 ⁽⁵⁾ for the attested career dates of Mullā ‘Ādil Muftī and Mullā Fayḍ-Allāh.	^a zāhir al-kidhb
3 lines. Persian.	

585

585a, n/d¹: solicited legal opinion

569: KP 5991/292

If, after dropping a claim for restitution at the judge’s bidding on grounds of its baseless nature ^a , Tāsh Qulī Bāy subsequently makes a claim against Ḥājī Mullā ‘Abd al-‘Azīz, should this too not should be deemed inadmissible ^b ? Is it not the case that this plaintiff’s second claim should not be heard ^c , and that in the case of unfounded claims witness testimony and the putting on oath ^d are both unnecessary ^e ?	
Answer: yes.	
Stamp: Mullā Fayḍ-Allāh Muftī b. Mullā Ni‘mat-Allāh	
Citations: (i) <i>wa fī mal yukhāṣam, wa huwa fī’l-miṣr wa fī’l-qaryah thalāth sinīn baṭal haqquhu kadhā fī ‘Mu’yyad-Zādah’ wa qad uftiyat bi-‘adam samā’ al-da’wā</i> (Ashbāh); (ii) <i>fī’l-Dhakhīrah, al-da’wā idhā lam yakun ṣaḥīḥan, laysa li’l-qāḍī an yaṭlub al-jawāb ‘an al-mudda’ā ‘alayhi</i> (Niṣāb al-riwayāt)	
¹ → doc. 473 ⁽⁵⁾ for the attested career dates of Mullā Fayḍ-Allāh.	^a az ghayr-i ‘udhr az a‘dhār-i shar‘ī; ^b mimma lā yusma‘; ^c mumāt li’l-samā‘; ^d bayyinah wa istiḥlāf; ^e ghayr-i jāri
356 x 220; 3 lines. Persian.	

585b, n/d, attestation¹

Approximately 1 year and 11 months prior to this date [?], Zulaykhā Āy, the wife of ‘Abd al-Karīm who is temporarily residing in Qaghan neighbourhood ^{a(2)} , temporarily sold ^b before Samarqand’s courthouse ^{c(3)} to Muḥammad Sayyid b. Ustā Mu‘min a courtyard property located in Qūsh Ḥawḍ quarter ^d for 1000 <i>tangah</i> , undertaking to “re-rent” half of the house for 10 <i>tangah</i> per month. The transaction was notarised in a set of deeds which, 11 months on, confirm that the afore-mentioned sale [?] is inadmissible ^d .	
No stamp.	
¹ The document’s relationship to doc. 583a is unclear. ² The use of <i>maḥallah</i> in a document of Samarqandi (as opposed to Khujandi, Khūqandi, etc: → doc. 651) provenance to denote a neighbourhood is unusual; the more frequent term is <i>gudhar</i> / ‘quarter’. ³ An unusual rendering of the more common <i>dār al-qaḍā-yi wilāyat-i Samarqand</i> : → also just docs. 466 and 473a.	^a maḥallah-yi Qaghan ² ; ^b bay‘an jā’iz an furūktah; ^c dār al-qaḍā-yi Samarqand ³ ; ^d wathīqah-yi shar‘īyah kih al-ān az muddat-i madhkūrah muddat-i yāzdah māh munqaḍīya gardīd kih mī-bāshad kih az īn wajh mushtarī-yi madhkūr nā-masmū‘ gardānīd

⁴For Qūsh Ḥawḍ quarter see e.g. Abramov, *Samarqand qabristonlari*, p. 20. It is perhaps to be identified also with that settlement known as Qūsh Ḥawḍ village (→ doc. 413): we know of at least 1 instance amongst our documents (→ doc. 171⁽¹⁷⁾) where a single settlement is identified variously as both a rural settlement and an urban quarter.

17 lines. Persian.

586

586a, n/d¹: claim for restitution

789: KP 5991/491

Sākinah Āy bint Qulī Jān, a resident of Nawkandah quarter, presents a claim against fellow resident Istam Bāy b. Ḥājī Rustam Bāy. The plaintiff claims that the respondent has borrowed 300 *tangah*^a and spent it on outgoings^b, and now refuses to return said sum.

Stamp: Mullā Muqaddas Muftī b. Qāḍī Mullā Sayyid Ghanī Muftī

Citation: *al-wājib fi'l-qarḍ adā' li-mithl* ('Imādī).

¹ *taq* 4 December [= 17 December] 1912: → doc. 586b.i. ^a tangah-yi rā'ijah; ^b bih khawārij-i khūd šarf namūdah

220 x 179; 6 lines. Persian.

586b.i, *tpq* 4 December [= 17 December] 1912: reported rebuttal of claim

On the above date the afore-mentioned respondent denied the claim^a made against him by the afore-mentioned plaintiff.

Stamp: Narodn. sud'i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti¹

¹ Unusually, the Russian-language stamp is not accompanied by the *qāḍī*'s signature. ^a jawāb bih inkār dād

2 lines. Persian.

586b.ii, *tpq* Muḥarram 1331 (11 December 1912 – 10 January 1913): reported rebuttal of claim

Turki notarial addition: 10 December [= 23 December] 1912, document entry no. 305

On the above date the afore-mentioned plaintiff presented herself before the Shāh-i Zindah district courthouse and, at her own will and instigation^a, dropped for gratis^b her claim against the afore-mentioned respondent.

Stamps: (i) Qāḍī Mullā Muḥammad Baqā Khwājah b. 'Abdallāh Khwājah; (ii) [xxx]

Witnesses: Ma'rūf 'Ibād-Allāh b. Āq Niyāz, husband of the plaintiff; Mullā Jūrah Bāy b. 'Ādil Bāy; Shādmān Bāy b. Qurbān Bāy; Ustā Muḥyī al-Dīn b. A'zam Jān.

^a riḍā wa raghat-i khūd; ^b majjānan

7 lines. Persian.

587

8 January [= 21 January] 1906: instructions

934: KP 1237

Turki notarial addition: document entry no. 32

The magistrate of Dabhbīd *volost*^a informs the addressee^b that Mīrzā Bāy b. Nūr Muḥammad Bāy, attorney to (i) Mullā Baḥr al-Dīn, Shams al-Dīn and Naẓar al-Dīn, sons of Mullā Mu'min and (ii) Istam Āy bint Khāliq Naẓar, has presented himself before the *qāḍī* of [xxx], bearing a confirmation of his power of attorney dated 26 January [= 8 February] 1905 and registered as document entry no. 97, dated 26 January [= 8 February] 1905. The attorney has claimed that his clients have in their possession a receipt^c acquitting them of a debt for 800 *tangah* which their creditor Bāzār Bāy b. Bāy Murād claims is still outstanding. The speaker hopes that the addressee may resolve the matter in accordance with *shar'* *'īyah*^d.

Stamp: Dagbitskogo volost. upravleniia Samark. uyezda i oblasti¹

¹ Unusually, the Russian-language stamp is not accompanied by the *qāḍī*'s signature.

^a Dabhbīd wulūsnāy lawāzimīn adā qīlghūchī-sī; ^b janāb-i sharī'at-panāhī ḥaḍrat-i īshān; ^c tīl-khatt; ^d madhkūr janjāl-lārī khayrīyat-līk īlān šāf būlsah [...]

208 x 268; 5 lines. Turki.

588 – 593: a collection of police reports

588

588.i, 1 July [= 14 July] 1906¹: report

930: KP 1237

Pre-printed Turki notarial entry: protocol^a no. 1417

The senior *āqsaqāl* of Samarqand^{2b} states that he drafts the present protocol to report that on the night of 30 June [= 13 July] the *qarāwuls* Ḥasan b. Ḥayit Bāy and Kāmil b. Kamāl Bāy arrested Muḥammad Taqī b. Muḥammad Karīm, aged 29 and resident of [xxx] *qishlāq*, Khwājah Aḥrār *volost*^c, and Muḥammad Sharīf b. Qurbān 'Alī, aged 24; both of these individual deny wrongdoing. The *āqsaqāl* has thus dispatched them for punishment.

Stamp: Mīrzā Muḥammad Ya'qūb b. Mullā Kāmil Bāy

¹ Date rendered in Cyrillic script.

² The speaker is identified by the pre-printed Russian-language letterhead.

^a pirātakūl; ^b Starshii aksakal' goroda Samarkanda; ^c wulūs

178 x 220; 9 handwritten lines on a pre-printed form. Turki.

588.ii, 6 July [= 19 July] 1906: addendum

Turki notarial addition: ruling no. 301^a

Qāḍī Mullā Mīrzā Niyāz Muḥammad states that he has imposed on each of the two defendants a fine^b of 2.45 *šūm* for breaking the law^c.

^a ḥukm nūmir 301; ^b ishtirāf; ^c khilāf-i shar' ūchūn

4 lines. Turki.

589

5 July [= 18 July] 1906¹: report

929: KP 1237

Pre-printed Turki notarial entry: protocol^a no. 1440

Mīrzā Muḥammad Ya‘qūb b. Mullā Kāmil Amīn, the senior *āqsaqāl* of Samarqand^{2b} states that he drafts the present protocol to report that on 4 July [= 17 July] the *dezhurnyi*^c Ḥaydar b. Mullā Yūsuf and *dah-bāshī* Hamrāh Qul b. Qāsim arrested ‘Abd al-Karīm b. Sayyid, aged 28, a resident of Katta Qūrghān’s ‘Arab-Khānah quarter, and Tāsh Fūlād b. Yūldāsh Bāy, aged 30, for disorderly behaviour^d, after they drunkenly misbehaved in a brothel; they deny the charges. The speaker requests that they be dispatched to the *qāḍī* for punishment.

Side b: Russian-language translation of the text.

¹ Unusually within the context of this sub-collection of documents, the date here is rendered in Arabic script.

² The speaker is identified by the pre-printed Russian-language letterhead.

^a pirātakūl; ^b Starshii aksakal’ goroda Samarkanda; ^c jūjūrnī; ^d bī-tartīb-līk ilān yūrgān athnā-dah ūshlāb

178 x 220; 33 handwritten lines on a pre-printed form. Turki. Document reproduced at back of volume.

590

590.i, 9 July [= 22 July] 1906¹: report

928: KP 1237

Pre-printed Turki notarial entry: protocol^a no. 1507

Mīrzā Muḥammad Ya‘qūb b. Mullā Kāmil Amīn, the senior *āqsaqāl* of Samarqand^b states that he drafts the present protocol to report that the night watchman Kīnjah Bāy b. Dhākir Bāy brought into his presence the drunken Imām Qulī b. Yūnus, a resident of Jalah Qūrghān *qishlāq*, Ḥalwā’ī² *volost*^c, for disorderly behaviour^d. Imām Qulī acknowledged that he had been drinking, but claimed that Bābā Murād Qaṣṣāb-Bachchah had stolen 44 *tangah* from him. The speaker has written the present report because Bābā Murād Qaṣṣāb-Bachchah denies the accusation.

Stamp: Samarkan. uyezda i oblasti

¹ Date rendered in Arabic script.

² ≈ ‘Khalvainskaya volost’: see Morrison, *Russian Rule in Samarkand*, p. 315.

^a pirātakūl; ^b Starshii aksakal’ goroda Samarkanda; ^c wulūs; ^d bī-tartīb-līk-lār-nī qīlgānī ūchūn

178 x 222; 10 handwritten lines on a pre-printed form. Turki.

590.ii, n/d: addendum

Turki notarial addition: document entry no. 335^a

Qāḍī Mullā Mīrzā Niyāz Muḥammad states that he has imposed on each of the two defendants a fine^b of 3 *ṣūm* for breaking the law^c.

No stamp.

^a ḥukm nūmir 335; ^b ishtirāf; ^c khilāf-i shar‘ ūchūn

16 lines. Turki.

591

591.i, 26 July [= 8 August] 1906: report

932: KP 1237

Pre-printed Turki notarial entry: protocol^a no. 1700

Mīrzā Muḥammad Ya‘qūb b. Mullā Kāmil Amīn, the senior <i>āqsaqāl</i> of Samarqand, notes that the night watchman [xxx] b. Akram has detained Ḥakīm Bāy Qarāwul b. Fāḍil Raḥmat for drunken and disorderly behaviour ^b ; the <i>āqsaqāl</i> has dispatched him to the local police chief of district no. 3 ^c , with the request that he should be taken to an appropriate place and give due punishment.	
Stamp: Mīrzā Muḥammad Ya‘qūb b. Mullā Kāmil Bāy	
	^a pirātakūl; ^b mast-līk qīlīb bī-tartīb-līk qīlgān; ^c 3-inchī piristūfī
178 x 220; 7 handwritten lines on a pre-printed form. Turki.	

591.ii, n/d: addendum

Turki notarial addition: 2 August [= 15 August] 1906, document entry no. 335

A fine of 1 <i>ṣūm</i> has been imposed.
No stamp.
1 line. Turki.

592

592a.i, 28 July [= 10 August] 1906: report

933: KP 1237

Pre-printed Turki notarial entry: protocol^a no. 1669

Mīrzā Muḥammad Ya‘qūb b. Mullā Kāmil, the senior <i>āqsaqāl</i> of Samarqand, notes that on 27 July [= 9 August] Hamrāh Qul Dah-Bāshī, Kīnjah Bāy and the night watchman Muḥammad Naẓar have detained ‘Abd al-Rashīd b. Khayr-Allāh, aged 26, Farmān Qul b. Mawlān Bīk, aged 20, and Ibrāhīm b. Fayḍ-Allāh, aged 26, all from Yūnushqah <i>qishlāq</i> , for drunken disorder ^b . He requests that they be dispatched to the <i>qāḍī</i> for punishment.	
Stamp: Narodnogo sud’i goroda Samarkanda, Samarkand. uyezda i oblasti	
	^a pirātakūl; ^b bī-tartīb-lik qīlīb tūrūb mast-līk wajhī-din
178 x 220; 7 handwritten lines on a pre-printed form. Turki.	

592a.ii, n/d: addendum

Turki notarial addition: 28 July [= 10 August] 1906, document entry no. 329

Qāḍī Mullā Mīrzā Niyāz Muḥammad states that he has imposed on each of the defendants a fine ^a of 1 <i>ṣūm</i> for having been consuming beer.	
	^a ishtirāf
4 lines. Turki.	

592b, 28 July [= 10 August] 1906¹: instructions

Dobrowolskii, the local police chief of district no. 3 ^a , informs the <i>qāḍī</i> of Samarqand's Shāh-i Zindah district no. 2 that he is dispatching to him the three afore-mentioned wrongdoers, that he might punish them in accordance with <i>sharī'ah</i> .	
¹ This text was evidently written before doc. 592a.ii.	^a 3-lānchī pirāstūf
3 lines. Turki.	

593

593a.i, 29 July [= 11 August] 1906: report

931: KP 1237

Mīrzā Muḥammad Ya'qūb b. Mullā Kāmil Amīn, the senior <i>āqsaqāl</i> of Samarqand, notes that the night watchman Bābā b. Ibrāhīm arrested Ustā Birdī b. Abu'l-[xxx], aged 37 and resident of Samarqand's Khwājah Dhu'l-Murād quarter, and 'Ādil b. Īsh Niyāz, aged 23 and resident of Kattah Qūrghān's Khwājah Dhūy Murād quarter, were detained for drunken brawling ^a .	
No stamp.	
	^a ūshbū-lār mast bülüb, bīr bīr-lārī ilān ūrūshūb, bī-tartīb-līk qīlgān-lārī ūchūn
178 x 220; 9 handwritten lines on a pre-printed form. Turki.	

593a.ii, n/d: addendum

Turki notarial addition: 29 July [= 11 August] 1906, document entry no. 338

Qāḍī Mīrzā Muḥammad Niyāz states that he has imposed a fine ^a of 1 <i>ṣūm</i> on each of the wrongdoers.	
No stamp.	
	^a ishtirāf
2 lines. Turki.	

593b, 29 July [= 11 August] 1906¹: instructions

Dobrowolskii, the local police chief of district no. 3^a, informs the *qāḍī* of Samarqand's Shāh-i Zindah district that he is dispatching to him the two afore-mentioned wrongdoers, that he might punish them in accordance with *sharī'ah*.

No stamp.

¹ This text was evidently written before doc. 593a.ii. ^a 3-lānchī pirāstūf

5 lines. Turki.

594

6 February [= 19 February] 1906: marriage warrant note

604: KP 5991/325

Turki notarial addition: document entry no. 20

The judge^a of Khwājah Arīgh *volost*^b informs the *imām* of Qarah Qūylī village, in the afore-mentioned *volost*, that Īrgash Bāy b. [xxx], aged 25, has contracted a union with Tūtī Āy bint Gadāy Bāy, aged 28, with a dowry of 26 *šūm*. The addressee is instructed to ensure that there is no impediment to rightful marriage.

The document is witnessed by Tursūn Murād Bāy b. Allāh Murād Bāy and Ibrāhīm Bāy b. Khwājah Bāy.

Stamp: [xxx] Kattakurganskogo uyezda Samarkanda

^a nārūdnāy sūdiyah; ^b wulūst

83 x 152; 9 lines. Turki.

595

November 1906: 3rd summons^a

895: KP 1237

Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Husayn Bāy Šūfī, people's judge^b of Samarqand *uyezd*'s Ḥaḍrat-i Shāh-i Zindah district⁽¹⁾, addresses Baḥr al-Dīn, Shams al-Dīn and Naẓar al-Dīn², residents of Āsh Kadū *qishlāq*, in Samarqand *uyezd*'s Dahbīd *volost*^d. Said addressees are instructed answer claims brought against them by Bāzār Bāy b. Bāy Murād Bāy, namely that while the plaintiff and his wife were away the respondents abducted his pre-adult daughter Istam Āy. At the plaintiff's request, the *qāḍī* has summoned the respondents twice already; on each occasion they failed to turn up. The *qāḍī* now warns that if they fail to present themselves he will proceed with a judgment in their absence.

The rest of the document is a pre-printed text, relating the few circumstances (roads blocked because of flooding; a debilitating illness which prevents leaving the home; a mother, father, husband or wife dying, or succumbing to mortal illness) which, according to the terms of Circular^e no. 28, issued by the Turkistan Governor General^f on 5 [=18] November 1906, and order no. 16845, issued by the governor^g of Samarqand *oblast*^h on 19 November [=2 December] 1906, may be deemed a reasonable excuse for non-attendance at court.

Stamp: [xxx] Samarkand. uyezda i oblasti	
¹ A pleonasm: both the Arabic <i>qiṭ‘ah</i> and the Russian-derived <i>ūchāstkah</i> convey the sense of “district”. ² These 3 figures appear also in doc. 587.	^a 3-lānchī martabah pāwīstkah; ^b nārūdī sūdiyah-sī; ^c Samarqand ūyazdī-nī Ḥaḍrat-i Shāh-i Zindah qiṭ‘ah ūchāstkah-sī ¹ ; ^d Samarqand ūyazd-in Dahbīd wulūsī-nī Āsh Kadū [?] qishlāqī; ^e sirkulār; ^f gīnirāl gūbīrnāṭūr; ^g gūbīnāṭūr; ^h ūblās
224 x 291; 6 handwritten lines on a pre-printed form. Turki.	

596

1324 (25 February 1906 – 13 February 1907): summons

896: KP 1237

The speaker instructs 14 members of the <i>‘ulamā</i> to present themselves at the Samarqand <i>uyezd</i> courthouse ^a on Tuesday at 10am. Their presence is essential ^b to help decide a case between the blind Shams al-Dīn Bāy, tenant on a piece of property endowed as <i>waqf</i> , and the <i>mutawallī</i> of said property Mullā Raḥmān Qulī, as represented by his attorney Maṣṣūr Bāy. The case has arisen out of an appeal by the plaintiff to the governor ^c of Samarqand. The judge will have to investigate the matter and secure a resolution ^d .	
Stamps (side b): (i) Mullā Sayyid ‘Abd al-Majīd b. Mullā ‘Abdallāh Mudarris Muftī; (ii) Mullā Muqaddas Muftī b. Qāḍī Mullā Sayyid Ghanī Muftī; (iii) Mullā ‘Ādil Muftī b. Dāmullā Maṣṣūr; (iv) Mullā Abū Yūsuf Muftī b. Qāḍī Muḥammad b. Ya‘qūb; (v) Mūsā Khwājah Muftī b. Qāḍī Shīrīn Khwājah Mūsawī; (vi) Mullā ‘Abd al-Salām Muftī b. Mullā Nawrūz; (vii) [xxx]. There is additionally a signature, Mullā Fayḍ-Allāh Muftī	
	^a maḥkamah-yi janāb-i ḥākīm-i ūyazd-i Samarqand; ^b ḍurūr wa lā-buddī; ^c gūbīrnāṭūr; ^d bih qaṭ‘ rasānīdah mī-shawad
149 x 221; 11 lines. Persian.	

597

597.i, 12 February [= 25 February] 1907: judicial ruling

941: KP 1237

The Samarqand Assembly of judges ^a states that, in response to order ^b no ^c . 274, dated 10 January [= 23 January] and instructing them to examine the details of the present case and to issue a judicial ruling as quickly as possible ^d , it makes the following ruling. The Assembly has examined the plaintiff ‘Abd al-Zāhir b. ‘Ālim Bāy’s three submissions ^e regarding 1 <i>ṭanāb</i> of land, together with the respondent’s submission and various instructions and orders which have been issued with regard to the case. Having examined ^f the circumstances of ‘Abd al-Zāhir’s transfer of said land to Qūysūn Āy bint Kīnjah Bāy in a transaction notarised in a set of deeds dated 21 November [= 3 December] 1901 and registered as entry no. 2794, the Assembly has stated as follows. It summoned into its presence ^g the plaintiff ‘Abd al-Zāhir, together with his wife Qumrī
--

Āy bint Ḥusayn Bāy, and Qūysūn Āy bint Kīnjah Bāy, who is Qumrī Āy's mother; it also summoned the respondent 'Awaḍ Badal b. Khudāy Qul. Qumrī Āy declared that, for her dowry, 'Abd al-Zāhir had given 1 *ṭanāb* of land not to her but to her mother Qūysūn Āy. She had accordingly presented a claim against her husband for payment of 1000 *tangah* by way of a prompt dowry^h before the *qāḍī* of Siyāh Āb, who, in accordance with *sharī'ah*ⁱ, issued a ruling in her favour.

The Assembly then examined both the original and a copy of the above-mentioned set of deeds no. 2794. The deeds stated that on 22 Sha'bān 1319 (Wednesday 4 December 1901) 'Abd al-Zāhir had declared before the Maḥallah courthouse that he had given 1 *ṭanāb* of land valued at 400 *tangah* to his wife^j Qūysūn Āy by way of a dowry, and that he henceforth had no claim or right thereon. It was apparent to the Assembly that 'Abd al-Zāhir's wife was Qumrī Āy, not Qūysūn Āy, who was rather his mother-in-law^k; Qumrī Āy's statement before the *qāḍī* of Siyāh Āb that she possessed no land additionally demonstrated that set of deeds no. 2794 was a misleading document^l. But it remained unclear both whether its misleading nature was the result of oversight or fraud^m and with whom responsibility for the error lies.

The Assembly then examined the plaintiff's submission registered as entry no. 108, and determined that, the transaction notarised in set of deeds no. 2794 being inoperativeⁿ, the *ṭanāb* of land therein specified still belongs to 'Abd al-Zāhir. Because, by the terms of this decision, it follows that 'Abd al-Zāhir has given no dowry, he should thus pay Qumrī Āy 1000 *tangah*.

When the *Volost' Upravitel'*^o of Maḥallah received orders to this effect from the *Uyezdz Upravlenie*^p, he was unable to understand the above ruling. He therefore sent the orders back, noting in a report^q that, having found the transaction notarised in set of deeds no. 2794 to be inoperative, the Samarqand Assembly of Judges should have issued a ruling that the transaction notarised in set of deeds no. 369 and a judicial ruling notarised as entry no. 66 are similarly inoperative.

The Assembly states that it was justified in redressing the force of the transaction notarised in deeds no. 2794 without reference to the other two cases, but^r that it now finds that, in view of its initial finding, the transaction notarised in set of deeds no. 369, whereby the *ṭanāb* of land specified in the original misleading set of deeds was sold^s to [the respondent] 'Awaḍ Badal, was indeed in breach of practice^t. It also finds that the judicial ruling, in response to 'Abd al-Zāhir's earlier claim for restitution, by which 'Awaḍ Badal's possession of said land was previously confirmed was similarly unwarranted for the reasons outlined above. The terms of this ruling thus need to be annulled^u.

No stamp.

^a Samarqand siyizd qāḍī-lārī; ^b pirkaz; ^c nūmir; ^d bī tawaqquf; ^e 'arḍah; ^f kūb taḥqīq wa taftīsh-lāb kūrūb; ^g qamtū ḥāḍir qīldūrūb; ^h mahr-i mu'ajjal; ⁱ sharī'at-ghah muwāfiq; ^j ūzūm-nī ḥalāl nikāḥ-lī khātūn-i madkhūlah wa mankūḥah-īm; ^k qayin-ānah; ^l bir ghalaṭ būlghān wathīqah īkān; ^m sahw būlsah, wa yā kīm talbīs būlsah; ⁿ ḥujjat-līk-dān chīqīb, bī-kār būlūb; ^o walāsnāy; ^p ūyazd maḥkamah; ^q rābūt; ^r ammā fi'l-wāqi'; ^s bay'-i bātt; ^t sharī'at-ghah nā-durust; ^u mansūkh būlsah kirāk

212 (folded) x 356; 66 lines. Turki.

An anonymous correspondent writes to the senior *qāḍī*, informing him that he is unable to resolve the case in question, and seeking his assistance.

No stamp.

¹ 12 February [= 25 February] 1907: → doc. 597.i.

15 lines. Persian.

598 – 600: documents relating to Mullā Mīrzā b. Abu'l-Khayr Bāy

598

tpq 25 Rabī' I 1325 (8 May 1907): reported declaration of sale

968: KP 5991/596

Turki notarial addition: 6 May [=Sunday 19 May] 1907, document entry no. 279; Russian stamp, 75 kopeks

On the above date Mullā Mīrzā b. Abu'l-Khayr Bāy, a resident of Bāzār-Jāy quarter, acting on his own behalf and as guardian to his pre-adult brother Mullā Āchīldī, declared as a competent agent before Dahbīd's courthouse that he has sold^a to the pre-adult Ni'mat-Allāh Khwājah b. Īshān Ḥājjī Tursūn Khwājah the *suknīyāt* on 1/3 of a plot measuring approximately 3 *tanābs* of *mamlakah* land planted with poplars and located in the village of Khānaqāh, a subsidiary settlement of Dahbīd *volost*^b. The property abuts in the west onto the embankment of a common canal known as the Chahār-Jūy, in the north onto a public thoroughfare, in the east partly onto land belonging to Īshān Hāshim Khwājah Ḥājjī b. Īshān Nizām al-Dīn Khwājah and partly onto land belonging to Fūlād Bāy b. Mīrzā Bāy, and in the south partly onto land belonging to the afore-mentioned Fūlād Bāy and partly onto the embankment of a common canal. The sale, for 1500 *tangah*^c, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Narodnogo sud'i Dagbitskogo uchastka Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) [Qāḍī] Mullā Sayyid-Allāh b. Mullā Ḥakīm Bīk

Witnesses: Īshān Mullā Muḥyī al-Dīn Khwājah; Mullā 'Abd al-Ḥāmid; Mīrzā Sayyid Murād; Mullā Birdī Qul; Bāy Mīrzā Bāy; Maḥmūd Bāy; Mullā Ḥasan Bāy; Mullā Ghā'ib Naẓar; Mullā Khāl Karīm; and others.

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^b wulūs; ^c tangah-yi rā'ijah

220 (folded) x 354; 15 lines. Persian.

599

tpq Rabī' I 1325 (14 April – 13 May 1907): reported declaration of sale

985: KP 5991/613

Turki notarial addition: 26 April [= Thursday 9 May], document entry no. 266; 3 Russian stamps, 15+15+15 kopeks

On the above date Mullā Mīrzā b. Abu'l-Khayr Bāy, acting on his own behalf and as guardian^a to his pre-adult brother Mullā Āchīldī, declared as a competent agent before Dahbīd's courthouse that he has sold^b to Īshān Ḥājjī Tursūn b. Īshān Jān the *suknīyāt* on 1/3 of a jointly-owned plot of approximately 3 *ṭanābs* of *mamlakah* land planted with poplars and located in the village of Khānaqāh, a subsidiary settlement of Dahbīd *volost*^c, abutting in the west onto the embankment of a common canal known as the Chahār-Jūy, in the north onto a public thoroughfare, in the east partly onto land belonging to Īshān Ḥājjī Hāshim Khwājah b. Niẓām al-Dīn Khwājah and partly onto land belonging to Fūlād Bāy b. Mīrzā Bāy, and in the south onto land belonging to the afore-mentioned Fūlād Bāy; the sale, for 1500 *tangah*^d, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Narodnogo sud'i Dagbitskogo uchastka Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) [Qāḍī] Mullā Sayyid-Allāh b. Mullā Ḥakīm Bīk

Witnesses: Īshān Mullā Muḥyī al-Dīn Khwājah; Mullā 'Abd al-Ḥamīd; Maḥmūd Bāy; Mullā Khāl Karīm; Mullā Birdī Qul Īllīk-Bāshī; Mullā Mīrzā Sayyid Murād; and others.

^a waṣī-yi shar'ī [...] bih naṣb wa ta'yīn man lahu wilāyat al-īṣā'; ^b bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^c wulūs; ^d tangah-yi rā'ijah

178 (folded) x 220; 13 lines. Persian.

600

tpq 27 Rabī' II 1325 (9 June 1907): reported declaration of sale

826: KP 5991/613

Turki notarial addition: 31 May [= Thursday 13 June] 1907, document entry no. 319; Russian stamps, 15+15+10 kopeks

On the above date Mullā Mīrzā b. Abu'l-Khayr Bāy, a resident of Bāzār-Jāy quarter, Dahbīd *volost*^a, and acting on his own behalf and as guardian to his pre-adult brother Mullā Āchīldī, declared as a competent agent before Dahbīd's courthouse that he has sold^b to Ni'mat-Allāh Khwājah b. Tursūn Khwājah the *suknīyāt* on 1/3 of a jointly-owned plot of approximately 3 *ṭanābs* of *mamlakah* land planted with poplar trees and located in the village of Khānaqāh, Dahbīd *volost*^c. The property abuts in the west onto the embankment of a common canal, in the north onto a public thoroughfare, in the east partly onto land belonging to Īshān Hāshim Khwājah Ḥājjī b. Īshān Niẓām al-Dīn Khwājah and partly onto land belonging to Fūlād Bāy b. Mīrzā Bāy, and in the south partly onto land belonging to Fūlād Bāy and partly onto the embankment of the afore-mentioned common canal. The sale, for 1500 *tangah*^c, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Narodnogo sud'i Dagbitskogo uchastka Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) [Qāḍī] Mullā Sayyid-Allāh b. Mullā Ḥakīm Bīk

Witnesses: Īshān Mullā Muḥyī al-Dīn Khwājah; Mullā ‘Abd al-Ḥāmid; Mullā Birdī Qul Īllīk-Bāshī; Mullā Khāl Karīm; Mīrzā Sayyid Murād; Bāy Mīrzā Bāy; Ustā Turdī; and others.

^a wulūs; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^c tangah-yi rā’ijah-yi bukhārī al-ḍarb

472 x 361; 15 lines. Persian.

601

601.i, 13 April [=26 April] 1907: summons^a

897: KP 1237

Turki notarial addition¹: entry no.121 in the register of appeals^b

Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Sūfī, *qāḍī* of Samarqand’s Ḥaḍrat-i Shāh-i Zindah district no. 1, issues a summons to Zumurrud Āy bint Niyāz Muḥammad Bāy, a resident of Khalīfah Muḥammad Raḥīm quarter, Panjikint, Samarqand *uyezde*^c.

The addressee is required to present herself and answer a claim for restitution presented by Mullā Badr al-Dīn b. Mullā Ismā‘īl, attorney to the Nughays^d Muḥammad Ḥāfiz, Muḥammad Ḥādith and Muḥammad Qāsim (sons of Muḥammad Ṣādiq), as well as by Muḥammad ‘Alī b. Muḥammad Shākīr, Bībī Rayḥān and Bībī Khadījah (daughters of Qādir ‘Alī) and Bībī Marḍīyah bint Ni‘mat-Allāh Bīktimūrūf, residents of Lālah-Zār *qishlāq*, a subsidiary settlement in Samarqand’s district no. 2.

The plaintiffs claim that the *suknīyāt* on a plot of garden located in the rural settlement of Khiyābān-i Namāzgāh, Samarqand, which is presently in the possession of the respondent and her sister Nuṣrat Āy, is owed to them, in accordance with *sharī‘ah* and the divine laws of inheritance^e, as an inherited debt^f, comprising as it does the estate of Nuṣrat Āy’s late husband Muḥammad ‘Ārif, known as Abu’l-Ghāzī, and Muḥammad Ṭāhir, known as Sultān Ghāzī, sons of [the afore-mentioned] Qādir ‘Alī Bīktimūrūf.

In response to (i) submissions^g by the plaintiffs, presenting genealogies validated by local *imāms*^h which attesting to the descent of their clients, and confirmations of their own powers of attorneyⁱ, together with a notary^j, (ii) a submission by the addressee, and (iii) a response from the Assembly of Samarqandi judges^k, the governor of Samarqand *uyezde*^l has sent instructions to the speaker in a communication dated 11 April [= 24 April] 1907 and registered as document no. 4956. By the terms of these instructions, the speaker should investigate the matter in accordance with *sharī‘ah*, and issue a ruling.

In accordance with *sharī‘ah*, therefore, the addressee should answer the plaintiffs’ claims regarding the ownership of the late Muḥammad ‘Ārif’s property. Although the case could reasonably be heard by the *qāḍīs* of district no. 2^m, the matrimonial issues arising with regard to the addressee’s sister require that it instead be heard by the speakerⁿ. In accordance with articles 212 and 214 of the Statute^{o(2)}, therefore, on 27 April [= 10 May] 1907 the addressee should either present herself or dispatch her attorney before the speaker, in order to answer the plaintiffs’ claims.

The speaker states that he has affixed his stamp to the document.

Stamp: Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti³

<p>¹ Written in purple ink. ² For discussion of the Statute, → doc. 494(7). ³ Unusually, this Russian stamp is not accompanied by a signature.</p>	<p>^a <i>khatt-i iḥdār</i>; ^b <i>daftar-i murāfa‘ah</i>; ^c <i>ūyazd</i>; ^d <i>nūghay-lār</i>; ^e <i>muwāfiq-i sharī‘at</i>, <i>‘alā farā‘id Allāh</i>; ^f <i>dayn ‘alā wajh al-munāsakhah</i>; ^g <i>‘arḍah-lār</i>; ^h <i>muwakkil-lārī tarafī-din imām-lārī-din qīlīb yubārilgān nasab-nāmah-lār</i>; ⁱ <i>wakālat-khatt</i>; ^j <i>natāriyūs</i>; ^k <i>siyāzd qāḍī-lārī Samarqand-nī jawāb-lārī</i>; ^l <i>hurmatlū Samarqand ūyazd ḥākimī</i>; ^m <i>būl murāfa‘ah sūrālmāghī sharī‘at-panāh īkkī-lānchī qiṭ‘ah-nī qāḍī-lārī-ghah tiyishlī būlsah ham</i>; ⁿ <i>binā bar hamshīrah</i>, <i>mankūḥah-līk-lārī biz-ghah buyūrūb-dūr</i>; ^o <i>pālāzhīnīyah</i>²</p>
<p>354 x 221; 29 lines. Turki.</p>	

601.ii, 25 April [=8 May] 1907: excuse for non-attendance

<p>Zumurrud Āy bint Niyāz Muḥammad informs the <i>qāḍī</i> of Samarqand’s Ḥaḍrat-i Shāh-i Zindah district no. 1 that she had intended on 23 April to comply with the summons^a, but that, on finding that her husband is ill, she is unable to go and leave him. [The document is signed by the hereditary honorary freeman^b Mullā Muḥammad Raḥīm Ḥājī b. Mullā Muḥammad Amīn on behalf of the illiterate speaker.]</p>	
<p>No stamp.</p>	
	<p>^a <i>ūshbūpāwistkangīz-nī 23-inchī Aprīl āyin-dah yūlūqūb āldīm</i>; ^b <i>pātāmistūnnāy pāchātnāy girāzhdanīn</i></p>
<p>8 lines. Turki.</p>	

602-603: documents relating to Mullā Fāḍil Bāy b. Mu’min Bāy

602

n/d: attestation^a

924: KP 1237

Turki notarial addition: 24 September [= 7 October] 1907

<p>Fāḍil Bāy b. Mu’min Bāy, <i>āqsaqāl</i> of Qalandar-Khānah, relates that one year ago Kīnjah Bāy b. Mīr Raḥmat, a resident of Ūrī Tipah, broke into the home of Muḥammad Dhākir b. Ustā Sāqī, a resident of Sharbat-dār quarter, and stole 200 <i>ṣūm</i>^b and several items of clothing made of Bukharan material^c; he has since been on the run, living in Ūsh, where he works as a barley-seller in the barley bazaar. The author requests that the local authorities hand him over to them.</p>	
<p>Stamps: (i) Starshina Kalandar-Khans. chasti goroda Samarkand. uyezda i oblasti¹; (ii) Muḥammad Dhākir b. [xxx] Bāy, 13[2]4</p>	
<p>¹ For Samarqand’s Qalandar-Khānah quarter, see Abramov, <i>Samarqand qabristonlari</i>, p. 22.</p>	<p>^a <i>shahādat-nāmah</i>; ^b <i>ṣūm-i kāghadh-i āqchah</i>; ^c <i>bir tūn-i ālāchah-yi bukhārā’ī-sī</i></p>
<p>176 x 220; 12 lines on squared paper. Turki.</p>	

603

12 April [=25 April] 1909: attestation^{a(1)}

922: KP 1237

Mullā Fāḍil Bāy b. Mu' min Bāy, *āqsaqāl* of Qalandar-Khānah, outlines the previous year's tax assessment for Vasili Vasilivich Borodin^b, a resident of Āb-i Mashhad quarter². Borodin owns a tannery, assessed at 4000 *šūm* in a document registered as entry no. 408, and land assessed at 300 *šūm* by a document registered as entry no. 410. The sum of various tax levies (municipal tax^c, state tax^d, land tax^e and excise duty^f) is reckoned at 115.57 *šūm*. It is not known whether the property is subject to other impositions^g.

No stamp.

¹ This terminology appears just twice in our documents: see also doc. 606, dated March 1908.

² Located approx. 5 miles southeast of Samarqand in the direction of Siyāh Āb: see Abū Ṭāhir Qāḍī b. Abū Sa'īd Samarqandī, *Samarīyah*, pp. 123-124, and Abramov, 'Istoriia Samarkanda v ego mikrotoponimakh', p. 182.

^a taṣḍīq-nāmah¹; ^b Vaṣīlī Vaṣīlīvīch Bārādīn; ^c gārādāskī nalūg; ^d gūsūdārāskī nalūg; ^e zīmskī īzbūr; ^f kharājāt pulī; ^g arīs, zalūg, kafālat-ghah-līgī ma'lūm īmas

178 x 222; 19 lines. Turki.

604

15 January [=28 January] 1908, document entry no. 238: instructions

926: KP 1237

The local police chief^a of Samarqand's district no. 3^b requests the *qāḍī* of Shāh-i Zindah, Samarqand, to inform him how much he has earned in the year 1906; the speaker is required to communicate this information to the Samarqand security chief^c.

No stamp.

^a pristūf; ^b 3-nchī ūchastkā; ^c fālīt-maystir

222 x 176; 3 lines. Russian and Turki.

605

4 March [=17 March] 1908: copy of judicial ruling

935: KP 1237

Turki notarial addition: copy^a of ruling no. 363 in the register of rulings^{b(1)}

Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī, people's judge^c of Samarqand's Ḥaḍrat-i Shāh-i Zindah district, issues a ruling in response to a claim presented on 1 August [= 14 August] 1907 by Nār Chichak Āy bint Sharīf Bāy, a resident of Ḥaḍrat-i Khwājah Yūsuf Hamadānī *qishlāq*, against her husband Āchildī Bāy b. Ghā'ib Bāy and Salāmat Āy bint Nāṣir Bāy, resident of the same *qishlāq*.

The speaker states that he summoned the plaintiff and the two respondents into his presence, and questioned them in accordance with *sharī‘ah*^d. In her deposition of claim^e, the plaintiff asserted that she and her husband Āchildī Bāy had been involved in arguments and confrontations, and that after a while she was dispatched to a different property with her son Rajab Bāy, where she was left without the means to acquire food or clothing. When she asked the respondents for such means, they abused her^f, Āchildī Bāy informing her that she no longer lived in his home, and that she should henceforth consider herself conclusively divorced^g. The plaintiff accordingly sought (i) the respondents’ punishment for offences inflicted^h, and (ii) the restitution of 5000 *tangah*ⁱ owed to her by Āchildī Bāy.

In response to said claim, the speaker began to investigate the matter, questioning both parties as well as impartial actors^{3j} Īllīk-Bāshī Murād Bāy, Nawrūz Bāy b. Yūsuf Bāy and Muḥammad Murād b. Ḥakīm Jān. Upon questioning, the respondent Āchildī Bāy denied that he had injured or insulted the plaintiff, and claimed that instead he had simply threatened to divorce her if she left without permission^{2k}; he also produced a legal opinion establishing the justice of such behaviour. In the light of said opinion, a ruling was issued stating that Nār Chichak Āy was now divorced from Āchildī Bāy^l.

The plaintiff then again made a claim against Āchildī Bāy for the remainder of the dowry. On 19 February [= 3 March] 1908, a ruling was issued. The plaintiff was content with the judgment^m, and in return for 260 *tangah* agreed to drop her claim for the remainder of the dowry. Nār Chichak Āy now stated that by the terms of a declaration dated [-] [-] 1907 she herself owed 260 *tangah* to her own son Rāfi‘ Bāy b. Āchildī Bāy, and that the agreed sum of money should now be paid to settle this debt. She thus instructed Āchildī Bāy to give the money directly to Rāfi‘. Āchildī Bāy consented to this instruction, and declared that he had divorced Nār Chichak Āy in return for the remainder of the dowry and financial support for the first three months after the divorce; Nār Chichak Āy willingly accepted these terms. Āchildī Bāy, meanwhile, dropped for gratisⁿ a counter-claim claiming that Nār Chichak Āy had secretly purloined from him various possessions to the value of 1730 *tangah* plus 100 *šūm*^o. With the two parties thus agreeing to terms^p, the *qāḍī* was able to achieve a settlement, and to produce a ruling to the effect that the claims of both parties should be put aside.

Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī states that the present copy of the above document was given to Nār Chichak Āy on 4 March [= 17 March] 1908.

Stamp: Narodn. sud’i 1-go Shakh-Zandinsk. uchas. goroda Samarkanda i oblasti

Witnesses: Mullā ‘Abd al-Raḥīm b. Khudāy Birdī; Mullā Nūr Muḥammad b. Tursūn Muḥammad.

<p>¹ The terminology occurs nowhere else amongst our documents.</p> <p>² For the trope of the wife's departure without permission, → also doc. 640.</p> <p>³ For discussion of 3rd-party mediation, → doc. 478b.</p>	<p>^a kūfiyah; ^b ḥukm daftarī¹; ^c nārūd-nī sūdiyah; ^d muwāfiq-i sharī'at; ^e maḥḍar-i shar'īyah; ^f yamān alfāz-lārī ilān sūkūb ham ūrdī-lār; ^g min-gā bir ṭalāq-i bā'in ḥarām būlgān-sin; ^h mustaḥaqq-i ta'zīr; ⁱ tangah-yi bukhārī; ^j khāliṣ-lār; ^k musammāt-i madhkūrah agar chandī-kih ṭalāq-ghah rāḍī būlmasah ham, ṭalāq būlah-dūr, dīb riwāyat [...]; ^l madhkūrah Nār Chichak Āchildī Bāy-ghah bir ṭalāq ḥarām būlushī-ghah ḥukm qīlīb; ^m pirikaz; ⁿ majjānan; ^o šūm-i kāghadh-i āqchah; ^p ūrtah-lārī-dah qaṭ'-i khuṣūmat būlūb</p>
222 (folded) x 356; 40 lines. Turki.	

606

15 March [=28 March] 1908: statement of attestation^{a(1)}

923: KP 1237

<p>Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī, <i>qāḍī</i> of Samarqand's Ḥaḍrat-i Shāh-i Zindah district no. 1, dispatches the present communication, notarised as register entry no. [-], to Mullā Raḥmān Birdī b. Qārī Mawlān, a resident of Dīgchah Buryān quarter. With it, he encloses a communication from Samarqand's magistrate^b no. 3, dated 12 March [= Wednesday 25 March] 1908, and notarised as register entry no^c. 994.</p> <p>The speaker notes for the record^d that, according to information received on 24 February [= 8 March] from Ḥājjī Jūrah Bāy b. Tursūn Bāy, on 14 December [= Friday 27 December] 1907 Mullā Fayḍ-Allāh b. Mullā 'Abd al-Raḥmān, a resident of Samarqand's Kūk Masjid quarter, died in a river within Turkish territory^e while en route to Mecca.</p> <p>The speaker states that he has affixed his stamp to the attestation².</p>	
<p>¹ This terminology appears just twice in our documents; see also doc. 603, dated April 1909.</p> <p>² He has done no such thing.</p>	<p>^a taṣḍīq-nāmah¹; ^b ūchūnchī mīrāwāy sūdiyah; ^c nūmīr; ^d sifrāfkah birīlmāq; ^e Turk dawlatī-ghah tābi' daryā īchīn-dah</p>
178 x 222; 12 lines. Turki.	

607 – 608: documents relating to the line of Mullā 'Umar Jān

607

11 Jumādā I 1326 (11 June 1908)/29 May [= 11 June] 1908: statement of declaration of sale¹

781: KP 5991/483

Turki notarial addition: document entry no^a. 460, value of 400 *šūm*; Russian stamps, 40+5 kopeks

<p>Mullā Muḥammad Sā'at Jān b. Mullā Muḥammad Sharīf Bāy, aged 17 and resident of Dāminī quarter, states that on the date specified above he declares before the courthouse of Samarqand's district no. 1 that he has sold^b to Mullā Ni'mat-Allāh Bāy b. Mullā 'Umar Jān the <i>suknīyāt</i> and <i>raqabah</i> on 1/3 of a jointly-owned wooden fixed-structure shop located in the</p>

rang-bār-furūshī commercial row and abutting in the west onto a major public thoroughfare running through the afore-mentioned market, in the north onto a shop belonging to Ma‘rūf Bāy b. ‘Arif Bāy, in the east onto a *sarāy* belonging to the heirs of ‘Ālim Dīwkār, and in the south onto a shop belonging to the heirs of [xxx]; the sale was for 300 *ṣūm*^c.

The purchaser states that he has taken possession of said property, and is satisfied with the transaction.

Mullā ‘Abd al-Ghaffār Bāy and Mullā ‘Abd al-Salām attest as witnesses that the afore-mentioned plot is now the purchaser’s property, and that it is subject to no further impositions^d.

Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī states that the exchange has duly been made, and that he has notarised the deeds as entry no. 1501 in the register of transactions.

Stamps: (i) Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī-yi qiṭ‘ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī

¹ → also doc. 608.

^a nūmir; ^b bay‘-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī; ^c ṣūm-i kāghadh-i aqchah; ^d kafālat-ghah yūq

178 x 220; 12+1+2+4 lines. Turki.

608

12 Jumādā I 1326 (12 June 1908)/29 May [= 11 June] 1908: statement of declaration of sale

782: KP 5991/484

Turki notarial addition: document entry no^a. 460, value of 400 *ṣūm*; 2 Russian stamps, 40+5 kopeks

Mullā Muḥammad Sharīf Bāy b. Bābā Jān Bāy, aged 55 and resident of Dāminī quarter, states that on the date specified above he declares before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that he has sold to fellow Dāminī resident Mullā Naṣr-Allāh b. Mullā ‘Umar Jān, aged 25, the *suknīyāt* and *raqabah* on 1/3 of a jointly-owned wooden-built fixed-structure shop located in the *rang-bār-furūshī* commercial row, and abutting in the west onto a major public thoroughfare running through the afore-mentioned market, in the north onto a shop belonging to Ma‘rūf Bāy b. ‘Arif Bāy, in the east onto a *sarāy* belonging to the heirs of ‘Ālim Dīwkār, and in the south onto a shop belonging to the heirs of [xxx]; the sale was for 2000 *tangah*^{lb}.

The purchaser states that he has received and paid for said property, and is satisfied with the transaction.

Mullā ‘Abd al-Ghaffār Bāy and Mullā ‘Abd al-Salām attest as witnesses that the afore-mentioned plot is now the purchaser’s property, and that it is subject to no further impositions^c.

Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī states that exchange has duly been made, and that he has notarised it as entry no. 1503 in the register of transactions².

Stamps: (i) Narodn. sudʻi 1-go Shakh-Zindensk. uchas. goroda Samarqanda i oblasti [plus <i>qāḍī</i> signature]; (ii) Qāḍī-yi qitʻah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī	
¹ c/w doc. 607, where payment is noted in <i>šūm</i> . ² Lost entry no. 1502 may well relate to the sale of the outstanding 1/3 share of the property outlined here and in doc. 607.	^a nūmir; ^b tangah-yi bukhāriyat al-ḍarb; ^c kafālat-ghah yūq
178 (folded) x 220; 11+2+3+3 lines. Turki.	

609

609.i, 8 November [= 21 November] 1908: instructions

925: KP 1237

The visiting inspector ^{a(1)} writes to the <i>qāḍī</i> of Samarqand's district no. 1, instructing him immediately to send two documents. The first of these is a copy of the accounts ^b of Khwājah Dhūd Murād <i>madrasah</i> , notarised in the presence of the Assembly of Samarqand judges ^c . The second is the receipt ^d for 200 <i>šūm</i> issued in Dhu'l-Ḥijjah by the <i>mutawallī</i> of the afore-mentioned endowment.	
Stamp (in the shape of a double-headed eagle): Inspektor Gor. Narodnykh [...]	
¹ Reference here to a 'revizor' suggests that the individual in question may have been K.K. Palen [=Pahlen], author of the famous report into the Russian administration of Central Asia entitled <i>Otchet po revizii Turkestanskogo kraia, proizvedennoi po VYSOCHAISHEMU Povelenniu</i> (St Petersburg: Senatskaia Tip., 1909-1911). The editors are grateful to Alexander Morrison for this observation.	^a ḥaqīqatchī rīwūzī ¹ ; ^b kharājāt-nī kūfiyah-sī; ^c siyāz qāḍī-lārī; ^d ūslāwīyah-khaṭṭ
178 x 220; 7 lines. Turki.	

609.ii, n/d¹: instructions

An appended comment, presumably by the addressee, noting that said request should be dealt with immediately.	
¹ <i>tpq</i> 8 November [= 21 November] 1908: → doc. 609.i.	
2 lines. Persian.	

610

19 Rabī‘ I 1327 (10 April 1909) = 27 March [= 9 April] 1909: statement of declaration of sale

788: KP 5991/490

Turki notarial addition: document entry no.^a 1241; 3 Russian stamps, 15+15+15 kopeks

Ustā ‘Abd al-Raḥīm b. Ustā ‘Abd al-Wāḥid, aged 56, states that on the date specified above he declares before the courthouse of Shāh-i Zindah district that he has sold^b to Mullā Yazdān Qulī b. Shāh Mardān Qulī, a resident of Gūngān, Qarshī *wilāyat*, the *suknīyāt* and *raqabah* on half of a courtyard property located in Mīrzā Fūlād quarter, and abutting in the west onto a courtyard property belonging to Ustā Muqīm b. Mullā Bābā, in the north onto the other half of the courtyard property presently under transaction, and in the east and south onto a blocked thoroughfare^c; the sale was for 1500 *tangah*^d.

The purchaser states that he has received and paid for the property in question and is satisfied with the transaction.

Ustā Jūrah Bāy b. Bābā Jān and Mullā Khayr-Allāh b. ‘Abdallāh attest as witnesses that the property in question now belongs to the purchaser. [Stamp: Ustā Jūrah Bāy b. Bābā Jan] Qāḍī Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Ṣūfī, *qāḍī* of Ḥaḍrat Shāh-i Zindah district, states that the exchange has duly been made, and that he has notarised the deeds as entry no. [-] in the register of transactions.

[Stamp: Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti]

^a nūmir; ^b bay’-i bāt-i batāt-i nāfidh-i lāzim-i qaṭ‘ī-yi shar‘ī; ^c yūl-i āldī bāghluq; ^d tangah-yi bukhārīyat al-ḍarb

178 x 221; 9+1+2+3 lines. Turki.

611

tpq 4 Ramaḍān 1328 (9 September 1910): reported declaration of divorce

921: KP 1237

On the above date Murād Bāy b. Fāḍil Bāy, by his own account aged 38 and a resident of the rural settlement of Kaftar-Khānah, declared as a competent agent before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that in return for the residue of the dowry, he has issued an undertaking to provide his wife^a Bīgīm Āy bint Ārtuq Bāy with attestation that she has emerged from the post-divorce waiting period^{1b}; and he undertakes to ensure that henceforth there will otherwise be no conjugal relations between them. His wife agrees to these terms. Muḥammad Nāṣir b. Khāl Muḥammad, Mullā Ishāq b. Sulṭān Murād and Mullā ‘Abd al-Raḥmān b. Mullā ‘Abd al-Karīm confirm that they have witnessed the statement.

Stamp: Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti²

¹ It is unclear how the speaker managed to secure such an arrangement: it was conventional practice (→ docs. 337, 605) for the husband both to surrender the dowry and to provide post-divorce maintenance.

² Unusually, the Russian-language stamp is not accompanied by the *qāḍī*’s signature.

^a zawjah-yi mankūhah-yi madkhūlah; ^b wathīqah-yi ‘iddah

178 x 222; 7+3 lines. Persian.

612

tpq 27 Shawwāl 1328 (1 November 1910): reported declaration of conferral of power of attorney

938: KP 1237

On the above date Mullā ‘Abd al-Raḥīm b. Muqīm Bāy, aged 36 and resident of Khwājah Dhu’l-Murād quarter, declared as a competent agent before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that he has appointed ‘Abd al-Wāḥid Bāy b. ‘Abd al-Raḥīm Āqsaqāl as his attorney^{1a}.

Said attorney should present a claim for restitution against Khūj Muḥammad Bāy b. Mīr Muḥammad Bāy and Mullā ‘Abd al-Jabbār b. Ḥājjī Aḥmad Jān, and secure resolution in accordance with *sharī‘ah*^b. And should these respondents or anyone else issue a claim for restitution against the speaker, the attorney should rebut the claim and resolve the contention.

Mullā ‘Abd al-Raḥīm states that he is satisfied with the terms of the appointment.

Stamp: Narodn. sud’i 1-go Shakh-Zindensk. uchas. goroda Samarkanda i oblasti¹

¹ Unusually, the Russian-language stamp is not accompanied by the *qāḍī*’s signature.

^a wakīl-i muṭlaq-i ‘āmm-i shar‘ī; ^b ‘alā wafq al-shar‘ al-sharīf dar ḍimn-i murāfa‘ah-yi shar‘īyah bih qaṭ‘ rasānad

178 x 220; 10 lines. Persian.

613

613a, n/d¹: claim for restitution

899: KP 1237

Acting as attorney to Muḥammad Riḍā Bāy b. Ustā Tūq Bāy, a resident of Āq Sarāy quarter, Mullā ‘Abd al-Ghanī b. Ghafūr Bāy presents a claim before Samarqand *wilāyat*’s courthouse no. 1 against Ustā Qāsim b. Mullā Jān, a resident of Ḥaḍrat-i Khwājah Dhu’l-Murād quarter.

The claim is for a debt^a of 300 *tangah*^b, namely the price outstanding from 24 *puds*^c of iron which the respondent bought^d and received from the plaintiff.

No stamp.

Citation: *al-wakīl qā’im maqām al-muwakkil* (Qāḍī Khān).

¹ *taq* 20 Dhu’l-Qa‘dah 1328 (Wednesday 23 November 1910): → doc. 613b.i.

^a dayn-i ṣaḥīḥ-i lāzim al-adā; ^b tangah-yi rā’ijah-yi bukhārī; ^c pūt; ^d shirā’-i ṣaḥīḥ-i shar‘ī-yi jān

221 x 178; 8 lines. Persian.

613b.i, *tpq* 20 Dhu’l-Qa‘dah 1328 (23 November 1910): reported rebuttal of claim

On the above date, the respondent asserted in response to the above claim that the plaintiff received all that he was entitled to.

Stamp: Qāḍī-yi qit‘ah-yi awwal-i Samarqand Mullā Mīrzā Niyāz Muḥammad b. Ḥusayn Bāy Šūfī

4 lines. Persian.

613b.ii, *tpq* 1 Dhu’l-Ḥijjah 1328 (4 December 1910): reported cessation of claim

On the above date ‘Abd al-Ghanī b. Ghafūr Bāy presented himself together with his aforementioned client before the courthouse of Samarqand *wilāyat*’s Ḥaḍrat-i Shāh-i Zindah district and, on the advice of third-party mediators^{1a}, willingly both in whole and in part^b dropped his claim against the respondent in return for 70 *tangah*^c.

Signature: Muḥammad Riḍā.

Stamps: (i) Narodn. sud’i Shakh-Zindensk. uchas. goroda Samarkanda i oblasti; (ii) [xxx]

Witnesses: Dawlat Murād Bīk b. Khudāyār Bīk; ‘Abdallāh Bāy b. Muḥammad Šāliḥ.

¹ For discussion of mediation, → doc. 478b.

^a bih ṣawāb-dīd-i jamī‘ az muslimīn; ^b ṭaw‘an wa raghbatan kullīyatan wa juz‘īyatan; ^c tangah-yi bukhāriyat al-ḍarb

6 lines. Persian.

614

10 January [= 23 January] 1911: marriage warrant note

605: KP 5991/326

Turki notarial addition: date, document entry no. 17

The *mullā-imām* of the rural settlement of Yangīkint should note that Aḥmad Bāy b. Jum‘ah Šūfī has contracted terms with Tājī Āy bint Īgam Birdī Bāy, a virgin, aged 16. Having ensured that there is no impediment to rightful marriage, the *imām* should proceed to solemnize the union.

Stamps (side b): (i) Narodnogo sud’i Dzhoidivanskogo uchastka Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mullā Muḥammad Salām b. Mullā Nār Muḥammad Bīk, 1324

113 x 176; 8 lines. Persian and Turki.

615 – 616: documents relating to Qurbān Bāy b. ‘Abd al-Raḥmān Bāy and Sayyid Khwājah

615

tpq 24 May [=6 June] 1911: declaration of sale

964: KP 5991/592

Murād Khwājah b. Sayyid Khwājah, aged 23 and a resident of Samarqand’s Qāḍī-yi Kalān quarter, states¹ that on the date specified above he sold^a to Qurbān Bāy b. ‘Abd al-Raḥmān Bāy $\frac{1}{2}$ *ṭanāb* of garden land, constituting *mamlakah* and located in Dashtak-i Bālā *qishlāq*, Maḥallah *volost*^b, abutting in the west onto a garden belonging to Shādmān Khwājah b.

Sayyid Khwājah, in the north onto a garden belonging to the vendor, in the east onto a public thoroughfare, and in the south onto a garden belonging to the purchaser; the sale was for 2000 *tangah*^c. The speaker notes that he himself bought said property in 1907, in a transaction registered as entry no. 4.

Shādmān Khwājah b. Sayyid Khwājah states that he has witnessed the transaction.

The purchaser states that he has received and paid for the property in question, and that he has affixed his stamp to this document.

Mīr Ṣālīḥ al-Dīn Īllīk-Bāshī states that the property is now the possession of the purchaser.

[Stamp: Mīr Ṣālāḥ al-Dīn Āqsaqāl b. Mīr Mawlān]

Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah b. Qāḍī Mīr Shīrīn Khwājah, *qāḍī* of Maḥallah, states that the exchange has duly been made, and that he has notarised the deeds as entry no. 745 in the register of transactions. [Stamps: (i) Narodnogo sud'i [xxx] uchastka Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mīr Abu'l-Ḥayy Khwājah b. Qāḍī Mīr Shīrīn Khwājah Mūsawī]

¹ Unusually for a document of this date and provenance, there is no mention of where the statement is notarised.

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^b wulūs; ^c tangah-yi bukhārī

178 x 221; 8+1+3+3 lines. Turki.

616

tpq 5 July [=18 July] 1911: declaration of sale

903: KP 1237

Shādmān Khwājah b. Sayyid Khwājah, a resident of Samarqand's Mullā Qāḍī quarter, states that on the date specified above he sold^a to Qurbān Bāy b. 'Abd al-Raḥmān Bāy, the *suknīyāt* on $\frac{1}{2}$ *ṭanāb* of garden land, constituting *mamlakah* and located in Maḥallah *volost*'^s^b Mullā Qāḍī quarter, Dashtak-i Bālā *qishlāq*, Samarqand. The property abuts in the west and south onto a garden belonging to vendor, in the north onto a garden belonging to the purchaser, in the east onto a garden belonging to Tursūn Bāy. The sale was for 2000 *tangah*. The speaker notes that he himself acquired the lands under transaction in 1907 in purchases registered as document entries no. 615 and 769 [799?].

The purchaser states that he has duly paid.

Murād Khwājah b. Sayyid Khwājah attests that the sale has been transacted without disagreement. [Stamp: Mīr Ṣālāḥ al-Dīn Āqsaqāl b. Mīr Mawlān]

Qāḍī Mullā Mīr Abu'l-Ḥayy Khwājah b. Qāḍī Mīr Shīrīn Khwājah, *qāḍī* of Maḥallah, states that the exchange has duly been made, and that he has notarised the deeds as entry no. 883 in the register of transactions. [Stamps: (i) Narodnogo sud'i [xxx] uchastka Samarkand. uyezda i oblasti [plus *qāḍī* signature]; (ii) Qāḍī Mīr Abu'l-Ḥayy Khwājah b. Qāḍī Mīr Shīrīn Khwājah Mūsawī]

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^b wulūs

178 (folded) x 221; 9+1+2+3 lines. Turki.

617

tpq 16 February [= 29 February] 1912: declaration of sale

1015: KP 1545/7

Muḥammad Amīn Bāy b. Muḥammad Dhākir Bāy, aged 55 and a resident of Khwājah Gunjā'ish *qishlāq*, in Siyāh Āb *volost*'^a Mātrīd village, states that on the date specified above he sold^b to Īshān Walī Khwājah b. Zakariyā Khwājah, a resident of the same *qishlāq*, the *sukniyāt* on ½ *tanāb* of garden land, a house and an *aywān* located in the same *qishlāq*, and abutting in the west onto a garden belonging to the vendor, in the north onto a garden belonging to Mullā Ma'rūf b. Ustā Khūj Muḥammad, in the east onto a garden belonging to Yāqūt Āy bint Tūkhtah Bāy, and in the south onto a garden belonging to Jūrah Bāy b. Yār Muḥammad Bāy; the sale was for 2000 *tangah*^c. The statement is signed by Mullā Mīr Yūldāsh Muftī b. Mullā Mīr Muḥammad on behalf of the illiterate vendor.

The purchaser states that he has paid and received said property.

Mullā Muḥammad 'Āqil b. Mullā Bābā Jān, people's judge^d of Siyāh Āb *volost*'^e, states that the exchange has duly been made, and that he has notarised the deeds as entry no. 464 in the register of transactions.

Stamps: (i) [Starsh.?] [Matridskogo?] Samarkand. uyezda i oblasti x 2 [signature: Siyāh Āb qāḍī-sī Mullā Muḥammad 'Āqil b. Mullā Bābā Jān]; (ii) Qāḍī-yi Siyāh Āb-i wilāyat-i Samarqand Mullā Muḥammad 'Āqil b. Mullā Bābā Jān; (iii) Raḥmān Qulī b. Ibrāhīm Mutawallī; (iv) Junayd-Allāh b. Mullā Sayf-Allāh; (v) Mullā 'Ibād-Allāh b. Mullā Ni'mat-Allāh

^a wulūs ; ^b bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'-yi shar'ī; ^d tangah-yi rā'ijah-yi bukhārī; ^d nārūdnāy sūdiyah; ^e wulūs

178 (folded) x 220; 10+1+6 lines. Turki.

618 – 619: documents relating to Jūrah Bāy b. 'Ādil Bāy

618

tpq 5 Jumādā I 1331 (12 April 1913): reported declaration of conferral of power of attorney

793: KP 5991/495

Turki notarial addition: 28 March [= 10 April] 1913, entry no. 620

On the above date 'Umar Bāy 'Aṭṭār b. 'Uthmān Bāy, by his own account aged 48, and another 'Uthmān Bāy, son of 'Abdallāh Bāy, aged 20, both residents of Yūsuf Bāy quarter¹, declared as competent agents before the courthouse of Ḥaḍrat-i Shāh-i Zindah district that they have appointed Jūrah Bāy b. 'Ādil Bāy to serve as attorney^a.

Said attorney should initiate against Ustā Shams al-Dīn b. Ḥasan Bāy, a resident of Bāgh-i Maydān quarter, a claim for restitution of that which is outlined in the speakers' deposition of claim^b.

Stamps: (i) Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā ‘Abdallāh Khwājah; (ii) Jūrah Bāy b. ‘Ādil Bāy; (iii) ‘Abd al-Ḥāmid Īllīk-Bāshī b. Shākir Āqsaqāl	
¹ For this quarter see Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.	^a wakīl-i muṭlaq-i ‘āmm-i shar‘ī; ^b mā fi’l-maḥḍar-i shar‘ī-yi māyān
178 x 220; 10 lines. Persian.	

619

tpq Shawwāl 1333 (12 August – 9 September 1915): reported declaration of conferral of power of attorney

783: KP 5991/485

On the above date Mullā Mukhtār b. Mullā ‘Āqil, aged 37 and resident of Galah Āsiyā, and Ustā Asad-Allāh b. Mīr Ni‘mat-Allāh Makhdūm, aged 65 and resident of Siyāh Āb <i>volost</i> ^a Ūrtah <i>qishlāq</i> Chighil Bāylī, together with his daughter Muslimah Āy, both competent agents ^b , declared before the courthouse of Samarqand <i>wilāyat</i> ’s district no. 1 that they have appointed Naṣr al-Dīn Khwājah b. Qāḍī Bahā al-Dīn Khwājah to act as attorney ^c . Said attorney should initiate a claim against the heirs of Yūldāsh Bāy Nūrābādī and Ḥājjī Murād b. Ustā Karīm for restitution of that which is outlined in Mullā Mukhtār’s deposition of claim ^d , and a claim against Qūchqār Bāy b. Minglī Bāy for restitution of that which is outlined in Ustā Asad-Allāh and Muslimah Āy’s deposition. The document is signed on behalf of the illiterate Ustā Asad-Allah and Muslimah Āy by Mullā Muḥammad Amīn, and is witnessed by Jūrah Bāy b. ‘Ādil Bāy and Abū Sa‘īd Khwājah b. Buzurg Khwājah.	
Stamps: (i) Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā ‘Abdallāh Khwājah; (ii) Jūrah Bāy b. ‘Ādil Bāy	
	^a wulūs ; ^b ḥāl jawāz iqrārihim; ^c wakīl-i muṭlaq-i ‘āmm-i shar‘ī; ^d da‘āwī-yi mā fi’l-maḥḍar-i shar‘ī-yi man Mullā Mukhtār-rā
178 x 220; 11 lines. Persian.	

620 – 621: documents relating to Mullā Zayn al-Dīn b. Rāziq Bāy

620

620a, n/d¹: claim for restitution

778: KP 5991/480

Acting as attorney to Mullā Zayn al-Dīn b. Ḥājjī Muḥammad Rāziq, Mullā Kamāl al-Dīn Khwājah b. Mullā Sharīf [Shīrīn?] Khwājah presents a claim before the courthouse of [Samarqand’s] district no. 2 against Bāzār Bāy b. Ḥājjī Niyāz Muḥammad Bāy, a resident of Qalandar-Khānah-yi Kuhnah quarter. The speaker claims that the respondent borrowed 600 <i>ṣūm</i> ^a , and spent the money on his own outgoings ^b : and that he now refuses to return the sum.

Stamp: Mīrzā ‘Abd al-Ḥamīd b. Mīrzā ‘Abd al-Khāliq	
Citation: <i>al-wājib fi’l-qarḍ radd al-mithl</i> (‘Imādī).	
¹ <i>taq</i> 8 Ramaḍān 1332 (Friday 31 July 1914): → doc. 620b.i.	^a <i>šūm-i kāghadh-i akhchah-yi rūsī</i> ; ^b <i>bih ḥawāyij-i khūd šarf namūdah</i>
221 x 177; 9 lines. Persian.	

620b.i, *tpq* 14 July [= 27 July] [1914]: judicial ruling

Turki notarial addition: 17 July [= 30 July] 1914, document entry no. 153

The speaker reports that on 8 Ramaḍān 1332 (Friday 31 July 1914) Kamāl al-Dīn Khwājah, attorney to the above-mentioned Mullā Zayn al-Dīn, demanded that the respondent present himself at court ^a . The speaker accordingly issued a summons ^b on 3 occasions, namely on 10 [= 23] July, 13 [= 26] July, and 14 [= 27] July. On each occasion, the respondent received the summons by hand from the local <i>āqsaqāl</i> ^c in Samarqand; nevertheless, each time he refused the summons and failed to present himself. The plaintiff thus requested, on the basis of the Statute ^{d(1)} , that the speaker issue a ruling in the respondent’s absence ^{2e} . Accordingly, on the basis both of the statute and of circular ^f no. 28 issued by the Governor General of Turkistan ^g on 5 [= 18 November] 1902 ² , the speaker has ruled in the respondent’s absence that he should be compelled to pay the 600 <i>šūm</i> .	
Stamp: [xxx] Sharīf Qāḍī-yi Samarqand [xxx] [signature: Samarqand shahrī-nī Khwājah Aḥrār qit’ah-sī-nī Qāḍī-sī Mullā Muḥammad [xxx] Khwājah b. Mullā Mīr Sharīf Khwājah]	
¹ For discussion of the Statute → doc. 494(7). ² For reference to this circular as instruction for procedure in cases of non-attendance → also docs. 621b and 627.	^a <i>alab-i nafs-i mudda’ā ‘alayhi-rā dar dār al-qaḍā namūd</i> ; ^b <i>pāwistkah</i> ; ^c <i>uchastkah-wāy āqsaqāl</i> ; ^d <i>dastūr al-‘amal</i> ; ^e <i>ghā’ibānah</i> ; ^f <i>sirkūlār</i> ; ^g <i>ginirāl gūbirnātūr-i Turkistān</i>
11 lines. Persian.	

620b.ii, 5 Šafar 1333 (23 December 1914): reported judicial ruling

On the above date, and in response to an appeal regarding the above case ^a , the Samarqand Assembly of Judges ^a determined, upon questioning ^c the afore-mentioned respondent Bāzār Bāy, to deny his appeal ^d .	
Stamps: (i) Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā ‘Abdallāh Khwājah; (ii) [xxx]	
	^a <i>nazd-i rāji’ shudan-i murāfa’ah ft’l-ḍimn</i> ; ^b <i>siyāzd-i Samarqand</i> ; ^c <i>ind al-istifsār</i> ; ^d <i>jawāb bih inkār dād</i>
2 lines. Persian.	

620b.iii, *tpq* 8 Dhu’l-Ḥijjah 1333 (17 October 1915): reported rebuttal of claim

On the above date Mullā Sayyid Khwājah, acting as attorney to the respondent Bāzār Bāy, for a second time issued a defence ^a in response to the above deposition of claim ^b . He stated that, after receiving his share of the estate of late Ḥājji Niyāz Muḥammad,

Maysarah Āy and ‘Abdallāh Bāy, the plaintiff declared that any future claim on said property would be void and inadmissible: and that he additionally stated in the presence of witnesses ^c that he had no claim against the respondent.	
Stamps: (i) Qāḍī Mīr Abu’l-Ḥayy Khwājah b. Qāḍī Mīr Shīrīn; (ii) Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā ‘Abdallāh Khwājah; (iii) Qāḍī Mullā Muḥammad Abu’l-Qāsim b. Qāḍī Mullā Yār Muḥammad	
	^a dar murāfa‘ah-yi duwwum; ^b daf‘an bih maḥḍar-i shar‘ī jawāb dād; ^c dar majlis
2 lines. Persian.	

621

621a, n/d¹: rebuttal of claim

777: KP 5991/479

Acting as attorney ^a to Mullā Bāzār b. Ḥājī Niyāz Muḥammad Bāy, Mullā Sayyid Khwājah b. Muḥammadī Khwājah presents a counter-claim before the Maḥallah courthouse in defence ^b of his client. The speaker states that the claim made against his client by Mullā Zayn al-Dīn b. Rāziq Bāy, such as recorded in the plaintiff’s deposition of claim ^c , is void and inadmissible. This is because the plaintiff acknowledged at the time of receiving his own share of the late Ḥājī Niyāz Muḥammad’s estate that any subsequent claim would be void and inadmissible. This cessation of claim should preclude the plaintiff’s present claim from being heard: nevertheless, the plaintiff wrongly persists with his claim. He should back down from his claim, but refuses to do so.	
Stamp: Mullā Qawām al-Dīn Makhdūm Muftī b. Mullā Niyāz Muḥammad Muftī	
Citation: <i>la tusma ‘al-da‘wā ba‘d al-ibrā’ al-‘āmm</i> (Ashbāh).	
¹ <i>taq</i> Dhu’l-Ḥijjah 1333 (10 October– 8 November 1915): → doc. 621b.	^a wakālatan shar‘īyatan; ^b daf‘an; ^c tafṣīl-i ān fī maḥḍar da‘wā’hu mastūr ast
221 x 177; 8 lines. Persian.	

621b, *tpq* Dhu’l-Ḥijjah 1333 (10 October – 8 November 1915): judicial ruling

Turki notarial addition: 2 September [= 15 September] 1915, document entry no. 101

The [representative of] the Samarqand Assembly of Judges ^a states that on the above date, in accordance with an order ^b , he summoned ^c into his presence the afore-mentioned plaintiff and respondent. He then examined a judicial ruling notarised as document entry no. 153 in the annual register for 1914 by the <i>qāḍī</i> of Samarqand’s Khwājah Aḥrār district which, in accordance with a circular ^d , was issued in the respondent’s absence ^e . The respondent’s attorney Mullā Sayyid Khwājah thereupon offered a defence of his client, producing for inspection a legal opinion in support of his case. The plaintiff was unable to provide a

witness testimony to substantiate his claim^f, so the judge instructed him to swear an oath to its validity^g. The plaintiff then thrice demanded that the respondent swear to the truth of his claim^h, and the respondent thrice rejected the plaintiff's demandⁱ. In view of this refusal, and in accordance with *sharī'ah*, the speaker ruled that the respondent should pay the plaintiff the 60 *šūm* stipulated in the original claim.

Signature: Mullā Īshān Qul b. Mīrzā Rustam; Maḥmūd Jān b. Mukhtār Jān

No stamp.

¹ For this ruling, → doc. 620b.i.

^a siyāzd-i Samarqand; ^b muwāfiq-i pirikaz; ^c qamtū namūdah; ^d sirkūlār; ^e bih ghaybat-i mudda'ā 'alayhi namūdah būdah-and; ^f 'ājiz az bayyinah gardīdah; ^g istiḥlāf-i mudda'ī-rā namūd; ^h mudda'ā 'alayhi-rā thalāth marrāt talqīn-i qasam namūdah shud; ⁱ mudda'ā 'alayhi thalāth marrāt nukūl namūd

11 lines. Persian.

622

1915: receipt acknowledging tax payment

1135: KP 5991/675

From Mullā 'Abd al-Rashīd b. [Jīm?] Bāy: state tax^a: 5 rubles, 44 kopeks; land tax^b, 19 kopeks. Total: [blank].

No stamp.

^a gosudarstvennogo naloga/pādishālīq ṣālīq; ^b zemskogo sbora/zīmskī izbūr

106 x 114; pre-printed form. Russian and Turki.

623

623.i, 7 June [=20 June] 1915: copy^a of judicial ruling no. 32

601: KP 5991/322

Qāḍī Mullā 'Abd al-Karīm b. Khudāy Qul, people's judge^b of Samarqand *uyezd's*^c *volost'*^d number 1, states on the above date that he has issued a ruling in response to a claim by Tūrah Bāy b. Ustā Tūkhtamīsh against Būrī Bāy b. Ḥasan Bāy, a resident of 'Āshiq Atā *qishlāq*¹. The speaker summoned the plaintiff and respondent before the Samarqand courthouse and considered their submissions in accordance with *sharī'ah*. The plaintiff claimed that on 7 April [= 20 April] 1915, in a transaction before the *qāḍī* of Yangī Qūrghān [notarised in deeds registered as document entry] no^e. 26, the respondent sold him for 390 *tangah*^f a horse which he claimed was his own possession. Later, Imām Bāy b. 'Abd al-Nazar, a resident of Būrhān Khwājah *qishlāq*, Mīng Arīgh *volost'*, established that the horse in fact belonged to himself, and that he had acquired it from 'Abd al-Qayyūm Bābā b. Mullā 'Īsā Ākhūnd, a resident of

Qarluq *qishlāq* in Yangī Qūrghān *volost*². This being so, the respondent should take back the deeds^g [notarised as document entry] no. 26, and return the money which Tūrah Bāy has paid.

The respondent claimed in his defence that the horse noted in document entry no. 26 was born into his possession^h. This claim was supported by the attestation of Niyāz Khwājah b. Birdī Shukūr, aged 37 and a resident of Niyāz Khwājah *qishlāq*, and Bīk Murād Bāy b. Tāghāy Murād Bāy, aged 70 and a resident of ‘Āshiq Atā. Having put the respondent plus one of the witnesses on oathⁱ, the judge has found in favour of the respondent^j and against the plaintiff^l, who he hopes will withdraw^k his original claim.

¹ Meer Izzut-Oollah, *Travels in Central Asia*, p. 57, notes a settlement of this name 9 hours’ journey SWW of Samarqand.

² A subsidiary territory within Jizzakh *uyezd* (→ doc. 636), created in 1887 by the division of Chashmah Āb *volost*. Yangī Qūrghān is the subject of lengthy discussion in *Spravochnaia knizhka Samarkandskoi oblasti, vyp. X* (1912), pp. 1-67.

^a kūfiyah; ^b nārūdñāy sūdiyāh; ^c ūyazd; ^d wulūs; ^e nūmir; ^f tangah-yi bukhārī; ^g sijill-khatt; ^h khānah-zād-īm [...] ūz milkīm-ghah tawallud tāpgān-dūr; ⁱ tazkīyah qīlīb; ^j mudda‘ī-nī qararī-ghah; ^k ‘alā sabīl al-qahqarā

2 sheets, each 152 x 171; 27 handwritten lines on a pre-printed form (differing in layout from that encountered in docs. 495.i and 495.ii); Turki.

623.ii, *tpq* 20 August [=2 September] 1915: amicable settlement of contestation

The people’s judge^a of Mīng Arīgh states that Īrgash Bāy b. Amān Bāy, a resident of Turk quarter, presented himself before him, bringing with him a letter notarised on the above date and registered as document entry no. 341, confirming the conferral upon him of powers of attorney by ‘Abd al-Qayyūm Bāy b. Mullā ‘Īsā, a resident of Qarluq quarter, Yangī Qūrghān *volost*^b. Asserting that the horse noted in the above-cited deeds^c was born into ‘Abd al-Qayyūm Bāy’s possession^d, Īrgash Bāy summoned into the speaker’s presence Imām Bāy b. ‘Abd al-Nazar, a resident of Būrhān Khwājah *qishlāq*, Mīng Arīgh *volost*. While this latter was taking an oath to the validity of his testimony^e, several impartial actors^f including Mullā Mīrzā Qul b. Jūrah Bāy prevailed upon the plaintiff to make amicable terms, according to which Imām Bāy would pay him 300 *tangah*. The plaintiff and respondent both agreed to the proposal: Īrgash Bāy received the money in his capacity as Imām Bāy’s attorney, and the afore-mentioned claim was struck off. By these terms, the afore-mentioned horse is now the formal property of Imām Bāy, and the 300 are the formal property of Īrgash Bāy’s client.

No stamp.

Witnesses: Mullā ‘Uthmān Khwājah; ‘Abd al-‘Azīz Khwājah; [xxx] Āqsaqāl; and others.

¹ For discussion of such intermediaries and mediation, → doc. 478b.

^a nārūdñāy sūdiyāh; ^b wulūst; ^c sijill; ^d khānah-zād-īm; ^e qasam ḥawālah qīlgān-dah; ^f bir nīchah khāliṣ ādam-lār

13 lines. Turki.

624

tpq Shawwāl 1333 (12 August – 9 September 1915): reported declaration of mortgage

780: KP 5991/482

Turki notarial addition: 14 August [= 27 August] 1915, document entry no. 1459

On the above date Nazākat Āy bint Ustā ‘Abd al-Raḥmān, by her own account aged 32, declared as a competent agent before the courthouse of Samarqand’s district no. 2 that she has temporarily sold^a to Qābil Bāy b. Muḥammad Sharīf the *suknīyāt* on a courtyard property containing multiple houses, measuring 8 x 8 *arshin*^b and located in Yāmī quarter. The property abuts in the west onto a house belonging to Salāmat Āy bint Tursūn Bāy, in the north onto a public thoroughfare, in the east partly onto a house belonging to Karīm Bāy b. Niyāz Muḥammad, partly onto a house belonging to ‘Abd al-Sattār b. ‘Abd al-Raḥmān and partly onto a house belonging to Qādir Birdī b. Tursūn Bāy, and in the south onto a house belonging to Maḥmūd Bāy b. Shādī Bāy. The sale is for 200 *šūm*^c; the two parties to the transaction are entitled to dispose of their respective holdings for the period of 1 year from the above date^d.

Stamps: (i) [xxx]; (ii) Qāḍī Mullā Muḥammad ‘Īsā Khwājah b. Qāḍī Mullā Shīrīn Makhdūm; (ii) ‘Āshūr Āqsāqāl b. Rūz [xxx]

Witnesses: Mullā Khāl Muḥammad b. Jawhar Bāy; Qurbān Bāy b. Muḥammad Sharīf; Yār Muḥammad b. Jawhar Bāy.

¹ For a similar provision, → doc. 412, which similarly avoids the conventional legal fiction of ‘re-renting’ the property

^a bay‘-i jā’iz-i shar‘ī; ^b āljīm; ^c šūm-i kāghadh-i āqchah-yi rūsī; ^d al-idhn bi’l-intifā‘ tā muḍī-yi muddat-i yak sāl-i kāmil-i qamarī az tāriḫ-i madhkūr

176 (folded) x 221; 16 lines. Persian.

625

12 October [=25 October] 1915: letter

1140: KP 1225/2

Otto Vogau, proprietor of Samarqand’s Vogau brewery^{1a}, informs the Moscow addressee that his former employee Ivan Pavlovich Talakin no longer works for him. Talakin had previously work for the brewery as cashier for 14 years, during which period he distinguished himself by his honourable and friendly fulfilment of his duties, but it proved necessary to dispense with his services on account of the ceasing of business, resulting from the prohibition to sell beer on account of the current war², as a result of which it became necessary for the company to reduce its staff to a minimum.

No stamp.

¹ In addition to his brewing activities, Vogau was also a major tea merchant: see *Spravochnaia knizhka Samarkandskoi oblasti. 1898. vyp. VI*, p. 131.

² The only direct reference in the entire collection to the events of World War One.

^a pivovarenniy zavod

220 x 280; 20 typewritten lines. Russian.

626

Şafar 18 1334 (26 December 1915): marriage announcement

1044: KP 1575/1

Turki notarial addition: 11 December [= Friday 24 December] 1915, document entry no. 358

The leader of prayer^{1a} of Mīrzā Fūlād quarter should note that a marriage has been contracted between Marḥamat Āy bint Mullā Qūldāsh, a virgin, aged 17, and Mullā Qulī b. Mullā Aḥmad Jān, aged 22 and a resident of Makhdūm-i Khwārazm quarter. Having established that there is no impediment to rightful marriage, that the bride has not been contracted to anybody else^b, that both parties consent to the union, and that they have come to terms regarding the dowries^c, he should proceed to solemnize the union. In case of problems, he should consult with the courthouse of Samarqand *wilāyat*'s Ḥaḍrat-i Shāh-i Zindah district.

No stamp.

¹ Note the departure here from formula: the term 'muqtaḍā' is given in place of the more conventional 'imām'.

^a muqtaḍā; ^b bakhshīdah-yi shakhṣī na-bāshad; ^c bih tasmīyah-yi mahray-i ān

108 x 176; 11 lines. Persian.

627

18 December [=31 December] 1915: copy of judicial ruling

795: KP 5991/497

Turki notarial addition: copy^a of ruling entry no. 249

The people's judge^b of Samarqand's Ḥaḍrat-i Shāh-i Zindah district no. 1 states that he received a claim for restitution by Mullā Mīrzā Bāy b. Mullā Ātah Bāy, a resident of Ūrā Tipah, against Mullā 'Abd al-Rashīd b. Ḥājjī Jūrah Bāy, a resident of Samarqand's Masjid-i Sharbat-dār quarter. In keeping with practice^c he duly questioned both parties.

The plaintiff asserted in a deposition of claim^d that the respondent owed him (i) 450 *ṣūm*^e which the plaintiff had entrusted to his safekeeping; (ii) part of a further jointly-owned^f 1000 *ṣūm* presently in the respondent's possession; and (iii) property to the value of 600 *ṣūm* which he had taken from the plaintiff without justification, and which he refused to hand back.

In response to these claims, the respondent proposed to make the plaintiff a single payment of 300 *ṣūm*, and said nothing with regard to the plaintiff's other demands. Some impartial actors^g then proposed an intermission in the case^h in order to negotiate a peaceful settlementⁱ. The respondent agreed to this proposal. The impartial actors proposed that by the terms of the peaceful settlement the respondent would pay 1000 *tangah*^j: the respondent accepted these terms, but the plaintiff did not.

It was accordingly agreed at the plaintiff's behest that the case would resume on 17 December [= 30 December], and the senior *āqsaqāl*^k duly issued a summons^l registered as document no. 384. But although the respondent received and understood the terms of said summons, he failed to present himself at court. The magistrate accordingly issued a ruling in the respondent's absence^m, in accordance with the terms of a circularⁿ issued by the Turkistan General Governor^o on 5 November [= 18 November] 1902 as document no^p. 28².

By the terms of the ruling, the respondent should pay the plaintiff 1450 *šūm*, plus an additional 600 *šūm* should the property noted in claim (iii) transpire to be damaged. If the respondent refuses to pay up, the authorities will seize items of the respondent's property to the value of 2050 *šūm*, and give these to the plaintiff.

The speaker has announced this ruling to the plaintiff, and has sent a copy to the respondent. The document is witnessed by Abū Khwājah b. Buzurg Khwājah and Shādī Bīk b. Jān Bīk.

¹ For discussion of mediation, → doc. 478b.

² For reference to this circular as instruction for procedure in cases of non-attendance, → also doc. 620b.i.

^a kūfiyah; ^b nārūd-nāy sūdiyah; ^c muwāfiq-i sharī'at; ^d maḥḍar-i sharī'; ^e šūm-i kāghah-i akhchah; ^f sharīk-līk muḍārabah; ^g khālīš ādam-lidār; ^h muhlat; ⁱ šulḥ; ^j bir mīng tangah badalī-ghah šulḥ; ^k istarshī āqsaqāl; ^l pāwistkah; ^m ghā'ibānah; ⁿ sīrkūlār; ^o Turkistān Gīnirāl Gūbirnāṭūr; ^p nūmīr

178 x 220; 22 lines. Turki.

628

tpq Rabī' II 1334 (6 February – 5 March 1916): reported declaration of conferral of power of attorney^a

776: KP 5991/478

Turki notarial addition: 26 January [= 8 February] 1916, document entry no. 171

On the above date Muḥammad Ṣāliḥ Bāy b. Muḥammad Ṣābir Bāy, aged 46 and resident of Ḥaḍrat-i Faqīh Abu'l-Layth quarter¹, declared as a competent agent before the courthouse of Samarqand *wilāyat*'s district no. 1 that he has appointed Ni'mat Jān b. Nadīr Muḥammad Bāy as his attorney^b.

Said appointee should first of all chase up his client's debtors. He should also concern himself with the administration of his client's lands, overseeing the management of agriculture and of share-cropping^c, handing over the produce to the speaker's kinsmen and giving any surplus^d to Rukḥṣat Āy bint Ṣāḥib Nazar Bāy, the speaker's wife. He should furthermore act according to Rukḥṣat Āy's advice and wishes when negotiating peaceful settlements or issuing cessations of claim against the speaker's debtors^e.

Stamps: (i) Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā 'Abdallāh Khwājah; (ii) Mullā Īshān Qul b. Mīrzā Rustam

¹ For the eponymous jurist → doc. 41⁽⁸⁾.

^a wakālat-khaṭṭ; ^b wakīl-i muṭlaq-i mufawwaḍ ilayhi-yi 'āmm-i sharī' wa qā'im-maqām-i nafs-i khūd; ^c bih sharīkī dādan; ^d mā zādahu shawad; ^e nazd-i šulḥ wa ibrā bā hamrāhī-yi madyūnayn-i man

221 x 254; 12 lines. Persian.

629

629a, Muḥarram 1335 (28 October – 26 November 1916¹): claim for restitution

784: KP 5991/486

Acting as attorney to Dhakariyā Khwājah b. Ḥakīm Khwājah, who in turn is acting as guardian^a to his pre-adult daughters Mu‘aṭṭarah Bīgīm, Muḥarramah Bīgīm and Rābi‘ah Bīgīm, Ṣalāḥ al-Dīn Khwājah presents a claim before the courthouse of Samarqand’s district no. 1 against Walī Khwājah and Qārī Abu’l-Fayḍ Khwājah, sons of Mūsā Khwājah Muftī², Burhān Khwājah b. the afore-mentioned Walī Khwājah, Mu‘azzamah Āy bint Sayyid Khwājah and Sultānah Bīgīm bint Qāḍī Mīr Abu’l-Khayr Khwājah, residents of Mullā Qāḍī quarter.

The claim relates to a share of the estate of the late Mūsā Khwājah Muftī, comprising the *suknīyāt* on a property located in Samarqand’s Mullā Qāḍī quarter and abutting in the west and north onto a blocked thoroughfare, in the east onto a courtyard property belonging to Fūlād b. Mīrzā Bāy, a baker, and in the south onto a house belonging to the heirs of the late Qāḍī Mīr Abu’l-Ḥayy Khwājah. Said property was entrusted to Dhakariyā Khwājah in his parental power^b on behalf of his daughters; but the respondents, fellow heirs of Mūsā Khwājah Muftī, have refused to yield it to him.

Stamp: [xxx]

Citation: *al-waṣīyah hiya ijāb ba‘d al-mawt* (Niqāyah).¹ → doc. 629b.ii.²For whom → doc 453 and elsewhere.^a walī-yi shar‘ī; ^b wilāyatan ubūwwatan

220 x 231; 13 lines. Persian.

629b.i, respondent’s acknowledgement of claim

Turki notarial addition: 12 October [= 25 October] 1916

Acting as attorney to the above-mentioned respondents, Mullā Sayyid Khwājah b. Mullā Muḥammad Khwājah acknowledges that he has received the plaintiff’s claim, and undertakes to provide a response in three days’ time.

3 lines. Persian.

629b.ii, *tpq* Muḥarram 1335 (28 October – 26 November 1916): statement of judicial ruling¹

Turki notarial addition: 6 November [= 19 November] 1916; document entry no. 192

The magistrate states that on the above date Ṣalāḥ al-Dīn, acting as attorney to Dhakariyā Khwājah, presented the afore-mentioned claim for restitution: and that in response Mullā Sayyid Khwājah presented a statement signed by Mūsā Khwājah Muftī attesting to the void nature of the claim. The judges have opted in favour of this latter document^a, and ruled that the plaintiff’s claim is inadmissible^b.

No stamp.

Witnesses: Naṣrī Khwājah b. Bahā al-Dīn Khwājah; Ni‘mat Bāy b. Dāniyāl; Abū Khwājah b. Buzurg Khwājah; Jūrah Bāy b. ‘Ādil.

¹ The legal status of this document is unclear: it is neither signed nor stamped by a *qāḍī*. ^ariwāyat-i mudda‘ā ‘alayhi-rā tarjīḥ namūdand; ^b ḥukm bih ‘adam-i samā‘-i da‘wā-yi mudda‘ī [...] namūdah

8 lines. Persian.

630

tpq Rajab 1335 (23 April – 22 May 1917): reported declaration of mortgage

602: KP 5991/323

Turki notarial addition: 20 March [= 2 April] 1917, document entry no. 393

On the above date Ustā Muḥammad Nāṣir b. Qurbān Bāy, aged 41, declared as a competent agent before the courthouse of Samarqand *wilāyat*'s district no. 1 that he has temporarily sold^a to Nadhrī Āy bint Maḥmūd Bāy, with consent of Āftāb Āy, guardian of this last, the *suknīyāt* on a courtyard property comprising multiple residences located in Dar-i Zanjīr quarter, and abutting in the west onto a house belonging to Fūlād Bāy, in the north onto a house belonging to Rāfi‘ Jān b. Muqīm Jān, in the east onto a public thoroughfare, and in the south onto a house belonging to the heirs of ‘Azīm Jān. The sale is for 700 *ṣūm*^b; the two parties to the transaction are entitled to dispose fully of the objects which they have exchanged. The speaker additionally declared that he has undertaken to “re-rent”^c the property for 120 *ṣūm* per year, and that he is satisfied with the agreement. [Signed on behalf of the illiterate speaker by ‘Abd al-Majīd]

Stamp: Qāḍī Mullā Muḥammad Baqā Khwājah b. Mullā ‘Abdallāh Khwājah

Witnesses: Muqīm Jān Īllīk-Bāshī b. ‘Ādil Bāy; Mullā ‘Abd al-Karīm; and others.

^a bay‘-i jā‘iz-i shar‘ī; ^b ṣūm-i kāghadh-i āqchah-yi rūsi; ^c ijārah-yi ṣahīḥah-yi shar‘īyah

178 x 221; 12 lines. Persian.

631

Shawwāl 1335 (21 July – 18 August 1917): marriage warrant note

1021: KP 1557/2

Turki notarial addition: 31 July [= 13 August] 1917, document entry no. 44

The *imām* of the rural settlement of Qūrghānchah should note that Mullā Yazdān Qulī b. Mullā Tāsh Qulī, aged 24, has contracted marriage with Shahādat Āy bint Mīr Qābil Bāy, aged 18. Having established that there is no impediment to rightful marriage, that there is no hostility between the two parties and that neither party is a minor¹, he should proceed to solemnize the union.

Stamp (side b): Mullā Abu‘l-Khayr [xxx] b. Mullā [xxx]

¹ For the concern to ensure that parties are not minors, → docs. 367, 368 and 373.

110 x 178; 10 lines. Persian.

632

Rabī‘ I 1336 (15 December 1917 – 13 January 1918): reported declaration of cessation of claim¹

792: KP 5991/494

Zubayd-Allāh Bāy b. Kamāl Bāy, aged 36 and a resident of Amīrābād, declared as a competent agent before the courthouse of Samarqand’s district no. 1 that he has no right, business or claim against Sultān Murād Bāy and Šāhib Nazar Bāy, sons of Ustā Fūlād and residents of Khujandī quarter², and that henceforth any claim or intervention against these last will be void and inadmissible. ‘Abd al-Salām b. Tursūn Bāy states that he has signed the document on behalf of the illiterate speaker.

The document is witnessed by Ismā‘īl Bīk b. Ibrāhīm Bīk; ‘Abd al-Aḥad Bīk Īllīk-Bāshī b. ‘Abd al-Ḥāmid Bīk; Qābil Jān b. Fāḍil Bāy; and others.

[Addendum:] The speaker further declared that he has no claim against Ustā Muqīm Jān b. Muḥammad Yūsuf Bāy, nor against the wives of those individuals mentioned above: and that any claim will henceforth be void and inadmissible.

Stamps: (i) Qāḍī Mullā Muḥammad Baqā Khwājah b. ‘Abdallāh Khwājah; (ii) Naṣr al-Dīn Khwājah b. Bahā al-Dīn Khwājah; (iii) Mullā Sayyid ‘Abd al-Majīd b. Mullā Sayyid ‘Abdallāh Mudarris Muftī, 1320

¹ The document scans as an unbroken text, notwithstanding the changes in voice.

² For this quarter see Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.

220 x 178; 13 lines. Persian.

633 – 634: documents relating to Ustā Ḍiyā b. Mu’min Bāy

633

tpq Rabī‘ II 1336 (14 January – 11 February 1918): declared abstention from claim

790: KP 5991/492

On the above date Ustā Ḍiyā b. Mu’min Bāy, by his own account aged 60, declared as a competent agent before the courthouse of Samarqand *wilāyat*’s district no. 1 that he has no claim against Tājī Āy bint ‘Abd al-Qādir Bāy for possession of 14 *sazhen*^{1a} of *zamīn-i ḥawīlī-jāy* located in Qarā Bāy Āqsaqāl quarter, and abutting in the west onto a courtyard property belonging to the speaker, in the north onto a house belonging to the heirs of Mīr Ḥaydar, and in the east and south onto a blocked thoroughfare; any subsequent such claim will be void and inadmissible. [The statement is signed by Mullā Sayyid ‘Abd al-Majīd Muftī on behalf of the illiterate speaker.]

Stamp: Qāḍī Mullā Muḥammad Baqā Khwājah b. ‘Abdallāh Khwājah

Witnesses: Mullā ‘Abd al-Salām b. Tursūn Bāy; Ḥusayn Bāy b. Zārīf Bāy.

¹ The *sazhen* is conventionally a unit of length (≈ 7 feet/2.134 metres), not of area. The scribe presumably means ‘square *sazhen*’, for which \rightarrow also doc. 634.

^a sarjīn

178 x 221; 11 lines. Persian.

634

8 January [=21 January] 1918: declaration of sale

794: KP 5991/496

Ustā Ḍiyā b. Mu'min Bāy, aged 60, a resident of Qarā Bāy Āqsaqāl quarter, states that he has sold^a to Ḥusayn Bāy b. Zārīf Bāy (i) a courtyard property measuring 14 square *sazhen*^b, which constitutes ancestral property inherited from his late father, and (ii) 2/3 of a plot of *milk* valued at 150 *šūm* and located in Qarā Bāy Āqsaqāl quarter, and abutting in the west partly onto a house belonging to Imām Qulī b. Taghāy Murād and partly onto a house belonging to Sayf al-Dīn b. 'Umar Bāy, in the north onto a house belonging to Mullā 'Abd al-Jabbār b. 'Abd al-Rasūl, in the east onto a house belonging to Tājī Āy bint 'Abd al-Qādir and partly onto a blocked thoroughfare, and in the south onto a house belonging to the heirs of Ustā Qābil; the sale was for 300 *šūm*^c.

The purchaser confirms his satisfaction with the exchange; the purchaser being illiterate, Mullā Sayyid 'Abd al-Majīd Muftī signs on his behalf.

Mīr 'Ubayd Īllīk-Bāshī b. Mīr Sayyid and 'Abd al-Hāmid Bāy b. Ustā Bābā Jān attest as witnesses that the property in question now belongs to the purchaser, and that it is not subject to other impositions^d. [Stamp: Rayonnyi komitet kvartal Karabay-Aksakal']

The *qāḍī* of Samarqand's district no. 1 states that the exchange has duly been made, and that he has notarised it as entry no. 11 in the register of transactions. [Stamps: (i) Qāḍī [xxx] Muḥammad [xxx] Khwājah b. [xxx] 'Abd [xxx]; (ii) Mullā Sayyid 'Abd al-Majīd b. Mullā Sayyid 'Abdallāh Mudarris Muftī, 1320]

^a bay'-i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^b gūrādni sarjīn; ^c šūm-i kāghadh-i akhchah; ^d kafālat-ghah yūq

178 x 220; 10+1+3+4 lines. Turki.

635

tpq Jumādā I 1336 (12 February – 13 March 1918): declaration of sale¹

1136: KP 5991/676

Turki notarial addition: February 1918, document entry no. 898

Mīr Akbar Bāy b. Ibrāhīm Bāy, aged 55, states before the Ūrgūt courthouse that on the date specified above he sold^a to Mullā Bahādur b. Mīr Akbar the *suknīyāt* on a courtyard property measuring 8 x 11/5 *gaz*, located in Yārīnchak village, Ūrgūt *volost*^b, and abutting in the west onto a house belonging to Ustā Bahādur b. Mīr Akbar, in the north and east onto a house belonging to 'Abd al-Shukūr Bīk b. 'Abd al-Raḥmān Bīk, and in the south onto a house belonging to Mīr Akbar b. Ibrāhīm Bāy; the sale was for 2000 *tangah*. Mullā Raḥmat-Allāh Makhdūm b. Mullā Khudāy Birdī attests that he has signed the statement on behalf of the illiterate vendor.

The *qāḍī* of Ūrgūt, Qāḍī Mullā Asrār Khwājah Īshān b. 'Umar Khwājah Muftī, confirms that the exchange has duly been made, and that he has notarised the transaction.

Stamps: (i) Qāḍī Mullā Asrār Khwājah b. Mullā 'Umar Khwājah; (ii) Samarkand uyezd oblasti

Witnesses: Mullā 'Abd al-Ghanī Āqsaqāl; Mullā Mīr [Muẓaffar?]; and others.

<p>¹ In contrast with conventional Samarqandi notarial practice around this time, the document scans as an unbroken text, without paragraph divisions to signal changes in voice.</p>	<p>^a bay‘-i bātt-i batāt-i qaṭ‘ī; ^b wulūs</p>
<p>178 (folded) x 222; 15 lines. Turki.</p>	

636

10 July 1918: reported declaration of sale¹

967: KP 5991/595

<p>Ūrūn Bāy b. Suyūdūk, a resident of Qanglī <i>qishlāq</i>, Yangī Qūrghān <i>volost</i>^a, Dīzakh <i>uyezd</i>^b, declared before the [Yangī Qūrghān] courthouse that he has sold^c to Qurbān Bāy b. ‘Abd al-Raḥmān, a resident of Samarqand <i>uyezd</i>’s Qalandar-Khānah quarter, a plot of irrigated land^d abutting in the west onto a major canal, in the south onto a thoroughfare, in the east onto a major thoroughfare, and in the north onto land belonging to ‘Umūr-Ūzāq (<i>sic</i>); the sale was for 300 <i>ṣūm</i>^e. The statement is signed by Mullā Raḥmat-Allāh b. Mullā Īsh Muḥammad on behalf of the illiterate vendor. Qurbān Bāy accepts the terms of the exchange. The <i>qāḍī</i> of Yangī Qūrghān <i>volost</i>’, Mullā Khudāy Birdī b. Mullā Īgam Birdī, states that the exchange has duly been made, that the present document^e has been written on 10 July 1918, and that it was been notarised as entry no. 96 in the register of transactions.</p>	
<p>Stamp: Narodnogo sud’i Iangikurganskogo uch. Dzhizaksk. uyezda Samarkand. obl.</p>	
<p>Witnesses: Bātūr b. Birdī Bāy; Īsh Mīrzā b. Suyūdūk.</p>	
<p>¹ In contrast with conventional Samarqandi notarial practice around this time, the document scans as an unbroken text.</p>	<p>^a wulūs; ^b ūyāzd; ^c bay‘-i bātt-i qaṭ‘ (<i>sic</i>); ^d ābī-kārī yir; ^e ṣūm-i kāghadh-i aqchah; ^e akt-nāmah</p>
<p>210 x 265; 14 lines. Turki.</p>	

637

n/d¹: solicited legal opinion

791: KP 5991/493

<p>Mullā Aṣghar Ḥājjī issues a claim for restitution of 1000 <i>ṣūm</i> in a deposition of claim^a against Niẓām al-Dīn Bāy; the respondent denies the claim^b. Two other individuals^c now propose to give evidence in support of the claim^d. Is it correct for the <i>qāḍī</i>, having agreed to hear their testimony and having duly put them on oath to the effect that they are not lying^e, to issue a ruling in favour of the plaintiff? Answer: yes.</p>	
<p>Stamp: Mullā Sayyid ‘Abd al-Majīd b. Mullā ‘Abdallāh Mudarris Muftī, 1320</p>	
<p>Citations: (i) <i>i‘lam ann fi zamāninā kamā ta‘zzarat al-tazkīyah bi-ghalabat al-fisq ikhtārū al-quḍāt istiḥlāf al-shuhūd kamā ikhtārahu Ibn Abī Laylā min al-ā‘imat wa ghayruhu li-tuḥṣūl ghalabat al-zann</i> (Muhimmāt al-muftīyin²); (ii) <i>mujarrad al-shahādat mulzim li‘l-ḥukm ‘alā al-qāḍī, wa lā yatawaqqaf ‘alā al-tazkīyah, ka-mā fi‘l-Hidāyah wa ghayrihā</i> (Jāmi‘ al-rumūz); (iii) <i>qāl raḍī Allāh ta‘ālā ‘anhu fi zamāninā kamā ta‘zzarat al-tazkīyah</i></p>	

bi-ghalabat al-fisq ikhtārū al-quḍāt istiḥlāf al-shuhūd kamā ikhtār Ibn Abī (Laylā) raḍī Allāh ta'ālā 'anhu min al-ā'imat wa ghayrihi li-tuḥṣūl ghalabat al-zann (Tahdhīb al-fiqh³).

¹ *tpq* 1320 (10 April 1902 – 29 March 1903).

² The editors have been unable to identify a work of this name.

³ The editors have been unable to identify a work of this name.

^a maḥḍar-i shar'ī; ^b nazd-i inkār; ^c dū nafar-i musalmān; ^d bih ṭibq-i da'wā; ^e bih 'adam-i kidhb sawgand dādah

354 x 220; 5 lines. Persian.

638

tpq Ṣafar 1341 (23 September – 21 October 1922): hereditary transfer of estate

787: KP 5991/489

No Turki notarial addition

On the above date the estate of the late Barnā Āy bint Mullā 'Abd al-Jalīl, a resident of Abu'l-Khayr Bāy quarter, was divided according to the divine laws of inheritance^a between her husband Muḥammad Rasūl b. Īgām Birdī (receiving 1/4 of the total estate), her daughter Laṭāfat Āy (2/4), and son Mullā 'Abd al-Jalīl (1/4)¹.

Following the confirmation of the legality of the division^b, Muḥammad Rasūl received as his share various movable possessions, itemised at the outset.

Stamp: Mullā Sayyid 'Abd al-Majīd b. Mullā Sayyid 'Abdallāh Mudarris Muftī, 1320

Witnesses: Mukhtār Bāy b. Mawlām Birdī, of the committee^c of Abu'l-Khayr quarter; A'lā Khwājah b. Aḥrār Khwājah; Ustā Murād Qul b. Barakah Bāy; Mullā 'Abd al-Sattār b. Mu'in Jān; Nūr al-Dīn Khalīfah b. Aḥmad Jān; Īgām Birdī b. Muḥammad Dhākīr Bāy; and others. *Mubāshir*: Mullā Sayyid 'Abd al-Majīd Muftī.

¹ *sic*: the daughter's share is greater than the son's.

^a 'alā farā'id; ^b ba'd az taḥaqquq-i jamī'-i sharā'it-i ṣiḥhat-i qismat; ^c kumitit

220 x 354; 15 lines. Persian.

639

639a, n/d¹: solicited legal opinion

1053: KP 1590

Munawwarah Bīgīm and Ṣāliḥ Khwājah sold^a to Qurbān Khwājah for 350 *tangah* the *sukniyāt* on a courtyard property, in a transaction notarised in a set of deeds dated 17 June [= Friday 29 June] 1894 and registered as entry no.^b 1332. Following the sale, Qurbān Khwājah held onto the property for 12 years, and then sold it to Aḥmad Qaṣṣāb b. 'Iṣmat Bāy and Amān Qulī b. Aḥmad Qaṣṣāb, in a transaction dated 1906 and notarised as register entries no. 1346 and 1349. Now Munawwarah Bīgīm, the original vendor, has made a claim against Aḥmad Qaṣṣāb and his son for the property. Should the judge not be commended for throwing out the case^c?

Answer: yes.

Stamps: (i) Mullā ‘Ādil Muftī b. Dāmullā Maṣṣūr; (ii) Mullā Muẓaffar b. Mīrzā Iskandar Muftī; (iii) Mullā Luṭf-Allāh b. Mullā Faḍl-Allāh Muftī

Citations: (i) *ḥukm al-bay‘ thubūt al-milk li’l-mushtarī fi’l-bay‘ wa li’l-bā’i’ fi’l-thaman* (Khizānat al-muftīyin); (ii) *al-ṣakk al-musajjal qā’im maqām al-shāhidayn, li-ann ḥukm al-qāḍī nāfidh, zāhiran wa bāṭinan* (Fatāwā Qāḍī Khān); (iii) *wa ammā al-kitāb al-shar‘ī alladhī wujid fi yad al-khaṣm hal yadfa’ da’wā al-khaṣm fa’l-fatwā ‘alā annahi yadfa’* (Mukhtār al-fatāwā); (iv) *ann jamā’at min aimmat Balkh wa’l-Samarqand law wujid maktūban bi’l-khaṭṭ al-qāḍī wa khatmihi wa huwa lāzim ‘alayhi wa yajib an yaḥkum bihi li-annahu jihat tāqwiyah* (Muḍmarāt); (v) *wa fi’l-‘uyūn ann al-‘amal bi-ghālib al-ẓann wājib wa’l-khaṭṭ yaqīd ghālib al-ẓann fa-wajab al-‘amal bihu* (Baḥr al-manāfi’); (vi) *qāl wa yanbaghī li’l-qāḍī an yunfidh qadāyā al-qāḍī turfa’ ilayhi wa yaḥkum bihā* (Ādāb al-qāḍī); (vii) *wa ya’mal al-quḍāt bi-kitāb al-quḍāt al-māḍīn barran lahum* (Jāmi‘ al-fatāwā); *al-aḥkām yajrī ‘alā al-zāhir* (Jāmi‘ al-fatāwā); (viii) *wa ammā ḥukm al-quḍāt fa-huwa ‘alā al-zāhir* (Ādāb al-qāḍī, fi’l-qaḍā); (ix) *wa ‘inda iltimās al-‘ājiz, yajib al-ḥimāyah ‘alā al-ḥukkām* (Gharīb al-riwāyah²); (x) *wa idhā tayaqqan dhālik jāz al-i’timād ‘alayhi tawsi’atan ‘alā al-nās* (Hamawī Sharḥ-i Ashbāh, kitāb al-qaḍā); (xi) *al-qāḍī nuṣiba li-iṣṣāl al-ḥuqūq ilā ḥuqūqihim* (Sharḥ-i Mukhtār).

¹ taq 8 February 1923: → doc. 639b.

² [=Otherwise known as *Gharīb al-riwāyah fi furū’ al-Hanaḥiyah*]: an unpublished work by Muḥammad b. Abū Shujā’ al-‘Alawī (d. 491/1097).

^a bay‘-i bātt-i batāt-i qaṭ‘ī; ^b nūmīr; ^c ḥukm bih ‘adam-i samā’-i da’wā-yi mudda’ī-yi madhkūrah namāyand muthāb ‘ind Allāh bāshand

220 x 352; 8 lines. Persian.

639b, tpq 8 February 1923: judicial ruling^a

The people’s *qāḍī* of Samarqand’s District no. 2 Miyān Faḍl Hādī b. Miyān Faḍl Mun‘im, states that on the above date he summoned the plaintiff Munawwarah Bīgīm bint Mūsā Khwājah, a resident of Sūzangarān district’s Khwājah Nisbat-dār quarter¹, and the respondent Aḥmad Qaṣṣāb b. ‘Iṣmat Bāy, a resident of the same quarter, to the courthouse^b. In keeping with practice^c, he then questioned the two parties.

The plaintiff stated in a deposition of claim^d that when her late father’s estate was being divided amongst his heirs, the respondent wrongly seized possession of a courtyard property which is located in the afore-mentioned quarter and abuts in the west onto a road lead to a property belonging to Ustā Amīn Jān b. Mukhtār Bāy, in the south onto a blocked thoroughfare, in the east onto a courtyard property belonging to the late Ḍiyā Bay’s heirs, and in the south onto a courtyard property belonging to Fakhr al-Dīn Makhdūm b. Qārī Nadhr-Allāh. She claimed that the speaker should thus restore the property to her from its present illegitimate owner. The speaker then questioned the respondent, who claimed that the property in question was a duly notarised acquisition^e of himself and his son, and produced for inspection a stamped copy of the deeds. These state that on 17 June [= Friday 29 June] 1894 the afore-mentioned Munawwarah Bīgīm presented herself at the Samarqand *wilāyat* courthouse and sold^f the property in question to Qurbān Khwājah b. Sayyid Aḥmad Khwājah for 350 *tangah*, in a sale notarised as entry no. 1332 in the register of transactions; the deeds are notarised with the signature and stamp of Mullā Mīr Niẓām al-Dīn Khwājah, *qāḍī* of Samarqand. For 12 years the afore-mentioned purchaser retained the property in his own possession.

He then sold it on 9 May [= Tuesday 22 May] 1906 to the respondents Aḥmad Qaṣṣāb and Amān Qulī for 600 *šūm*, in a sale notarised as entries no. 1346 and 1340 in the register of the transaction; the deeds are notarised with the signature and stamp of Qādī Mullā Mīr Muḥammad ‘Īsā Khwājah b. Shīrīn Khwājah, former *qādī* of District no. 2. Accordingly, the respondents claimed, the speaker should issue a judgment finding for the inadmissibility of the plaintiff’s claim^g.

The speaker thus issued a binding judgment^h in favour of the respondent. The unsuccessful party has two weeks in which to present an appeal to the people’s courtⁱ.

The document is signed on behalf of the illiterate plaintiff [xxx] b. Mīrzā Jalāl.

The document is signed on behalf of the respondent by Mīrzā Kirām al-Dīn.

Stamps: (i) Khodzha-Akhrarskii gor. narodnyi Kazii Samarkand. uyez.; (ii) Bāltah Qulī b. Mullā Jān

^l For this quarter see e.g. Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.

^a ḥukm-nāmah az rū-yi sharī‘at; ^b qaḍā maḥkamah-sī; ^c muwāfiq-i sharī‘at; ^d maḥḍar-i sharī‘at; ^e zar-kharīd wathīqah-lik; ^f bay‘-i bātt-i qaṭ‘ī; ^g mudda’īyah-nī da‘wāsī mudda‘ā ‘alayhi-ghah īshitmāslik-ghah ḥukm qīlīb; ^h ḥukm-i qaṭ‘ī; ⁱ khalq sūdī

23 lines. Turki.

640

n/d¹: solicited legal opinion

1029: KP 1554

Tursūn Bāy reports that his wife Nabīrah Āy regularly goes to her parents’ home without his permission; he has told her that if she does so again he will conclusively divorce her^a: this after already telling her that if she leaves without permission she should go and not come back^b. If it is agreed that this initial warning referred to the opening steps of divorce proceedings^c, and that, by her subsequent behaviour, the wife has in one move brought divorce upon herself^d, does his second warning not lack force^e?

Answer: yes.

Stamp: Mullā Luṭf-Allāh b. Mullā Faḍl-Allāh Muftī

Citation: *min al-Tashīl: rajul ṭallaq imrā’atahu bā’inan thumm qāl lahā anti ṭāliq thalāthan qāl ba’duhum yaqa’ al-thalāth wa in kānat fī’l-‘iddah wa qāl ba’duhum lā yaqa’ sawā’ kān fī’l-‘iddah aw lam yakun wa’l-nukūl al-thānī wa huwa al-ṣaḥīḥ wa ‘alayhi al-fatwā ilakh; min al-Wiqāyah: law ṭalaq rajul imrā’atahu bā’inan qāl fī’l-‘iddah hiya ṭalaq thalāthan qāl ba’duhum yaqa’ al-thalāth li-annahū ṣarīḥ fī’l-lafz wa’l-ṣarīḥ yalḥaq al-bā’in wa qāl ba’duhum lā yaqa’ al-thalāth sawā’ kānat fī’l-‘iddah aw lam yakun wa hiya al-aṣaḥḥ wa ‘alayhi al-fatwā li-annahū bā’in fī’l-ma’nā wa’l-bā’in lā yalḥaq al-bā’in fa-i’tibār al-ma’nā awlā min i’tibār al-lafz (Muhimmāt al-muftīyin)*

¹ → doc. 639a(?): Mīrzā Luṭf-Allāh attested active ca. February 1923.

^a siḥ ṭalāq; ^b bi-rā, raftan gīr; ^c kināyah-yi ṭalāq; ^d bih yak ṭalāq-i bā’in ḥarām gardīdah; ^e ghayr-i wāqī‘ bāshad

221 x 354; 5 lines. Persian.

641

tpq Rabī‘ I 1342 (12 October – 10 November 1923): hereditary transfer of estate

774: KP 5991/476

On the above date the unencumbered estate^a of the late Mullā ‘Abd al-Rashīd was divided according to the divine laws of inheritance^b between his widow Shakar Āy bint Hājji ‘Azīm, aged 39 (receiving $\frac{1}{4}$), and Dāmullā Muḥammad Salīm Mudarris b. Mullā Muḥammad Nazar ($\frac{3}{4}$).

Following the confirmation of the legality of the division^c, Shakar Āy received as her share the *suknīyāt* on 2 properties. (i) The first of these is a courtyard property measuring 39 square *sazhen*^d located in Hawḍ-i Buland quarter, in Samarqand’s district no. 1¹, abutting in the west onto a courtyard property comprising the estate of the late Bībī Faḍlah and partly onto a property^e belonging to Mullā ‘Abd al-Nasīm b. ‘Abd al-Zāhir, in the north onto a courtyard property belonging to the heirs of Kattah Bāy Qaṣṣāb, in the east onto a house belonging to Mullā Fayḍ-Allāh b. Nūr Muḥammad and partly onto a courtyard property belonging to the afore-mentioned Mullā ‘Abd al-Nasīm, and in the south partly onto a courtyard property belonging to the heirs of Mullā Īshān Qul, partly onto a road leading towards this last, and partly onto a courtyard property belonging to the afore-mentioned Mullā ‘Abd al-Nasīm. (ii) The 2nd property is a shop which abuts in the west onto a shop belonging to Mullā ‘Abd al-Wāḥid b. Mīr Aḥmad and partly onto a house belonging to the heirs of Mullā Īshān Qul, in the north and east onto one of three shops belonging to Dāmullā Muḥammad Salīm Mudarris, and in the south partly onto a public thoroughfare and partly onto a shop belonging to the afore-mentioned Mullā ‘Abd al-Wāḥid.

Dāmullā Muḥammad Salīm received as his share 3 shops, itemised and described in a further document^f.

Stamp: Qāḍī [Yār?] Muḥammad Khwājah b. Mullā ‘Abdallāh Khwājah

¹ A rare instance of a residential/commercial quarter being identified by administrative district.

^a matrūkah-yi zāhirah-yi fāriḡhah; ^b ‘alā farā’iḍ Allāh ta‘ālā; ^c ba‘d az taḥaqquq-i jamī‘-i sharā’it-i ṣiḡḡat-i qismat; ^d murabba‘ sarjīn; ^e bār-khānah; ^f dar khaṭṭ-i ifrāz mā fi’l-yad-i īshān ma‘lūm wa mu‘ayyan ast

220 x 354; 18 lines. Persian.

642

tpq Dhu’l-Hijjah 1342 (4 July – 1 August 1924): hereditary transfer of estate

1067: KP 1597

On the above date the unencumbered estate^a of the late Ismā‘īl Bāy was divided according to the divine laws of inheritance^b between his son Īgam Birdī Bāy (receiving $\frac{2}{3}$) and his daughter Nār Manglī Āy ($\frac{1}{3}$).

Following the confirmation of the legality of the division^c, Īgam Birdī received as his share the *suknīyāt* on approximately $\frac{1}{2}$ *tanāb* of land located in Dashtak-i Pāyān, abutting in the west onto a garden presently cultivated^d by Nār Manglī Āy bint Ismā‘īl Bāy, in the north onto land belonging to ‘Abd al-Qādir Bāy ‘Aṭṭār, in the east onto a garden belonging to the heirs of Ibrāhīm Bāy, and in the south onto a private road belonging to the afore-mentioned Nār Manglī Āy.

Nār Manglī Āy's share is detailed in a further document^e.

Stamp: Qāḍī-yi qit'ah-yi thānīyah-yi Samarqand Qāḍī Mullā Muḥammad Salīm

Witnesses: Qārī Nadhr-Allāh b. Mullā Fayḍ-Allāh; Tursūn Fūlād Āqsaqāl b. Badal Āqsaqāl; 'Ārif Bāy b. Qalandar Bāy; 'Abd al-Mu'min Bāy b. 'Abd al-Ghaffār Bāy; and others.

^a matrūkah-yi fārighah az duyūn wa waṣāyā; ^b 'alā farā'id Allāh ta'ālā; ^c ba'd az taḥaqquq-i sharā'it-i ṣiḥḥat-i qismat; ^d bāgh-i mazra'ah gardīdah; ^e dar ifrāz-khaṭṭ mā fī'l-yad-i ān maktūb wa mabnī ast

139 x 216; 11 lines. Persian. Document reproduced at back of volume.

643 – 649: undated Samarqandi documents

643

n/d: solicited legal opinion¹

83: KP 1184

The *mutawallī* who administers the *waqf* of the mausoleum of Khwājah Ishāq¹ rents a plot of *waqf* land to two individuals for the knockdown price^a of 2000 *tangah*. Certain former tenants object to this, observing that for the same land they had paid the going rental rate^b of 2300 *tangah*. Is it not the case that, as the person responsible for said *waqf* lands, the *mutawallī* has the right (i) to charge rent and (ii) to conclude and revoke rental agreements as he sees fit?

No answer.

No stamp.

Citations: (i) *qawluhu ijārat al-waqf bi-aqall min ujrat al-mithl lā yajūz ay lā yaṣiḥḥ, wa-law ajar al-nāzir bidūn ujr al-mithl wa yalzam al-mustā'jir tamām aw al-mithl 'ind ba'd 'ulamāinā, wa 'alayhi al-fatwā* (Ḥamawī Sharḥ-i Ashbāh); (ii) *mutawallī al-waqf aw al-waṣī: idhā ajar māl al-ṣaghīr aw al-waqf bi-aqall min ajr mithlihā, lā yataghāb qāl shaykh al-islām Abū Bakr Muḥammad bin al-Faḍl yajib ajr al-mithl 'ind ba'd 'ulamāinā wa 'alayhi al-fatwā* (Qāḍī Khān); (iii) *wa in kānat mazrū'ah, lam yaṣiḥḥ ijāratuhā bi-ghayr ṣāhib al-zar'* (Durr al-mukhtār); (iv) *umūr al-waqf mufawwaḍ ilā al-mutawallī* (Qāḍī Khān); (v) *al-mutawallī mālik ḥukmī* (Jāmi' al-rumūz); (vi) *al-mutawallī mālik ḥukmī* (Jāmi' al-rumūz); (vii) *umūr al-waqf mufawwaḍ ilā rā'y al-mutawallī* (Qāḍī Khān); (viii) *lays li-ghayr al-mālik ann yataṣarraf fī'l-milk al-ghayr* (Baḥr al-rā'iq); (ix) *wa yaqin al-iftā' fī'l-waqf bi'l-anfa' wa adarr lahu* (Ashbāh); (x) *kull qawl lā yastanidd ilā aṣl shar'ī fa-lā yu'tabar* (Nawādir al-fatāwā³).

¹ Provenance unclear, but reference to Khwājah Ishāq may point to Samarqand (→ ²) immediately below).

² This perhaps refers to the mausoleum of the renowned 16th-century Naqshbandi shaykh Khwājah Ishāq b. Aḥmad Kāsānī (d. ca. 1008/1599-1600: see A. Papas, *Sufisme et politique entre Chine, Tibet et Turkestan: étude sur les Khwājas naqshbandis du*

^a aqall ujrat al-mithl; ^b ujrat al-mithl

Turkestan Oriental (Maisonneuve: Paris, 2005), p. 60; → also docs. 644 and 647 below), located in Isfidūk, a settlement in the vicinity of Samarqand: see Veselovskii, ‘Dagbid’, p. 90.
³ A work composed in Samarqand by Abū Sulaymān Mūsā b. Sulaymān al-Juzjānī (d. 200/815).

167 x 202; 6 lines. Persian.

644

n/d: a list of shrines located in the Samarqand region¹, and a prescription for treating headache and deafness

375: KP 5991/125

(a) Eminent figures within the confines of the city^a

- 1) [The shrine to] Imām Shams al-A’immah Halwā’ī, in Sultān Khwājah Shaykh al-Islām quarter
- 2) [The shrine to] Khwājah Abu’l-Faḍl Baghdādī, by the Bāy-Qabāq gate
- 3) [The shrine to] Shaykh Jalāl al-Dīn, in Kāshgharī quarter
- 4) [The shrine to] Khwājah Bakr Bukhārī, in Sultān Khwājah quarter
- 5) [The shrine to] Ḥaḍrat-i Khwājah Akhī, by the Charm-garī canal
- 6) [The shrine to] Khwājah Abu’l-Makārim, in Bāgh-i Maydān quarter²
- 7) The *qadam-jā* of Ḥaḍrat-i Mawlawī Jāmī, in the *madrasah* of Mīrzā Ulugh Bīk
- 8) [The shrine to] Mūsā b. Kāzim, inside the Shīrdār *madrasah*
- 9) [The shrine to] Ḥaḍrat-i Khwājah Muḥammad Qātānghū, in the courtyard of the Shīrdār *madrasah*³
- 10) The *qadam-jā* of ‘Umar b. ‘Abd al-‘Azīz, in the Turdī ‘Alī *madrasah*
- 11) The *dakhmah* of Sultān Abū Sa’īd, in Ḥammām-i Kuhnah quarter
- 12) The shrine to Mawlānā ‘Āshiq, in Ḥawḍ-i Sangīn quarter⁴
- 13) [The shrine to] Ḥaḍrat-i Khwājah Māh Rūy, together with his brother, in Ghulāmī quarter
- 14) [The shrine to] Mawlānā Kalān Wā’id, in the Mīrzā Qābil *madrasah*
- 15) [The shrine to] ‘Abd al-Raḥman b. ‘Awf, to the north of the Mīrzā Qābil Ḥammām⁵
- 16) [The shrine to] Khālīd b. Walīd, in Pul-i Safīd
- 17) The *mazār* of Khwājah Murād-Bakhsh, in the mosque of Ḍiyā Makhdhūm
- 18) [The shrine to] Mawlānā Zāhid Jān-fidhā, by the Ḥaḍrat-i Shāh gate
- 19) [The shrine to] Mawlānā Wāsi‘ Afkār, close to the court of Ḥaḍrat-i Shāh
- 20) [The shrine to] Shaykh Manzūr, inside the Shībānī Khān *madrasah*
- 21) [The shrine to] Mīr Sayyid Aḥmad Walī, inside the ‘Ārif Jān Bāy *madrasah*
- 22) [The shrine to] Mawlānā Shams al-Dīn Sarakhsī, in Qūsh Ḥawḍ quarter
- 23) [The shrine to] ‘Ammah Atā, in Khwājah Jān Khwājah quarter⁶
- 24) [The shrine to] Qamar and Thamar, inside the Ṣūfī Rāziq *madrasah*
- 25) [The shrine to] Khwājah Jān Khwājah, in Khwājah Jān Khwājah quarter⁷

- 26) [The shrine to] Ḥaḍrat-i Salmān-i Fārs, in Dabhdī quarter
 - 27) [The shrine to] Khwājah Dhūd-Murād, otherwise known as the prophet Jirjīs⁸
 - 28) The *kalām-i sharīf* [=Qur'an]-i Ḥaḍrat-i 'Uthmān, in the Safīd *madrasah*
 - 29) The *mazār* of Khwājah Nisbat-dār⁹
 - 30) The *mazār* of Khwājah Awliyā, in the Shaykh al-Islām *khānaqāh*¹⁰
 - 31) The *mazār* of Majnūn Atā, close to the afore-mentioned *khānaqāh*
 - 32) The *mazār* of Khwājah "Qul Huwallāh", in Ūrgūtī quarter
 - 33) [The shrine to] Tigirmānchī Atā, in Dar-i Zanjīr quarter¹¹
 - 34) [The shrine to] Khwājah Ismā'īl Kharrāt, in Kul-Tipah quarter¹²
 - 35) The *mazār* of Dawāzdah Imām, in Dāminī quarter
 - 36) [The shrine to] Khwājah Dārwish, in Makhdhūm-i Khwārazm quarter¹³
 - 37) [The shrine to] Shaykh Manṣūr Mātridī, in Chākardīzah¹⁴
 - 38) [The shrine to] Mawlānā Burhān al-Dīn [Marghinānī], author of the *Hidāyah*, in Chākardīzah¹⁵
 - 39) [The shrine to] Mullā [Ya'qūb] Abu'l-Layth Samarqandī, in Yalang Bī quarter¹⁶
 - 40) [The shrine to] Khwājah "Ilāhukum", also in Chākardīzah
 - 41) The *qadam-jā* of Bashār Hāfī, in Dāminī quarter
 - 42) The *mazār* of Khwājah Gil-Rīz, in Nāmī quarter
 - 43) The *mazār* of Uways Qaranī, in 'Arabān quarter¹⁷
 - 44) The *mazār* of Bībī Sittī Tugal-bār, in the citadel at the gate of Khwājah Aḥrār
 - 45) The *mazār* of Ḥasan Nawjuwān, by the former dwelling of Khwājah Aḥrār
 - 46) The *mazār* of Gūr-i Mīr, Sayyid Mīr Barakah and his distinguished son, in Gūr-i Mīr quarter¹⁸
 - 47) The *mazār* of Shaykh Burhān al-Dīn Sāgharjī, in Rūhābād quarter¹⁹
 - 48) The *mazār* of Khān Sayyid Imām, in Khān Sayyid Imām quarter²⁰
 - 49) The *mazār* of Ibrāhīm Khwājah, in Mullā 'Ashūr Muḥammad quarter
 - 50) The *mazār* of Sayyid Aḥmad Walī Sāhib-i "Qandiyah", in Khān Sayyid Imām quarter
 - 51) The *mazār* of Ḥaḍrat-i Quṭb-i Chahārdahum²¹
 - 52) The *mazār* of Imām Fakhr al-Islām Pazdawī, in Abr Atā quarter²²
 - 53) [The shrine to] the '*alambardārān* of Ḥaḍrat-i Payghambar Muḥammad, to the west of the Citadel Gate
 - 54) The *qadam-jā* of Dah Yār-i Bihishtī, by the Citadel Gate
 - 55) [The shrine to] Ustād-i Sāhib-i Hidāyah, in Tāshkandī quarter²³
 - 56) [The shrine to] 'Umar Nasafī, in Yalang Bī quarter
 - 57) [The shrine to] Mīr Ḥusayn Shahīd, in the courtyard property of Mullā Qurbān Zīngar, in Ibrāhīm Āqsaqāl quarter
- (b) Eminent figures beyond the confines of the city^b
- 58) The *mazār* of Ḥaḍrat-i Shāh²⁴
 - 59) [The shrine to] Muzhdah-Khānah-yi Ḥaḍrat-i Sulṭān Khwājah Aḥmad Yasawī, to the east of this last
 - 60) [The shrine to] Dīwānah Chughdh, to the north of the shrine to Ḥaḍrat-i Shāh
 - 61) The *mazār* of Ḥāṭam Khwājah, to the west of the shrine to Ḥaḍrat-i Shāh
 - 62) The *mazār* of Shaykh Thābit, to the east of the shrine to Ḥaḍrat-i Shāh

- 63) [The shrine to] Ḥaḍrat-i Abu'l-Hissī (?), to the west of Ḥaḍrat-i Khidr mosque²⁵
- 64) [The shrine to] Ḥaḍrat-i Dāniyāl²⁶
- 65) The *mazār* of Khwājah Chārūq in Khwājah Chārūq
- 66) The *mazār* of Bābā Sar-mast, by the banks of the Āb-i Raḥmat stream²⁷
- 67) The *mazār* of the famed Ḥaḍrat-i Chūpān Atā
- 68) The *mazār* of Naẓar Bābā Atā, to the west of Chūpān Atā
- 69) The *mazār* of Ḥaḍrat-i Khwājah Ishāq Walī in Bāgh-i Buland [Isfidūk]²⁸
- 70) [The shrine to] Sayyid Mīr Muḥammad, known as Shaykh Suwchī, by the banks of the Āb-i Raḥmat
- 71) [The shrine to] Khwājah Pīr-i Maydān, in Bāgh-i Maydān²⁹
- 72) The *qadam-jā* of ‘Ālim Shaykh ‘Azīzān, by the banks of the Siyāh Āb³⁰
- 73) [The shrine to] Sayyid Aḥmad, known as Khwājah Muḥammad Sangrasān³¹, in the Afrāsiyāb citadel
- 74) [The shrine to] Mawlānā Shams al-Dīn Ūzgandī, outside the Bāy-Qabāq gate
- 75) [The shrine to] Imām Sikandar-Abī, to the north of Namāzghāh
- 76) The *mazār* of the famed Sīwalīk Atā
- 77) The *qadam-jā* of Shaykh Maṣṣūr Mātrīdī, in the rural settlement^c of Mātrīd
- 78) The *mazār* of Khwājah Murghān, in the rural settlement of Mātrīd
- 79) The *mazār* of Khwājah ‘Anjāla in the rural settlement of Mātrīd³²
- 80) The *mazār* of Qūndūz Ṣūfī, in the rural settlement of Qūndūz Ṣūfī
- 81) [The shrine to] Khwājah Yūsuf Hamadānī³³
- 82) The *mazār* of Imām Muḥammad Marghīnānī, on the road to Bukhara in the Bāgh-i Shamāl
- 83) [The shrine to] Ḥaḍrat-i Qīlīch Atā, on the Nūrābād road
- 84) The *mazār* of those buried in the rural settlement of Khushtar
- 85) The *mazār* of Khwājah Aḥmadī Rawandah, known as Khwājah Ghulām³⁴
- 86) [The shrine to] the famed Ḥaḍrat-i Khwājah Aḥrār Walī³⁵
- 87) [The shrine to] Mawlānā Qāḍī, in the rural settlement of Khwājah Aḥrār
- 88) The *mazār* of Khwājah Kafsh, to the east of Ḥaḍrat-i Khwājah Aḥrār
- 89) [The shrine to] the famed Khwājah ‘Abdī-yi Bīrūn³⁶
- 90) The *mazār* of Muḥammad b. Abū Bakr, by the shrine to Khwājah ‘Abdī-yi Bīrūn
- 91) [The shrine to] the famed Khwājah ‘Abdī-yi Darūn³⁷
- 92) [The shrine to] Mawlawī ‘Iṣmat-Allāh, by the shrine to Khwājah ‘Abdī-yi Darūn
- 93) The *mazār* of Khalīfah La‘l-Bīk, to the west of the shrine to Ḥaḍrat-i Khwājah ‘Abdī-yi Darūn
- 94) The *mazār* of Ḥajjī Safā, in Qalandar-Khānah³⁸
- 95) The *mazār* of the souls of the *sayyids* and nobles, to the west of Ḥajjī Ṣafā
- 96) The *mazār* of Abū Muslim, in Ghār-i ‘Āshiqān
- 97) [The shrine to] Ḥaḍrat-i Khwājah Ṣafā-yi Walī, in the rural settlement of Khwājah Ṣafā
- 98) The *mazār* of Imām ‘Abd al-Raḥmān Dārimī, in the rural settlement of Isfandī
- 99) [The shrine to] Mīr Sayyid Khalīl-Allāh and Mīr Fakhr al-Dīn, in the rural settlement of Tilak Atā
- 100) [The shrine to] Imām Fakhr al-Dīn, in the rural settlement of Jum‘ah-yi Shabdār³⁹
- 101) [The shrine to] Mīr Sayyid Khalīl-Allāh, to the west of Jān Bāy Tipah-yi Kābud
- 102) [The shrine to] Shaykh Khudāyād Walī, in the rural settlement of ‘Azīzah-yi Sughd⁴⁰

- 103) [The shrine to] Nūghāy Atā, in the rural settlement of Nūghāy Atā-yi Sughd
 104) [The shrine to] Ḥaḍrat-i Khwājah Ismā‘īl, in the famed rural settlement of Şughd
 105) [The shrine to] Şulḥ Atā, in the rural settlement of Sughd
 106) [The shrine to] Pichāqchī Atā, in the rural settlement of Āfarīnkint
 107) [The shrine to] Mazār-i Ḥuqqah, in the rural settlement of Ḥuqqah-yi Siyāh Āb
 108) [The shrine to] Imām Atā, in the rural settlement of Ḥuqqah
 109) [The shrine to] the famed ‘Āshiq Atā
 110) The *mazār* of Qumlī Ḥilmī, in the rural settlement of Anḥār
 111) The *mazār* of Ḥaḍrat-i Makhdūm-i A‘zam and his children, in Dahbīd
 112) [The shrine to] Ḥaḍrat-i Khwājah Dahbīdī, to the south of Dahbīd *madrasah*
 113) The *mazār* of Khalīfah Şiddīq, in the rural settlement of Bīsh Tūt⁴¹
 114) The *mazār* of Dām Sayyid, in Dām-i Sayyid-i Āfarīnkint
 115) The *mazār* of ‘Ālim Shaykh, in the rural settlement of Īlābād, in Chilak
 116) The *mazār* of Lāyish, in the rural settlement of Āfarīnkint
 117) [The shrine to] Sayyid Murtaḍā Khwājah b. Sayyid Mūsā Khwājah, in Bāgh-i Shamāl-i Pāyān

There then follow two prescriptions for treating headache and deafness.

¹ The author of this document appears to have been substantially informed by a Samarqandi shrine catalogue from ca. 1251/1835-36 by Abū Ṭāhir Qāḍī b. Abū Sa‘īd Samarqandī, entitled the *Samarīyah*. This work was first translated and published by N.I. Veselovskii (St. Petersburg: I. Boroganskii, 1904); references below are to the Uzbek-language edition by S. Aynī *et al* (Tashkent: Yangi asr avlodi, 2009), pp. 105-206.

² *Samarīyah*, p. 149: Abu’l-Makārīm was a jurist during the time of Muḥammad Shībānī Khān.

³ *Samarīyah*, p. 149.

⁴ *Samarīyah*, p. 148-149.

⁵ Situated by the walls of the citadel, in close to the shrine of Fakhr al-Islām: *Samarīyah*, p. 140.

⁶ *Samarīyah*, p. 151.

⁷ *Samarīyah*, p. 151, locating the shrine to the east of the Bībī Khānim mosque.

⁸ *Samarīyah*, pp. 151-152, noting that Jirjīs was in fact buried in Mūşul.

⁹ *Samarīyah*, p. 148, locating the shrine in the vicinity of Sūzāngarān gate.

¹⁰ *Samarīyah*, p. 148, locating the shrine to the east of the road leading to Khwājah Ahrār’s shrine.

¹¹ *Samarīyah*, p. 147, noting Tigirmānchī Atā’s alternative name of Sayyid Bakrī al-Dīn, and locating the shrine instead in Yalangtūsh Bī quarter.

¹² *Samarīyah*, p. 147.

¹³ *Samarīyah*, p. 147: Khwājah Dārwişh was a prominent pupil of Ḥusayn Khwārazmī.

¹⁴ Situated to the east of the city centre: *Samarīyah*, pp. 143-46.

¹⁵ *Samarīyah*, pp. 146-147.

¹⁶ *Samarīyah*, p. 147, locating the shrine instead in Abu’l-Layth quarter, south of Dar-i Zanjir quarter.

^a nām-i sharīf-i ‘azīzān dar Samarqand būdah-gī; ^b buzurgwārān dar bīrūn-i shahr būdah-gī; ^c mawḍī‘

<p>¹⁷ <i>Samarīyah</i>, p. 141.</p> <p>¹⁸ <i>Samarīyah</i>, p. 141.</p> <p>¹⁹ Located close to the south wall of the citadel: <i>Samarīyah</i>, p. 141. For Rūḥābād quarter see e.g. Abramov, <i>Samarqand qabristonlari</i>, p. 20.</p> <p>²⁰ <i>Samarīyah</i>, p. 142; for this quarter see also Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.</p> <p>²¹ Otherwise known as Shaykh Nūr al-Dīn Basīr: <i>Samarīyah</i>, pp. 138-139.</p> <p>²² The shrine is situated next to Samarqand’s Wazīr mosque: <i>Samarīyah</i>, pp. 139-140.</p> <p>²³ For this quarter see Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.</p> <p>²⁴ i.e. Shāh-i Zindah: <i>Samarīyah</i>, pp. 132-134.</p> <p>²⁵ <i>Samarīyah</i>, p. 136.</p> <p>²⁶ <i>Samarīyah</i>, p. 152.</p> <p>²⁷ <i>Samarīyah</i>, p. 153, referring to Bābā Sābit.</p> <p>²⁸ <i>Samarīyah</i>, p. 153-154, locating the shrine to the north of the city.</p> <p>²⁹ <i>Samarīyah</i>, p. 153.</p> <p>³⁰ <i>Samarīyah</i>, p. 170 (?).</p> <p>³¹ <i>Samarīyah</i>, pp. 136-137.</p> <p>³² <i>Samarīyah</i>, p. 154, identifying the saint instead as Khwājah Ghunjārā.</p> <p>³³ <i>Samarīyah</i>, p. 137, observing that ‘Abd al-Rahmān Jāmī situates Hamadānī’s grave instead in Merv.</p> <p>³⁴ <i>Samarīyah</i>, p. 154.</p> <p>³⁵ <i>Samarīyah</i>, p. 154-159.</p> <p>³⁶ <i>Samarīyah</i>, p. 159-160.</p> <p>³⁷ <i>Samarīyah</i>, p. 160-161.</p> <p>³⁸ <i>Samarīyah</i>, p. 161, giving a genealogy.</p> <p>³⁹ <i>Samarīyah</i>, p. 164.</p> <p>⁴⁰ <i>Samarīyah</i>, p. 171.</p> <p>⁴¹ <i>Samarīyah</i>, p. 168.</p>	
170 x 718; 24 lines. Persian.	

645

n/d: appeal

817: KP 5991/515

Makhdūm-i Badakhshī, the <i>mudarris</i> of Samarqand’s Ṭilā-Kārī <i>madrasah</i> , conveys his prayers and entreaties to the <i>amīr</i> ^a . He proceeds to relate that he is in a position of difficulty ^b , and that he knows of nobody other than the addressee to whom he might appeal for assistance ^c : and he hopes that the addressee may consent to help him ^d .	
Stamp: [xxx]	
	^a ḥurmat-i ḥaḍrat-i sayyid al-‘arab wa’l-‘ajam wa ālihi al-amjād; ^b bih darajah-yi ‘ajz wa inkisār wa bih wartah-yi taḍarru‘ wa iftiqār mī-rasānad; ^c hīch ārām-gāh

na-dāram, bih juz az ḥaḍrat-i wājib al-wujūd wa janāb-i shumā Dhu'l-faḍl wa'l-jūd; ^d az barā-yi riḍā-yi khudā umīd mī-kunam kih 'arḍ-i īn musāfir-i dar-māndah bih ma'raḍ-i qabūl rasad

292 x 252; 31 lines. Persian.

646

n/d¹: list of properties in Samarqand region²

942: KP 1237

[...] The 5th courtyard property constitutes *pādishāh-līk* property: it is located in the Khujandī quarter, and comprises 9 adjacent blocks of property.

- (i) The 1st block measures 226 *gaz*. The present occupiers Āchah Bībī bint Wafā and Istam Āy bint Bābā Jān erected two buildings on the property 26 and 3 years ago respectively; the *kharāj* on these two buildings is 15 *šūm*. The property abuts in the west onto a courtyard property belonging to Sharāf Bāy b. Pīr Muḥammad, in the north onto *pādishāh-līk* properties presently occupied by Jūrah Bāy, Šāḥib Naẓar and Sayyid Bāy, in the east onto a property presently occupied by Ghanī Khwājah and in the south onto a property belonging to Muḥammad Šādiq b. Muḥammad Naẓar. The land is valued at 150 *šūm*.
- (ii) The 2nd block is a property which has been occupied without permission for 10 years by Jūrah Bāy b. Ārtuq, who without authorisation^a has constructed a brick building on the site. The property measures 108 *gaz*, and includes a building constituting *pādishāh-līk* which, together with the land on which it stands, is valued at 120 *šūm*; it is taxed at 71 *šūm*. The property abuts in the west onto a courtyard property belonging to Sharāf Bāy b. Pīr Muḥammad, in the north onto a courtyard property belonging to the heirs of Qūzī Bāy, in the east onto a courtyard property constituting *pādishāh-līk* property, and in the south onto a road leading to this last. The 2nd block measures 100 *gaz*, and is valued at 80 *šūm*.
- (iii) The 3rd block has been occupied for 26 years by Šāḥib Naẓar b. Shādī, who has also built on the property without authorisation. The property contains no building which constitutes *pādishāh-līk*. The property measures 100 *gaz*, and is valued at 80 *šūm*. It abuts in the west and north onto the afore-mentioned property presently occupied by Jūrah Bāy, in the east onto the property presently occupied by Ustā Sayyid, and in the south onto the afore-mentioned road leading to properties outlined above.
- (iv) The 4th block has been rented [from?] the Khujandī mosque for 1 year by Muḥammad Sayyid b. Nūr al-Dīn; it contains 4 buildings which were previously erected by Raḥmān Gāw-Jallāb b. Īgam Birdī without authorisation. The property measures 195 *gaz*, and is valued at 120 *šūm*; it contains no building which constitutes *pādishāh-līk*. It abuts in the west onto the property presently occupied by Šāḥib-i Naẓar, in the north onto the property presently occupied by Jūrah Bāy, in the east onto the property presently occupied by Ḥājjī Qurbān, and in the south onto the afore-mentioned road leading to properties outlined above.

- It was previously occupied for 14 years by Raḥmān Gāw-Jallāb.
- (v) On the 5th block, a brick building was constructed without permission for 18 years by Ghanī Khwājāh b. ‘Azīz Khwājāh. The property measures 200 *gaz*, and is valued at 120 *ṣūm*. It abuts in the east onto the property presently occupied by Āchah Bībī and Iṣtam Āy, in the north onto the afore-mentioned road leading to properties outlined above, in the east onto a courtyard property of Muḥammad Rajab b. Muḥammadī’s acquisition^b, and in the south onto a courtyard property bought by Muḥammad Ṣādiq b. Muḥammad Zārīf.
- (vi) The 6th block has been occupied without permission or authorisation for the last 4 years by Ḥājjī Qurbān Qaṣṣāb b. Mīrzā Ākhūnd, who acquired it for 200 *tangah* from Ḥājjī Muḥammad Naẓar b. ‘Abd al-Naẓar; this latter had occupied the property for 18 years, during which period he erected a number of buildings. The land measures 97 *gaz* and is valued at 125 *ṣūm*; it contains no building which constitutes *pādishāh-līk*. The property abuts in the west onto the *pādishāh-līk* property presently occupied by Muḥammad Sayyid, in the north onto the *pādishāh-līk* property presently occupied by Muḥammadī Khwājāh, and in the east and south onto the *pādishāh-līk* property presently occupied by Manglī Bāy.
- (vii) The 7th block has been occupied without authorisation for the last 20 years by Minglī b. ‘Āshūr [xxx], who with his own resources has built for himself two houses, a portal and a brick- and wooden-built shop. The land measures 120 *gaz*, and is valued at 20 *ṣūm*; it contains no building which constitutes *pādishāh-līk*. It abuts in the west onto the *pādishāh-līk* property presently occupied by Ḥājjī Qurbān, in the north onto the *pādishāh-līk* property presently occupied by Muḥammad Khwājāh, in the west onto a public thoroughfare, and in the south onto afore-mentioned road leading to properties outlined above.
- (viii) The 8th block has been occupied without authorisation for the last 5 years by Muḥammad Khwājāh b. Sayyid Khwājāh; he acquired it from Ṣafar Bāy b. Mīrzā Bāy, who previously lived there for 12 years, during which period he by his own undertaking erected a number of buildings; the tax assessment for a wooden-built house, a portal and a guesthouse is 60 *ṣūm*. The land measures 200 *gaz*, and is valued at 140 *ṣūm*; it contains no building which constitutes *pādishāh-līk*. It abuts in the west onto the *pādishāh-līk* property presently occupied by Jūrah Bāy, in the north onto a common reservoir, in the east onto a public thoroughfare, and in the south onto *pādishāh-līk* properties presently occupied by Manglī Bāy and Ḥājjī Qurbān.
- (ix) The 9th block has been occupied without authorisation for the last 22 years by the son and heirs of the late Naẓar b. Bāzār. The land measures 628 *gaz*, and is valued at 300 *ṣūm*. It abuts in the west onto a courtyard property belonging to the west of the late Qūzī Bāy b. Sharāf, in the north onto a public thoroughfare, in the south onto a common pool, and in the south onto the afore-mentioned *pādishāh-līk* property presently occupied by Jūrah Bāy.

The 6th courtyard property is located in the Dahbīdī quarter; none of it constitutes *pādishāh-līk* property. It measures 1012 *gaz*, and is valued at 400 *ṣūm*. The eastern side of the

property measures 29 *gaz*, and adjoins a courtyard property belonging to ‘Abd al-Majīd Muftī b. Sayyid ‘Abdallāh; the north side measures 33½ *gaz*, and adjoins both an entry road and a courtyard property belonging to the heirs of Fayḍī Bāy; the west side measures 30 *gaz*, and adjoins a courtyard property belonging to the heirs of Tursūn Muḥammad; and the south side measures 34½ *gaz*, and adjoins partly the afore-mentioned property belonging to the heirs of Tursūn Muḥammad, and partly a courtyard property belonging to ‘Abd al-Hāmid Bāy. The property is presently occupied, with the permission of the Bukharan *amīr*, by Yār Muḥammad Chuhrah-Aqāsī.

The 7th courtyard property constitutes *pādishāh-līk* property: it is located partly in the Kamāl Khwājah quarter and partly in the Qāḍī Ghafūr quarter, measures 1149 *gaz*, and is valued at 1000 *šūm*. It is presently occupied without permission by Muḥammad Ṣāliḥ b. Bābā Bīk. It was previously occupied by Naqīb Khwājah Dah-Bāshī b. Bāy Khwājah, before this last returned to his homeland. Before Naqīb Khwājah, it was occupied by Jabrā’īl Naṣīr Khān Afghān; before him, by Hājījī Muḥammad Afghān; before him, by Shāh Mīrākhūr [xxx]; before him, by [xxx] Hindūstān; before him, by Ya‘qūb Bachchah³, *khān* of Kāshghar; before him, by Mallah Khan⁴, *khān* of Khūqand; and before him, by Mīrzā Shukūr, Samarqandi *mīrshab*.

The 8th courtyard property constitutes a courtyard property serving as a native^c *maktab-khānah* and located in Sharbat-dār quarter; it formerly functioned as an ambassadorial mission^d, as a residence for the Bukharan *amīr*’s *bīks*, and as a *qāḍī-khānah*, being used by ‘Ashūr Bīk Bī, Bābā Jān Tūqsābah, ‘Awaḍ Malīk Bī and Rustam Bīk Dādkhwāh, the governor of Ūra Tipah.

The 9th courtyard property is a hospital located in Qāḍī ‘Abd al-Rasūl quarter. It is presently, with the permission of the Bukharan *amīr*, under the control of Qāḍī Mīrzā Maḥmūd⁵, Mullā ‘Ālim Khwājah, Badal Qarāwul-Bīgī and Ḥaqq Naẓar Mīrākhūr.

¹ The date of composition is unclear, though the use of Russian-language calques indicate that it was written considerably subsequent to the Russian conquest of 1868.

² The document is incomplete: it is unclear for what purpose it was originally compiled. One possibility is that it was written to provide information for K.K. Palen’s *Otchet po revizii Turkestanskogo kraia, proizvedennoi po VYSOCHAISHEMU Povelenniu* (St Petersburg: Senatskaia Tip., 1909-1911), for which → doc. 609.

³ ‘Kokand and Bukharan military and political figure, 1852-1864; independent ruler in Chinese Turkistan, 1865-1877’: Beisembiev, *Annotated Indices*, pp. 511-512. The meaning of this point of the text is unclear.

⁴ Mallah Khān b. Shīr ‘Alī Khān; ruler of Khūqand, 1858-62: Beisembiev, *Annotated Indices*, p. 461.

⁵ This individual is perhaps to be identified as that individual of the same name encountered in doc. 434.

^a bī shart-nāmah; ^b zar-kharīd; ^c tūzīmni; ^d ilchikhānah

3 sheets, each 222 x 354; 189 lines. Turki.

n/d: spiritual genealogy^{1a(2)}

1040: KP 1554

The genealogy first runs from the Prophet Muḥammad to Makhdūm-i A‘zam³: Muḥammad → Fāṭimah → (1) Ḥasan and (2) Ḥusayn, of whom (1) → Ḥaḍrat-i Imām Zayn al-‘Ābidīn b. Ḥusayn → Imām Muḥammad Bāqī (*sic*) → Ja‘far-i Ṣādiq → Imām Mūsā Kāzīm → Imām ‘Alī Mūsā Riḍā → Imām Muḥammad Taqī → Imām ‘Askarī Riḍā → Sayyid ‘Abdallāh A‘raj → Sayyid Aḥmad → Sayyid Shāh Ḥusayn Muḥammad → Sayyid Shāh Ḥasan → Sayyid Jalāl al-Dīn Baghdādī → Sayyid Kamāl al-Dīn Majnūn⁴ → Sayyid Burhān al-Dīn Qilīch → Sayyid Mīr Muḥammad Dīwānah → Burhān al-Dīn Khāl (*sic*) → Sayyid Jalāl al-Dīn → Ḥaḍrat-i Makhdūm-i A‘zam.

The speaker proceeds then to consider the 14 sons⁵ of Makhdūm-i A‘zam, of whom two were particularly distinguished. The first of these was Khwājah Muḥammad Amīn, and the second was Khwājah Muḥammad Ishāq⁶.

The speaker proceeds then to outline a branch of descent running from Khwājah Muḥammad Amīn: Khwājah Muḥammad Amīn → Khwājah Muḥammad Yūsuf → (1) Khwājah Hidāyat-Allāh, known as Khwājah Āfāq⁷, (2) Khwājah Karāmat-Allāh Khwājā, and (3) Qanā‘at-Allāh Khwājā. From this last was born ‘Ubayd-Allāh Khwājā → ‘Azīzlār Khwājā → Yūnus Khwājā → ‘Umar Khwājā → Yūsuf Khwājā → (1) Mūsā Khān Khwājā, (2) Īshān Khān Khwājā, (3) Sayyid Qurbān Khān Khwājā, (4) Sayyid Khān Khwājā. From the first of these was born → ‘Abd al-Rasūl Khwājā → (1) Mūsā Khān Khwājā, (2) Ṣūfī Khwājā, (3) Muḥammad ‘Alī Khwājā. From the first of these was born → Sayyid Raḥmat-Allāh Khān Khwājā → Sayyid Amān-Allāh Khwājā → Tūrah Khān.

¹ The provenance of the document is not explicitly identified, but the strong Samarqandi associations of the individuals herein noted suggests a Samarqandi origin.

² The term is a variation on the more conventional *nasab-nāmah*.

³ → doc. 644. The genealogy substantially resembles that offered by N. Veselovskii in ‘Dagbid’, in *Zapiski Vostochnogo Otdeleniia Imperatorskogo Russkogo Arkheologicheskogo Obshchestva* 3 (1888), pp. 85-95 [p. 90].

⁴ This figure is encountered in other genealogies (e.g. Abu’l-‘Abbās Muḥammad Ṭālib’s mid-17th-century *Maṭlab al-ṭālibīn*, MS Berlin Staatsbibliothek – Preussischer Kulturbesitz Or. Oct. 1540, f. 27b) as Mīr Dīwānah.

⁵ Sources attribute to Makhdūm-i A‘zam varying numbers of sons, from 7 to 22. A 14-son model appears in the mid-17th-century *Ta’rīkh-i Sa’īd Rāqīm*, by Mullā Sharaf al-Dīn b. Nūr al-Dīn Ākhūnd Mullā Farhād: see MS RAS Morley 163, ff. 194b-195a.

⁶ → doc. 643⁽⁵⁾

⁷ Subsequently renowned for his association with the eponymous ‘Āfāqīyah’ brotherhood in 17th- and 18th-century East Turkistan. → Papas, *Sufisme et politique entre Chine, Tibet et Turkestan*, pp. 77-79 and elsewhere.

^a nisbat-nāmah²

240 x 620; 50 lines. Turki.

648

n/d: letter

1023: KP 1557/2

Mullā ‘Abd al-Raḥīm writes to Ustā ‘Abd al-Raḥīm the cart-maker. After a programmatic opening, the speaker requests the addressee to bring 5 *qadāqs* of maize on Tuesday, because on Wednesday he will be departing.

No stamp.

136 x 214; 12 lines. Persian and Turki.

649

n/d: hereditary transfer of estate¹

1138: KP 5991/678

The estate of the late Ustā Abu’l-Fayḍ Kafsh-dūz b. Ḥusayn Bāy, aged 54, a resident of Mullā Qalandar quarter, is divided between his widow Risālat Āy bint Shākīr Bābā, aged 50 (receiving 5/40), his sons ‘Umar Bāy, aged 12, and Ḍiyā Bāy, aged 9 (each receiving 14/40), and his daughter Tāsh Bībī, aged 15 (7/40).

The estate comprises (i) an old courtyard property valued at 5000 *ṣūm* and located in Mullā Qalandar quarter, abutting in the west onto a public thoroughfare, in the north partly onto a house belonging to the heirs of Ḥakīm Bāy and partly onto a house belonging to Akram Bāy b. [–], in the east onto a blocked thoroughfare, and in the south onto a house belonging to ‘Abd al-Mannān b. ‘Abd al-Ghaffār; (ii) a house valued at 3000 *ṣūm* and located in the rural settlement of Nūrābād², abutting in the west onto a house belonging to the heirs of Muḥammad Rasūl, in the north onto land endowed for a designated purpose as *waqf*^a, in the east partly as in the north and partly onto land belonging to Mullā Birdī b. Ja‘far Bāy, and in the south onto land belonging to the heirs of Ma‘rūf Bāy; (iii) various possessions itemised at the outset, plus 1000 *ṣūm* presently in the keeping of Ustā Dhākīr Bābā b. Ustā ‘Ālim Bāy, and 1000 *ṣūm* in the keeping of Khāl Muḥammad b. Ma‘rūf Nūrābādī; and a horse valued at 2000 *ṣūm*.

No stamp.

Witnesses: Mīr Sayyid b. Mīr ‘Ādil; Khāl Muḥammad b. Ma‘rūf Bāy Shāhid; Muḥammad Nāṣir b. Mu’min Bāy

¹ The document omits the transactional narrative, complete with conventional formulae (*‘alā farā’id Allāh ta‘ālā*, etc), which one usually encounters in materials of this nature.

² For this settlement see Abramov, ‘Istoriia Samarkanda v ego mikrotoponimakh’, p. 182.

^a zamīn-i waqf bar maṣraf-i mu‘ayyan

222 x 213; 6 lines. Persian.

KHUIJAND AND ENVIRONS

tpq Rabī‘ I 1259 (1 – 30 April 1843): reported declaration of gift, and of abstention from claim

961: KP 5991/589

7 Russian stamps: 15+15+15+15+10+5+5 kopeks¹

On the above date Mullā Bahādur Qarāwul-Bīgī b. Jum‘ah Bāy produced for display before the Khujand *wilāyat* courthouse a set of deeds attesting to the acquisition^a of a plot of land of specified dimensions located in the rural settlement of Tāshlāq-i Zanbarī, one of the famous settlements of the afore-mentioned *wilāyat*, and irrigated^b with water from the Āq Ārīq canal. The plot in question abuts in the east² onto *mamlakah-yi sultānīyah* land, in the south entirely³ onto land belonging to [Dasht Pāchām?], in the north onto the embankment of Qaryah-yi Ūnchī’s common canal^c, and in the west onto [xxx] land belonging to Mullā ‘Awīd Muḥammad. He had acquired the property in return for 100 *ṭilā*^d which he had given to cover expenses incurred by the army of the late martyred Sultān Maḥmūd^{4e}. The property was made over to him after Sultān Maḥmūd’s death by Sayyid Muḥammad Shīr ‘Alī Khān⁵; the deeds were notarised in Muḥarram 1258 (12 February – 13 March 1842). After the contents of the deeds had been scrutinised^f, Mullā Bahādur Qarāwul-Bīgī declared as a competent agent^g that in full sincerity he has given^h the afore-mentioned property to his pre-adult son Muḥammad Mūsā. He further declared that he henceforth has no right whatsoever on the property in question, and that if he or any of his subsequent heirs make any claim on the property, it will be void and inadmissible.

Stamps: (i) Muḥammad [xxx]; (ii) Qādī Mīr Diyā al-Dīn b. Mīr Nizām al-Dīn; (iii) Sayyid ‘Ālim [b.?] Dāmullā Mīr Bāqī; (iv) Qādī Mīrzā Badal b. Mullā ‘Aṣām al-Dīn, 1250; (v) Mīrzā Ra’uf b. Tūrah Khān

¹ The stamps were presumably appended substantially subsequent to the document’s composition. It is unclear what circumstances demanded their addition.

² An unusual inversion of the conventional west – north – east – south sequence.

³ This specification of entirety (*tamāman*) is common also to Khujandi docs. 651, 652, 654, below.

⁴ “Sultān Maḥmūd, executed in Kokand by Bukharan emir 5 Rabī‘ II 1842; Kokand prince, younger brother of Muḥammad ‘Alī Khan; governor of Tashkent 1841-42, “caliph for an hour” in Kokand before the Bukharan conquest, three days of May 1842” (Beisembiev, Annotated Indices, p. 243).

⁵ Shīr ‘Alī b. Ḥājji Bī, ruler of Khūqand, 1258-61.

^a *shirā-yi bay‘-i bātt-i shar‘ī*; ^b *āb-khūr-ash*; ^c *bih ḥarīm, tābi‘ah-yi jūy-i ‘āmm*; ^d *ṭilā-yi jayyid-i aḥmar-i a‘lā-yi yak-mithqāl-i shar‘ī*; ^e *az wajh-i thaman-i libās wa ṣarf-i mā yalāzim-i ‘askar-i qawī-paykar-i islāmīyah dar dhimmah-yi Sultān Maḥmūd-i maqtūl-i shahīd-i marḥūm*; ^f *ba‘d az mafhūm-i maḍāmīn-i mundarij-i wathīqah-yi madhkūrah*; ^g *ḥāl jawāz iqrārihi wa nafādh jamī‘ taṣarrufātihi ‘alā nafsihi*; ^h *bakhshīdam wa hibah-yi shar‘īyah namūdam [...] bih lafz-i ṣarīḥ wa hibah*

296 x 158; 12 lines. Persian.

651 – 653: documents relating to Mīrzā Muḥammad Nāṣir Khwājah b. Īshān Sayyid Khān Khwājah

651

tpq Rabī^c II 1261 (9 April – 7 May 1845): reported declaration of sale

1059: KP 1590

On the above date Muḥammad Ya‘qūb b. Mīr Bābā declared and acknowledged^{1a} as a competent agent^b that he has sold^c to Mīrzā Muḥammad Nāṣir Khwājah b. Īshān Sayyid Khān Khwājah a courtyard property located in Khujand’s Chaqar-i Shaykh al-Islām neighbourhood^{2d(3)}, and abutting in the west entirely onto *milk* belonging to Īshān Muḥammad Naẓar Khwājah Mudarris b. the late Īshān Sayyid Khān Khwājah Ra’īs, and in the south and east entirely onto *milk* belonging to Bībī Fāṭimah bint Raḥmat Bāy³; the sale, for 7 *ṭilā* and 14 *tangah*^e, was completed, with each party to the transaction receiving what was due^f.

Stamps: (i) Qāḍī Sayyid Qāsim b. Qāḍī Sayyid Ghā’ib, 1256; (ii) Mullā [xxx] al-Muftī

Witnesses: Īshān Mallah Khwājah; Ya‘qūb Khwājah; Muḥammad Sharīf; Ustā Nār Bāqī; Ustā Aṣl; Mullā Mīr Ṣabūr; and others.

¹ No mention is made of where the sale is notarised; see similarly Khujandi docs. 652, 653 and 656.

² For this district see A.E. Madzhi, ‘K istorii feodal’nogo Khodzenta’, in B. Gafurov and N. Prokhorov (eds.), *Materialy po istorii tadjikov i Tadjikistana* (Stalinabad: Gosizdat. pri SNK Tadjikskoi SSR, 1945), pp. 114-144 [p. 142].

³ This term appears in documents of Khujandi, Khūqandi and Tashkenti provenance as an alternative to *gudhar* (=quarter), the term more conventionally encountered amongst documents of Bukharan, Nasafi and Samarqandi origin. The term stands in similar relation to *mawḍi* (=rural settlement) as does *gudhar* (for which → doc. 375 above): see Mukminova, *K istorii agrarnykh otnoshenii v Uzbekistane*, p. 326, citing N.G. Mallitskii, ‘Tashkentskie makhallia i mauza’, in *V.V. Bartol’du turkestanские друз’ia, ucheniki i pochitateli* (Tashkent, 1927), p. 109.

³ The line of demarcation to the north is unspecified.

^a iqrār wa i‘tirāf-i ṣaḥīḥ-i mu‘tabar-i shar‘ī; ^b ḥāl jawāz iqrārihi; ^c bay‘-i bātt-i batāt-i nāfidh-i lāzim-i shar‘ī; ^d maḥallah³; ^e tangah-yi nuqrah-yi sarah; ^f ma‘ al-taqābuḍ al-ṣaḥīḥ fi’l-badalayn

322 x 192; 9 lines. Persian.

652

tpq Rabī^c II 1261 (9 April – 7 May 1845): reported sale¹

1060: KP 1590

On the above date Muḥammad Ya‘qūb b. Mīr Bābā, acting on his own behalf and as guardian^a to his daughter Andhirat, sold^b to Muḥammad Nāṣir Khwājah b. Īshān-i Ra’īs, through this latter’s attorney Mullā Mīr Ṣabūr b. [–], a courtyard property located in

Chaqar-i Shaykh al-Islām neighbourhood, and abutting in the west entirely onto Īshān Muḥammad Naẓar Khwājah Mudarris, son of the late Īshān Sayyid Khān Khwājah Ra'īs, and in the south and east entirely onto *milk* belonging to Bībī Fāṭimah bint Raḥmat Bay². The jointly owned property was bequeathed by the speaker's wife Bībī Ulugh bint Ustā Ayyūb, with ¼ of it now belonging to Muḥammad Ya'qūb himself, and ¾ to the aforementioned Andhirat. The sale, for 7 *ṭilā*^c and 14 *tangah*^d, was completed, with each party to the transaction receiving what was due.

Stamps: (i) Qāḍī Sayyid Mīrzā Nāṣir b. Ākhūnd Mullā Mīr Bāqī, 1260; (ii) Qāḍī Sayyid Qāsim b. Qāḍī Sayyid Ghā'ib, 1256; (iii) Qāḍī Mīrzā Sa'īd b. Dāmullā Aghāligh Bābā A'lam; (iv) Mullā Shaft' Muftī b. Qāḍī Samī'; (v) Qāḍī Īshān Jān b. Dāmullā 'Abd al-Mannān A'lam

Witnesses: Īshān Mallah Khwājah; Ya'qūb Khwājah; Muḥammad Sharīf; Ustā Nār Bāqī.

¹ → doc. 3(1).

² The document notarises the sale of the same property as that notarised in doc. 651 above. As in doc. 651, the line of demarcation to the north is unspecified.

^a waṣī-yi shar'ī; ^b bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^c ṭilā-yi jayyid-i aḥmar-i a'lā-yi yak-mithqālī-yi shar'ī; ^d tangah-yi nuqrah-yi sarah-yi wazn-i sab'ah

256 x 198; 9 lines. Persian. Document reproduced at back of volume.

653

tpq Dhu'l-Hijjah 1266 (8 October – 6 November 1850): reported declaration of sale

1055: KP 1590

On the above date Bībī Fāṭimah bint Raḥmat Bāy declared and acknowledged^a as a competent agent^b that she has sold^c to Mīrzā Muḥammad Nāṣir al-Dīn Khwājah b. the late Īshān Sayyid Khān Khwājah Ra'īs a courtyard property located in Chaqar-i Shaykh al-Islām quarter, one of the well-known neighbourhoods in Khujand *wilāyat*, and abutting in the west entirely onto *milk* land belonging to the purchaser, in the north entirely onto a public thoroughfare, and in the east and south entirely onto *milk* land belonging to the vendor^{d(1)}. The sale was for 7 *ṭilā* and 10 *tangah*^e; the purchaser acquired the property for the stipulated sum^f, and the sale was completed, with each party to the transaction receiving what was due^g.

Stamp: Qāḍī Sayyid Qāsim b. Qāḍī Sayyid Ghā'ib, 1256

Witnesses: Ḥaḍrat-i Īshān Mudarris; Mullā 'Abd al-'Azīz Khwājah; Mullā Ṣabūr, Yūsuf Khwājah; Ustā Barāt, Bābā Khwājah; Fayḍ Muḥammad; and others.

¹ For this formula → also doc. 24.

^a iqrār wa i'tirāf-i ṣaḥīḥ-i ṣarīḥ-i mu'tabar-i shar'ī; ^b ḥāl ṣiḥḥah dhātihā wa nafādh jamī' taṣarrufātihā ṭā'ī'atan wa rāghibatan 'alā nafsihā; ^c bay'-i bātt-i batāt-i nāfidh-i lāzim-i shar'ī; ^d fawāṣil dar kull-i ḥudūd 'alāmāt zāhirah wa amārāt bāhirah ast¹; ^e ṭilā-yi jayyid aḥmar a'lā-yi [...] shar'ī wa dah tangah-yi nuqrah-yi sarah-yi wazn-i sab'ah; ^f kharīd mushtarī-yi madhkūr maḥdūd-i maṣtūr-rā bih mablaghayn-i mawṣūfayn bar wajh-i madhkūr; ^g ma' al-taqābuḍ al-ṣaḥīḥ fi'l-badalayn

263 x 243; 12 lines. Persian.

654

tpq Rabī‘ I 1285 (22 June – 21 July 1868): reported conferral of power of guardianship

1054: KP 1590

On the above date Mullā Ulūgh Khwājah, eldest son of the late Īshān Muḥammad Nāṣir Khwājah, was appointed as guardian^a to his pre-adult siblings Hidāyat Bīgīm, Fayḍ al-Nisā Bīgīm and ‘Iṣmat-Allāh Khwājah. It is hoped that these latter will accept his authority^b.

Stamp: Qāḍī Mullā Yūsuf Khwājah b. Shu‘ayb Khwājah

^a waṣī naṣb namūdah shud [...] dar taswīyah-yi umūr wa ḥifz-i amwāl wa amlāk-i [...]; ^b ba‘d an lam yakun lahum ab wa jadd wa waṣīhumā wa waṣī-yi waṣīhimā

226 x 162; 7 lines. Persian.

655

tpq Jumādā I 1285 (20 August – 18 September 1868): reported cessation of claim

1058: KP 1590

On the above date Atā Khwājah b. Ismā‘īl Khwājah Īshān, acting both on his own behalf and as attorney to his siblings Arslān Khwājah, Jannat Bīgīm and Bīgīm Bībī, received 2 Khūqandi *ṭilā*^{1a} from Ulūgh Khwājah b. Muḥammad Nāṣir Khwājah, this latter acting on his own behalf, as attorney^b to Ṣalāḥ al-Dīn Khwājah and Khwān Pādshāh, and as guardian to his pre-adult siblings ‘Iṣmat-Allāh Khwājah, Hidāyat Bīgīm and Fayḍ al-Nisā Bīgīm. In return, he has dropped his claim against the children of Muḥammad Nāṣir Khwājah and Naẓar Khān Tūrah. Neither Atā Khwājah nor his clients henceforth have any contention towards the descendents of Muḥammad Nāṣir Khwājah, particularly regarding the estate of the late Bābā Khwājah Īshān².

Acting personally and as attorney to Maryam Pādshāh, Sayyid Pādshāh, Salīmah Āy, Sitārah Pādshāh and La‘lī Pādshāh, daughters of Jān Tūrah, Tūrah Khwājah b. Īshān Khwājah also received 2 *ṭilā* from Ulūgh Khwājah, and dropped his former claim against the descendents of Naẓar Khān Tūrah and Muḥammad Nāṣir Khān Tūrah.

Stamps: (i) Muhr-i qāḍī-yi Khuḡand, 1285; (ii) Dāmullā Mīr Tursūn Muḥammad Muftī b. Niyāz Badal, 1275

¹ The reference to Khūqandi currency is indicative of Khuḡand’s liminal position in the 19th century, situated as it was between the Samarqandi and Khūqandi spheres of influence.

² Unusually for a statement of this kind, this sentence is contained neither in direct nor in indirect speech.

^a ṭilā-yi jayyid-i aḥmar-i a’lā-yi Khūqand al-ḡarb-i yak-mithqālī-yi shar‘ī; ^b wakīl bi’l-bayyinat al-‘adālah

292 x 198; 10 lines. Persian.

tpq Jumādā I 1317 (7 September – 6 October 1899): reported declaration of sale¹

825: KP 5991/519

On the above date Muḥammad Khwājah Āqsaqāl [Rūmānī?] b. Īshān Tāsh Khwājah declared² as a competent agent^a that he has sold^b to Mullā Mīr Mu'min b. Mullā Shāh Mīr Sharīf two plots of land located in the rural settlement of Zanbarī, in Khujand *wilāyat*'s Jūybār-i Āq Ārīgh³. The first plot abuts in the west, for 500 *sazhen*^c, onto a public thoroughfare running towards Qalaghjah, in the east, for 500 *sazhen*^c, onto a small road, in the north, for 1111 *sazhen*^c, onto a main road, and in the south, for 1110 *sazhen*^c, onto *milk* belonging to the purchaser Mullā Mīr Mu'min b. Mullā Shāh Mīr Sharīf. (ii) The second property comprises 8/15 of a jointly-owned plot of land in the afore-mentioned rural settlement, abutting in the west, for 40 *sazhen*^c, onto a public thoroughfare running to the village of Ūnchī, in the north, for 550 *sazhen*^c, again onto said thoroughfare, in the east, for 360 *sazhen*^c, onto Qabr-Tipah, and in the south, for 550 *sazhen*^c, onto a public thoroughfare. The sale, for 1500 *šūm*^d, was completed, with each party to the transaction receiving what was due^e.

Stamp: Muḥammad Khwājah b. Tāsh Khwājah

¹ The model for this document is confused. The text begins as a *statement of* declaration of sale (→ doc. 479), with the *muqirr* Muḥammad Khwājah Āqsaqāl introducing himself in his own words (*man, kih Muḥammad Khwājah Āqsaqāl [...]*). But it then resolves itself into a *reported* declaration of sale, with the *muqirr* presented in the third person rather than the first (*iqrār-i šarīḥ-i šahīḥ-i mu'tabar-i shar'ī namūd*).

² Unusually for a document of this date, there is no mention of where the declaration is issued.

³ Beisembiev, *Annotated Indices*, p. 528, notes (though does not identify or locate) a settlement of this name, with reference to material in the *Ta'rīkh-i Shāhrukhīyah*.

^a ḥāl-i jawāz-i iqrār, wa nafādh jamī' -i tašarrufāt-i khūd; ^b bay' -i bātt-i batāt-i nāfidh-i lāzim-i qaṭ'ī; ^c sarjīn; ^d šūm-i rā'ijī; ^e al-taqābuḍ al-šahīḥ fī'l-badalayn

472 x 361; 14 lines. Persian.

n/d¹: claim for restitution

1066: KP 1597

Acting as guardian to the pre-adult Hamrāh Chichak bint Jūrah Bāy, Salāmat Āy bint Šādiq Bāy presents a claim before the courthouse of Khujand *wilāyat*'s district no. 1 against 'Abd al-Razzāq b. 'Abd al-Rasūl, a resident of Qūsh Ḥawḍ quarter.

The speaker claims that the respondent took from her 900 *šūm*^a, falsely promising to pass it on to the young girl: and that he now refuses to hand it back.

Stamp: [Qāḍī?] Muḥammad Šābir b. Muḥammad Nāšir Muftī, 1321

Citation: *daf' shayā' lays li-wājib, fa-lahu istirdāduhu* (Qunyah).

¹ *tpq* 1321 (30 March 1903 – 17 March 1904).

^a šūm-i kāghadh-i āqchah-yi rūšī

219 x 175; 8 lines. Persian.

TASHKENT AND ENVIRONS

658 – 659: documents relating to the *waqf* of Shāh ‘Abd al-Malik Bābā*

658

1118 (15 April 1706 – 4 April 1707): statement of conferral of appointment and privileges

1116: KP 5991/658

‘Ubayd-Allāh Khān^a informs the *sayyids*, *qādīs*, members of the ‘*ulamā*, and members of the population of Pskat village both eminent and modest^b that, by the rulings of khāns gone by^c, [the territories of] Shāh ‘Abd al-Malik Bābā, Jūy-i Chahār-Bāgh, Jānbāsh, Qīramah, Ḥiṣārak, Nijdān and [Shustah-gar?] have long belonged as *waqf* to the shrine of Shāh ‘Abd al-Malik Bābā. The position of *mutawallī*, which previously lay with the late Mu‘anbar Khwājah, has now hereditarily^{d(1)} devolved to his grandson Mu‘anbar Khān Khwājah. The speaker instructs people to recognise the afore-mentioned territory as the *waqf* of the afore-mentioned shrine, and should refrain from interfering with fiscal claims, extraordinary levies and so on^e; the superintendant of irrigation, meanwhile, should ensure that the land receive its long-stipulated daily allocation of water^f.

Stamp: ‘Ubayd-Allāh Bahādur Sultān

¹ Of the four instances of this formula’s appearance within the collection, two relate to this particular group of documents: → also docs. 33, 408 and 659.

^a Abu’l-Manṣūr ‘Ubayd Muḥammad Bahādur Sultān; ^b ahālī, a‘yān-i sharāf, ‘amal-dārān wa ālighdārān wa ra‘āyā wa muḍārī‘ān wa mutawwaṭṭinān-i qaṣabah-yi Pskat; ^c bih mawjib-i aḥkām-i khawāqīn-i māḍī; ^d bih ṭarīq-i irth[!]; ^e az wajh-i māl wa jihāt wa ikhrājāt wa ‘awāriḍāt wa muṭlaq-i taklīfāt; ^f ḥaqq-ābah-yi qadīmī-yi ān-rā jāri namāyand

196 x 319; 11 lines. Persian.

659

1196 (17 December 1781 – 6 December 1782): statement of conferral of appointment and privileges

1129: KP 5991/671

Niẓām al-Dīn Muḥammad Khudāyār Dīwān-Bīgī states that Jūy-i Chahār-Bāgh, Jānbāsh, Qīramah and Ḥiṣārak in Tashkent *wilāyat* belong as *waqf* to the shrine of Shāh ‘Abd al-Malik Bābā. In keeping with earlier rulings^a, the speaker has conferred^b privileges and immunities^c hereditarily^d upon Shah Manṣūr Khān Khwājā. Local ‘*amaldārs* and *kad-khudās* should not interfere.

Stamp: Muḥammad Khudāyār Dīwān-Bīgī b. Muḥammad Fāḍil Bī

^a muwāfiq-i aḥkām; ^b ḥukm farmūdīm; ^c ikhlās wa i‘tiqād-i khūd; ^d bih ṭarīq-i irth

139 x 250; 8 lines. Persian.

* For discussion of the collection series numbers for docs. 658-663, and the possibility that these were amassed and preserved together with docs. 403-409 in a centralised institutional archive, see above, in the context of doc. 403.

660

1175 (2 August 1761 – 22 July 1762): statement of conferral of privileges¹

1119: KP 5991/661

Shāh Murād ^{2a} states that he has authorised the residents of the hitherto-underwatered village of Dīhah-yi Naw-i Sayādat-panāh to draw a water supply off from the old Ḥasan ‘Aṭṭār canal, and orders the local <i>arbāb</i> and <i>kad-khudās</i> not to interfere.	
Stamp: Muḥammad Shāh Murād b. Muḥammad Dāniyāl Bī	
¹ It is unclear to which territory the present document relates. Our reason for grouping it here alongside texts relating to Tashkent is simply contextual: it is surrounded in the collection sequence by documents recognizably relating thereto. ² Shāh Murād b. Dāniyāl Bī, ruler of Bukhara 1199-1215/1785-1800.	^a Muḥammad Shāh Murād Bī
146 x 210; 11 lines. Persian.	

661

n/d¹: statement of conferral of appointment and privileges

1118: KP 5991/660

Nārbūtah Bī ^{2a} informs the population ^b of the rural settlements of Pistkand and Qūramah ³ that he has appointed ^c Īshān Ibrāhīm Khān as deputy ^{d(4)} to his father the late Ḥaḍrat-i Īshān; people should recognise the new appointee as his father’s successor, and recognise his claim to the prerogatives accruing to Ḥaḍrat-i Īshān, namely water and land and suchlike; the appointee should assert and impose his authority, and refrain from breaching the terms of his appointment ^e .	
Stamp: [xxx]	
¹ ca. 1183-1213/1770-98: see (2). ² Nārbūtah Bī b. ‘Abd al-Raḥmān Bī, ruler of Khūqand ca. 1770-98: see Beisembiev, <i>Annotated Indices</i> , p. 490; V.P. Nalivkine, <i>Histoire du Khanat de Kokand</i> (Paris: Ernest Leroux, 1889), p. 203. His authorship of the document attests to how the region around Pistkand [=Pskat in docs. 658 and 659] had shifted by the time of composition from Bukharan to Khūqandi rule. ³ Thus a variant on ‘Qīramah’ (→ docs. 658, 659).	^a Nizām al-Dīn Muḥammad Nārbūtah Bī; ^b uşūl wa a‘yān wa ḥukkām wa mashāhīr wa a‘rāf wa muṭlaq ṣāhib-dakhlān-i [...]; ^c gardānīdīm; ^d qā’im-maqām; ^e khilāf wa inḥirāf na-warzand
150 x 243; 9 lines. Persian.	

662 – 663: documents relating to Shāh Muḥammad Amīn Khwājah

662

1269 (15 October 1852 – 3 October 1853): statement of conferral of appointment

1124: KP 5991/666

Khudāyār Khān¹ states that he has appointed^a Shāh Muḥammad Amīn Khwājah as *mutawallī* and administrator^b of the shrine to Shāh Maṣṣūr Khān² in Mu'minābād, Kīrāwchī *wilāyat*³. He hopes that the people responsible for lighting, sweeping, and cultivating the *waqf* property^c will recognise the appointee's authority, and respect him as appropriate, and that in keeping with earlier practice^d they should not interfere with the property for any reason.

Stamp: Khudāyār Khān b. Shīr Muḥammad 'Alī Khān

¹ Muḥammad Khudāyār b. Shīr 'Alī, ruler of Khūqand 1261-74/1845-58, and again 1281-92/1865-75.

² Beisembiev, *Annotated Indices to the Kokand Chronicles*, p. 264, noting this figure's alternative names Shāh Maṣṣūr Pīskatī and Shāh Maṣṣūr Khwājah Īshān, and observing that he is identified in the *Ta'rīkh-i jahān-namāy* as a member of the Awliyā-yi Qarākhān.

³ Kīrāwchī was a settlement located approximately 7 farsakhs from Tashkent: see Beisembiev, *Annotated Indices to the Kokand Chronicles*, p. 663, citing material in the *Ta'rīkh-i jadīdah-yi Tāshkand*.

^a sar-afrazī bakhshīdīm; ^b mutaṣarrif; ^c chirāgh-chīyān wa jārub-kashān wa zā'irān wa muzāri'ān-i awqāf; ^d bih dastūr-i sābiq

141 x 235; 12 lines. Persian.

663

Rajab 1275 (4 February – 5 March 1859): statement of conferral of appointment

1115: KP 5991/657

The speaker states that he has appointed^a Īshān Shāh Muḥammad Amīn Khwājah as *mutawallī* of the shrine to Īshān Shāh Maṣṣūr Khān located in the rural settlement of Mu'minābād, Kīrāwchī *wilāyat*. He expresses the hope that the magistrates, officials, and people responsible for lighting, sweeping, and cultivating the *waqf* property^b of the afore-mentioned *waqf* properties will recognise the appointee as *mutawallī* and designated disemburser of the endowment and alms^c, and that in keeping with earlier practice^d they should not interfere with the property for any reason. The *mutawallī* should not breach the terms of the endowment.

No stamp.

^a sar-afrazī bakhshīdīm; ^b chirāgh-chīyān wa jārub-kashān wa zā'irān wa mu'takifān wa muzāri'ān-i awqāf; ^c mutawallī wa mutaṣarrif-i awqāf wa nudhūrāt wa ṣadaqāt-i īn maqām-i 'ālī; ^d bih dastūr-i sābiq

119 x 217; 14 lines. Persian.

tpq October 30 [=12 November] 1909: copy^a of judicial ruling no. 165

796: KP 5991/498

The judge^b of Bīsh Yaghāch¹, in the city of Tashkent, states that on the above date Sharāfat Āy bint ‘Ārif Bāy and Tājī Āy and Tīmūr Āy, daughters of the late Mullā Baḥr al-Dīn, residents of the rural settlement of Mawlawīyān, a subsidiary settlement of Samarqand *wilāyat*, entered his presence and issued a claim for restitution. The claim was against Bāy Muḥammad b. Nūr Muḥammad, a resident of Kūk Masjid neighbourhood^{2c}, in this latter’s capacity as guardian^d, as confirmed by a conferral of guardianship^e notarised by Qāḍī Mullā ‘Īsā Khwājah b. Qāḍī Mullā Tursūn Khwājah, *qāḍī* of Samarqand’s District no. 2, dated 27 August [= 9 September] and registered as entry no. 2285, to (i) Rāki‘ah Bībī bint Ḥusayn Bay, (ii) Nūr al-Dīn, Muḥyī al-Dīn and ‘Abd al-Wahhāb, sons of the afore-mentioned late Mullā Baḥr al-Dīn, and (iii) Mullā Baḥr al-Dīn’s pre-adult children ‘Abd al-Salām, Rāḥat Bībī, ‘Ināyat Bībī, Jannat Bībī and Yādgar Bībī.

The speaker summoned the two parties into his presence^f and examined the matter in accordance with *sharī‘ah*^g. Bāy Muḥammad stated that by the terms of a conferral of guardianship dated 20 August [= 2 September] and registered as entry no. 1165 his son Rasūl Muḥammad was now his attorney^h; then Sharāfat Āy stated that, in her capacity as guardian to Tājī Āy and Tīmūr Āy, she has entrusted a property located in Bāgh-i Maydān, and abutting in the west onto a shop belonging to Muḥammad Sayyid Bāy b. Niyāz Muḥammad, in the north onto a courtyard property belonging to ‘Abd al-Ṣamad Bāy b. Mallah Bāy, in the east onto a shop belonging to Muḥammad Nāṣir Zargar b. Ustā Bāqī Jān, and in the south entirely onto a major thoroughfare, to the keeping of ‘Abd al-Shukūr b. [xxx], and acknowledges that she has no claim to the late Mullā Baḥr al-Dīn b. Ghiyāth al-Dīn’s property. This statement is accepted by Rasūl Muḥammad, Rāki‘ah Bībī, Nūr al-Dīn, Muḥyī al-Dīn and ‘Abd al-Wahhāb, who in turn make a statement to the effect that the afore-mentioned property is Tājī Āy and Tīmūr Āy’s property, and that Sharāfat Āy is authorisedⁱ to collect said property on their behalf, and further confirming that Sharāfat Āy is their attorney, and that they have no claim to the estate. In her capacity as guardian and on her own behalf, Sharāfat Āy accepted the terms of this acknowledgement. The afore-mentioned witnesses stated that this outcome was to the benefit of the children. The terms of the ruling, which stated that the resolution has now been resolved, were communicated to the two parties.

The document is signed by Mullā Ḥājī Muḥammad on behalf of Sharāfat Āy and Fāḍil Bāy b. Mīr ‘Āqil, Sharāfat Āy’s husband; by Rasūl Muḥammad b. Bāy Muḥammad on behalf of Rāki‘ah Bībī, Nūr al-Dīn, Muḥyī al-Dīn and ‘Abd al-Wahhāb; by Mullā [xxx] Bāy Khalīfah b. Qul Muḥammad on behalf of Ghulām Bāy; and by Qāḍī Mullā Tursūn Khwājah b. Atā Khwājah.

¹ For this district see e.g. N.G. Mallitskii, *Toshkent mahalla va mavzolari* (Tashkent: G’afur G’ulom nomidagi Adabiyot va san’at nashriyoti, 1996), pp. 18-20.

² For this neighbourhood see O’. Sultonov, *Toshkent masjidlari tarixi* (Tashkent: Yangi asr avlodi, 2010), p. 46.

^a kūfiyah; ^b nārūdñāy sūdiyah; ^c maḥallah; ^d waṣāyah-yī shar‘īyah; ^e khaṭṭ-i waṣāyatī; ^f qamtū aylāb; ^g sharī‘at būyūnchah; ^h wakīl-i ‘āmm-i shar‘ī; ⁱ tafwīd

220 (folded) x 354; 38 lines. Turki.

5 May 1919: statement of attestation^a to appointment¹

511: KP 5991/255

Turki notarial addition: document entry no. 27

Head of the [Tashkent] Assembly of Muftīs^b Sayf al-Dīn Khān A‘lam, his deputy^c ‘Abd al-Wāhid Qārī b. ‘Abd al-Ra‘uf Qārī and secretary^d Karīm Qārī state that the present document was presented on the above date to Mullā Mīrzā Raḥīm Yūsuf-zādah, an Andījāni native presently living in ‘Ārif Jān Bāy neighbourhood, in Tashkent’s Shaykh Khwāwand Ṭahūr *dahah*², appointing him to serve – without any unwarranted dereliction of duty^e – as *imām* and *khaṭīb* in the mosque of the afore-mentioned neighbourhood, after having read a number of works relating to the *aḥkām-i namāz* and having passed an examination³ to demonstrate his competence.

Stamp: idārah-yi maḥkamah-yi shar‘īyah-yi Tāshkand, 1919 yil-dah

¹ → doc. 358 above for a structurally similar document (of Bukharan provenance).

² Shaykh Khwāwand (or Khāwand) Ṭahūr b. Shaykh ‘Umar Bāghistānī was an ancestor of the 15th-century Naqshbandi shaykh ‘Ubayd-Allāh Aḥrār, and saintly protector of an eponymous neighbourhood in the east of Tashkent. See Fakhr al-Dīn ‘Alī b. al-Ḥusayn al-Wā‘iz al-Kāshifī, *Rashaḥāt-i ‘ayn al-ḥayāt*, ed. ‘A.A. Mu‘īniyān (Tehran: Majmū‘ah-yi mutūn-i qadīm wa aḥwāl-i dānishmandān wa ‘arifān, 1356/1977-8), p. 368, Beisembiev, *Annotated Indices*, p. 272, and discussion in Sultonov, *Toshkent masjidlari tarixi*, pp. 17, 37-41.

³ → doc. 358 above.

^a shahādat-nāmah; ^b maḥkamah-yi shar‘īyah ra‘īsī; ^c ra‘īs mu‘āwinī; ^d sar-kātib; ^e bī ‘udhr-i shar‘ī tark qilmāsān

139 x 215; 12 lines. Turki. Document reproduced at back of volume.

KHŪQAND AND ENVIRONS

Rabī‘ II 1280 (15 September – 13 October 1863): statement of conferral of privileges

812: KP 5991/510

Sayyid Muḥammad Khān Bahādur^{1a} informs all the officials^b involved in the governance of Khūqand^c and Namangān *wilāyat* that Īshān Kattah Khwājah², son of the late Īshān Ayyūb Khwājah, henceforth enjoys that immunity^d from *kharāj*, *ṭanābānah*³, *kharbuzah pul’*⁴ and other fiscal assessments^e which he previously enjoyed under former rulers^f. By the terms of this concession, the speaker has rendered the recipient immune^g from *kharāj*, *ṭanābānah* and other fiscal assessments in every rural settlement and *wilāyat* in which he holds lands and gardens. All judges, *āqsaqāls* and others involved in governance should recognise the recipient’s immunity, and should refrain from interfering; nor should they seek an annual reconfirmation of these terms^h. Rather, they should recognise the sufficient authority of the present concessionⁱ, and should not oppose it for as long as the recipient is alive.

Stamps: (i) Sultān Sayyid Muḥammad Bahādur Khān b. Sayyid Mallah Muḥammad Bahādur Khān; (ii) Mullā ‘Alī Qulī Amīr al-Umarā b. Ḥasan Bī

¹ Sayyid Muḥammad Bahādur Khān b. Muḥammad Raḥīm, ruler of Khūqand 1272-81/1856-64.

² ≈ Kattah Khwājah Īshān Namangānī (d. 1296/1878-9) noted in Beisembiev, *Annotated Indices to the Kokand Chronicles*, p. 369, with reference to material in the *Ta’rīkh-i Farghānah* and the *Tawārīkh-i manzūmah*.

³ *ṭanābānah*: “tax on gardens and vineyards from each ṭanāp of square, in Kokand was equal to 1/40 – 1/10 of the crop”: Beisembiev, *Annotated Indices to the Kokand Chronicles*, p. 791.

⁴ Literally, ‘melon tax’. For discussion, see R.N. Nabiev, *Iz istorii Kokandskogo khanstva (Feodal’noe khoziaistvo Khudoiar-khana)* (Tashkent: Fan, 1973), p. 264.

^a Abu’l-Muzaffar wa’l-Manšūr Sultān Sayyid Muḥammad Khān Bahādur; ^b ḥukkām wa ‘ummāl-i mubāshirān wa mutaṣaddiyān; ^c dār al-salṭānah; ^d marfū‘ wa ma‘āf būdah; ^e kull-i jamalghah-yi yūrtīyah; ^f chunān-kih az salāṭīn-i māḍīyah wa az khawānīn-i sālifah nīshān-i ‘ālī dar dast dārand; ^g siwā wa mustathnā namūdīm; ^h har sāl nīshān-i tāzah wa jadīd na-jūyand; ⁱ bar īn maḍmūn iktifā wa i‘timād namūdah

225 x 335; 13 lines. Persian.

tpq 11 Shawwāl 1301 (4 August 1884): reported declaration of endowment

675: KP 5991/396

On the above date Shāh Bābā Bāy b. Mullā Ākhūnd Shāh b. Mullā Shāh Mīrzā declared that he has converted into *waqf* from his exclusive possession and sound property^{a(1)} a number of unencumbered^{b(2)} properties located in the rural settlement of Āyim *qishlāq*³, a subsidiary settlement in Andijān, plus 20 *ṭilā*^c and 45 poplar trees – each of which is four spans in width –, to endow the construction and maintenance of a mosque with a *khānaqāh* and terrace.

The properties thus endowed are as follows:

- (i) a plot abutting in the west entirely onto land comprising the estate of the late Sultān Murād Bīk b. Shīr Muḥammad ‘Alī Khān, in the south and east entirely onto a public thoroughfare, and in the north entirely onto *milk* land belonging to Tāsh Bay
- (ii) a plot abutting in the west entirely onto a public thoroughfare, in the south entirely onto *milk* land belonging to Dāwud Khwājah b. Khwājah Bīk Khwājah, in the east entirely onto a common canal, and in the north entirely onto land belonging to [-] b. [-]
- (iii) a plot abutting in the west, south and east entirely onto a public thoroughfare, and in the south partly onto land belonging to Ismā‘īl b. [-] and partly onto *milk* belonging to ‘Abd al-Qādir b. [-].

The endower stipulated that his sons Tāsh Muḥammad, Mīrzā Bāy and Shāh Mīrzā should together serve as *mutawallī*. Mīrzā Bāy and Shāh Mīrzā should defer to Mullā Tāsh Muḥammad, the eldest son, and consult with him; this latter, meanwhile, may take action without needing to secure his brothers’ consent. They should use the revenue from plot no. (i), together with the money and the poplar trees, to support construction of a mosque. Having deducted 10% of the rental income from plot no. (ii) for their own salary^d, the *mutawallīs* should divide the remaining revenue into 3, with 2/3 going to the *imām* and 1/3 going to the *mu’adhdhin*. Revenue from plot no. (iii), meanwhile, should go towards a monthly feast for reciters of the Qur’an^e.

Having relinquished ownership of the afore-mentioned property, the endower subsequently sought to revoke the endowment. But the judge opposed this move, ruling first for the rectitude of the endowment, and secondly for its binding force^f. The endowment has thus become valid, legal, bound and endorsed until God inherits the earth.

Stamps: (i) Mullā Ākhūnd Jān Bābā b. Qāḍī Mullā Muḥammad Shukūr Ākhūnd, 1301; (ii) Mullā [Ilyās?] b. Muḥammad Niyāz Šūfī Muftī, 1301; (iii) Mullā Yūldāsh Khwājah b. Tūrah Khwājah Īshān Muftī, 1296

Witnesses: Mullā ‘Abd al-Majīd Ākhūnd; Mullā Ismā‘īl Ākhūnd; Mullā ‘Umar ‘Alī Ākhūnd

¹ A contraction of the conventional formula encountered in docs. 82 and elsewhere.

² A variation on the more conventional formula encountered in docs. 82 and elsewhere; → also doc. 513.

³ Beisembiev, *Annotated Indices to the Kokand Chronicles*, p. 544, notes (though does not identify or locate) this settlement, with reference to material in the *Ta’rīkh-i Shāhrukhī*.

^a az akhlaṣ-i amlāk¹; ^b khālīṣan li-wajh Allāh²; ^c tilā-yi rā’ijī; ^d ba’d az ikhrāj al-‘ushr li’l-tawliyah; ^e qārīyān-i qur’ān-i majīd wa ḥāfiẓān-i furqān-i ḥamīd; ^f awwalan bih ṣiḥḥat-i waqf-i madhkūr wa thānīyan bih luzūm-i ān

360 x 440; 23 lines. Persian.

A lengthy scroll containing within it multiple texts

1032: KP 1554

668.i, n/d: solicited legal opinion

The query regards a defendant's failure to accord respect to an individual of eminent birth^a. (i) Is it not the case that somebody who traces his descent back to Imām Ḥusayn deserves the admiration and respect^b of his fellow men? (ii) And is it not the case that somebody who does not similarly boast descent from the prophet, and who insults his more eminent neighbour, deserves severe punishment^c, namely 39 lashes?

No answer.

No stamp.

Citations: (i) *man qāl ana sayyid, wa qāl al-ākhar lasta bi-sayyid fa-huwa āthim yu'zar* (Maymūnāt al-fatāwā¹); (ii) *fa'l-sayyid huwa mansūb ilā awlād Fāṭimah raḍl Allāh 'anhā ka'l-Ḥasan wa'l-Ḥusayn* (Maymūnāt al-fatāwā); (iii) *yadkhulūn awlād al-banāt fī hādihā wa huwa al-ṣaḥīh alā tarā annahu awlād Fāṭimah, awlād rasūl Allāh, ṣallā Allāh 'alayhi wa sallam* (Kāfūrī); (iv) *wa fī Khizānat al-riwāyāt fī bāb thubūt al-nasab al-walad ka-mā yansib ila abīhi yansib ilā ummihu wa ka-mā yashtaraf bi-sharaf al-āb yashtaraf bi'l-umm wa yaṣīr karīm al-ṭarafayn wa ab al-umm yusammā aban majāzan ka-ab al-ab wa hādihā 'ind-humā* (Jawāhir); (v) *man kānat ummuhu sayyidah wa lam yakun abu'hu sayyid, fa-huwa sayyid* (Khulāṣah); (vi) *qāl al-nabī 'alayhi al-salām ḥubb al-sādāt aḍḍal al-'ibādāt wa bu'd al-sādāt a'zam al-sayyi'āt* (Sharaf-i sa'ādat); (vii) *wa min tawqīrihi tawqīr awlādihi* (Ādāb al-muftīyin²); (viii) *akthar al-ta'zīr tis'ah wa thalāthūn wa aqalluhu thalāth jaldāt* (Hidāyah); (ix) *yajīb al-ta'zīr li-kull fi'l lam ya'dhin bihu al-shar'* (Ṭahāwī³); (x) *fa-'ulamā-yi 'izām raḥimahu Allāh fatwā dādah-and kih ihānat-i sādāt kufr ast, az jihat-i ān kih ihānat-i tshān ta'thīr mī-kunad bih ān ḥaḍrat [ṣallā Allāh 'alayhi wa sallam [...] (?) wa li-qawl al-Nabīyi ṣallā Allāh 'alayhi wa sallam al-walad juz' al-wālid; fa-ta'zīm al-walad multazam li-ta'zīm al-wālid; wa taḥqīr al-walad multazam li-taḥqīr al-wālid* (Mughnī); (xi) *al-'alawī aḍḍal min al-'ālim wa in kān ummiyan li-annahu min awlād al-rasūl wa'l-rasūl aḍḍal wa ashraf al-makhlūqāt wa kadhā awlāduhu* (Burhānī); (xii) *wa lā yajūz li'l-rajul al-'ālim al-muftī ann yajlis fawq al-'alawī li-annahu uswah fī'l-dīn* (kadhā fī'l-Muḥīṭ).

¹ The editors have been unable to identify a work of this name.

² A work of this name is noted – though not identified – in A. Muminov, M. Szuppe and A. Idrisov, *Manuscripts en écriture arabe du Musée régional de Nukus (République autonome du Karakalpakstan, Ouzbékistan): Fonds arabe, persan, turkī et karakalpak* (Rome: Istituto per l'Oriente C.A. Nallino, 2007), p. 82, in the context of entry no. 19.

³ The identity of this work is unclear, though the author can be identified as Abū Ja'far Aḥmad b. Muḥammad b. Salāma al-Ḥajrī al-Ṭahāwī (d. 321/933): see Brockelmann, *GAL* I.174, p. 181.

^a nasab-i 'ālī al-ḥasab; ^b i'zāz wa ikrām wa tawqīr wa iḥtirām; ^c aqṣā al-ghāyāt-i ta'zīr

310 x 1960 (total scroll dimensions); 7 lines. Persian.

668.ii, n/d¹: claim for restitution

The afore-mentioned Hāshim Khwājah b. Ḥasan Khwājah b. Sayyid Raḥmat-Allāh Khwājah² presents a claim against Dhu'l-Fiqār Khwājah b. Nār Khwājah.

The plaintiff claims that his father entrusted^a to the respondent, in Marghinān *wilāyat*, a volume of the *Ṣalāt-i Maṣ'ūdī*³: but before the respondent's confirmation of receipt^b Ḥasan Khwājah died, leaving said volume, valued at 5 *ṭilā*, to his descendents, namely his wife Āyim Bānū, who received 2/32 of total estate, and his 6 sons (Hāshim Khwājah, Sayyid 'Ismat-Allāh Khwājah, Sayyid Hājji Khwājah, Sayyid Farfī Khwājah, Sayyid Mansūr Khwājah and Sayyid Shākir Khwājah), each of whom received 5/32. Should the respondent therefore not be compelled to yield up the value of the volume^c to the plaintiff?

No stamp.

No citation.

¹ *taq* 11 Shawwāl 1302 (Friday 24 July 1885): → doc. 668.iii.

² ≈ the individual of eminent birth noted in doc. 668.i.

³ For this work, → doc. 513(4).

^a bih ṭarīqah-yi wadī'at sipārīdah; ^b qabl az wuqū'-i takhliyah miyān-i mūda'-i madhkūr wa wadī'at-i madhkūrah; ^c qīmat 'alā taqdīr al-iṭlāq

11 lines. Persian.

668.iii, *tpq* 11 Shawwāl 1302 (24 July 1885): reported rebuttal of claim

On the above date, the afore-mentioned plaintiff brought the above claim against the respondent. Once it had been established that the claim was an answerable one^a, it was the respondent's turn to speak^b. The respondent duly denied said plaintiff's claimed line of ancestry^c. It was thus established, in accordance with *sharī'ah*, that the bequest under dispute [i.e. the volume of the *Ṣalāt-i Maṣ'ūdī*] was rightfully the property of the respondent. This was supported by the witness attestation – after the necessary cleansing oaths^d – by the competent witnesses^{e(1)} Pādishāh Jān Khwājah b. Sayyid Asad-Allāh Khwājah and 'Azīm Khwājah b. Anwar Shāh Khwājah.

Stamps: (i) [xxx]; (ii) Mullā 'Abd [xxx] Khwājah b. Ḥāmid Khwājah 'Alawī; (iii) Khwājah Jān Khwājah Qādī b. [xxx] al-Dīn Khwājah; (iv) Qādī Mīr Muḥammad Wāṣil b. Mullā Dāniyāl Qādī; (v) Muḥammad Nūr al-Dīn Qādī b. Dāmullā Muḥammad [Sharīf?]; (vi) al-ḥajj al-ḥajj al-ḥajj [xxx] Muḥammad b. Hājji 'Abdallāh Bīk; (vii) Mullā Muḥammad [xxx] b. [xxx]; (ix) Mullā [xxx] Khwājah b. Fāḍil Khwājah; (x) Mullā Tāsh Muḥammad b. Mullā Niyāz Muḥammad Muftī, 1293; (xi) Mullā Muḥammad Qādī b. Mullā Bābā Shāh

¹ The formulation differs from the more conventional *jā'iz al-shahādāt*, which appears 17 times amongst our documents. For a comparable variation see doc. 135.

^a ba'd shiḥhat al-da'wā; ^b tawajjuh al-jawāb 'alayhi; ^c inkār-i nisbat-i mudda'ī-yi madhkūr; ^d ba'd az tazkiyah wa ta'dīl wa taḥlīf-i aḥad al-shāhidayn 'alā ṣidq shahādatihi; ^e mu'addal wa maqbūl al-shahādāt¹

8 lines. Persian.

669

1 July [=14 July] 1909: statement of attestation^a

610: KP 5991/331

Tursūn Qulī b. Ḥājjī ‘Uthmān Khwājah, an official of Yūqārī ‘Asakah^b in Marghilān’s ‘Asakah *volost*^{1c}, records a deposition made by ‘Abd al-Raḥīm b. Mullā Islām Ḥājjī and Muḥammad Qāsim b. Aḥmad Ṣūfī on behalf of Tūychī Qārī b. Ya‘qūb Jān, aged 20 and a resident of Yūqārī ‘Asakah. The deposition is to hold force for three months^d.

Stamp: Ver xxx Assakinsk. Sel. Starshina Assakinsk. vol. Margelansk. uyezda

¹ A settlement located 2.5 farsakhs from Andijān: see Beisembiev, *Annotated Indices*, p. 635, referring to material in the *Ta’rīkh-i Muḥyī Khūqandī*.

^a guwāh-nāmah; ^b iṣṭarshīnah; ^c wulūst; ^d ūch ay-ghah guwāh-nāmah birdīm

173 x 221; 9 lines. Turki.

**DOCUMENTS OF UNCLEAR
PROVENANCE**

670

n/d: letter

367: KP 5991/117

A communication to Mīr Yūsuf from his father Mullā Nāmdār and his brothers Nūr Muḥammad, Mīr Hamzah and Shīr Muḥammad. The speakers ask the addressee, who is presently in India, to bring back with him a camel-load of goods, and specify the price in rupees which he should pay for silk and other such items. They note that they have sent him funds to cover his return journey from Kābul, and additionally request that he bring back a good gun and two knives.

No stamp.

164 x 306; 22 lines. Persian.

671

n/d: claim for restitution

439: KP 5991/185

An unnamed plaintiff presents a claim against ‘Awaḍ Birdī b. Īsh Birdī. The plaintiff claims that the respondent has wrongly taken possession of his two camels, and that he now refuses to return them.

Stamp removed.

Citation (side b): *wa yajūz bay‘ fuls bi fulsayn bi-a‘yānihimā ay yakūn kull wāḥid min al-badalayn mu‘ayyan; wa lā yakūn aḥaduhumā nasī’atan qāl Muḥammad raḥimahu Allāh lā yajūz ka-mā idhā bā‘a al-dirham bi’l-dirhamayn li-ann al-fulūs al-rā’ijah thaman ka’l-dirham wa la-humā annahu bā‘a ‘aynan ‘adadiyan bi’l-‘aynayn ‘adadīyayn fa-yajūz ka’l-jazar bi’l-jazarayn wa thamanīyat al-darāhim bi’l-khilqah wa amma thamanīyat al-fulūs fa-bi’l-iṣṭalāḥ ittifāqan wa qad abṭal al-‘āqidān thamanīyatahimā qaṣdan li-taṣḥīḥ al-‘aqd, fa in qīl idhā kharaj fī ḥaqqihimā fī an yakūn thamanan, fa-ya‘ūd waznīyan, fa-yakūn hādhā bay‘a qiṭ‘ata ṣufr bi-qiṭ‘ata tay ṣufr; wa huwa fāsīd, wa lam yakun fī ibṭāl waṣaf al-thamanīyah li-taṣahīḥ al-‘aqd. qulnā al-iṣṭilāḥ fī’l-fulūs ‘alā ṣiffat al-thamanīyah wa’l-‘adad, wa’l-‘āqidān a‘raḍā ‘an i‘tibār ṣifat al-thamanīyah fīhimā wa mā a‘raḍā ‘an i‘tibār ṣifat al-‘adad wa ittafaqan ‘alā baqāiḥa ‘adadīyatan taṣīḥan li-qaṣdihimā wa law lam ta‘ayyanā bi-an kān bi-ghayr ‘a‘yānihimā aw kān aḥaduhumā ghayr ‘ayn lā yajūz al-bay‘ (Fakhr al-Dīn).*

241 x 217; 5 lines. Persian.

672

n/d: claim for restitution

484: KP 5991/230

Acting as attorney^a to his sister Māh Bībī, Īr Nazar b. Ustād Fayḍ-Allāh presents a claim against [their brother] ‘Ibād-Allāh b. Ustād Fayḍ-Allāh b. Ni‘mat-Allāh Bāy.

The speaker claims that the respondent deliberately^b killed the innocent^{c(1)} Bābāy, another brother, with an axe: and that he consequently deserves punishment^{d(2)}. The late victim left two brothers – the speaker and the respondent – and a sister, namely the speaker’s client Māh Bībī. The respondent has accordingly been eliminated from Bābāy’s estate^e, but he refuses to acknowledge this.

No stamp.

Citations (side b): (i) *wa fi Jam‘ al-Nasafī wa ukhtulifī simā‘ al-daf‘ ‘ind fasād al-da‘wā qīl al-daf‘ mu‘tabar li-ann al-fasād fi‘l-da‘wā wa qīl ghayr mu‘tabar li-annahu bina‘ alā al-da‘wā wa fi‘l-rujū‘ idda‘ā al-daf‘ yuṭālab dhālik wa ‘alayhi al-i‘timād wa bihi yuftā* (Jāmi‘ al-ṣaghīr li-Imām al-Zahīr al-Dīn Timur-Tāshī min nafsihi, bāb al-qaḍā fi‘l-aymān, 136); (ii) *rajul idda‘ā ‘alā rajul da‘wā lam yakun ṣahīḥatan ‘alāl al-iṭlāq wa kān fihā anwā’ ... wa idda‘ā al-mudda‘ā ‘alayhi al-daf‘ wa dhālik hal yuṭālab al-mudda‘ī bi-taṣḥīḥ al-da‘wā fīhi ikhtilāf al-mashā‘ikh fi kitāb al-rujū‘ min al-shahādat mā yadull ‘alā anna mudda‘ī al-daf‘ yuṭālab bi-dhālik wa ṣahḥat al-da‘wā min al-mudda‘ī wa ‘alayhi al-i‘timād wa bihi yuftā* (Jawāhir al-fatāwā); (iii) *idda‘ā dāran fi yad rajul milkan bi-sabab al-shirā’, fa-zahar ann al-dār al-mudda‘ā bihā yawm al-da‘wā lam yakun fi yad al-mudda‘ā ‘alayhi, bal kān fi yad ghayrihi; thumm ann hādihā al-mudda‘ā idda‘ā hādhihi al-dār fi majlīs ‘alā ṣahīb al-yad; fa-qad qīl lā yusma‘ da‘wāhu, wa huwa al-aṣahḥ* (Jawāhir Akhlāṭī).

¹ The phrase appears also in doc. 673.

² Again, for a variation on this phrase → doc. 673.

^a wakālatan bi‘l-khuṣūmat wa‘l-istifā; ^b ‘amdan; ^c ḥurr; muslim, mukallaf, maḥqūn al-dam ‘alā al-ta‘bīd ast¹; ^d qiṣāṣ-i nafs-i Bābāy-i madhkūr lāzim shudāh ast²; ^e maḥrūm az mīrāth-i Bābāy-i madhkūr gardīdah ast

267 x 141; 8 lines. Persian.

673

n/d: claim for restitution¹

498: KP 5991/242

[The plaintiff presents a claim against] Āchīldī Bāy b. Bīk Muḥammad, who has killed the innocent^{a(2)} Niyāz Bāy: and that he consequently deserves punishment^{b(3)}. The late victim left a wife [... The respondent accordingly been eliminated from Niyāz Bāy’s estate], but he refuses to acknowledge this.

No stamp.

Citation (side b): a lengthy citation from chapter 5 of ‘Ālamgīrī.

<p>¹ The document is torn in two, with only the left hand left intact; much of the reading is thus speculative, and with heavy reference to doc. 672.</p> <p>² The phrase appears also in doc. 672.</p> <p>³ Again, for a variation on this phrase → doc. 672.</p>	<p>^a ḥurr, muslim, mukallaf, maḥqūn al-dam ‘alā al-ta’bīd ast²; ^a qīšāš-i nafs lāzim shudah ast³</p>
<p>168 x 220; 8 lines. Persian.</p>	

674

n/d: claim for restitution

1064: KP 1597

<p>Nūr al-Dīn Khwājah b. Iskandar Khwājah presents a claim against Bīkah Āy, Hidāyat Āy and [Nabādat?] Āy, daughters of [Khidhīr?] Bāy and residents of the rural settlement of Jum‘ah Bāzār¹.</p> <p>The plaintiff claims that the respondents sold^a to him, for 7177½ <i>tangah</i>^{b(2,3)}, the <i>suknīyāt</i> on approximately ¼ <i>tanāb</i> of jointly-owned land located in the afore-mentioned Jum‘ah Bāzār, and abutting in the west onto land belonging to Nūr al-Dīn Khwājah b. Iskandar Khwājah, in the north onto land belonging to ‘Ashūr Bābā b. Shāh Naẓar Amīn, in the east onto land belonging to the afore-mentioned ‘Ashūr Bābā’s heirs, and in the south onto land belonging to Salāmat Pādchā bint ‘Abd al-Ghaffār Khwājah. But having received the plaintiff’s payment, the respondents refused to hand over the property under transaction.</p>	
<p>Stamp: [xxx]</p>	
<p>Citations: (i) <i>ḥukm al-bay‘ thubūt al-milk li’l-mushtarī fi’l-mabī‘ wa li’l-bā’i fi’l-thaman idhā kān bay‘an bāttan</i> (Khizānat al-muftīyin); (ii) <i>wa idhā kān al-bā’i qabaḍ al-thaman wajaḥ lahu taslīm al-mabī‘</i> (Mawlawī Abu’l-Makārim).</p>	
<p>¹ This settlement is perhaps to be identified with the eponymous settlement in the Samarqand region.</p> <p>² This may mean something like ‘exactly 1077 <i>šūm</i>’.</p> <p>³ This gives a conversion rate of 6.66 <i>tangah</i> to the <i>šūm</i>.</p>	<p>^a bay‘an bāttan; ^b bih badal-i haft hazār yak šad hashtād haft nīm tangah, kih ‘ibārat az yak hazār haftād hasht šūm bilā tiyin² mī-shawad³; ^c chahār-yak tanāb yak nīm nīmchah panj mithqāl</p>
<p>220 x 269; 14 lines. Persian.</p>	

675

n/d: solicited legal opinion

4: KP 1078

<p>Khālīd sells approximately 100 <i>tanābs</i> of land for a certain sum to Mīr Ibrāhīm without the permission or approval^a of Yaḥyā Khwājah Naqīb, the owner of said land. (i) If Yaḥyā Khwājah Naqīb repudiates the sale^b, does he thereupon render it invalid and inoperative? (ii) Is Yaḥyā Khwājah entitled, upon the death of Mīr Ibrāhīm, to seize the property and its accumulated produce^c from the late man’s heirs?</p> <p>Answer: yes.</p>
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Stamp: [xxx]	
No citations.	
	^a bī idhn wa riḏā; ^b radd-i ān kardah-and; ^c ma' tawān ḥiṣṣat al-arḏ-i ān
208 x 126; 5 lines. Persian.	

676

n/d: solicited legal opinion

430: KP 5991/175

(i) If Bībī Jān sells ¼ of her late father's estate to Muḥammad Naẓar Khwājah for 5 <i>ṭilā</i> , is the sale not valid? (ii) If the purchaser subsequently seeks to revoke ^a the sale, is his action not invalid ^b ? No answer.	
Stamp: [xxx]	
Citations: (i) <i>wa ajma'ū ann al-mushtarī idhā kān ya'alam miqdār naṣīb al-bā'i</i> , <i>jāz al-bay'</i> , <i>'allam al-bāy' idhā lam ya'alam</i> (Fuṣūl); (ii) <i>bay' al-mushā' wa i'āratuhu jā'iz</i> (Ustrūshanī); (iii) <i>man sa'ā fī naqḏ mā tamm min jihatihi lā tuqbal</i> (Baḥr al-Rā'iq).	
	^a faskh; ^b ghayr-i maqbūlah
212 x 145; 4 lines. Persian.	

677

n/d: solicited legal opinion

444: KP 5991/190

If, when digging out a canal in collaboration with his co-owners ^a , an individual goes beyond the extent of his own property ^b , has he not acquitted himself of canal-digging duties ^c ? Is it not unacceptable for people living close to the mouth of the canal to close the canal off, contrary to the will of those living further away? And is it not unacceptable to allow a shared canal to get blocked with earth and dead leaves ^d ? Mīrzā Mīrak is one such co-owner of a shared canal. He has allowed the canal to get blocked with earth and leafage, to the displeasure of his co-owners; nevertheless, he fails to contribute to the canal's upkeep ^e . Should the judge not respond to the appeals of his co-owners and ensure that he makes a due contribution? Answer: yes.	
Stamps: (i) Muḥammad [xxx]; (ii) Mīr Ṭāhir b. Mīr Muḥammad [Mubīn?] al-Muftī	
Citations: (i) <i>wa man jāwaz karyahum min ārḏihi barī min ma'unat al-kirā 'indahū wa amma 'indahumā fa'l-karī 'alayhim jamī' min awwal al-nahr ilā ākhirihi bi-ḥiṣaṣ al-shirb wa'l-arāḏi wa yuftā bi-qawlihi ka-mā fī'l-Tatimmah</i> ¹ (Jāmi' al-rumūz); (ii) <i>laysa li ahl al-a'alā an yaskurū al-nahr wa in lam yadkhul al-ma' illā bi-dhālik illā idhā istaghna-</i>	

ahl al-sufl 'an al-ma' fa-ḥinaidhin lā ba's bi-dhālik in kān al-sakr bi'l-lawḥ lā bi'l-turāb wa'l-ḥashīsh (Khizānat al-muftīyin); (iii) qāl al-qāḍī al-imām Ṣahīr al-Dīn al-Marghinānī al-mukhtār qawl Abī Ḥanīfah raḥimahu Allāh wa bihi yuḥta (Mukhtār al-fatāwā).

¹ i.e. *al-Tatimmat al-fatāwā*.

^a nahr-rā bā hamrāhī-yi shurakā' kandah; ^b az muqābalah-yi arāḍī-yi khūd tajāwuz kunad; ^c az ma'unat-i kandan-i nahr barī shawad; ^d bastan-i nahr-i mushtarakah bih turāb wa ḥashīsh; ^e gīrī-yi nahr-i madhkūr-rā bih jā na-mī-āwurdah bāshad

211 x 163; 9 lines. Persian.

678

n/d: solicited legal opinion

448: KP 5991/194

At the time of his marriage, Zayd stipulated^a that if he abandons his wife 'Ā'ishah Bīkah without maintenance^b for six months at a time she should have the authority to instigate a divorce^{c(1)}; he subsequently attempts to abrogate this undertaking. But does 'Ā'ishah Bīkah not retain the right conferred upon her?

No answer.

Stamp: Tīlāw Birdī b. Nawrūz Muḥammad

Citations: (i) *wa i 'lam ann šūrat al-ikhrāj mukrahan mā idhā ḥukmuhu insān fa-akhrajahu mukrahan lam yūjad minhu al-fi'l muṭlaqan fa-innahu lā yajuz bil akhraj fa-lā baḥtha ammā idhā haddad bihi ghayruhu makhraj huwa yanbaghī ḍi'fan min al-mukrah ḥanath li-wujūd al-fi'l minhu wa yu'ayyiduhu mā taqī fī'l-uṣūl ann al-sahw wa'l-ikrāh lā ya'id bi-ann al-fi'l al-ḥaqīq (kadhā fī'l-Nihāyah); (ii) wa fath al-qadīr dhī hādhihi min a'immat Khīwaq fī tilka'l riwāyat (?)*

¹ By tradition, the husband alone was authorised to issue a *ṭalāq-i bā'in*: a wife might do so, however, if explicitly empowered by the terms of the union.

^a shart kardah bāshad; ^b bilā nafaqah; ^c ṭalāq-i bā'in

166 x 105; 10 lines. Persian.

679

n/d: solicited legal opinion

451: KP 5991/197

For 20 years or more Mullā 'Ishq-Allāh has held the *suknīyāt* on a certain plot of land endowed as *waqf*, tilling the land^a, constructing upon it a number of buildings, and cultivating both wheat and cattle fodder^b. During this period Zayd and 'Amr have seen this and envied him, and one day they claim that they hold a share of the property in question. Should their claim not be regarded as invalid and lacking authority^c?

No answer.

No stamp.

Citations (side a): *idhā ‘alam al-mudda ‘ī ann al-mudda ‘ā ‘alayhi bā ‘al-mudda ‘ī bihi aw ‘ammarahu aw wahabahu aw rahanahu aw yarith ‘an wāriḥahu wa lam yamna ‘fi tilka’l-ḥālat, baṭal da ‘wāuhu, li-ann al-shakwah iqrār li- ḥiṣṣat al-mudda ‘ī bihu li’l-mudda ‘ā ‘alayhi, wa ‘alayhi (Wāqi‘āt Ḥusāmī); (ii) rajul tarak al-da ‘wā khamsah ‘ashar sanat, wa lam yakun lahu māni’; thumm idda ‘ā ba ‘d dhālik lā yusma ‘ da ‘wā’uhu, li-anna tarkahu ma ‘a al-tamakkun dalīl ‘alā ‘adam al-ḥaqq zāhiran (Mabsūt); (iii) wa ‘ind Abū Yūsuf wa Muḥammad ithnā ‘ashar sanah wa ‘alayhi al-fatwā tarak al-da ‘wā ma ‘ al-tamakkun minhā dalīl ‘alā ‘adam al-ḥaqq zāhiran (Khulāṣah); (iv) [...] bi-‘adam simā ‘ al-da ‘wā ba ‘d khamsah ‘ashar sanat yajib ‘adam simāu ‘hā (Ashbāh); (v) iṭā ‘at ulul-amr wājibah (Hidāyah).*

There are further citations from *Mughnī*, *Zubdat al-fatāwā*¹ and *Ashbāh* on side b.

¹ [=Otherwise known as *Zubdat al-aḥkām fī mazāhib al-a‘immat al-arba‘at al-a‘lām*]: an unpublished work by Sirāj al-Dīn Abū Ḥafs ‘Umar b. Ishāq al-Hindī al-Ghaznawī al-Ḥanafī (d. 773/1371).

^a kisht-kārī namūdah; ^b ‘alaf-i dawābb; ^c nā-jā‘iz wa ghayr-i mu‘tabar

265 x 155; 5 lines. Persian.

680

n/d¹: solicited legal opinion

454: KP 5991/200

Atā Bāy temporarily sold^{a(2)} for a certain sum the *suknīyāt* on a certain plot of land which he shared evenly with his two brothers [without their authority³?]. He undertakes to repay the sum in rental instalments^b. According to compendiums of legal precedent^c, is the mortgage not invalid, and the repayment schedule baseless?
No answer.

Stamp: Mullā Allāh Naẓar b. Sayyid Muḥammad al-Muftī, 1247

Citaton: (i) *ijārat al-mushā ‘ lā yaṣiḥḥ (Ḥasab al-muftīyin); (ii) wa dhukir fī Sharḥ wa qālā yaṣiḥḥ ijārat al-mushā ‘ min al-sharīk wa ghayrihi dalīl ‘an Qāḍī Khān ann al-fatwā ‘alā qawl Abī Ḥanīfah raḥimahu Allāh ta ‘ālā wa ‘amal al-fuqahā ‘al-yawm ‘alā ḥādhā (Ḥasab al-muftīyin, fī kitāb al-ijārah); (iii) wa law kān baynahumā arḍ aw nakhl fa-bā ‘ aḥaduhumā niṣf shajar min rajul lā yajūz ka-mā law kānat al-dār bayn rajulayn fa-bā ‘ aḥaduhumā qit‘atan bi-aynihā min rajul qabl al-qismah lā yajūz fī naṣīb wāḥid minhumā (Qāḍī Khān); (iv) arḍ bayn rajulayn ājar aḥaduhumā al-kull li-ākhar bi-ujrah ma ‘lūmat in ājarahā li-naṣiḥi yakūn ḥukmuhu fī naṣīb sharīkihi bi-ḥukm al-ghaṣb lā yakhtalif wa ‘l-ḥukm fī ‘l-ghaṣb ann al-mālik in ajāz fī awwal al-muddah, fa ‘l-ujrah li ‘l-ghāṣib wa in ajāz fī athnā ‘ al-muddah qāl Abū Yūsuf raḥimahu Allāh ujrāt al-māḍī wa ‘l-bāqī li ‘l-mamālik (Ḥasab al-muftīyin, fī kitāb al-ijārah).*

¹ *tpq* 1247 (12 June 1831 – 30 May 1832).

² A rare variant on the more common formula *bay‘-i jā‘iz-i shar‘ī*; it appears nowhere else in the collection.

³ Without such an additional specification, it is unclear what should be problematic about the transaction.

^a bay‘-i wafā²; ^b ān-rā biḥ ijārah giriftah; ^c biḥ mu ‘lamat al-fatwā

284 x 171; 4 lines. Persian.

681

n/d: solicited legal opinion

472: KP 5991/218

Zayd has persisted^a with a fraudulent claim^b for 6 months or more. Is the admissibility of such a claim not unwarranted^c after a length of time such as this?

No answer.

No stamp.

Citations (side a): (i) *lā yusma' da'wā al-ghabn ba'd sittata ashhur* (Fuṣūl); (ii) *masa'lah: mardī zanī-rā dar 'aqd mī-ārad; wa zan ghā'ib ast; pidarish-rā nāmīdand, wa likin nām-i pidar-i pidarish-rā na-mī-nāmīdand; bih qawl-i Abū Yūsuf [raḥmat Allāh] 'aqd durust būd, wa bih qawl-i Abū Ḥanīfah wa li-ḥamd raḥmat Allāh 'aqd durust nabūd* (Ṣalāt-i Mas'ūdī); (iii) *masa'lah: agar dū bandah kharīd yakī āzād bīrūn āmad, ya du maslūkh yakī murdār bīrūn āmad, ya dū khum sirkāh kharīd, yakī khamr padīd āmad, agar har dū bih yak bay' wa yak thaman kharīdah ast, ijmā'-yi bay' bātil būd, wa bahā ḥarām* (Ṣalāt-i Mas'ūdī). There are additional citations from *Khizānat al-muftīyin* and *Ṣalāt-i Mas'ūdī* on side b.

^a ta'khīr namūdah; ^b da'wā-yi ghabn; ^c bilā sabab-i shar'ī

218 x 122; 3 lines. Persian.

682

n/d: solicited legal opinion

504: KP 5991/248

A cow belonging to Mullā Fayḍ-Allāh has died while in the care of Khālīd, a shepherd acting on behalf of various other parties^a. If Khālīd failed in his duty to look after the animal^b, is he not liable to the owner for its entire value? And if he was not negligent, is he not liable to him for half its value?

Answer: yes.

Stamp: Mullā Ḥabīb-Allāh b. Ākhūnd Mullā 'Abd al-Raḥīm al-Muftī

Citations: (i) *wa'l-Ajir al-mushtarak dāmin bimā janat [xxx] bi-qadr al-imbān* (Shaybānī); (ii) *wa idhā sāqahā fī'-mā' yushrab fa-waq'at fī'l-mā' yaḍman* (Fuṣūl 'Imādī).

^a pādah-bān-i ajīr-i mushtarak; ^b dar muḥafaẓat-i īn gāw taqṣīr kardah bāshad

222 x 135; 4 lines. Persian.

683

n/d: solicited legal opinion¹

661: KP 5991/382

Djinn entered into an agreement with the Prophet Muḥammad^a, undertaking to refrain from tormenting his followers. Most of them have duly kept to their undertaking, but some have recently been tormenting a virtuous woman in her sleep. Is such behaviour not wrong, and warranting punishment and repentance?

No answer.

No stamp.	
Citations: (i) <i>al-mukhāṣamat wa'l-muzāḥamat bilā sabab shar'ī lā yajūz</i> (Qāḍī Khān); (ii) <i>man adhā musliman bi-fi'l aw qawl lam yādhanuhu al-shar' yajib al-ta'dhīr</i> (Sharḥ-i Tahāwī); (iii) <i>wa yajib al-ta'dhīr bi-qawl qawl wa fi'l lam yā'dhanu al-shar'</i> (Sharḥ-i Tahāwī).	
¹ Although the document is composed as though it were a <i>riwāyat</i> , it will have served no 'legal' purpose, and will instead have been hung on the wall of a private house as a defence against evil spirits. → also doc. 684 below.	^a Ḥaḍrat-i sayyid al-thaqalayn, khulāṣat al-kawnayn, Ḥaḍrat-i Muḥammad al-Muṣṭafā
155 x 272; 11 lines. Persian.	

684

n/d: solicited legal opinion¹

670: KP 5991/391

A group of djinns and devils of frightful appearance tormented a follower of the Prophet Muḥammad ^a . They subsequently entered an agreement with the Prophet, undertaking to refrain from tormenting those of his followers who are faithful Muslims. They have now however breached the terms of said agreement by tormenting Ḥusayn Bāy b. Shukr Bāy. Is it not the case that such behaviour is wrong, and deserving of punishment? No answer.	
Stamps: [xxx?] ²	
Citation: <i>wa min farā'id al-islām idhā' al-mu'min ithm 'aẓīm</i> (Khulāṣah)	
¹ → doc. 683 ⁽¹⁾ above. ² It is unclear whether these are heavily blurred stamps or thumbprints.	^a Ḥaḍrat-i rasūl-i akram
308 x 187; 7 lines. Persian.	

685

n/d: solicited legal opinion¹

663: KP 5991/384

Zayd viciously insults ^a 'Amr, an eminent 'ālim, and tears his collar and his turban. He had previously studied under his victim [...] And each of his wives was divorced [?]. (i) Is his action not shameful? (ii) Should the afore-mentioned [xxx] not renew his marriage with repentance and sorrow ^b ? (iii) Should Zayd not should have his forearm cut off as punishment? Answer: yes.	
Stamps: (i) 'Abd al-Rashīd Muftī; (ii) Mullā Muḥammad Rajab Muftī b. Dūst Muḥammad [date illegible]	

No citations are visible.

¹ The document is torn in two, with only the left-hand half extant; much of the reading is thus speculative.

^a bih lafz-i “tū” wa bih istikhfāf-i sharī‘at wa ‘ilm ihānat wa ḥaqārat kardah; ^b tajdīd-i īmān, wa tajdīd-i nikāh-i izdiwāj [...] ma‘ al-tawbah wa ‘l-istighfār

160 (torn) x 214; 7 lines. Persian.

686

n/d¹: solicited legal opinion

1012: KP 1545/1

In the heat of an altercation about flour^a, ‘Abd al-Rāziq angrily^b tells his wife Āyzādah Āy to leave, effectively thus saying that she should consider herself divorced^c. He subsequently tells his wife that if she is unsatisfied with ½ a *pūd* of flour, 4 *qadāqs* of peas, and a quantity of oil, he will divorce her peremptorily^d. By his first statement he has already divorced her^e; by his second he has alluded to peremptory divorce^f. This being so, is the latter statement not supererogatory^g? And does it not require him, given the resultant invalidity of their union, to renew his wedding contract if he wishes to remain married^h?

Answer: yes.

Stamp: Mullā Muẓaffar al-Dīn b. Mustāq Muftī

Citations: (i) *wa mā kān bi ‘l-fārsiyah min al-alfāz fa-isti‘mal fi ‘l-ṭalāq wa ghayrihi min kināyat al-fārsiyah fa-yakūn ḥukmuhu ḥukm kināyat al-‘arabiyah fi jamī‘ al-aḥkām kadhā fi ‘l-Badā‘i* (‘Ālamgīrī); (ii) *ṣurriḥa fi kathīr min al-kutub annahu lā yaqa‘ li-anna al-thalāth bā‘in bi-ma ‘nā, fa-lā yalḥaq al-bā‘in wa ‘alayhi al-fatwā* (Farā‘id Sharḥ-i Kanz); (iii) *wa ‘l-aṣl fi jamī‘ al-alfāz al-kināyāt anna lā yaqa‘ al-ṭalāq illā bi ‘l-niyat ilakh; wa ammā fi ḥālat al-ghaḍab kull mā yaṣluḥ li ‘l-shatm yaṣluḥ li ‘l-ṭalāq alladhī yadull ‘alayhi al-ghaḍab yuja‘l ṭalāq ilakh; al-kināyāt allī hiya bawā‘in idhā nawā bihā al-zawj al-ṭalāq kān al-ṭalāq bā‘inan ilakh; al-bā‘in lā yalḥaq al-bā‘in* (Muḥīṭ Burhānī).

¹ Although the date of the document is unknown, it is probably of late provenance: the text is written on squared paper.

^a binā bar niza‘ dar bālā-yi ārd; ^b dar ḥālat-i ghaḍab; ^c nāwīyan ṭalāqhā; ^d sih ṭalāq; ^e binā bar qawl-i awwal-i mubā‘in bih ṭalāq; ^f qawl-i sih kih mubā‘in-i ma‘nawī-st; ^g mulḥaq bih awwal na-mī-gardīdah; ^h tajdīd-i ‘aqd az ghayr-ḥalālah-yi izdiwāj-i zawjīyat baynahimā

295 x 207; 5 lines. Persian.

687

n/d: solicited legal opinion

1020: KP 1557/2

If Āyim Gul bint Ḥasan Bāy drops claims to her late father’s estate during her own lifetime, is it not the case that any claims subsequently made by her daughter, Muqīmah Āy, are unjustified and lacking authority^a?

Answer: yes.

Stamp: Mullā Muḥammadī Muftī b. Mullā Muḥammad Sharīf	
Citations: (i) <i>al-ibrā' isqāt wa'l-sāqit lā ya 'ūd</i> (Ḥamawī sharḥ-i Ashbāh); (ii) <i>lā tusma' al-da'wā ba'd al-ibrā' al-'āmm</i> (Ashbāh); (iii) <i>wa law qāl abrā'tuk 'an hādhihi al-da'wā fa-innahu yaṣiḥḥ wa 'alayhi al-fatwā</i> (Ḥasab al-muftīyin); (iv) <i>ibrā' al-mūrith yamna' da'wā al-wārith</i> (Kāfī); (v) <i>min Ibrāhīm Shāhī lā yaṣiḥḥ al-tawrīth fa-mā lā yamlak al-mūrith yawm al-mawt min Sirājīyah wa mā lā yakūn mamlūk al-mayyit lā yalzam mīrāthan li-warathah</i> (Niṣāb al-riwāyat); (vi) <i>kull aw fi'al lam yustanad ilā aṣl shar't lā yaqbal</i> (Nawādir al-fatāwā); (vii) <i>li-anna al-sukūt iqrār wa riḍā' bi-ḥaqqiqatīhi mudda'ā 'alayhi wa 'alayhi al-fatwā</i> (Wāqī'āt); (viii) <i>rajul tarak al-da'wā sitta ashhur wa lam yakun lahu māni' al-shar't min al-da'wā thumm idda'ā ba'd dhālik lam tusma' da'wāhu li-anna al-tark ma'a al-tamakkun dalīl 'alā 'adam al-ḥaqq zāhiran</i> (Tātār Khānī); (ix) <i>al-mudda'ī wa'l-mudda'ā 'alayhi idhā kānā fī mawḍi' wa wāḥid wa lam yakun māni' baynahumā wa lam yadda' muddatan thumm idda'ā 'alayhi 'aqāran aw ṣanāman aw ghayrahumā lā tusma' da'wāhu</i> (Zahīrīyah).	
	^a ghayr-i ṣaḥīḥ wa ghayr-i mu'tabarah
350 x 222; 6 lines. Persian.	

688

n/d: solicited legal opinion

1086: KP 1618

For several years, Īshān Mīr 'Abd al-Ḥayy, the <i>qādī-yi kalān</i> , and Mullā Rāfi' Āqsaqāl have together owned and cultivated ^a a plot of land located in Raḥmatābād ¹ . Mīr 'Abd al-Ḥayy then sold his share to his son Mūsā Khwājah, who retained possession of it for several years. While he was still alive ^b , meanwhile, Mullā Rāfi' converted some of his share into <i>waqf</i> , and his heirs divided up and took possession of the rest of it after his death. Now Ismā'īl Khwājah, 'Awad Khwājah and other individuals, who kept silent when the land was actually being divided up, have presented claims to ownership of the entire property. Is it not the case that a claim by such plaintiffs is disreputable, inadmissible and manifestly untrue ^c ? And is it not the case that the claim of a liar has no right to be heard, or to cause somebody to go on oath ^d ? No answer.
No stamp.
Citations: (i) <i>bi-khilāf al-ajnaḇī, fa-inn sukūtahu 'ind al-bay' wa'l-taslīm ilā al-mushtarī, yasquṭ da'wāhu 'alā mā 'alayhi al-fatwā</i> (Bazzāzīyah); (ii) <i>bā' dār aw arḍ wa sallamahā ilā al-mushtarī; wa rajul ākhar yarā dhālik, wa huwa hāḍir sākit: saqaṭ da'wāhu idhā a'lim al-mudda'ī ann al-mudda'ā 'alayhi bā' al-mudda'ā bihi aw 'ammarahu</i> (Mukhtār al-fatāwā); (iii) <i>aw wahabahu aw rahanahu aw warithahu min wārith, wa lam yamna' fī tilka'l-ḥālat baṭal da'wāhu, li-an al-sukūt iqrār wa riḍā' bi-ḥaqqiyat al-mudda'ā 'alayhi wa 'alayhi al-fatwā</i> (Wāqī'āt Ḥusām al-Dīn); (iv) <i>wa fī'l-Khulāṣah rajul taṣarrafa arḍan zamānan wa rajul ākhar yarā taṣarruf, fihā thumm māt al-mutaṣarrif, wa lam yadda' al-rajul ḥāl ḥayātīhi, lā yusma' da'wāhu ba'd wafātīhi</i> (Jāmi' al-fatāwā); (v) <i>wa fī Fatāwā</i>

Ghiyāthī min kitāb al-da 'wā, idda 'ā rajul 'alā rajul ḥaqqan fi 'aqār; ba 'd ann ṣāhib al-yad taṣarrāf fīhi taṣarruf al-mullāk zamān bi-mashhadihi wa lam yamna 'uhu min al-taṣarruf, wa lam yakun shay' māni' li-da 'wāhu, fīhā lā yusma ' da 'wāhu li-annah sadd li-bāb al-talbīs (Niṣāb al-riwāyāt); (vi) min al-Zahīrī ajal bā 'a 'aqāran fa-waqa ' al-taqābuḍ baynahumā; wa taṣarrāf al-mushtarī zamānan, thumm ann al-ḥāḍir 'ind al-bay' idda 'ā 'alā mushtarī annahu milkuhu, wa lam yakun milk al-bā 'i', waqt al-bay' ittifāq al-mashā 'ikh raḥimuhum Allāh ta 'ālā anna hādihā al-da 'wā wa mithluhā lā yusma ' ; wa huwa talbīs maḥḍ wa ḥuḍūruhu 'ind al-bay' wa tarīkah munāza 'atuhu fī-mā yaḍa ' iqrāruhu minhu fa-innahu lā yamlik al-bā 'i' wa annahu lā ḥaqq lahu fi 'l-mabī' wa ju 'il sukūtuḥu fī hādhihi al-ḥālat ka 'l-iḥṣāḥ bi 'l-iqrār dalālatan qaṭ 'an bi-lā ṭamā ' al-fā 'idah li-ahl al- 'aṣr fi 'l-iqrār bi 'l-nāss was sadd li-bāb al-talbīs (Fatāwa Ḥammādīyah); (vii) wa 'l-da 'wā al-kādhībat lā tu 'tabar, lā fī ḥaqq simā ' al-sanad, wa lā fī ḥaqq al-istikhlāf (Muḥīṭ Sarakhsī).

¹This may be the settlement of the same name located in Samarqand's Shāwdār *tūmān*: see Faiziev, *Istoriia Samarkanda pervoi pol. XIX veka*, p. 65, referring to material in *waqf* doc. no. 32.

^a zar'an wa binā'an wa gharsan wa bāy'an; ^b ḥāl ḥayātihi; ^c sāqīṭah wa ghayr-i masmū'ah wa zāhirat al-kidhb; ^d da'wā-yi kādhīb dar ḥaqq-i samā'-i bayyīnah wa dar ḥaqq-i istiḥlāf ghayr-i mu'tabar bāshad

520 x 336; 8 lines. Persian.

689

n/d: solicited legal opinion

1061: KP 1590

The late Īshān Shākir Jān Khwājah bequeathed his landed property^a to his daughters. The transaction was attested^b in a set of deeds affixed with the Īshān's stamp. The contents of said deeds have been communicated to the judge by a group of unimpeachable witnesses^c: following said attestation, is it correct for the judge to sign the set of deeds himself^d?
No answer.

Stamps: (i) Muḥammad Dhākir Khwājah b. Mullā 'Abd al-Karīm A'lam; (ii) Mīrzā Qābil Muftī b. Ākhūnd Taghāy Murād; (iii) Ākhūnd Jān b. Ākhūnd Mīr Muḥammad Ṭālib al-Muftī; (iv) Qāḍī-yi 'askar Ākhūnd Jān b. Dāmullā Ya'qūb Muftī; (v) Qāḍī Mīr Ibrāhīm b. Khalīfah Mīr Nadir

Citations: (i) *al-ḥibah hiya tamlīk 'ayn bilā 'iwaḍ wa yaṣiḥḥ bi-wahabtu wa baḥaltu wa naḥwi dhālik* (Mukhtaṣar); (ii) *wa qabḍ man yarabbibuhu wa huwa mu'tabar* (Mukhtaṣar); (iii) *wa idhā shahid wa 'alā ḥāḍir ḥukim bihā ay bi 'l-shahādah li-wujūd al-ḥujjah* (Barjandī).

^a āb wa arādī wa 'aqārāt-i khūd; ^b nāṭiq bih ān; ^c jamā'ah az sādāt-i kirām kih 'adālat-i ān-hā zāhir wa bāhir ast; ^d imḍā-yi tilka 'l-wathīqah bar jānāb-i ḥaḍrat murāfi ' ilayhi-yi madhkūr durust wa mujawwaz bāshad

354 x 221; 4 lines. Persian.

n/d: charter narrative/genealogy

1013: KP 1545/2

The document relates a line of descent running from ‘Alī b. Abī Ṭālib through Imām Muḥammad Ghāzī Ḥanīfah¹: this latter → ‘Abd al-Fattāḥ → ‘Abd al-Jalīl² → ‘Abd al-Jabbār → ‘Abd al-Qaḥḥār → ‘Abd al-Raḥman → ‘Abd al-Jalīl³. ‘Abd al-Raḥīm, the ruler of Syria, was the uncle of ‘Abd al-Jalīl. He summoned ‘Abd al-Jalīl into his presence, and told him that, during the caliphal reign of Abū Bakr Ṣiddīq, ‘Abd al-Raḥīm travelled with an army of 12 000 men to Ūzkand and Farghānah, where they engaged battle with the infidels^a, and were all martyred⁴; and that in the caliphal reign of ‘Alī, Qutham b. ‘Abbās b. ‘Abd al-Jalīl travelled with an army of 12 000 men to Farghānah, where they engaged battle with the infidels and fire-worshippers^b, and where Islam prevailed. ‘Abd al-Raḥīm now encouraged ‘Abd al-Jalīl to embark on a similar undertaking himself. ‘Abd al-Jalīl asked how many troops ‘Abd al-Raḥīm had to his name, to which ‘Abd al-Raḥīm replied that he had 70 000; ‘Abd al-Jalīl stated that he himself had 40 000 troops, and that there were another 50 000 elsewhere: and with this accumulated army of 160 000 troops he set off.

The army set off for the east, travelling via Iṣfahān⁵, Māzandarān, Sarīgh (*sic*) Pul⁶, Balkh, Khurāsān⁷, Tirmidh, Bukhara and Samarqand, where Islam had already prevailed. The army then proceeded to Farghānah, and thence to Ūsh-Bāb (*sic*) and on to Kāsān. At the time, 2 kings ruled Farghānah: 1 of these was called Kallah-wān and the other was called A‘sar. Both were strangers to Islam. [xxx]. In the battle, 40 005 (*sic*) Muslim men were martyred, and the others came to Shāsh and Istinjāb. They appointed one of their number as *amīr* in Shāsh, where he ruled for some years and where Islam came to prevail.

The army then divided into 3⁸. [‘Abd al-Jalīl] dispatched ‘Abd al-Raḥīm in the direction of Arghū Ṭalās⁹ and Yittī-kind, and himself proceeded to Kāshghar, where there existed a certain fire-worshipper, whose name was Ūy Mūnkūzlūq Bughrā Khān¹⁰. They appealed to him to convert^c, but he refused. In order that Islam might prevail, they joined battle. In the resulting battle, 1 008 (*sic*) Muslims were martyred, and 7 000 fire-worshippers were killed: and Islam prevailed. From there [‘Abd al-Jalīl] proceeded to Almālīgh, and invited the population to convert; and Islam prevailed. Then he proceeded to Qūzī Bālīgh, and invited the population to convert; and Islam prevailed. Then they proceeded to Sālīgh Bālīgh, and invited the population to convert, and all became Muslims, and Islam prevailed. Then he proceeded to Aṭlās, and the true religion prevailed. He then proceeded to Sayrām, and Islam was established. The Muslims built a mosque and a *madrasah*, and Islam prevailed. He then proceeded to Ūraq-i Ūtrār, where [the locals] captured and martyred one of the Muslim *amīrs*. The Muslim army then returned to Sayrām. In Sayrām at the time there was a ruler called Banīdār, who had 300 associates who were all fire-worshippers. [‘Abd al-Jalīl] appealed on Banīdār to convert to Islam, but Banīdār replied that his ancestors had been fire-worshippers for 70 generations, and that his own religion was the correct one: he thus refused to believe. [‘Abd al-Jalīl] therefore joined battle: the 2 armies fought from morning to night for 3 consecutive days. 8 000 fire-worshippers were killed, and 5 000 Muslims were martyred. Banīdār finally took flight, and sought refuge with Sūl Khān. [‘Abd al-Jalīl] now appointed one of the soldiers of the faith, called Jabbārliq, as *amīr* in Sayrām. Jabbārliq ruled for 45 years, and invited the people to convert to Islam: and Islam came to prevail.

[‘Abd al-Jalīl] then captured and killed Sūl Khān and Banīdār. He again invited [the people] to convert, and Islam prevailed. He then went to the house of the *Ka‘bah*, and measured the *Ka‘bah*’s dimensions. Having returned to Sayrām, he built a wooden mosque of the dimensions of the *Ka‘bah*¹¹: and Islam prevailed, and the joy of the people knew no limits. And ‘Abd al-Jalīl gave thanks to Allāh, and the people were delighted. And he appointed each person to positions of authority across the region, and appointed *wazīrs* and *amīrs*. He thus transformed a ravaged land into a place of blossoming civilisation, and built mosques and *madrasahs*.

‘Abd al-Jalīl had a son called Ibrāhīm, who in turn had a son called Mīkā’il Šūfī. Mīkā’il Šūfī maintained lengthy spiritual interaction with Khiḍr and Ilyās¹²; he in turn had a son called Isrāfīl Šūfī, who also maintained lengthy spiritual interaction with Khiḍr and Ilyās, and maintained a fast for 40 years. Isrāfīl Šūfī had a son called Ismā’il Šūfī, who also maintained lengthy spiritual interaction with Khiḍr and Ilyās, and maintained a lengthy fast. Ismā’il Šūfī had a son called Ā’īnah Šūfī, who spent 40 years in spiritual exercises and who maintained a fast for 43 years. Ā’īnah Šūfī had a son called Muḥammad Šūfī, who spent 40 years in spiritual exercises, and who regularly engaged in 40-day fasts.

Muḥammad Šūfī in turn had a son called Maḥmūd Šūfī, from whom a line of descent ran as follows¹³: Maḥmūd Šūfī → Badr Atā → Ḥaḍrat-i Balī Atā → Ḥaḍrat-i Sawāndūk Atā → Kafrūnduk → Ibrāhīm → ‘Abdallāh Shaykh, who had 2 sons: (i) ‘Abd al-Raḥmān Shaykh and (ii) ‘Abd al-Ghaffār Shaykh. ‘Abd al-Raḥmān in turn → ‘Abd al-Mu’min Shaykh → ‘Abd al-Sattār Shaykh → Kirām al-Dīn Shaykh → Fuḍayl al-Dīn Shaykh → Jalāl al-Dīn Khwājah → ‘Azīz-Allāh Khwājah → Amīr-Allāh Khwājah → Fayḍ-Allāh, who had 3 sons: (i) Sa’d-Allāh Khwājah, (ii) ‘Abd al-Majīd Khwājah and (iii) ‘Abd al-Bāqī Khwājah. Sa’d-Allāh Khwājah in turn had 2 sons, (i) Nādir Khān and (ii) ‘Abd al-Šamad Khān, who in turn → ‘Abd al-Mu’min Khwājah → Kamāl al-Dīn Khwājah → ‘Aṭā-Allāh Khwājah → Šāliḥ Khwājah, who had 2 sons: (i) Nāšir al-Dīn Khwājah and (ii) Fayḍ al-Dīn Khwājah, who in turn → Našr al-Dīn Khwājah → Rajab Bāqī Khwājah → Ghiyāth al-Dīn Khwājah, who had 4 sons: (i) Diyā al-Dīn Khwājah, (ii) Faqīh al-Dīn Khwājah, (iii) Sa’d al-Dīn Khwājah, and (iv) Ḥabīb al-Dīn Khwājah, who in turn → Abū Turāb Khwājah → ‘Abd al-Khāliq Khwājah → ‘Abd al-Qādir Khwājah → ‘Abd al-Salām Khwājah → Qamar Khwājah → ‘Ārif Khwājah → Ma’rūf Khwājah → Šalāḥ al-Dīn Khwājah → Raḥmat-Allāh Khwājah → ‘Ibād-Allāh Khwājah → Dāniyāl Khwājah → Dhākīr Khwājah → Dhakariyā Khwājah → Shādī Khwājah → ‘Ābid Khwājah → Ūzbīk Khwājah, who had 4 sons: (i) Muḥammad Yūsuf Khwājah, (ii) Bahādur Khān Khwājah, (iii) Jūmard Khwājah and (iv) Qīlich Khān Khwājah.

No stamp.

¹ For traditions in Central Asia regarding Muḥammad b. al-Ḥanafīyah, popularly known as Muḥammad Ḥanīfah, see Muminov, ‘Die Erzählung eines Qozas über die Islamisierung der Länder, die dem Kokander Khanat unterstehen’, in von Kügelgen, Muminov and M. Kemper (eds.), *Muslim Culture in Russia and Central Asia*, volume III: *Arabic, Persian and Turkic Manuscripts (15th-19th Centuries)* (Berlin: Klaus Schwarz Verlag, 2000), pp. 385-428 [pp. 393], and Muminov, von Kügelgen, DeWeese and Kemper (eds.), *Islamizatsiia i sakral’nye rodoslovnye v Tsentral’noi Azii: Nasledie Iskhak Baba v narrativnoi*

^a kuffār; ^b mugh wa tarsāyān; ^c bih īmān da’wat namūdand

i genealogicheskoi traditsiiakh, vol. 2: genealogicheskie gramoty i sakral'nye semeistva XIX-XXI vekov: nasab-nama i gruppy khodzhei, sviazannykh s sakral'nym skazaniem ob Iskhak Babe (Almaty – Bern – Tashkent - Bloomington: Daik-Press, 2008), particularly p. 277.

² The figure of ‘Abd al-Jalīl b. ‘Abd al-Fattāḥ is conventionally omitted from this line of descent: see Muminov, von Kügelgen, DeWeese and Kemper, *Islamizatsiia i sakral'nye rodoslovnye v Tsentral'noi Azii*, p. 277.

³ ‘Abd al-Jalīl b. ‘Abd al-Raḥman is conventionally identified as the father of Aḥmad Yasawī: see loc. cit.

⁴ For the massacre of Muslims by the infidel in Ūzḡand during the reign of Abū Bakr, see again Muminov, ‘Die Erzählung eines Qozas’, p. 396, where the leader of the defeated forces is however identified as ‘Abd al-Raḥmān rather than ‘Abd al-Raḥīm.

⁵ The text reads *mawḏi‘-i Isfahān*: the term *mawḏi‘* as used here and throughout the document evidently has a different force from that encountered in other documents from the collection (→ doc. 171⁽¹⁸⁾ and elsewhere).

⁶ Sarīḡh Pul appears to be a variation on the more conventional Sar-i Pul, the name of a settlement in eastern Khurāsān. For a description of its location and topography see e.g. C.E. Yate, *Northern Afghanistan or Letters from the Afghan Boundary Commission* (Edinburgh and London: William Blackwood and Sons, 1888; rptd. Amersham, Bucks: Cambridge Scholars Press, 2002), p. 181.

⁷ The conception here of Khurāsān as a region situated specifically between Balkh and Tirmidh is unusual: the region conventionally was – and is – understood to include a much larger region stretching all the way from eastern Iran to northern Afghanistan. See e.g. C. Nölle-Karimi, ‘Khurasan and its Limits: Changing Concepts of Territory from Pre-Modern to Modern Times’, in M. Ritter, R. Kauz and B. Hoffmann (eds.), *Iran und iranisch geprägte Kulturen: Studien zum 65. Geburtstag von Bert G. Fragner* (Wiesbaden: Dr. Ludwig Reichert Verlag, 2008), pp. 9-19.

⁸ The splitting of the Muslim army is a familiar element in such conquest narratives: see Muminov *op. cit.*, p. 398.

⁹ Otherwise known as Awliyā Atā or Tarāz.

212 x 2180; 100 lines. Persian.

691

tpq Dhu'l-Hijjah 1789¹: collection of verses

803: 769

A collection of verses containing moral instruction and prayer. The work begins with a number of verses written by 'Abd al-Khāliq Ghijduwānī for the instruction of his children. There then follow a number of versified prayers by Mullā Hātifi, copied in late Dhu'l-Hijjah 1789; some extracts from the *Mathnawī* of Jalāl al-Dīn Rūmī relating to the unity of God and other philosophical matters; and an account of the efficacious power of the Jum'ah prayer and the *janāzah* prayer for the dead.

No stamp.

¹ *Sic*: the date is given, f. 3a, in mixed Hijrī/Julian form.

34 folios, each measuring 174 x 220; an average of 16 lines per page. Persian.

692

n/d: verse-form narrative

885: 5991/578

An account of Muḥammad's companions Abū Bakr, 'Umar, 'Uthmān and 'Alī, relating their bravery and heroism in battles for the faith.

No stamp.

30 folios, each measuring 135 x 200; an average of 16 lines per page. Turki.

693

n/d: prose-and verse-form narrative

883: KP 5991/576

An account of the story of Yūsuf and Zulaykhā.

No stamp.

Booklet of 5 folios; each page 152 x 222. Turki.

694

n/d: prayer amulet

371: KP 5991/121

(i) If you wish to render somebody else in love with you, you should scatter 3 grains of salt in that person's direction, intoning the following Qur'anic extract: *fī ṣuḥuf mukarramah marfū'ah muṭahharah bi-aydī safarah kirām barara*¹. Anyone who doubts in the efficacy

of this measure must be a disbeliever ² . (ii) A cure for pain in the right eye: <i>alam naj'al lahu 'aynayn, wa lisānān wa shafatayn, wa hadaynahu al-najdayn</i> ³ . (iii) A cure for pain in the left eye: <i>la-qad kunta fi ghaflah min hādhā; afakashafnā 'anka ghiṭā'ak; fa-baṣaruk al-yawm ḥadīd</i> ⁴ .	
No stamp.	
<p>¹ 'It is set down on honoured pages, purified and exalted, by the hands of devout and gracious scribes' (<i>sūrah 'Abasa</i> 80.13-16).</p> <p>² For this trope → also docs. 695, 696.</p> <p>³ 'Have we not given him two eyes, a tongue, and two lips, and shown him the two paths?' (<i>sūrat al-Balad</i> 90.8-10).</p> <p>⁴ 'One will say: 'Of this you have been heedless. But now we have removed your veil. Today your sight is keen'' (<i>sūrah Qaf</i> 50.22).</p>	
85 x 134; 10 lines. Persian and Arabic.	

695

n/d: prayer amulet

379: KP 5991/128

<p>The centre of the document is a table of 11 rows and 8 columns, each box filled with one of the attributes and names of God.</p> <p>The right-hand column of the document is a citation of authority^a for the efficacy of a prayer for warding off evil^b. 'Abdallāh b. 'Abbās relates that the Prophet Muḥammad was sitting in the mosque in Madīnah when a certain associate of his called Muḥammad Ismā'īl entered his presence and greeted him, saying he had been suffering all day from pain in his limbs, and that he was feeling weak. Muḥammad pondered the matter, and Jabrā'īl appeared to him from God, conveying God's greetings and explaining that the angels had brought this pain upon his associate. Unbelievers had beguiled Muḥammad Ismā'īl: but anyone who keeps this prayer about his person will be immune from the lures of sorcerers, the jealousy of the envious, the magic of magicians and the malice of Shayṭān; so too will he be immune from the evil eye^c and 72 other kinds of misfortune. Whoever keeps this prayer about his person will be immune from pains in the head, the eye, the hand, the foot, and the torso; sorcery and magic will have no effect in a house where this prayer is to be found, nor will any woman-born thief enter the house. The properties of this prayer are great: and anybody who doubts them must be a disbeliever¹.</p> <p>In a further column are a number of prayers for individuals wishing for children, etc.</p>	
No stamp.	
<p>¹ For this trope → also doc. 694, 696.</p>	<p>^a isnād; ^b du'ā-yi rad-nāmah; ^c zakhm-i chashm</p>
256 x 297; Persian and Arabic.	

n/d: prayer amulet

380: KP 5991/129

It is stated that the text of the present amulet^a has been transmitted by the Prophet Muḥammad for the redress of 3000 kinds of misfortune. God created the amulet out of pure light, and instructed Jabrāʾīl to take it and give it to Muḥammad; whoever keeps it about his person will be immune from 3000 kinds of misfortune. Jabrāʾīl flew off and entered the presence of Muḥammad. Conveying the greetings of God and the angels, Jabrāʾīl told Muḥammad that nobody who keeps this prayer about his person will experience misfortune in either of the two worlds: mankind, spirits, devils and the demon who inflicts pain on children will all be kept at bay^b. Whoever keeps this prayer about his person will emerge victorious from battle, and will return safely to his homeland; nor will he drown in a river or perish in a fire. God will confer blessings upon the house in which this prayer is kept. God will ensure that whoever keeps this prayer about his person achieves his purposes. Whoever doubts the efficacy of the prayer must be a disbeliever¹.

Jabrāʾīl told Muḥammad that God has undertaken not to confer death upon anybody who keeps this prayer about him until that person has reached the age of 123: and for as long at that person is alive, God will ensure that he enjoys success and renown, and that he suffers no shortage or want. Whoever keeps this prayer about his person will be safe from fear of the sultan, the arrow of perdition, sudden death or serious illness.

Jabrāʾīl told Muḥammad that whoever keeps this prayer about his person will be immune from the deception of swindlers, the beguilement of magic, imprisonment, the grudges of the envious, the evil eye and all who speak ill. If all the ancients and moderns were to carry on writing until all the trees of the world are felled, and all the rivers of the earth dry up, and the 7 strata of sky and earth were to become paper, they would still be unable to write down the text of the prayer: anyone who doubts the efficacy of the prayer must be a disbeliever.

The Arabic-language text of the prayer then follows.

No stamp.

¹ For this trope → also doc. 694, 695.

^a bāzū-band; ^b jamīʿ-i khalq, diw wa parī wa jinn [wa] ins wa umm [wa] šibyān bastah gardad

70 x 1850; 158 lines. Persian and Arabic.

n/d: prayer

471: KP 5991/217

2 prayers for recitation on the occasion of *ʿĪd-i qurbān*.

On side b there are several verses in Persian.

178 x 220; 18 lines. Arabic.

698

n/d: religious verse

512: KP 5991/256

A <i>salām-nāmah</i> , offering greetings to God ^a , with the repeated end-of-line refrain <i>salām mī-guyam</i> .	
No stamp.	
	^a bih nām-i qādir-i qudrat [...] bih ḥamd-i wāḥid-i waḥdat [...] bih ḥukm-i ḥākīm-i ḥikmat [...] bih pādīshāh-i ḥaqīqat [...] etc
90 x 409; 15 lines. Persian.	

699

1340 (4 September 1921 – 23 August 1922): prayer amulet

685: KP 5991/406

The following <i>qaṣīdah</i> of Jabrāʿīl has the effect of securing for him who recits it every morning everything which he desires. If he is ill, he will be cured; if he seeks wealth, he will receive the world, plus money and children, and he will enjoy a long life. If he seeks knowledge, he will receive knowledge; and if he seeks power, he will prevail. The <i>qaṣīdah</i> of Jabrāʿīl then follows.	
No stamp.	
306 x 261; 33 lines. Persian.	

700

n/d: prayer amulet

686: KP 5991/407

A prayer which has been compiled to protect the bearer from misfortune, containing Muḥammad's <i>shifā</i> ' verses from the Qur'ān and schedule for reciting certain <i>sūrah</i> s.	
No stamp.	
180 x 220; 8 lines. Arabic.	

701

n/d: prayer amulet

687: KP 5991/408

A prayer which has been compiled to protect the bearer from misfortune, containing excerpts from the <i>sūrat al-Baqarah</i> and the <i>sūrah Yā-Sīn</i> .	
No stamp.	
72 x 1000; 12 lines of text plus extensive additional material. Arabic.	

702

n/d: prayer

688: KP 5991/409

A prayer which has been compiled for the occasion of Nawrūz, containing verses 79, 109, 120, 130 and 161 from the <i>sūrat al-Ṣāffāt</i> and 58 from the <i>sūrah Yā-Sīn</i> .
--

No stamp.

71 x 106; 8 lines. Arabic.

703

n/d: prayer amulet

689: KP 5991/410

A collection of prayers which have been compiled to protect its bearer from various maladies. The utterances include the prayer of Yūnus from the Qur'ān, the <i>kalimat al-tawḥīd</i> and other prayers.

No stamp.

71 x 3012; 137 lines. Arabic.

704

n/d: prayer amulet

690: KP 5991/411

A collection of prayers which have been compiled to protect the bearer from the will of Shayṭān, the tyranny of sulṭāns and other evils.
--

No stamp.

71 x 620; 35 lines. Arabic.

705

n/d: prayer amulet

691: KP 5991/412

A collection of prayers which have been compiled to protect the bearer from the evil eye. The utterances include the <i>kalimat al-tawḥīd</i> , verses seeking Muḥammad's intercession and various other prayers.

No stamp.

82 x 730; 34 lines. Arabic.

706

n/d: prayer amulet

692: KP 5991/413

A collection of prayers which have been compiled to protect the bearer from the evil eye and other misfortunes. The utterances include an account of Muḥammad's personal attributes and a schedule for reciting certain *sūrah*s.

No stamp.

74 x 1855; 50 lines. Persian and Arabic.

707

n/d: prayer amulet

693: KP 5991/414

A collection of prayers which have been compiled to protect the bearer from misfortune. The utterances include a list of the honorific names accorded to Muḥammad.

No stamp.

87 x 3855; 210 lines. Arabic.

708

n/d: prayer

694: KP 5991/415

A prayer composed for the benefit of somebody who has recently died¹, containing the *kalimat al-tawḥīd* and other verses, and asserting the reality of life after death.

No stamp.

¹ The prayer is in the form of a *jawāb-nāmah*, namely 'a writing affixed to the winding sheet of the dead, to be read by the angels Munkir and Nakīr, should his soul be too much flurried to answer their questions' (Steingass, *A Comprehensive Persian-English Dictionary*, p. 375)

178 x 216; 7 lines. Arabic.

709

n/d: prayer amulet

695: KP 5991/416

A collection of prayers which have been compiled to protect the bearer from misfortune and from the tyranny of sultāns, containing the *Tāj-nāmah*, the *kalimat al-tawḥīd* and verses 18-19 from the *sūrah Āl 'Imrān*.

No stamp.

70 x 1500; 75 lines. Arabic.

710

n/d: prayer amulet

696: KP 5991/417

A collection of prayers which have been compiled to protect the bearer from illness, the evil eye and other misfortunes. It is noted that angels, prophets and *imāms* have commonly attested to the prayers' efficacy.

No stamp.

69 x 1500; 78 lines. Persian and Arabic.

711

n/d: prayer amulet

697: KP 5991/418

A prayer requesting abolution by God, containing within it the names of the prophets and the blessed angels.

No stamp.

70 x 2032; 55 lines. Persian and Arabic.

712

n/d: prayer amulet

698: KP 5991/419

An amulet which has been compiled to protect the bearer from the harm of evil spirits, containing a dialogue between Sulaymān and an ogre^a.

No stamp.

^a dīw

68 x 495; 44 lines. Persian.

713

n/d: prayer amulet

699: KP 5991/420

An amulet which has been compiled to ensure mutual affection between the bearer's parents and his/her siblings. The text contains within it the opening verses of the *sūrah Yūsuf*.

No stamp.

75 x 4830; 324 lines. Arabic.

714

n/d: prayer amulet

700: KP 5991/421

An amulet which has been compiled to protect the bearer from misfortune and harm at the hands of evil spirits, tyrannical rulers, wrathful enemies and the temptation of Shayṭān. The text contains prayers first uttered by Muḥammad and since transmitted down to the present day.

No stamp.

104 x 1073; 67 lines. Persian and Arabic.

715

n/d: prayer amulet

701: KP 5991/422

An amulet which has been compiled to foster amity and virtue, and to protect the bearer from disease, the evil eye, the envy of jealous people and other misfortunes. The text contains a prayer dedicated to Sayyid ‘Abd al-Qādir Gīlānī and known as the *Asmā’-i yāzdahum* [*ṭalab-bandī?*] the *Shamā’il-nāmah* prayer and several Qur’anic prayers.

No stamp.

96 x 2350; 134 lines. Persian and Arabic.

716

n/d: prayer amulet

702: KP 5991/423

An amulet which has been compiled to protect the bearer from malicious spirits and the evil eye. It contains the names of certain evil spirits which existed during the time of the prophet Sulaymān, the names of God, the *kalimat al-tawḥīd* and other verses.

No stamp.

60 x 500; 47 lines. Persian and Arabic.

717

n/d: prayer amulet

703: KP 5991/424

An amulet which has been compiled to protect the bearer from misfortune, and to secure for him victory over his enemies. It contains verses offering guidance for fortitude in times of difficulty and distress, and urging trust in the will of God. The efficacy of the verses is related with reference to accounts of Ḥaḍrat-i ‘Alī.

No stamp.

70 x 530; 28 lines. Persian and Arabic.

718

n/d: prayer amulet

704: KP 5991/425

An amulet which has been compiled on behalf of a certain Bībī Sayyidah Āy. The text relates a prayer which, recited 45 times, may protect the bearer from harm at the hands of enemies.

No stamp.

70 x 530; 11 lines. Persian and Arabic.

719

n/d: prayer amulet

705: KP 5991/426

An amulet which has been compiled to protect the bearer from various illnesses and misfortunes. The text contains 7 verses first uttered by Muḥammad, and relates the efficacious qualities of each one.
--

No stamp.

70 x 1050; 52 lines. Persian and Arabic.
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720

n/d: prayer amulet

706: KP 5991/427

An amulet which has been compiled to protect the bearer from various illnesses. The text contains several prayers, and relates the efficacious qualities of each one.

No stamp.

61 x 800; 38 lines. Turki and Arabic.

721

n/d: prayer amulet

707: KP 5991/428

An amulet which has been compiled to ensure that a newly-married husband and wife may live together in amity. It contains verses from the <i>sūrat al-Faṭḥ</i> , the <i>kalimat al-tawḥīd</i> and various other prayers.
--

No stamp.

54 x 1470; 116 lines. Persian and Arabic.

722

n/d: prayer amulet

708: KP 5991/429

An amulet which has been compiled to protect the bearer from the illnesses of the world and other misfortunes. It contains the <i>āyat al-kursī</i> verse (i.e. verse 255) of the <i>sūrat al-Baqarah</i> , and various verses from the <i>sūrah Ibrāhīm</i> , the <i>sūrat al-Ikhlāṣ</i> , the <i>sūrat al-Falaq</i> , the <i>sūrat al-Nās</i> , the <i>sūrat al-Fath</i> , the <i>sūrat al-Fātiḥah</i> and the <i>sūrat al-Naṣr</i> .

No stamp.

65 x 1690; 87 lines. Arabic.

723

n/d: prayer amulet

709: KP 5991/430

An amulet which has been compiled to protect the bearer from illness and other misfortunes. It contains verses 51 and 52 of the <i>sūrat al-Ikhlāṣ</i> , verse 255 from the <i>sūrat al-Baqarah</i> , and several prayers by Muḥammad.
--

No stamp.

75 x 2610; 130 lines. Persian and Arabic.

724

n/d: prayer amulet

710: KP 5991/431

An amulet which has been compiled to ensure amity between friends and enemies, and to restrain the behaviour of tyrannical rulers. It contains several verses from the <i>sūrah Āl 'Imrān</i> .

No stamp.

64 x 530; 39 lines. Persian and Arabic.

725

n/d: prayer amulet

711: KP 5991/432

An amulet which has been compiled to ensure warm amity between friends, and for friendship to replace enmity. It contains verses 14, 22 and 159 from the <i>sūrah Āl 'Imrān</i> .

No stamp.

48 x 190; 23 lines. Arabic. Uniquely among the documents in the collection, it is written on parchment rather than paper.

726

n/d: prayer amulet

712: KP 5991/433

An amulet which has been compiled to enable the bearer to achieve happiness in life, to allow to live together with friends and enemies in amity, and to secure the intercession of Muḥammad. It contains several verses from the *sūrah Āl 'Imrān*.

No stamp.

70 x 2540; 200 lines. Persian and Arabic.

727

n/d: prayer amulet

713: KP 5991/434

An amulet which has been compiled to enable the bearer to achieve earthly happiness, to depart the earth in the light of faith, and to secure the intercession of Muḥammad. The text contains the names of God and the *kalimat al-tawḥīd*.

No stamp.

58 x 1430; 75 lines. Persian and Arabic.

728

n/d: prayer amulet

714: KP 5991/435

An amulet which has been compiled to protect the bearer from evil spirits and the temptation of Shayṭān. It contains a dialogue between Sulaymān and an ogre, the names of various spirits, and the final verses of *sūrat al-Ḥashr*.

Stamp: Mullā Naẓar [xxx] b. [xxx] Ṣūfī (x 2)

70 x 1990; 126 lines. Persian.

729

1244 (14 July 1828 – 2 July 1829): prayer amulet

715: KP 5991/436

An amulet which has been compiled to protect the bearer from various misfortunes, to enable him to achieve happiness both on earth and in the hereafter, and to protect him from the agonies of the grave and other sources of grief. It relates how Muḥammad created sources of light, and notes the efficacious force of these latter.

No stamp.

75 x 3590; 277 lines. Persian.

730

n/d: a collection of prayer amulets

716: KP 5991/437

A collection of prayer amulets which have been compiled in a small booklet. Whoever reads them will be protected from evil of Shayṭān, from untimely death and from suffering and loss: may God confer blessings on the reader's life and lot.

No stamp.

Booklet of 18 folios, each page 80 x 90 and with 10-11 lines. Turki and Arabic.

731

n/d: prayer amulet

717: KP 5991/438

An amulet which has been compiled to protect the bearer from various forms of illness and misfortune. The centre of the document comprises a large chart with 28 rows and 28 columns; in each of the 784 boxes is a 4-letter word constituting 1 of the 1001 names of God; the letters in the boxes also form the text of the *sūrat al-Nās*, the final *sūrah* in the Qur'ān.

No stamp.

492 x 492; 77 lines. Persian.

732

n/d: prayer amulet

718: KP 5991/439

An amulet which has been compiled to protect the bearer from harm at the hands of evil spirits. It contains a dialogue between Sulaymān and an ogre called Sibyān, some secret ways of escaping from the ogre's grasp, and several verses from the *sūrah Yā-Sīn*.

No stamp.

75 x 2090; 141 lines. Persian and Arabic.

733

1327 (23 January 1909 – 12 January 1910): prayer amulet

719: KP 5991/440

An amulet which has been compiled to protect the bearer from enchantment, envy and other misfortunes. It contains verses 51 and 52 of the <i>sūrat al-Qalam</i> , the <i>sūrat al-Ikhlās</i> and some of the names of God.
--

No stamp.

71 x 2690; 105 lines. Persian and Arabic.

734

n/d: a collection of folk remedies

814: KP 5991/512

A collection of 16 folk remedies for the cure of various ailments.
--

No stamp.

16 pieces of paper, varying in dimensions from 151 x 115 to 53 x 50; Turki.

735

n/d: prayer

815: KP 5991/513

A prayer which has been composed for the benefit of somebody who has recently died ¹ , containing the <i>kalimat al-tawhīd</i> and an assertion of faith in the promise of life after death.

No stamp.

¹ For this genre of prayer → also doc. 708.	
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104 x 178; 15 lines. Arabic.

736

736.i, n/d: prayer amulet

816: KP 5991/514

An amulet which has been composed to protect the bearer from enchantment, envy and other misfortunes. The prayer states that God is all-powerful, and that the bearer prays to God alone, and that it is from God alone that s/he seeks assistance: and asserts faith in the forgiveness of Muḥammad. There is no God other than god.

No stamp.

112 x 145; 8 lines. Arabic.

736.ii, n/d: prayer amulet

An amulet which has been compiled to protect the bearer from enchantment, envy and other misfortunes. The prayer states that the bearer prays to God alone, and that it is from God alone that s/he seeks assistance: and asserts faith in the forgiveness of Muḥammad.

No stamp.

80 x 108; 11 lines. Arabic.

737

n/d: prayer amulet

822: KP 5991/517b

An amulet which has been compiled to render the bearer beloved in the eyes of another, to enflame love and to ensure mutual affection in times of discord. The text includes a chart of Arabic letters and a series of astrological readings.

Stamp: [xxx] (x 2)

926 x 262; 42 lines. Arabic.

738

n/d: a collection of prayer amulets

823: KP 5991/517

A collection of amulets, comprising 21 individual pieces of paper, which has been compiled to protect the bearer from various pains and illnesses. It relates some of the attributes of God, and notes the names of the 7 Sleepers¹.

No stamp.

¹ For these figures, see the *Sūrat al-Kahf*.

21 pieces of paper, measuring in dimension from 43 x 166 to 47 x 28; 89 lines (in total). Arabic. Several of the items are reproduced at back of volume.

739

n/d: collection of prayer amulets

824: KP 1545/5

A collection of amulets, comprising 4 individual pieces of paper, which has been compiled to protect the bearer from various illnesses and the evil eye. It contains various Qur'anic verses and prayers.

No stamp.

4 sheets of varying dimensions; Arabic.

740

n/d: prayer amulet

887: 5991/580

An amulet which has been compiled to protect the bearer from various sources of pain and distress. It contains an account of the prophet Muḥammad's greatness.
--

Stamp: [xxx] (x 3)

190 x 690; 111 lines. Arabic.

741

n/d: prayer amulet

677: KP 5991/398

A text comprising the <i>kalimat al-ṭayyibah</i> and the <i>kalimat al-shahādah</i> .

No stamp.

271 x 460; 4 lines. Arabic.

742

1217 (4 May 1802 – 22 April 1803): prayer amulet

377: KP 1545/6

An incantation by a certain Imām Shāgird-i Bukhārī, written into the outline of a sword: <i>lā fatā illā 'alī, lā sayfa illā Dhu'l-fiqār/ har balā-yi pīsh āyad daf' kun parwardigār!</i>

No stamp.

1 printed sheet, 70 x 132. Persian and Arabic.
--

743

tpq 1227 (16 January 1812 – 4 January 1813): prayer amulet

378: KP 5991/127

A number¹ of identical stamps, each in the shape of a 12-petalled lotus flower, on a single side of paper. Each stamps reads 13 times *ilāhī, bih ḥurmat-i Sayyid ‘Abd al-Qādir Gīlānī, 1227*

¹ The exact number is unclear: the document is badly damaged.

a

302 x 440; Persian.

744

n/d: prayer amulet

517: KP 277

A collection of 6 highly adorned stamps containing prayers and *ḥadīth* citations with which to protect the bearer from evil spirits.

No stamp.

176 x 222; Arabic.

745

1278 (9 July 1861 – 28 June 1862): prayer amulet

521: KP 5991/257

A collection of 11 stamps containing prayers offering protection from illness. The texts relate man's powerlessness, and note that there is no god other than God. There is no sword as sharp as [‘Alī's sword] Dhu'l-Fiḳār, and every illness has its cure.

No stamp.

220 x 353; Persian and Arabic.

746

n/d: prayer amulet

804: KP 5991/502

An amulet which has been compiled to protect the bearer from illnesses, and to enable him to prevail over his enemy. It comprises 3 ornamental stamps, 1 of which is in the shape of a sword and another of which is shaped as a *ṭamghā*. The stamps contain the *kalimat al-ṭayyibah*, the names of Muḥammad's 4 Companions¹, and the names of the 7 Sleepers.

No stamp.

¹ i.e. Abū Bakr, ‘Umar, ‘Uthmān and ‘Alī.

221 x 354. Arabic.

747

n/d: a set of moral instructions

821: KP 5991/516

One should not be greedy of worldly things. One should not consume too much. The blessings of God are widely distributed, and one's own efforts are of little avail. All who are greedy are poor; all who are satisfied with their lot are wealthy. One should not accumulate worldly goods: may one be ignorant of what one has acquired.
--

No stamp.

111 x 90; 4 lines. Arabic.

748

n/d: devotional aid

585: KP 5991/307

A chequered board containing a schedule for reciting certain <i>sūrah</i> s, to protect the bearer from evil spirits.

No stamp.

310 x 380. Arabic.

INDICES

(i) Index of persons*

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 ‘Abd al-Aḥad [Makhdūm] [Mu’adhdhin]: 177
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* In compiling this index, the editors have attempted to compile a prosopographical, rather than purely onomastic resource. Of course, if amongst our documents every personal name – that is, every cluster of onomastic morphemes with or without a *laqab*, a *nisbah* and/or an ascription of paternity – denoted a distinct individual, the above distinction would be redundant: to speak of the name would necessarily be to speak of the person, and an onomastic index would automatically serve as a prosopography of persons encountered. It is frequently the case, however, that (i) a personal name denoting one individual in one document denotes another individual in another, and (ii) an individual accorded one personal name in one document is accorded a different – or at least variant – name in another. In order to (i) disambiguate multiple individuals sharing a common personal name and (ii) illustrate the coherent identity of individuals across shifts or variations in name, the editors have here adopted the following conventions. (a) An individual’s position in the index is determined by the alphabetical position of his/her *personal name* (with his/her *laqab*, *nisbah* and/or *nasab*, if provided, governing successively lower levels of significance). (b) If, as frequently occurs in the documents, this personal name is preceded by an element of titlature denoting the individual’s possession of a particular *appointed office*, such as *qādī* or *āqsaqāl*, said titlature is regarded for the purposes of the index as *non-intrinsic* to the name: it is distinguished from the rest of the name by being placed within square brackets (either before or after the personal name, depending on the order in which it appears in documents), and does not govern the alphabetical position of the individual’s index entry. (c) Elements of titlature denoting *ancestry* or *acquired status*, such as *sayyid* or *mullā*, are by contrast generally treated as intrinsic, and accordingly govern alphabetical position; an exception here is the term *hājī*, which of course might be acquired at any point during an individual’s lifetime, and which is again placed in square brackets. (d) Should an element of titlature denoting status or ancestry *be applied to an individual in one document and not in another*, it is regarded as non-intrinsic, and is again placed in square brackets and does not govern alphabetical position: the reader treating such titlature as intrinsic when searching for an individual is directed via a cross reference to an aggregated prosopographical entry elsewhere in the index, which in turn lists all the documents in which said individual appears, both *with* the non-intrinsic titlature and *without* it. (e) In cases of variation within a personal name, an aggregated prosopographical entry is given for that form of the name which is most frequently encountered, with non-intrinsic supplementary forms given in square brackets and variants on the conventional form noted in round brackets; the reader employing such a variant name as a search term when looking for the eponymous individual is again directed via a cross reference to the aggregated entry. (f) When an individual’s paternity is noted in every document in which said individual appears, it is included as an intrinsic onomastic element in the prosopographical entry; in cases where paternity is irregularly ascribed, or where it has been deduced using information from more than 1 document, it is still treated as an intrinsic onomastic element and continues to govern alphabetical position, but the information is placed in curly {} brackets. (g) Where there is strong circumstantial evidence to associate repeated appearances of a particular generic name with the existence of a single individual (when the name appears in closely contiguous documents, for instance, or when it repeatedly appears alongside other identified actors), the editors have done so; correspondingly, when a single name repeatedly appears in mutually isolated documents, it is assumed that it refers to multiple individuals.

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 ‘Abd al-Ghaffār Bāy b. Muḥammad Raḥīm Bāy: 156
 ‘Abd al-Ghaffār Shaykh: 690
 ‘Abd al-Ghafūr b. Mīrzā Bāy: 70
 ‘Abd al-Ghafūr [Āqsaqāl] b. Rajab: → [‘Abd al-] Ghafūr [Āqsaqāl] b. [Ustā Mīr] Rajab [Bāy]
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 ‘Abd al-Ghanī Bāy b. ‘Abd al-Qādir Bāy: 467
 ‘Abd al-Ghanī Bāy b. Bāqī Bāy: 139
 ‘Abd al-Ghanī [Bāy] b. Murād Bāy: 361, 362, 363, 364, 365
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 ‘Abd al-Ḥamīd Bāy b. ‘Abd al-Wāḥid Bāy: 330, 334
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- Mullā Muqaddas [Muftī] b. [Qāḍī] Mullā Sayyid Ghanī [Muftī]: 538a, 538b, 556b, 561, 567b, 574, 586a, 596
- Mullā Muẓaffār al-Dīn b. Mustāq [Muftī]: 686
- Mullā Niyāz Muḥammad [Muftī]: 668.iii; → Muḥammad Niyāz Ṣūfī [Muftī]?
- Mullā Nūr-Allāh b. Mullā Muḥammad ‘Ārif [Muftī]: 375
- Mullā Qāḍī Khwājah [Muftī] b. [Qāḍī] Mullā Khwājah: 538b, 574, 583; → also index of *qāḍīs*
- Mullā Qawām al-Dīn Makhdūm [Muftī] b. Mullā Niyāz Muḥammad [Muftī]: 493, 506a, 544, 567b, 621a
- Mullā Qurbān [Muftī] b. Mullā Jān Muḥammad: 539
- Mullā Sayyid ‘Abdallāh [Mudarris] [Muftī]: 492a, 538b, 552a, 552b, 554, 558, 567a, 571, 572, 573, 574, 596, 632, 633, 634, 637, 638 → also index of *mudarris* office-holders
- Mullā Sayyid ‘Abd al-Majīd [Muftī] b. Mullā Sayyid ‘Abdallāh [Mudarris] [Muftī]: 492a, 538b, 552a, 552b, 554, 558, 567a, 571, 572, 573, 574, 596, 632, 633, 634, 637, 638
- [Qāḍī] Mullā Sayyid Ghanī [Muftī] [Mudarris]: 248a, 538a, 538b, 556b, 561, 567b, 574, 586a, 596 → also index of (i) *qāḍī s*; (ii) *mudarris* office-holders
- Mullā Sayyid Hādī Khwājah [Muftī] b. Muḥammad Āftāb Khwājah [Ūrāq]: 582
- Mullā Shafī‘ [Muftī] b. [Qāḍī] Samī: 652
- [Ākhünd] Mullā Ṣūfī Khwājah [Muftī]: 182a
- Mullā Sulaymān Makhdūm [Muftī] b. [Qāḍī] Mullā Mīr Bābā: 562a, 562b
- Mullā ‘Uthmān [Muftī] b. Mullā Imām: → Mullā Muḥammad ‘Uthmān
- Mullā Yahyā Khwājah [Muftī] [Mudarris]: 544; → also index of *mudarris* office-holders
- Mullā Yahyā Khwājah [Muftī] [Ṣudūr] b. Mullā ‘Īsā Khwājah: 102; → also index of *ṣudūrs*
- Mullā Yār Muḥammad [Muftī] [Mudarris] b. Hājī Muḥammad Ṣūfī: 446.2, 453, 459a, 463, 536, 537, 539, 569b; → also index of *mudarris* office-holders
- Mullā Zayn al-Dīn Khwājah b. Jamāl al-Dīn Khwājah [Muftī]: → Zayn al-Dīn Khwājah
- Mūsā Khwājah [Muftī] b. [Qāḍī] Shīrīn Khwājah Mūsawī: 453, 459a, 496, 513, 535, 536, 537, 539, 542, 543, 596, 629a, 629b.ii, 630
- Niẓām al-Dīn Khwājah [Muftī]: 457.ii, 536, 537; → also index of *qāḍīs*
- Pādishāh Khwājah ‘Alawī [al-Muftī]: 8
- Qul Muḥammad [al-Muftī] b. Raḥmat-Allāh Khwājah al-Ḥusaynī: 52, 54
- Sayyid ‘Abd al-Majīd [Muftī]: → Mullā Sayyid ‘Abd al-Majīd
- Sayyid Maḥmūd Khwājah [Muftī] b. Khalīfah Mīr Ghiyāth al-Dīn: 537
- Sayyid Murād Khwājah [Muftī]: 539
- Ṭaghāy Muḥammad [Muftī]: 322a
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- [Qāḍī] Ulkān [al-Muftī]: 39, 41, 54; → also index of *qāḍīs*
- [Mullā] Zayn al-Dīn Khwājah b. Jamāl al-Dīn Khwājah [Muftī]: 447, 448, 449, 452, 453, 456a, 457.ii, 459a, 512a, 536, 537

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- [Qāḍī] Mīr Muḥyī al-Dīn [Ṣudūr] b. [Qāḍī al-quḍāt] Mullā Mīr Ṣadr al-Dīn (Nasaf *wilāyat*): 156; → also index of *ṣudūrs*
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- [Qāḍī] Mīrzā Muḥammad Umīd [Muftī]: 63; → also index of *muftīs*
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- [Qāḍī] Miyān Faḍl Hādī b. Miyān Faḍl Mun‘im (Samarqand’s District no. 2): 639b
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- [Qāḍī] Muḥammad [al-Muftī] b. Raḥmat-Allāh Khwājah al-Ḥusaynī (?): 32; → also index of *muftīs*
- [Qāḍī] Muḥammad ‘Ālim Khwājah [Ṣudūr] b. [Qāḍī al-quḍāt] Mawlawī b. Muḥammad Sharīf Khwājah ‘Alawī (Chahārjūy *wilāyat*): 151; → also index of *ṣudūrs*
- [Qāḍī] Muḥammad ‘Ālim Khwājah b. Muḥammad Ya‘qūb Khwājah [Naqshbandī] (?): 42
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- [Qāḍī] Mullā ‘Abd al-Majīd b. Muḥammad Yūnus Sūfi (Kābud *tūmān*): 525, 526
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- [Qāḍī] Mullā Abu‘l-Khayr b. Mullā ‘Ārif Jān

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 [Qāḍī] Mullā Ākhūnd Jān [Muftī]: 503; → also index of *muftīs*
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- [Qāḍī-yi Samarqand] [Qāḍī-yi kalān-i Samarqand] [Qāḍī] Mullā Mīr Nizām al-Dīn Khwājah b. [Qāḍī] Mīr ‘Abd al-Ghaffār Khwājah (Samarqand *wilāyat*): 445, 446.1, 447, 448, 449b, 450, 451, 456a, 456b, 457.i, 458, 459b, 478a, 492b.i, 511, 512b, 513, 521, 522, 527, 535, 639b
- [Qāḍī al-quḍāt] [Qāḍī] Mullā Mīrzā Muḥammad Sharīf b. [Qāḍī al-quḍāt] Dāmullā ‘Abd al-Shukūr (Bukhara): 359
- [Qāḍī] Mullā Muḥammad Abu’l-Qāsim b. [Qāḍī] Mullā Yār Muḥammad (Siyāh Āb): 519, 620b.iii; → also index of (i) *muftīs*; (ii) *mudarris* office-holders
- [Qāḍī] Mullā Muḥammad Abū Ya‘qūb: 538a
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Glossary of translated terms

Abutting – <i>paywastah</i>	Pre-adult – <i>ṣaghīr/ṣaghīrah</i>
Acknowledgement – <i>iqrār</i>	Public thoroughfare – <i>rāh-i ‘āmm</i>
Acting as attorney – <i>wakālatan</i>	Quarter (of town) – <i>gudhar</i>
Acting on behalf of oneself – <i>aṣālatan</i>	Register of transactions – <i>akt daftari</i>
Admissible/ inadmissible – <i>masmū’/ ghayr-i masmū’</i> (or <i>nā-masmū’</i> , <i>lā masmū’</i> etc)	Purchaser – <i>mushtarī</i>
Ancestral – <i>mawrūthī</i>	Reservoir – <i>ḥawḍ</i>
Attorney – <i>wakīl</i>	Respondent – <i>mudda ‘ā ‘alayhi</i>
By his own account – <i>bih qawl-i khūd</i>	Resolution (of contention) – <i>qaṭ’</i>
Cessation of claim – <i>ibrā’</i>	Right of pre-emption – <i>shuf‘ah</i>
Claim for restitution (thereafter ‘claim’) – <i>da ‘wā</i>	Rural settlement – <i>mawḍi‘</i>
Client – <i>muwakkil</i>	Share – <i>sahm; tīr</i>
Contention (i.e. legal disagreement) – <i>khuṣūmat</i>	Shared – <i>mushtarak</i>
Courtyard property – <i>ḥawīlī</i>	Shrine – <i>mazār</i>
[Set of] deeds – <i>wathīqah; wathīqah-yi sharī‘ah</i>	Student cell – <i>ḥujrah</i>
Defence – <i>daf‘</i>	Subsidiary settlement of [...] – <i>az tawābi‘-i [...]</i>
Deposition – <i>maḥḍar-i shar‘ī</i>	Terrace – <i>aywān</i>
Designated – <i>mu‘ayyan</i>	Tithe – <i>‘ushr</i>
District – <i>qit‘ah</i>	Trove – <i>luḡṭah</i>
Dowry – <i>mahr</i>	Trustee – <i>amīn</i>
Estate – <i>matrūkah</i>	Valid – <i>jā‘iz</i>
Gratis – <i>majjānan</i>	Vendor – <i>bā‘ī‘</i>
Guarantor – <i>kafīl-i zar</i>	Veteran of a previous marriage – <i>thayyibah</i>
Guardian – <i>waṣī</i>	Village – <i>dih; qaryah; qishlāq</i>
Heir – <i>wārith</i>	Virgin – <i>bākīrah</i>
Hereditary property – <i>milk-i mawrūthī</i>	Void – <i>bāṭil</i>
Impartial actors – <i>khāliṣ (ādam)-lār</i>	Wash-house – <i>ṭahārat-khānah</i>
Jointly-owned – <i>mushā‘</i>	Witness – <i>shāhid</i>
Justified – <i>ṣahīḥ</i>	Witness testimony – <i>bayyinah</i>
Keeping/ safekeeping – <i>dhimmah</i>	
Land – <i>zamīn; yir</i>	
Lands – <i>arāḍī</i>	
Liable – <i>ḍāmin</i>	
Mosque – <i>masjid</i>	
Neighbourhood – <i>maḥallah</i>	
Passageway – <i>rāh-raw</i>	
Peaceful settlement – <i>ṣulḥ</i>	
Plaintiff – <i>mudda ‘ī</i>	
Post-divorce financial support – <i>nafaqah</i>	
Post-divorce waiting period – <i>‘iddah</i>	

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403	12 December 1586 – 1 December 1587	659	17 December 1781 – 6 December 1782	48	8 November – 6 December 1820
404	21 August – 18 September 1610	414	2 October 1788 – 20 September 1789	58	6 January – 3 February 1821
1	19 January 1614	691	1789	59	4 February – 3 March 1821
2	21 August 1621	5	10 September 1790 – 31 August 1791	60b.i	13 April – 12 May 1823
406	27 February 1645 – 16 February 1646	37	21 February – 21 March 1795	64	9 January 1831
24	9 March 1655	38	28 February – 29 March 1797	11	7 September – 6 October 1823
407	18 June 1700 – 7 June 1701	42	13 August – 11 September 1798	12	12 December 1825 – 10 January 1826
408	15 April 1706 – 3 April 1707	6	27 January – 25 February 1800	418	5 August 1826 – 24 July 1827
658	15 April 1706 – 4 April 1707	7	14 May 1801 – 3 May 1802	49	28 April – 26 May 1827
412	28 August – 25 September 1718	53	14 May 1801 – 3 May 1802	729	14 July 1828 – 2 July 1829
409	24 November 1718 – 13 November 1719	28	19 August – 17 September 1803	13	7 January – 5 February 1829
413	15 July – 12 August 1722	416	27 August – 24 September 1805	419	22 June – 21 July 1830
3	16 August – 14 September 1730	43	14 October – 11 November 1806	14	13 April – 12 May 1831
25	29 March 1740 – 17 March 1741	415	2 November – 1 December 1807	65	3 February – 3 March 1832
26	13 January 1747 – 1 January 1748	55	23 August – 21 September 1808	429	3 February – 3 March 1832
660	2 August 1761 – 22 July 1762	44	3 December 1810	420	29 July – 27 August 1832
27	14 June – 13 July 1771	45	25 May 1812	421	18 August 1832
30	31 December 1777 – 29 January 1778	417	27 September – 25 October 1813	15b	19 July – 17 August 1833
31	28 December 1780 – 16 December 1781	9	19 January – 17 February 1817	60b.ii	9 June – 7 July 1834
		410.i	11 November 1817 – 30 October 1818	66	3 – 31 December 1834
		47	2 June 1819	431b	29 November – 28 December 1837
				67	6 October 1838

16	15 May – 13 June 1839	91	7 June 1852	116	26 September – 24 October 1862
422	28 September – 26 October 1840	662	15 October 1852 – 3 October 1853	79	18 July – 15 August 1863
68	18 September – 16 October 1841	19	30 January – 28 February 1854	80	18 July – 15 August 1863
423	1 February – 2 March 1843	92	24 September 1854 – 12 September 1855	666	15 September – 13 October 1863
650	1 – 30 April 1843	93	16 March 1856	126	12 December 1863 – 10 January 1864
424	22 January – 20 February 1844	97	13 May 1856	127	16 December 1864
651	9 April – 7 May 1845	94	13 September 1855 – 31 August 1856	436	26 June – 24 July 1865
652	9 April – 7 May 1845	95	13 September 1855 – 31 August 1856	81	24 August – 21 September 1865
17	6 July – 4 August 1845	99b	1 June 1857	117	27 May 1865 – 15 May 1866
70	27 February – 28 March 1846	100	18 December 1857 – 16 January 1858	437	13 August – 10 September 1866
18	29 March – 26 April 1846	101	11 August 1858 – 31 August 1859	22	6 April – 4 May 1867
74	29 March – 26 April 1846	663	4 February – 5 March 1859	134	18 May 1867
425	27 May – 24 June 1846	76	6 March – 3 April 1859	23	30 September – 28 October 1867
426	23 August – 21 September 1846	107	21 May – 19 June 1860	438	30 September 1867
427	21 October – 19 November 1846	434	20 June 1860	654	22 June – 21 July 1868
71	4 October 1848	20	31 July 1859 – 19 July 1860	135	22 July – 19 August 1868
72	3 January 1849	77	19 August 1860	655	20 August – 18 September 1868
428	23 May – 23 June 1849	109b	9 July 1861 – 28 June 1862	439	18 October – 16 November 1868
73b	10 December 1849	78	6 September – 5 October 1861	136	24 April 1868 – 12 April 1869
50	13 May – 11 June 1850	108	6 September – 5 October 1861	137	24 April 1868 – 12 April 1869
653	8 October – 6 November 1850	112	2 March – 31 March 1862	139	24 March 1871
51	6 December 1850 – 3 January 1851	115	29 June 1862 – 17 June 1863	140	11 May 1871
75	13 April 1851	21	27 August – 25 September 1862	138	21 May – 19 June 1871
90b	27 September – 25 October 1851	113	27 August – 25 September 1862	141	23 March 1871 – 10 March 1872

119	11 March 1872 – 28 February 1873
120	11 March 1872 – 28 February 1873
142	11 March 1872 – 28 February 1873
144b.ii	31 March – 28 April 1873
145	31 March – 28 April 1873
82	10 November 1873
121	1 March 1873 – 17 February 1874
122	1 March 1873 – 17 February 1874
148	18 May – 16 June 1874
440a	7 February 1875 – 27 January 1876
440b	31 October – 28 November 1875
441b	31 October – 28 November 1875
442b	31 October – 28 November 1875
443b	31 October – 28 November 1875
444b	31 October – 28 November 1875
149	22 August – 19 September 1876
153	12 July – 10 August 1877
150	18 December 1876 – 15 January 1877
445	20 May 1877
155	5 January 1878
156	27 October – 25 November 1878

189	26 December 1878 – 14 December 1879
447	26 December 1878 – 24 January 1879
448	26 December 1878 – 24 January 1879
128	21 June – 20 July 1879
446.1	18 September – 16 October 1879
188	10 December 1879
190a	15 December 1879 – 3 December 1880
200	15 December 1879 – 3 December 1880
202	15 December 1879 – 3 December 1880
83	12 February – 12 March 1880
449b	25 April 1880
203	23 November 1880
201	3 March – 31 March 1881
204	11 March 1881
85	7 November 1881
151	9 June – 8 July 1880
511	11 April 1881
129	20 February – 20 March 1882
213	28 September 1882
130	10 October 1882
450	18 January 1883
215	21 August 1883

214	12 November 1882 – 1 November 1883
216	12 November 1882 – 1 November 1883
231	7 February 1884
234	2 April 1884
157	27 May – 24 June 1884
232	28 June 1884
233	25 July – 22 August 1884
667	4 August 1884
521	21 October 1884 – 9 October 1885
239	16 May – 13 June 1885
660.iii	24 July 1885
235	3 August 1885
131	9 August 1885
132	12 August – 10 September 1885
158	10 October – 8 November 1885
159	9 November – 7 December 1885
160	9 November – 7 December 1885
161	8 December 1885 – 6 January 1886
162	8 December 1885 – 6 January 1886
163	8 December 1885 – 6 January 1886
242	17 January 1886
164	7 January – 4 February 1886
165	5 February – 6 March 1886
166	5 February – 6 March 1886

167	5 February – 6 March 1886	247b	31 May – 28 June 1889	454	6 March 1892
168	5 February – 6 March 1886	249	23 June 1889	455	9 March 1892
169	5 February – 6 March 1886	250	23 June 1889	264	11 March 1892
170	7 March – 4 April 1886	177	29 July – 27 August 1889	461a	22 March 1892
244b.i	30 September 1886 – 18 September 1887	254	29 July – 27 August 1889	534	15 July 1892
513	28 November – 27 December 1886	452b.i	18 September 1889	265	20 July 1892
522	26 January – 24 February 1887	452b.ii	18 September 1889	270	16 September 1892
512b	22 February 1887	205	19 June – 18 July 1890	181	23 September – 22 October 1892
244b.ii	26 March – 24 April 1887	524a	1891	456a	18 December 1892
171	26 March – 24 April 1887	255	17 August 1890 – 6 August 1891	182b	21 December 1892
451a	1 August 1887	178	23 October 1890	535	1893
245	21 October 1887	256	13 December 1890 – 11 January 1891	236	19 January 1893
172	17 November – 16 December 1887	523a	13 December 1890 – 11 January 1891	271	4 February 1893
246	19 September 1887 – 6 September 1888	525	5 April 1891	456b	19 April 1893
305	15 January – 13 February 1888	526	6 April 1891	457.i	19 April 1893
173	14 February – 13 March 1888	206	7 April 1891	87	16 June – 14 July 1893
174	14 February – 13 March 1888	257	10 April – 9 May 1891	464	16 June – 14 July 1893
175	14 February – 13 March 1888	179	8 July – 6 August 1891	458	22 June 1893
176	14 February – 13 March 1888	180	8 July – 6 August 1891	266	15 July – 13 August 1893
246b	14 March 1888	523b	8 July – 6 August 1891	273	29 September 1893
217	2 February – 2 March 1889	258	7 August – 5 September 1891	267	30 September 1893
248b.ii	2 February – 2 March 1889	259	5 October – 3 November 1891	183	26 July 1892 – 14 July 1893
		260	9 October 1891	301a	15 July 1893 – 4 July 1894
		261	2 January – 30 January 1892	237	8 October 1893
		262	3 February 1892	184	12 October – 9 November 1893
		263	9 February 1892	238	22 December 1893
				274	8 January – 6 February 1894
				465	6 March 1894
				275	8 March – 6 April 1894

300	13 April 1894
276	7 April – 5 May 1894
545	25 May 1894
277	5 June – 4 July 1894
302	5 July 1894 – 23 June 1895
278	4 August – 2 September 1894
279a	30 November – 28 December 1894
185	29 December 1894 – 27 January 1895
280	29 December 1894 – 27 January 1895
527	29 January 1895
281	26 February – 27 March 1895
459b	15 May 1895
190b	26 May – 23 June 1895
282	26 May – 23 June 1895
283	26 May – 23 June 1895
284	26 May – 23 June 1895
304	22 August – 20 September 1895
306	21 September – 19 October 1895
285	20 October – 18 November 1895
528	3 December 1895
286	18 December 1895 – 16 January 1896
287	18 December 1895 – 16 January 1896

303	15 February – 15 March 1896
207	14 May – 11 June 1896
288	14 May – 11 June 1896
460	3 June 1896
308	12 June 1896 – 1 June 1897
307	12 June 1896 – 1 June 1897
309	8 October – 6 November 1896
289	6 December 1896 – 4 January 1897
290	6 December 1896 – 4 January 1897
133	20 February 1897
461b	10 March 1897
462	15 May 1897
291	2 June 1897 – 21 May 1898
294	2 June 1897 – 21 May 1898
88	2 July 1897
463	12 July 1897
547	27 August 1897
467	28 November 1897
514.i	26 December 1897 – 23 January 1898
515	26 December 1897 – 23 January 1898
468	22 January 1898
295	23 February – 23 March 1898
296	24 March – 22 April 1898
469b.i	6 May 1898
548	21 May 1898

297	22 May 1898 – 11 May 1899
298	22 May – 20 June 1898
516	22 June 1898
568	18 July 1898
299	17 September – 16 October 1898
208	4 November 1898
569a	20 November 1898
469b.ii	27 January 1899
470	12 February – 12 March 1899
310	26 June 1899
656	7 September – 6 October 1899
549	7 October – 4 November 1899
471	12 November 1900
472	13 January 1901
473b	30 March 1901
466	5 April 1901
524b	20 May – 17 June 1901
570b	1 June 1901
550	18 July – 15 August 1901
551	21 July 1901
311	14 August 1901
209	11 December 1901
514.ii	31 December 1901
446.2	6 April 1902
313	10 April – 9 May 1902
312	19 April 1902
517	6 August – 4 September 1902
553	6 August – 4 September 1902

529a	4 October – 2 November 1902	557	8 September 1905	601.i	26 April 1907
476a	1 – 29 March 1903	324	30 October – 28 November 1905	598	8 May 1907
571b.i	14 March 1903	587	21 January 1906	601.ii	8 May 1907
476b	19 March 1903	253	27 January – 24 February 1906	488	3 June 1907
477	19 March 1903	321b	27 January – 24 February 1906	489	3 June 1907
478b	20 March 1903	594	19 February 1906	600	9 June 1907
572	22 March 1903	325	25 February 1906 – 13 February 1907	328	12 July – 9 August 1907
571b.ii	24 March 1903	596	25 February 1906 – 13 February 1907	560	19 July 1907
529b	29 April – 27 May 1903	588.i	14 July 1906	561	26 July 1907
315	26 July – 24 August 1903	589	18 July 1906	562a	6 August 1907
479	5 September 1903	588.ii	19 July 1906	562b	6 August 1907
314	23 September – 22 October 1903	590.i	22 July 1906	329	13 September 1907
318	23 September – 22 October 1903	591.i	8 August 1906	602	7 October 1907
533b	21 January 1904	592a.i	10 August 1906	490	7 November – 5 December 1907
316	18 March 1904 – 7 March 1905	482a	11 August 1906	491	15 November 1907
319	13 August – 10 September 1904	593a.i	11 August 1906	482b	15 November 1907
480	26 August 1904	591.ii	15 August 1906	330	18 December 1907
320	11 October – 8 November 1904	558	21 August – 19 September 1906	492b.ii	11 January 1908
210	29 November 1904	595	November 1906	494	11 January 1908
279b	6 February – 7 March 1905 ¹	483	20 February 1907	492b.i	16 January 1908
272	8 March – 6 April 1905	597	25 February 1907	604	28 January 1908
451b	14 May 1905	484	27 February 1907	495.i	15 February 1908
322b	4 July – 2 August 1905	485	13 March 1907	605	17 March 1908
323	4 July – 2 August 1905	486	22 March 1907	606	28 March 1908
481	25 July 1905	487	22 March 1907	446.4	28 April 1908
251	3 August – 31 August 1905	326	5 April 1907	186	14 May 1908
252	3 August – 31 August 1905	559	7 April 1907	607	11 June 1908
		327	14 April – 13 May 1907	608	12 June 1908
		599	14 April – 13 May 1907	563	13 October 1908
				332	27 October – 24 November 1908
				332.i	27 October – 24 November 1908
				333	11 November 1908

609.i	21 November 1908
332.ii	25 November – 24 December 1908
334	27 December 1908
340	23 January 1909 – 12 January 1910
733	23 January 1909 – 12 January 1910
335	23 January – 21 February 1909
497	23 January – 21 February 1909
336	6 March 1909
610	10 April 1909
603	25 April 1909
337	18 June 1909
518	19 June 1909
667	14 July 1909
338	16 September – 15 October 1909
339	16 September 1909
664	12 November 1909
498	8 May 1910
564	11 May – 9 June 1910
499a	6 July 1910
500	8 August – 5 September 1910
611	9 September 1910
565	2 October 1910
342	6 October – 3 November 1910
343	6 October – 3 November 1910
612	1 November 1910

341	4 November – 4 December 1910
613.b.i	23 November 1910
613b.ii	4 December 1910
614	23 January 1911
211	16 February 1911
615	6 June 1911
616	18 July 1911
268	27 July 1911
617	29 February 1912
187	13 September – 11 October 1912
501	18 December 1912
618	12 April 1913
502	8 May – 5 June 1913
344	21 May 1913
345	22 May 1913
504	18 June 1913
505	1 July 1913
346	26 May – 24 June 1914
620b.i	27 July 1914
506b	24 July – 22 August 1914
507	19 November 1914 – 8 November 1915
620b.ii	23 December 1914
347	5 January 1915
348	16 February – 16 March 1915
349	16 April – 14 May 1915
623	20 June 1915
475	3 August 1915
619	12 August – 9 September 1915

624	12 August – 9 September 1915
623.ii	2 September 1915
621b	10 October – 8 November 1915
350.1	15 October 1915
620b.iii	17 October 1915
625	25 October 1915
351	9 December 1915 – 6 January 1916
626	26 December 1915
627	31 December 1915
352	6 February – 5 March 1916
628	6 February – 5 March 1916
519	5 April – 3 May 1916
520	5 April – 3 May 1916
353	4 May – 2 June 1916
350.2	2 July – 31 July 1916
629a	28 October – 26 November 1916
629b.ii	28 October – 26 November 1916
354	12 November 1916
212	2 January 1917
508	23 February – 24 March 1917
355	25 March – 22 April 1917
509	25 March – 22 April 1917
510	23 April – 22 May 1917
630	23 April – 22 May 1917

359	23 May – 20 June 1917
566	29 June 1917
631	21 July – 18 August 1917
499b.i	14 December 1917
632	15 December 1917 – 13 January 1918
633	14 January – 11 February 1918
634	21 January 1918
635	2 February – 13 March 1918
89	27 June 1918
269b	5 July 1918
636	10 July 1918
360	19 March 1919
356	2 April – 1 May 1919
665	5 May 1919
361	22 July 1919
369	17 August 1919
370	26 September 1919 – 14 September 1920
371	26 October – 23 November 1919
499b.ii	13 November 1920
362	22 January – 20 February 1920
363	22 January – 20 February 1920
364	22 January – 20 February 1920
368	22 January – 20 February 1920
365	5 February 1920
366	5 February 1920
372	16 August 1920

699	4 September 1921 – 23 August 1922
357	28 March 1922
638	23 September – 21 October 1922
358	14 January 1923
639b	8 February 1923
641	12 October – 10 November 1923
373	4 November 1923
642	4 July – 1 August 1924

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1	<i>yarlīq</i>	56-57	<i>riwāyah</i>	109-11	<i>maḥḍar</i>
2-3	<i>iqrār</i>	58	<i>tīl-khaṭṭ</i>	112	<i>khaṭṭ-i tarakah</i>
4	<i>yarlīq</i>	59	<i>khaṭṭ-i ijārah</i>	113-25	<i>yarlīq</i>
5	<i>waqf-nāmah</i>	60	<i>maḥḍar</i>	126-27	<i>iqrār</i>
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7	<i>yarlīq</i>	62	<i>maḥḍar</i>	129	<i>khaṭṭ-i tarakah</i>
8	<i>riwāyah</i>	63	<i>riwāyah</i>	130	<i>tīl-khaṭṭ</i>
9	<i>iqrār</i>	64-65	<i>yarlīq</i>	131	<i>khaṭṭ-i tarakah</i>
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11	<i>khaṭṭ-i tarakah</i>	67	<i>tīl-khaṭṭ</i>	134	<i>khaṭṭ-i ibrā'</i>
12-13	<i>iqrār</i>	68	<i>iqrār</i>	135	<i>iqrār</i>
14	<i>yarlīq</i>	69	<i>riwāyah</i>	136-38	<i>yarlīq</i>
15	<i>maḥḍar</i>	70	<i>waqf-nāmah</i>	139-40	<i>iqrār</i>
16	<i>yarlīq</i>	71	<i>riwāyah</i>	141	<i>waṣīyat-nāmah</i>
17	<i>iqrār</i>	72	<i>iqrār</i>	142	Astronomical calendar
18	<i>khaṭṭ-i wakālat</i>	73	<i>maḥḍar</i>	143	<i>riwāyah</i>
19-22	<i>yarlīq</i>	74	<i>khaṭṭ-i ibrā'</i>	144	<i>maḥḍar</i>
23-24	<i>iqrār</i>	75-78	<i>iqrār</i>	145	<i>tīl-khaṭṭ</i>
25-26	<i>yarlīq</i>	79-80	<i>khaṭṭ-i tarakah</i>	146	<i>riwāyah</i>
27-28	<i>iqrār</i>	81	<i>iqrār</i>	147	<i>maḥḍar</i>
29	<i>riwāyah</i>	82	<i>waqf-nāmah</i>	148	<i>khaṭṭ-i tarakah</i>
30	<i>khaṭṭ-i ibrā'</i>	83	<i>yarlīq</i>	149	<i>yarlīq</i>
31	<i>khaṭṭ</i>	84	<i>khaṭṭ-i nikāh</i>	150-51	<i>khaṭṭ-i ibrā'</i>
32-33	<i>riwāyah</i>	85	<i>iqrār</i>	152	<i>riwāyah</i>
34	Reported sale and conversion of land	86	<i>riwāyah</i>	153	<i>yarlīq</i>
35-36	<i>riwāyah</i>	87	<i>waqf-nāmah</i>	154	<i>maḥḍar</i>
37	<i>iqrār</i>	88-89	<i>khaṭṭ-i ijārah</i>	155-70	<i>iqrār</i>
38	<i>khaṭṭ-i tarakah</i>	90	<i>maḥḍar</i>	171-72	<i>waqf-nāmah</i>
39-41	<i>riwāyah</i>	91	<i>khaṭṭ-i ibrā'</i>	173-81	<i>iqrār</i>
42	<i>iqrār</i>	92	<i>khaṭṭ</i>	182	<i>riwāyah</i>
43-46	<i>yarlīq</i>	93	<i>khaṭṭ-i ibrā'</i>	183	<i>waqf-nāmah</i>
47	<i>khaṭṭ-i nikāh</i>	94-95	<i>yarlīq</i>	184	<i>iqrār</i>
48-51	<i>yarlīq</i>	96	<i>khaṭṭ</i>	185	<i>waqf-nāmah</i>
52	<i>riwāyah</i>	97	<i>iqrār</i>	186	<i>iqrār</i>
53	<i>yarlīq</i>	98-99	<i>maḥḍar</i>	187	<i>waqf-nāmah</i>
54	<i>riwāyah</i>	100	<i>khaṭṭ-i ibrā'</i>	188	<i>iqrār</i>
55	<i>yarlīq</i>	101	<i>dast-khaṭṭ</i>	189-97	<i>yarlīq</i>
		102-06	<i>maḥḍar</i>	198	Draft version of <i>khaṭṭ</i>
		107	<i>khaṭṭ-i tarakah</i>		
		108	<i>yarlīq</i>		

199-02	<i>yarlīq</i>
203	<i>khaṭṭ-i ibrā'</i>
204	<i>iqrār</i>
205	<i>khaṭṭ-i tarakah</i>
206-11	<i>iqrār</i>
212	<i>tīl-khaṭṭ</i>
213	<i>iqrār</i>
214	<i>yarlīq</i>
215	<i>kafālat khaṭṭī</i>
216-28	<i>khaṭṭ</i>
229	<i>yarlīq</i>
230	<i>khaṭṭ</i>
231	<i>khaṭṭ-i ibrā' (?)</i>
232	<i>khaṭṭ-i tarakah</i>
233	<i>khaṭṭ-i ibrā'</i>
234-38	<i>iqrār</i>
239	<i>khaṭṭ</i>
240-41	<i>'arīdah</i>
242	<i>iqrār</i>
243	<i>'arīdah</i>
244	<i>maḥḍar</i>
245	<i>tīl-khaṭṭ</i>
246	<i>khaṭṭ-i ibrā'</i>
247-48	<i>maḥḍar</i>
249-54	<i>khaṭṭ-i tarakah</i>
255	<i>khaṭṭ</i>
256-58	<i>khaṭṭ-i nikāh</i>
259-68	<i>iqrār</i>
269	<i>maḥḍar</i>
270	<i>khaṭṭ-i wakālat</i>
271	<i>iqrār</i>
272	<i>khaṭṭ-i tarakah</i>
273	<i>tīl-khaṭṭ</i>
274-99	<i>khaṭṭ-i nikāh</i>
300	<i>tīl-khaṭṭ</i>
301	<i>yarlīq</i>
302-04	<i>khaṭṭ-i nikāh</i>
305-06	<i>yarlīq</i>
307-08	<i>khaṭṭ</i>
309	<i>iqrār</i>
310	<i>khaṭṭ</i>
311-12	<i>iqrār</i>

313-14	<i>yarlīq</i>
315-17	<i>khaṭṭ-i nikāh</i>
318-19	<i>waqf-nāmah</i>
320	<i>khaṭṭ-i tarakah</i>
321-22	<i>maḥḍar</i>
323-24	<i>khaṭṭ-i tarakah</i>
325	<i>khaṭṭ-i nikāh</i>
326	<i>iqrār</i>
327	<i>khaṭṭ-i tarakah</i>
328	<i>khaṭṭ</i>
329	Blank document for notarising mortgage
330	<i>iqrār</i>
331-333	<i>khaṭṭ-i tarakah</i>
334	<i>iqrār</i>
335	<i>farmān</i>
336	<i>iqrār</i>
337	<i>yarlīq</i>
338-39	<i>khaṭṭ-i tarakah</i>
340-41	<i>tīl-khaṭṭ</i>
342	<i>khaṭṭ-i tarakah</i>
343	<i>tīl-khaṭṭ</i>
344	<i>waqf-nāmah</i>
345	<i>khaṭṭ-i tarakah</i>
346-47	<i>iqrār</i>
348	<i>khaṭṭ-i ibrā'</i>
349	<i>khaṭṭ-i nikāh</i>
350	<i>farmān</i>
351	<i>tīl-khaṭṭ</i>
352	<i>waqf-nāmah</i>
353	<i>khaṭṭ-i tarakah</i>
354	<i>iqrār</i>
355-56	<i>yarlīq</i>
357	<i>khaṭṭ-i ibrā'</i>
358	<i>shahādat-nāmah</i>
359	<i>khaṭṭ-i tarakah</i>
360-62	<i>iqrār</i>
363	<i>khaṭṭ-i wakālat</i>
364	<i>khaṭṭ-i ibrā'</i>
365-66	<i>tīl-khaṭṭ</i>
367-68	<i>khaṭṭ-i nikāh</i>

369	<i>iqrār</i>
370	<i>waqf-nāmah</i>
371	<i>tīl-khaṭṭ</i>
372-73	<i>khaṭṭ-i nikāh</i>
374	<i>maḥḍar</i>
375-77	<i>riwāyah</i>
378-79	<i>maḥḍar</i>
380-81	<i>'arīdah</i>
382-383	<i>khaṭṭ</i>
384	<i>'arīdah</i>
385-92	<i>khaṭṭ</i>
393	<i>'arīdah</i>
394	<i>khaṭṭ</i>
395	<i>'arīdah</i>
396	<i>farmān</i>
397-400	<i>'arīdah</i>
401	Report
402-09	<i>yarlīq</i>
410	<i>waqf-nāmah</i>
411	Statement of property conversion
412-13	<i>iqrār</i>
414	<i>yarlīq</i>
415	<i>iqrār</i>
416	<i>waqf-nāmah</i>
417-24	<i>yarlīq</i>
425	<i>khaṭṭ-i tarakah</i>
426	<i>iqrār</i>
427	<i>yarlīq</i>
428	<i>iqrār</i>
429	<i>nasab-nāmah</i>
430	<i>riwāyah</i>
431	<i>maḥḍar</i>
432-433	<i>riwāyah</i>
434	<i>khaṭṭ-i nikāh</i>
435	<i>riwāyah</i>
436-37	<i>yarlīq</i>
438	<i>khaṭṭ-i wakālat</i>
439	<i>khaṭṭ-i tarakah</i>
440-44	<i>maḥḍar</i>
445	<i>iqrār</i>

446	Compilation of documents relating to the Mīrzā Ulugh Bīk madrasah
447	<i>khaṭṭ-i ibrā'</i>
448	<i>iqrār</i>
449	<i>maḥḍar</i>
450-451	<i>iqrār</i>
452-53	<i>riwāyah</i>
454-58	<i>iqrār</i>
459	<i>riwāyah</i>
460-61	<i>iqrār</i>
462	<i>khaṭṭ-i wakālat</i>
463-65	<i>iqrār</i>
466	<i>khaṭṭ-i wakālat</i>
467-68	<i>iqrār</i>
469	<i>maḥḍar</i>
470	<i>iqrār</i>
471-72	<i>khaṭṭ-i ibrā'</i>
473-74	<i>maḥḍar</i>
475	Acknowledgement of wrongdoing
476-77	<i>khaṭṭ-i tarakah</i>
478	<i>maḥḍar</i>
479-91	<i>iqrār</i>
492	<i>maḥḍar</i>
493	<i>riwāyah</i>
494	Copy of <i>iqrār</i>
495	Copy of <i>ḥukm</i>
496	<i>riwāyah</i>
497-99	<i>iqrār</i>
500	<i>khaṭṭ-i wakālat</i>
501	<i>iqrār</i>
502	<i>khaṭṭ-i wakālat</i>
503	<i>riwāyah</i>
504	<i>khaṭṭ-i wakālat</i>
505	<i>tīl-khaṭṭ</i>
506	<i>maḥḍar</i>
507	<i>khaṭṭ</i>
508	<i>khaṭṭ-i ibrā'</i>
509	<i>khaṭṭ-i tarakah</i>
510	<i>khaṭṭ-i wakālat</i>

511	<i>iqrār</i>
512	<i>riwāyah</i>
513	<i>waqf-nāmah</i>
514	<i>khaṭṭ-i wakālat</i>
515-16	<i>iqrār</i>
517	<i>khaṭṭ-i tarakah</i>
518	<i>tīl-khaṭṭ</i>
519-20	<i>khaṭṭ-i tarakah</i>
521	<i>khaṭṭ-i nikāḥ</i>
522	<i>khaṭṭ-i tarakah</i>
523	<i>iqrār</i>
524	<i>khaṭṭ-i nikāḥ</i>
525-26	<i>iqrār</i>
527	<i>khaṭṭ-i tarakah</i>
528-29	<i>khaṭṭ-i wakālat</i>
530-32	<i>riwāyah</i>
533	<i>maḥḍar</i>
534	<i>iqrār</i>
535	<i>khaṭṭ</i>
536-41	<i>riwāyah</i>
542	<i>maḥḍar</i>
543-44	<i>riwāyah</i>
545	Reported legal undertaking
546	<i>riwāyah</i>
547	<i>iqrār</i>
548	<i>khaṭṭ-i tarakah</i>
549-51	<i>khaṭṭ-i wakālat</i>
552	<i>riwāyah</i>
553	<i>khaṭṭ-i ibrā'</i>
554	<i>maḥḍar</i>
555-56	<i>riwāyah</i>
557	<i>maḥḍar</i>
558	<i>riwāyah</i>
559-60	<i>khaṭṭ-i wakālat</i>
561	<i>iqrār</i>
562	<i>khaṭṭ-i wakālat</i>
563	<i>iqrār</i>
564	<i>khaṭṭ-i wakālat</i>
565-66	<i>maḥḍar</i>
567	<i>riwāyah</i>
568	<i>khaṭṭ-i tarakah</i>

569	<i>iqrār</i>
570-71	<i>maḥḍar</i>
572	<i>ḥukm</i>
573-75	<i>riwāyah</i>
576-77	<i>maḥḍar</i>
578	<i>riwāyah</i>
579	<i>maḥḍar</i>
580-81	<i>riwāyah</i>
582	<i>maḥḍar</i>
583-85	<i>riwāyah</i>
586	<i>maḥḍar</i>
587	<i>farmān</i>
588-93	Police protocol
594	<i>khaṭṭ-i nikāḥ</i>
595-96	Summons
597	<i>ḥukm</i>
598-600	<i>iqrār</i>
601	Summons
602-03	<i>khaṭṭ-i shahādat</i>
604	<i>farmān</i>
605	Copy of <i>ḥukm</i>
606	<i>khaṭṭ-i shahādat</i>
607-08	<i>iqrār</i>
609	<i>farmān</i>
610	<i>iqrār</i>
611	Statement of divorce
612	<i>khaṭṭ-i wakālat</i>
613	<i>maḥḍar</i>
614	<i>khaṭṭ-i nikāḥ</i>
615-17	<i>iqrār</i>
618-19	<i>khaṭṭ-i wakālat</i>
620-21	<i>maḥḍar</i>
622	Tax receipt
623	Copy of <i>ḥukm</i>
624	<i>iqrār</i>
625	Russian letter
626	<i>khaṭṭ-i nikāḥ</i>
627	Copy of <i>ḥukm</i>
628	<i>khaṭṭ-i wakālat</i>
629	<i>maḥḍar</i>
630	<i>iqrār</i>

631	<i>khaṭṭ-i nikāḥ</i>
632-33	<i>khaṭṭ-i ibrā'</i>
634-36	<i>iqrār</i>
637	<i>riwāyah</i>
638	<i>khaṭṭ-i tarakah</i>
639-40	<i>riwāyah</i>
641-42	<i>khaṭṭ-i tarakah</i>
643	<i>riwāyah</i>
644	List of Samarqandi shrines
645	<i>'arīḍah</i>
646	List of Samarqand properties
647	<i>nasab-nāmah</i>
648	<i>khaṭṭ</i>
649	<i>khaṭṭ-i tarakah</i>
650-53	<i>iqrār</i>
654	<i>waṣīyat-nāmah</i>
655	<i>khaṭṭ-i ibrā'</i>
656	<i>iqrār</i>
657	<i>maḥḍar</i>
658-63	<i>yarlīq</i>
664	Copy of <i>ḥukm</i>
665	<i>khaṭṭ-i shahādat</i>
666	<i>yarlīq</i>
667	<i>waqf-nāmah</i>
668	<i>riwāyah</i>
669	<i>khaṭṭ-i shahādat</i>
670	<i>khaṭṭ</i>
671-74	<i>maḥḍar</i>
675-89	<i>riwāyah</i>
690	<i>nasab-nāmah</i>
691	Collection of verses
692	Verse-form narrative
693	Prose- and verse-form narrative
694-748	<i>tūmār</i>

Concordance of Items

Collection Series Number	Catalogue Entry Number
1	29
2	61
3	56
4	675
5	32
6	93
7	198
8	199
9	380
10	381
11	382
12	383
13	384
14	217
15	240
16	218
17	385
18	241
19	387
20	219
21	220
22	216
23	221
24	222
25	223
26	224
27	225
28	273
29	226
30	388
31	389
32	227
33	228
34	390

35-36	No entry
37	391
38	386
39	392
40	No entry
41	10
42	15
43	144
44	62
45	34
46	413
47	No entry
48	429
49	33
50	50
51	143
52	63
53	201
54	113
55	138
56	136
57	119
58	94
59	137
60	95
61	341
62	371
63	340
64	123
65	120
66	121
67	115
68	122
69	116
70	200
71	251
72	249

73	205
74	345
75	253
76	252
77	206
78	208
79	210
80	209
81	211
82	204
83	643
84	207
85	235
86	236
87	238
88	212
89	237
90	374
91-165	No entry
166	188
167	No entry
168	23
169	145
170	415
171	412
172	37
173	12
174	151
175	42
176	6
177	150
178	135
179	18
180	13
181	3
182	17
183	9

184	22
185	254
186	358
187	No entry
188	30
189-260	No entry
261	47
262	50
263	51
264	19
265	331
266	20
267	202
268-270	No entry
271	146
272	24
273	25
274	14
275	1
276	26
277	4
278	414
279	7
280	55
281	98
282	91
283	110
284	322
285	139
286	11
287	49
288	46
289	48
290	45
291	356
292	355
293	152
294	147

295	378
296	401
297	393
298	64
299	43
300	44
301	285
302	288
303	295
304	84
305	349
306	59
307	124
308	362
309	361
310	363
311	326
312	367
313	335
314	360
315	334
316	69
317	336
318	203
319	346
320	366
321	213
322	303
323	317
324	315
325	258
326	214
327	215
328	302
329	256
330	330
331	314
332	313

333	229
334	No entry
335	333
336	338
337	339
338	107
339	231
340	257
341	304
342	298
343	275
344	282
345	296
346	297
347	289
348	283
349	292
350	278
351	394
352	395
353-361	No entry
362	307
363	328
364	No entry
365	373
366	31
367	670
368-370	No entry
371	694
372	92
373	357
374	96
375	644
376	749
377	742
378	743
379	695
380	696

381	154
382	270
383	247
384	321
385	239
386	435
387	536
388	368
389	No entry
390	108
391	191
392	192
393	193
394	194
395	195
396	190
397	196
398	197
399	243
400	320
401	284
402	280
403	293
404	294
405	281
406	291
407	286
408	301
409	274
410	299
411	279
412	277
413	No entry
414	101
415	287
416	290
417	276
418	125

419	39
420	36
421-424	No entry
425	52
426-429	No entry
430	676
431-436	No entry
437	57
438	No entry
439	671
440-443	No entry
444	677
445-447	No entry
448	678
449-450	No entry
451	679
452-453	No entry
454	680
455-465	No entry
466	40
467-468	No entry
469	41
470	No entry
471	697
472	681
473-483	No entry
484	672
485-497	No entry
498	673
499-501	No entry
502	35
503	No entry
504	682
505-509	No entry
510	402
511	665
512	698
513	234

514	353
515	309
516	No entry
517	744
518	351
519	324
520	No entry
521	745
522	269
523	266
524	259
525	268
526	263
527	265
528	267
529	260
530	262
531	264
532	347
533	261
534	No entry
535	369
536	530
537	532
538	528
539	527
540	529
541	525
542	526
543	533
544	531
545	553
546	563
547	565
548	566
549	557
550	559
551	548

552	562	594	398	632	28
553	552	595	230	633	78
554	546	596	117	634	38
555	558	597	118	635	323
556	554	598	325	636	81
557	555	599	372	637	242
558	556	600	308	638	80
559	547	601	623	639	271
560	561	602	630	640	300
561	550	603	255	641	272
562	564	604	594	642	102
563	560	605	614	643	438
564	551	606	153	644	327
565	549	607	83	645	112
566	432	608	400	646	379
567	433	609	310	647	337
568	575	610	669	648	233
569	585	611	87	649	148
570	570	612	352	650	232
571	430	613	348	651	103
572	440	614	364	652	60
573	442	615	370	653	104
574	441	616	306	654	105
575	443	617	305	655	86
576	444	618	66	656	No entry
577	474	619	399	657	71
578	576	620	114	658	72
579	431	621	74	659	245
580	447	622	75	660	365
581	439	623	85	661	683
582	448	624	79	662	54
583-584	No entry	625	329	663	685
585	748	626	27	664	90
586	316	627	88	665	106
587-590	No entry	628	89	666	68
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593	No entry	631	77	669	377

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906	458
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911	Missing
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1131	569
1132	No entry
1133-1134	Missing
1135	622
1136	635
1137	572
1138	649
1139	No entry
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نوکرد و بگوئی که واقعتاً در محله حصرح الیوم که یکی از محله‌های مشهوره و ایتت مجتهدت غنا کله متصل است به کاشان
 مجتهدی خود بود بدین که در این شهر خاندان خود بر سر خود جنبه با تمام آسرها تا ما موت است به کاشان با کلمه منت مجتهدی
 در تاریخ شهر سیزدهم آبان سال ۱۲۰۰ هجری قمری در روز دوشنبه در شهر خود از قبل از آن
 ولد صلیبی خود فروخت مساحت آن خانه و ملک خود را به صورتی که در این شهر مشهور است که از شهر بود و به نام آنجا که به اسم است
 است از این شهر که در این شهر و ملک خود را به صورتی که در این شهر مشهور است که از شهر بود و به نام آنجا که به اسم است
 و آنکه در شهر کاشان در این شهر به هفت طایفه از اصحابی که در این شهر مشهور است که از شهر بود و به نام آنجا که به اسم است
 بر سر مذکور و غیره شتر مذکور که در این شهر مشهور است که از شهر بود و به نام آنجا که به اسم است
 خود مذکور در شهر کاشان در این شهر به هفت طایفه از اصحابی که در این شهر مشهور است که از شهر بود و به نام آنجا که به اسم است
 عدل موقوف موقوف مذکور عقاربند بر سر مذکور و الا نظر نماید بر این بود صورت و وجه که در این شهر مشهور است که از شهر بود و به نام آنجا که به اسم است



محمدتقی میرزا
 در شهر کاشان
 در شهر کاشان
 در شهر کاشان
 در شهر کاشان
 در شهر کاشان

Catalogue entry No 98

حضرت ابراهیم الدقاق

بسج یک شرف جدید هم کتبیقا بخار از نوی قریب به وده تنکه نقره پیره وزن سوراخ بقریب مذکور در ذمه
است سعید ولد بابا جان و بست و پیه شهر موصوف در ذمه کتبا قربانیدل ولد بابا جان و هفده شرف در ذمه
تنکه موصوفین در ذمه عبد الحفیظ ولد شریف از تخمینه در ابرودده شرف در ذمه موصوفین در ذمه کتبا قربانیدل
ولد خواجه نیاز ذمه شرف شریف در ذمه تنکه موصوفین در ذمه میرزا عمر ولد کریم یار از ذمه شریف

دعوت میکنم مندرک مندرک که قار عبد المؤمن ابر محضیرین سولاء که نام برده فر اهدر که ساکنین اندر کذرا کافا
از بلده فافره بخار شریف محضیرین سولاء کما ناعن الآفات برینجه که شرف در ذمه موصوفین فر اهدر در ذمه
محضیرین سولاء از ذمه شریف در ابرودده موصوفین سولاء برود و تعیین مذکور فر اهدر بشرا و صحیح شرع جابر سننا
از برار مندرکین لازم الاد است و چیه است بر محضیرین سولاء که شرف در ذمه مذکورین بر محضیرین تعیین مذکور
مثلا از ذمه مذکور بمنه مدبرید همد متمر و ندر مدیلهیم از حضرت شما که حاکم شرع شرفید دام عزت اهر نمایند
محضیرین سولاء که اقدام بواجب مذکور مایند تا حق بمنه لحن رسید حضرت شما از اهدر در ذمه موصوفین حال آید بمنه
بگفتند که از الام و صحیح شرع دخی که کما اهدر دعوی درست باشد کما لطریا بسوزا تو جو و ا
ما قول الله العالی

التعمیر واجب ذمه الشرع است



عبد

Catalogue entry № 192

قاضي
ملا محمد علي
صديقي

شريعت و شريفه قاضي تفضله

مشغول باجراي امور شريعيه بوده بدو

ملا خير الله مؤذن مسجد باباي ناکش فرعي

رسانيد که عظيم باي استاجر کهان بازار

به هم مؤذن مرار زروي وثيقه ندرده کم درده

تشویش مند کرده است

چنين باشد از زوي وثيقه

کير اينده بد هيد وجه کو

Catalogue entry № 257

102

فصلت عار هم موضع منجیان رازانه

ار کین بر ولد عبد القادر اوداده ترفیح نفوس

مخیره از باره ثبت حسب بر از انجی دهم

باید بسند از سنها منع از صحبت کلک

شرعاً نابوده که اگر نشسته باشد از دوا

منعارف مشهورین اسماقی و زنا کرده عقد

خاصه و امانتی از عقد از هر رخصه ۱۳۵۸

Catalogue entry № 373

Форма № 6.

Выпись из книги записей браков за 1923 год. ۱۹۲۳ یلده نیکاح قیلنگان دیفتهردن آندی.
 Отдела записей актов гражданского состояния при Исполн. Комит. *بهاوردی*
 ایجراقوم حوزوردیگی نیکاح تعلق. ئولسکنت وه توغعالارنی قید قیلش شعبس.

Месяц и число заключения брака	Имена фам. и род занятий жениха и невесты	Местожит. жениха и невесты	Год, месяц, число рождения жениха и невесты	Семейное положен. жениха и невесты (хол., вдов, развед.)	Фамилия кот. бравающихся желают именоваться	Особое примечание
نیکاح قیلنگان آی هدم کون	قز هدم کیدهونک ایسم وه لاقوسی وه خزمتلیری	قز هدم کیدهونک ایستیقامت جابلیری	قز هدم کیدهونک توغما زیلی	کیدهو هدم قزنک عائیلدوی ئدحوالی	نیکاح قیلنگان آدهملرنک تله دن فامیلیدلیری	حویوسی علامتی
۱۹۲۳	زیاده آی ماریقا	پرفیانه قتلان	۱۹۰۸	کیمبر عمل	میسوق	
	پولتان نکور ادینی		۱۹۰۵	کیمبر عمل	نگورنیف	

Исх. №

Заявляем о добровольном вступлении в брак

اوزمزنک ریزاغیمز بیلدن قیدول قیلندی

Подпись жениха и невесты

قول قویدن قز وه کیدهو:

Делопроизводитель

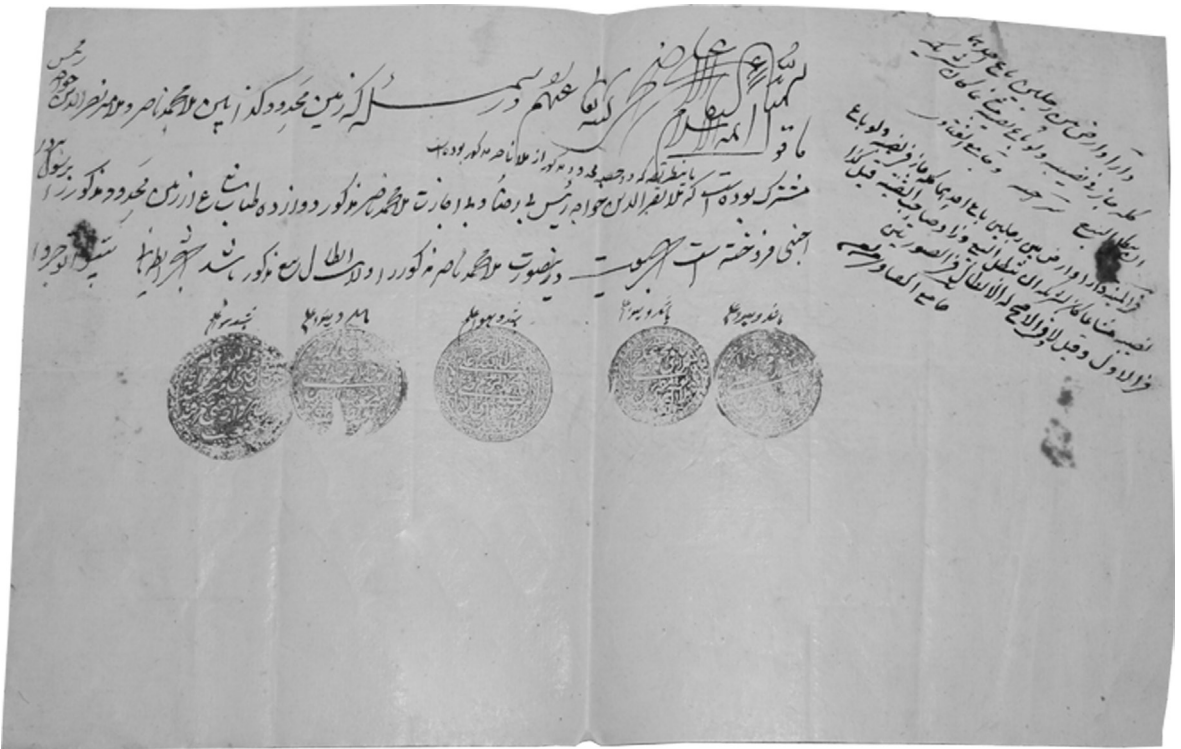
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فکر صد و بیست و یک واقعتاً در محله صرح الایم که یکی از محله‌های مشهوره و ولایت نجدت نوا محلّه فصلت است
 محضت خود به این دلالت سیدخان خود بر سر خود حقیقتاً تا ما و سرقا تا ما سوت است بکتاب با کلمه نیت حضرت علی
 در تاریخ شهر سبغ نهار علی که در روز و صد هفت میبود که محمد یعقوب ولد میربابا که اصل او صبی شهر خود از قبل از
 ولد صبی خود فروخت سبغ بات مانا فذلا ز نهر علی و محمد و بطور الصدرا مشترک از شمه بود چنانچه آری باه به سبغ
 است ابوب سبغ که ربع ان حق و ملک محمد یعقوب و سلاسه از ربع ان کسبت ماه ادرت مذکوره بود که جمع حضورها و مرصفاً
 و اکثر ذکوره نزا و فاجیه بمبلغ هفت طرا چند امر اسلامی یکمفاً سبغ و جمالده سبغ لقه سبغ در سبغ محمد باه خود و
 رس مذکور و غیره سبغ نذکور در سبغ نذکور در سبغ نذکور و ولد وکیل باب الوکاته بود با کسه العادله ارتش
 خود مذکور در سبغ نذکور در سبغ نذکور مع اهل لشیخاچ در الدین و ضمار الدین شمع و بود از من من سبغ لاش مشقت
 عدل مبعوم مبعوم عدل عقاز برلاس و از در ولا نظر فابدرین بود صورت و نه که حکم و اولاً از شمس عدل و نسا که



الحکام
 محمد توفیق محمد توفیق استا
 و غیر محمد توفیق

Catalogue entry No 738

السيد الرحمن الرحيم
 علي قاسم عيسى طوط
 كطوطوس
 نوس ازرف نوس
 نوس نوس اسلم
 صطمة ياي ناصون ماوالمول
 والا انما بعد نوي بار
 بعد جاس ادي در مانده
 هم مار يدركن مار
 هم قاجوم حار اسر حاد
 زن حوامه سر اند ماو اند
 ۱۰۱۰۰۰

السيد الرحمن الرحيم علي قاسم
 مكل ما قاسم طوط
 اسلم اسلم اسلم
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السيد الرحمن الرحيم
 عدم ار الى مبرك القدر
 حاكم مال اريه مبرك اوله

السيد الرحمن الرحيم
 عدم ار الى مبرك القدر
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السيد الرحمن الرحيم
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