

**REPORT**

ON

**SETTLEMENT OPERATIONS & SURVEY**

IN

**THE HASHEMITE KINGDOM OF JORDAN**

WITH

A BRIEF NOTE ON PROPERTY BEFORE AND AFTER SETTLEMENT

BY

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which are in force in the Hashemite Kingdom of Jordan

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## LAND SETTLEMENT IN JORDAN.

### Introduction.

The Land Settlement Operations in Jordan being legally authorised it is therefore clear that the categories of land have a great effect in dealing with and settling disputes.

Under the Ottoman Land Law, land is divided into five classes as follows:- 1. "Mulik" land. 2. "Miri" land. 3. "Mugufu" land. 4. "Mutrouka" land. 5. "Muwat" land. To these five classes I have to add two other branches of State Domain lands:- Mudawara lands and Muhlul lands and I would like to give a short definition of every class:-

#### 1. Mulk Land.

The Mulk land is the land possessed in full ownership. The owner of such a land possesses the neck (Raqaba) of the land as well and may dispose of it as if were a moveable property.

Mulk lands in Jordan are situated within Municipal areas and blocks of villages. No agricultural land in Jordan is considered as "Mulik".

As this subject is concerned only with agricultural lands there is no need here for any further description of the Mulk lands.

#### 2. Miri Land.

This class of land was originally owned by Treasury. But later it was granted by the State to the farmers for an unlimited period in consideration of a nominal rent called the "Tabu Value". Cultivating interest is enjoyed by grantee whose right, though assignable and heritable, is yet less than ownership. The real owner of this class is in fact the State, and the grantee has only a right of possession (Tessaruf).

In order to regulate the method of dispossession in this class of land and the procedure of transfer and assignment by inheritance, and when to consider a Muhlul land it was found necessary to make the Ottoman Land Code which governs the whole procedure of this class. This Code is still applicable in Jordan with certain amendments of some of its articles.

The possessor of Miri land is to a certain extent similar to a lessee of a long time lease. A Miri holder is not allowed more than a limited interest. The grantee once he fails to comply with grant without any lawful excuse his possession may come to an end and the interest once more accrues to the State.



Under the Ottoman Land Law no holder of a Miri land can possess such land without being registered in the Land Registry and have a Title Deed "Sanad Tassuruf". But possessors of Miri lands both in the Turkish Regime and under the present government have transferred their interest by ordinary documents outside the Land Registry. These actions have caused great deal of conflicts and disputes amongst cultivators. Therefore it was seen most essential and necessary to introduce the Land Settlement Law which put an end to all these disputes.

The greater part of the cultivated land in Jordan being Miri, investigations as to the rights and interest of the actual owners of the land is the main object of the settlement operations. Officers appointed to enquire and settle disputes arising out of these operations must be well acquainted with the legal provisions relating to lands. These officers although bound by the terms of the Land Code, but under the Land Settlement Law are given vast jurisdiction to apply the equitable rules whenever it is found necessary.

### 3. Mugoufa Land.

two kinds:-

This class of land is divided into

1. That which having been true mulk originally, was dedicated as Waqf. This is called "perfect or true Waqf" or "Waqf Sahih".
2. That land which was separated from Miri land by the Sultan or others with the Imperial sanction and called "Imperfect or untrue Waqf" or "Ghir Sahih".

The first kind which is dedicated to a certain religious or charitable institution invest in that body the full ownership of the land. The second kind being originally Miri consists in the fact that some of the state imposts, such as tithes and other taxes on the Miri land have been appropriated by the Government for the benefit of some object. This kind of Waqf is divided into many other classes and I do not think it is necessary to go into it at present.

From my own research in Jordan I came to the conclusion that there are no cultivated lands in the East Bank of the Jordan River which was dedicated as "perfect Waqf" or true Waqf and that there is only a very small area which was dedicated as "Imperfect Waqf" or untrue. The position is quite different in the West Bank of Jordan, as I found out that a vast area of the cultivated lands have been dedicated as true Waqf and great area has been dedicated as Waqf Takhsisat "Untrue Waqf".

Although such an area was dedicated as Waqf but cultivators were permitted to exploit it by "Hikir" a term which means perpetual lease of Waqf property.

Fortunately we have in Jordan very small area which was dedicated as "Waqf Zori" term which means perpetual dedication of property to the male sex of the family.

4. Mutrouki Lands.

These are lands separated from Miri land and left for the general use of public or that which is assigned for the inhabitants generally of a village or town or several villages or towns grouped together such as pastures, wood land, roads etc. These lands are only used for the object they have been left for. No person is allowed to cultivate it or use it for any other purpose. Any trespass may be sued and prevented by an action of any of the inhabitant interested.

The Ottoman Land Code provides that these lands must only be used for the same purpose for which they have been left.

5. Mawat Land.

Mawat land or a Dead Land is a land which is vacant and occupied by no one and has not been left for the use of the public. It is such as lies at such a distance from villages or towns approximately two Kilometers. This class of land was provided for under Articles 6 and 103 of the Ottoman Land Code.

The Mawat "or Dead Land" in Jordan consists of a very vast and wide areas. I may not be exaggerating if I estimate the Mawat land in the Hashemite Kingdom of Jordan by 60% of the whole areas. This kind is situated mostly in the desert where the rainfall is very scarce. Small proportion of the area is only cultivated in the year when the rain is plenty. However not more than half a million dunums is cultivated by the Beduins from this vast areas. These Beduins who started to realize the importance of the land after their inroads attacks came to an end.

6. Mudawara Land.

In Jordan there are farms which formerly belonged to Sultan Abdel Hamid but at a later date i.e. in 1908 after the dethrone of the Sultan these lands were taken over by the Ottoman Government as part of the State Domain. These lands are termed Mudawara because they were transferred from the Sultan to the Treasury after the Turkish Revolution of 1908. It is said that many years ago the holders of land particularly in the Jordan Valley (Ghor) suffered much from the inroad of Nomadic Beduins. They, therefore, arranged to transfer their holdings into the name of the Sultan, so that they might become crown lands. This was thought would make them more secure as the Beduins would refrain from interfering with the Sultan's property. The event proved that this arrangement was correct.

After these lands were transferred to the name of the Sultan, the former holders were retained in the lands as tenants and they paid in addition to tithes which would have been due from them as possessors of Miri, a further 1/10 of the produce to the Sultan's Treasury.

The farmers in these lands continued in possession of land and were also assigned to their heirs who continued cultivating the lands during the Ottoman Regime and during the Mandatory Government of Palestine and still they are in these lands up to the present moment. The right of cultivation in these lands was assigned by inheritance and transferred by sales from one to another but the taxes and rent is still levied by the Government.

From the above it is very clear that the rights of the farmers to these lands are well established, and it is but fair and just to grant these lands to them by bedel el mithl. The remaining Mudawara lands are comparatively very small areas if compared with the lands granted to farmers during the past twenty years.

7. Mahlul Land.

This kind is originally Miri which was released from the names of its holders and re-registered in the name of the State for many reasons the most important of which is that the land was left vacant without cultivation or the death of the holder without leaving any surviving heirs.

During the Turkish Regime an area of approximately two million dunums was declared Mahlul in Jordan. From this area all the lands situated near to the Hejaz Railways were declared Mahlul. The reason of declaring such a great area as Mahlul was more or less administrative and not due to the failure of the farmers to cultivate the lands. It was to protect the Hedjaz Railways and to grant the Sharkasians and Shishan who immigrated from Russia lands. Most of the lands which were declared Mahlul were regranted by the present Government to farmers for a nominal value.



The Ottoman Land Laws.

The principal law governing the lands of the Jordan is the Ottoman Land Code of A.H. 1274 (A.D. 1858). There are, of course, many other laws affecting immovable property in matters of disposition, inheritance, religious and civil courts, partition, etc., and although all of them may occasionally have a certain bearing on land settlement problems, in the main most questions affecting Miri land are dealt with by the Land Code.

The Law of A.H. 1274 was not as a whole a new creation of the Ottoman legislator. There was in existence a land code in force for many centuries together with other laws enacted later in modification. The new code was in the main a consolidation of these ancient laws and at the same time the opportunity was taken of strengthening the control of the State where its interests were involved. The intention of the Ottoman Land Code in the provisions affecting State lands was the encouragement of the peasantry to open up uncultivated land and the elimination of the idle farmer. Article 9 lays down that State land may be sown or it may be leased or loaned for the purpose of sowing, but that it must not be left uncultivated. Article 10 states, inter alia, that meadowland can be broken up and put under cultivation by leave of the official, while Article 103 states that anyone in need of mawat land may, with the leave of the official, plough it up gratuitously and cultivate it on condition that the ragaba shall belong to the Treasury. Similar directions are contained in Article 12 of the Tapu Law of A.H. 1275, while in Article 13 of this law administrative and fiscal authorities are told they must ensure the cultivation of land subject to the right of tapu.

The case of the idle farmer is dealt with in Articles 68-77 of the Code. Article 68 states that if land is left unproductive for three years consecutively it becomes subject to the right of tapu, or in other words can be declared Mehul. If the former owner wishes to recover the land he may do so on payment of its tapu value. If he does not claim it, it shall be put up to auction and adjudged to the highest bidder.

This article sets forth the obligation to cultivate which is one of the prime conditions under which Miri land is held and at the same time gives the State the necessary legal authority to cancel the title deed and bring back under its immediate control any area left uncultivated. The State, however, had no desire to act as a harsh landlord and provided there was a good reason, such as floods preventing cultivation, or if the owner had been a prisoner of war or the inhabitants of the village left their country for a legitimate reason, for these reasons and many others which are set out in Articles 68-77 the State would waive its right to take over the land.

The Land Code greatly restricted the right of user of a Miri holder; he could not use the land for making bricks, or planting trees or constructing building on it unless he has a permission from the official; in short, his rights were confined to the use of the surface of the land for the purposes of tillage.

The Law of Disposition, A.H.1331, however, reversed this aspect as regards the limitations to the use of the land. In Articles 5 and 6 the State recognised the right of a Miri holder to deal with the surface as he pleased, provided the action was compatible with development; but the rights in the sub-soil still remained in the hands of the State.

It is clear, therefore, that the Ottoman State encouraged, in so far as it could by law, the settlement and development of State lands in the Empire. The object may have been primarily the production of revenue, but at any rate the result is development. Whether the Ottoman administration provided the necessary drive to the mechanism provided by the law is another matter.

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Land Tenure Before Settlement.

Security of tenure is essential for the orderly progress of good farming. It seems hardly necessary to enunciate such a self-evident proposition, nevertheless a large area of Jordan, amounting to approximately 2,500,000 dunums, was held in a system of tenure known as mushaa. It is doubtful if a tenure more inimicable to good farming and development could have been devised by any community. The fellahin were well aware of its inherent disabilities, but many villages were unable ever to agree amongst themselves and make a final partition. The primary object of Land Settlement, therefore, was to carry out a permanent partition in these mushaa villages.

In a village where the mushaa tenure prevails, the whole of the land of the village is held in common, while the individual ownership is in terms of shares or fractions of a share out of a fixed and immutable total for the whole village. These shares represent proprietary rights on a communal basis in all the land of the village and give the owners a right to cultivate an area equivalent to their holding in shares for a period of not less than two years. Occasionally the period exceeded two years, but would never be more than nine in view of the right of prescription which would be enforceable after the tenth year of occupation. When the agreed period terminated there would be a repartition of the land and in no case would any cultivator retain a plot he had been cultivating in the previous period. Human nature being what it is, the less the security of tenure, the less the regard, present or future. As the user tries as he can to get as much immediate benefit in less charges and not thinking of its development or put manure back for coming years.

It is natural under the circumstances that the retention of fertility for the benefit of the next comer would be too much to expect from an uneducated and jealous peasantry, and it is very doubtful also if the most enlightened of farmers would cultivate his area according to proper standards if he knew he would only be in occupation for two years.

Not all of the cultivated land in Jordan was mushaa; notably in the hill districts, where viticulture or olive cultivation was the rule, the villagers had succeeded in making a permanent partition amongst themselves. This partition, however, did not preclude the desirability of Land Settlement, since never-ending boundary disputes, disputed ownership as a result of unregistered sales, many of whom relied chiefly on verbal agreements, or by ordinary sales, inheritance quarrels, all these have provided problems for the Settlement Officers in mafruz (partitioned) areas, and until decisions had been given the landowners were reluctant to carry on with the development of their properties.

Villages Survey.

The object of this survey was two-fold. In the first place before any reforms could be initiated for the revision of taxation it was essential to have a proper valuation of the agricultural lands of the country. Each village was divided into blocks which were surveyed on a scale of 1/10,000, while expert valuers assessed the value of each block in terms of yield; with these valuations as a basis the Land Tax of the village was assessed. The application and distribution of Land Tax will be referred to later on.

The second object of the survey was the permanent demarcation of village boundaries on a basis that would leave no doubt in the minds of the villagers as to where their lands lay. At the time the demarcation was begun the only fixed boundaries were roads and wadi beds; elsewhere rocks or tracks, whose position varied according to which village was being interrogated, formed the so called boundary marks. It was probable that disputed boundaries had been in a state of uncertainty from the year the two villages came into contact through a natural process of expanding cultivation as the population increased. From that time until the Department of Lands undertook the demarcation the boundary swayed backwards and forwards or the stronger village encroached on the weaker.

A special law was passed in 1930 authorizing the formation of a Commission with full powers to investigate all disputes on boundaries arising during the work of demarcation, and give final decisions which would be incorporated in the survey.

The fiscal survey was completed throughout the whole country in 1933; all village boundary disputes had been settled, the boundaries themselves had been made, and all the necessary data had been acquired for the application of a revised system of Land Tax. Land Settlement on the broadest basis had been completed; it now remained to complete the structure by a settlement of individual rights.

The Land Settlement Law.

The Land Settlement Law was enacted in 1933. It is a simple law devoid of ambiguity and fitting for a country of simple people. Subsequently, experience of its application made it desirable to add certain articles and amend others as and when problems and difficulties arose that could not be solved by the original law.

When the remaining part of Palestine was united with Jordan it was necessary to make a whole amendment to the Land Settlement Law so as to make its provisions conform with the new situation. The Land and Water Settlement Law No. 40 of 1952 annexed was therefore enacted after the problems of lands in the Western Bank of Jordan have been thoroughly studied.

The greater part of the law deals with the administrative procedure that must be followed by the Department of Lands, the landowners, and by the Land Settlement Court during settlement. In general, all decisions by the Settlement Officers and the Land Settlement Court are governed by the Ottoman Land Code and other Laws affecting rights in immovable property, but in certain cases, the Land Settlement Law overrides the Ottoman Land Code and also gives powers to the Director of Lands when partition cannot be effected by agreement (Article 18 (3) ).

Article 8(1) deals with the partition of land where the trees (fruit trees or vines) belong to one person and the land is in the ownership of another. This curious state of affairs was found to be very common in the hill districts, and it was clearly desirable that a partition should be made between the two parties, giving each a portion of the land and the trees on the basis of the value of the original property of each. This article was added to the original law as it was found in practice that partition by agreement was not possible.

Article 8 (2) gives the Director of Lands powers to exclude from settlement parcels of land or water, this authority is invariably used to exclude the land occupied by the village buildings. It is clear that the survey of such areas would be costly and slow; furthermore settlement in built-over land is not an urgent problem and disputes can easily be solved by the Civil Courts. In addition to that, the Law provided for many administrative powers which were necessary for carrying out a just and acceptable settlement.

Previous to the formation of a Department of Lands, and indeed it may be said for some time subsequent to its formation also, the greater number of transactions in land were carried out on a verbal basis or in the form of a document, sometimes witnessed but never registered in the Land Registry or before a Notary Public and, therefore, without official sanction as required by the Ottoman Land Laws.



In many cases the land concerned in the transaction had at one time been registered by its former owner or his ancestor, and in the eyes of the law still remained his property, therefore the result of settlement would be the confirmation of ownership in the name of the holder of the old title deed or his descendants although the land had been occupied by the purchaser for many years. If an equitable settlement of rights was to be made, the law had either to be amended, which would have been contrary to the interests of the State, or alternatively powers could be given to Settlement Court.

The situation arose in the main from the fact that the machinery of land registration under the Turkish Government had broken down or alternatively had never even been put into motion; while on the other hand, the principles on which the Land Laws were based depended on the registration of all transactions in land.

It was essential therefore in the interest of equitable land settlement to give the Court special latitude in hearing cases of disputed ownership, and it is important to note that this latitude is not extended to the Civil Courts, but having carried out this action its powers lapse and the land comes once more under the jurisdiction of the Civil Courts.

Articles 20 and 78 of the Ottoman Land Code refer to the right of prescription between the persons in miri land in Article 20, while Article 78 gives a right of prescription in Mehul land. Article 36 states that "a possessor by title deed or State land can, with the leave of the official, transfer it to another by way of a gift for a fixed price. Transfer without the leave of the official is void".

It is clear that, lacking the powers conferred on it by Article 14(1) of the Land Settlement Law, the Court would not be in a position to give the actual occupiers the rights they had acquired as a result of prescription, unofficial sales and the like.

Article 14(2) of the Land Settlement Law permits the Court to admit evidence that would not be admitted in Civil Courts such as oral or written evidence of unofficial sales, tax or title receipts in respect of crops from the land in dispute. This article gives the Court untrammelled powers of investigation in its search for the truth in disputed claims.

It is accepted then that the Land Settlement Court, as a result of the authority conceded to it by the terms of Article 14, has made the fullest possible investigation into all disputed claims and that its decision is the best possible and in accordance with equity. The Schedule of Rights has become final and a new register has been opened for the village. Any further investigation into rights is presumed to be superfluous and the entries in the register, which is an exact copy of the entries in the Schedule of Rights, cannot be challenged in any Court of Law. The settlement of the lands of the village has been completed Art 16 (2).

Land and Water Settlement.

The progress of settlement was slow in the beginning. The people, having suffered from insecurity of title, due to the discrepancy between law and practice, were at first unable to understand the extent of the reform. However, with the practical results of the first few villages before them the landowners swiftly realized the benefits social and economic, and co-operated whole heartedly in all branches of the work.

From this time settlement progressed with new impetus, gathering speed each year as more staff were engaged and trained.

(a) Mushaa.

It may be of interest to describe briefly the procedure followed in settling a village held in mushaa tenure. There are four stages before the field work of settlement is completed:-

- (1) The preparation of a Schedule of Rights.
- (1i) The sitting of Land Settlement Court to hear appeals against the Schedule of Rights.
- (1ii) The final partition of the village in accordance with the shares shown in the final Schedule of Rights.
- (1iv) The preparation of block plans on a scale of 1/2500 by a survey party.

(1) The Schedule of Rights is prepared in the village by the Settlement Officer. It is general rule that every village contains two or more parties, and more often than not, each party holds equal shares in the village. The Settlement Officer calls up each party in turn and prepares a list of names of the owners of the shares; at the same time he records any mortgages, leases or other encumbrances which may be outstanding. From these records the Schedule of Rights is prepared and after typing copies are hung up in the Land Registry of the district, in a prominent place in the village, and one copy is handed to the mukhtar. At the same time the heads of each party are warned that appeals must be submitted within a period of thirty days.

(1i) The Land Settlement Court proceeds to the village on the appointed date and hears all appeals against the Schedule of Rights. The sittings are in public and being in the village itself there is no difficulty in producing witnesses; furthermore, every dispute is thoroughly ventilated before the assembled villagers and there is little possibility of false evidence passing unchallenged after hearing all appeals the Judge issues his decisions.

Decisions of Settlement Judge may be appealed to the Court of Appeal if the value of the property therein exceeds 50 Dinars.

Decisions of the Court of Appeal may be applied to the Court of Cassation if the value of the property therein exceeds 200 Dinars.

(1ii) The final partition of the village is carried out by the landowners themselves under the immediate supervision of a Partition Officer and a Surveyor.



The first step in partition is to divide the village into blocks on the ground and to plot them on a field sheet on a scale of 1/10,000. These blocks conform with the customary division of the lands of the village carried out biennially in times past during the mushaa regime. If there are two parties in the village holding equal shares there will be two blocks for each category of land, the principle being that the blocks of the same category will be equal as regards yield of produce. During this partition, the Partition Officer at the same time values each block for land tax. The valuation is made in terms of produce, i.e. the number of kilos of wheat each dunum can grow. This valuation also forms a valuable check on the final partition between the two parties which is presumed to be proportional to the number of shares held by each. When this partition is completed then proceed to draw lots for the two halves. This preliminary partition is the most difficult to reach agreement on, and without the authority and drive of the Partition Officer it would never be completed.

Once this partition has been agreed on and the lots have been drawn, the individual partition of shares proceeds relatively smoothly.

As each block is partition into plots and the boundaries demarcated by angle irons the surveyor makes a survey, not a very exact nature, showing the individual partition in each block. The plan produced by the surveyor is called the Partition Sketch and on it every plot is given a serial number, while roads of access and public roads are also indicated.

From the partition sketch the Partition Officer prepares a schedule showing the names of owners in each plot and its serial number. When settlement of mushaa villages was first commenced every inducement was used to persuade the villages to cease the practice of giving each shareholder a large number of small plots and instead concentrate the holdings in relatively fewer plots of larger area. At first nothing would persuade them to alter their ancient practice, but as the work proceeded other villages seeing the advantages became more amenable, and eventually the department was in a position to insist on a three-plot partition, while occasionally shareholders were content to have two plots.

The Landowners whose lands were partitioned into numerous small plots for each person realized their mistake when they saw the benefits gained by those who partitioned their lands into only two or three plots for each. They therefore applied for the repartition of their lands at their own expense.

A special Law was passed for the repartitioning of a village whose lands had been partitioned on the basis of 9 plots for each owner. The previous partition and the Land Registry documents connected therewith were cancelled and repartition on the basis of 3 plots for each landowner instead of 9 at the expense of the landowners was made.

Plan No.1 attached illustrates the first partition and Plan No.2 illustrates the second partition.



(1v) The Partition Sketch forms the basis for the accurate survey of each block on a scale of 1/2,500. Every angle iron driven into the ground as a boundary mark is indicated on the sketch;

When the survey of each block is completed the officer in charge of survey, or his assistant, takes the completed plan on the ground and the owners point out the boundaries of their plots. The official writes within the boundaries of each plot the name or names of the owners. The survey of the whole village having been completed, all the block plans are sent to the Partition Officer and he compares the names in pencil on the plans with his Schedule of Partition, differences are investigated and rectified, and the Schedule of Partition with the plans are then despatched to the department to enable it to prepare the Schedule of Registration.

(b) Mafruz.

A Mafruz village is one in which the land is already divided into plots, quite apart from the vagueness of many of the plot boundaries, there were questions of disputed ownership and inheritance which required the application of the Land Settlement Law to ensure the preparation of a Schedule of Rights. The procedure that is followed in the settlement of Mafruz villages varies considerably in practice from that followed in a Mushaa village.

The chief difference is that settlement and survey are carried out simultaneously. The Settlement Officer is also in charge of the survey, and he has as surveyors officials of sufficient experience to be able to investigate minor disputes over boundaries and bring both parties to agreement. All disputes that cannot be settled by these surveyors acting as assistant settlement officers are referred to the head of the party for decision.

The block plans are accurately surveyed as settlement proceeds and, when the survey of the whole village is completed, the Settlement Officer despatches all the sheets to the department together with a Schedule of Claims showing the names of the owners, encumbrances, the valuation and the like opposite the serial number of each plot.

The department extracts the plot areas, computes the capital value of each and then prepares the Schedule of Rights. This schedule varies from a Mushaa schedule in that it defines the ownership as a plot number in a block with the details of area and capital value added. It is clear that the basis for appeal has been widened; the ownership in the plot, the boundaries as shown on the map, and the value are all susceptible to appeals, but in the Mushaa Schedule of Rights, there was only the list of shares against which appeals could be lodged.

(c) Water Settlement.

Settlement of rights in water is carried out exactly as the settlements of rights in land from the point of view of investigating the rights and giving decisions therein. This settlement is carried out after the lands irrigated from the water under settlement have been shown on maps and their areas have been known. In most cases water settlement operations were carried out together with land settlement operations.

Article 8 (5) of Land and Water Settlement Law shows the way to be followed in establishing the rights in water. The source of water is considered as one unit held in common ownership and the rights therein are appointed as shares and to each dunnun of irrigated land a share is assigned.

Water settlement operations are very important to the cultivators because they put an end to their disputes over water by appointing the shares assigned to each plot. Before settlement operations the landowner whose land was situated near a source of water or main canals used to take water more than he needs while no sufficient water arrives to the far plots. Landowners of some influence used also to take water more than they deserve not thinking of the loss the other may sustain.

The Effect of Land Settlement.

The positive achievements of land settlement are:-

- (1) Absolute security of tenure to the landowners,
- (2) The partition of mushaa lands,
- (3) A revised distribution of land tax, and
- (4) A land registration system simple in operation and, as far as is humanly possible, proof against fraud or undiscovered clerical errors.

(1) Absolute security of tenure is ensured by the Land Settlement Law which states in Article 46(2) "The land shall be registered in such register in accordance with the Final Schedule of Rights or Schedule of Partition..... Thereafter no objection shall be heard by any court to the validity of such entries in register". The landowner is now in a position to develop his land and foster its fertility with the full assurance that, other things being equal, he will obtain the benefit of an increased yield and enhanced value. There is no doubt that advantage is being taken of this new situation, not, it must be admitted, as quickly as one would wish, but in every settled village there are signs of development. Stones are being removed from the surface and either collected into heaps or used for building boundary walls, terracing of slopes is occasionally carried out and in some places wadis are plugged with loose stone to reduce the velocity of floods.

(2) The final partition of mushaa lands is perhaps the most striking of all the reforms instituted by land settlement. The owner of a share in the land of the village becomes the undisputed owner of a plot of land; the advantages accruing to him from the change in tenure require no elaboration.

(3) The Land Tax Law enacted in 1935 succeeded in abolishing all the greater anomalies of distribution as between villages, while the fiscal survey had put the land valuation on sound and equitable basis. Land settlement, however, carried out the final reform by assessing the tax on the value of the plots. Landowners now paid land tax on the basis of the capital value of their holdings and not on the sometimes somewhat biased ideas of a village distribution committee.

(4) The Land Registries were reformed and a new method of land registration was put into effect. This subject will be discussed in greater detail later on.

Land settlement operations brought to the country other benefits the most important of which are the demarcation of forest lands and their registration in the name of the Government as well as the demarcation of public lands and their registration in the name of the Government on behalf of those who have interest therein. I have to say here that most of the lands which were registered as forests, as a result of settlement operations, were included in the title deeds covering Mushaa and Mafuz villages i.e. they were registered in the names of the villagers who used to destroy the forests so as to widen their agricultural lands and take fuel insight of the Forest Law. Such encroachments occurred because the villagers did not realize the benefits of forests to the country and because the administration of the officials responsible for forests was bad but now and after the forests have been demarcated and registered in the name of the Government as a result of land settlement, the encroachment became seldom and the country kept for itself, this natural wealth. Even product forests included in the lands registered in the names of the inhabitants during settlement cannot be destroyed but their pruning by a license from the Forests Department is permissible.



Preparation of Cadastral Maps by Air Survey

As the terrain in the major part of the Western Bank in Jordan is mountainous, the areas of properties are small and covered with trees, and most of the boundaries are fixed features such as walls, roads and wadis and the value of the land is high it was considered therefore necessary to find an accurate way of surveying it and preparing cadastral plans for it on scale 1/2500, in the shortest possible time and with the least expenses. As the use of the usual chain survey methods in this area necessitates the fixation of sufficient traverse points and taking many measurements therefrom to plot the boundary features, and since this entails high expenses and takes a long time, and in order to save time and money and to have accurate results it was found necessary to make use of the methods of air survey. Thus at the beginning of the year 1954 the Department of Lands and Surveys started to prepare cadastral maps on scale 1/2500, by making a contract with Hunting Aerosurveys Ltd. for the survey of an area of 940 Sq. Kms. Accordingly the Company photographed the area with an R.C. V Camera from a height of about 7000 ft above the mean ground level.

After the completion of photography the Company supplied the Department with copies of the contact prints at 1/40,000 scale approx. The Jordanian surveyors fixed the necessary triangulation and control points on both the ground and the photographs. The coordinates and heights for these points were computed and sent by the Department to the Company.

The Company supplied the Department with 1/2500 enlargements of the contact prints and the Jordanian surveyors started settlement and partition in the area. When demarcating the plots of the settled lands they marked the positions of the boundary iron marks and the other boundary features on the enlargements. The necessary measurements were taken to enable the Company to plot, by accurate photogrammetric methods, the said marks and boundary details from fixed features that were clear on both the enlargements and the ground.

After this was completed by the Department of Lands and Surveys as above, the enlargements were sent to the Company together with all the chain books and the descriptions of the fixed features.

On the completion of plotting the map from the supplied documents, with a Wild A.5 plotting machine, the Company sent a proof of the map on "Astrafol" material to be checked in the field and corrected by the Department. The checked proof with any necessary remarks were returned to the Company who supplied two transparent Astrafol fair drawn copies

Owing to the time spent in this method and in despatching documents many times between Amman and England it was considered possible to adopt the following trial which was started some three months ago.

1. The Jordanian surveyors during the demarcation operations, approximately mark the position of boundary angle irons on the enlargements together with all the necessary details without taking any measurements. Boundaries of villages and plots were also shown.

2. These marked enlargements are sent back to the Company who prepare a 1/2,500 map for each separate block on aluminum cored paper called "Pagra". On this map all natural boundaries of plots and other necessary detail such as buildings, wadis and main roads are plotted. In addition, points clear on the enlargements, suitable, and of a density sufficient to take measurements from them for the fixation of boundary marks are chosen and plotted accurately on the map by the Company. These maps together with the enlargements covering them are returned to the Department.

3. On receipt of above the Jordanian field surveyors start taking the necessary measurements from the chosen points to fix the positions of the boundary marks. From these measurements they plot the position of the boundary marks and finally check their work.

4. The plot numbers, all headings and necessary symbols are written in Arabic on the map in ink. The remaining boundaries are left in pencil.

5. The fairdrawing of the map is then done by the Company who prepare a duplicate of transparent Astrafoil and send them both to Jordan.

It has been found very easy for the field surveyors in Jordan to find the positions of the points of detail chosen by the Company. The accuracy of plotting of the points is found to be very satisfactory. In this trial a lot of time is saved as compared with the previous method and the field surveyors are enabled to discover errors in measurements, as the plotting is made immediately after they are measured. The Lands Department in Jordan has acquired a Kelsh Plotter. Steps will be taken to prepare maps with it as we have air photographs that cover the major part of Jordan.

I am in a position to say, according to the results so far obtained, that the accuracy was high, especially with regard to the natural detail, as it is a fact that no ground survey method gives such an exact representation of the natural features as the air survey method gives.



STATE DOMAIN - Principles and Practice in Carrying Out Disposal

The State Domain capable of disposal comprises the three categories, Mudawara, Mahlul and Mawat. Reference to the earlier part of this paper will make it clear that although the State is in law the proprietor, in fact, there are claims to prior disposal which cannot be ignored and, especially in the case of Mudawara and certain Mahlul lands, disposal to any other but the present occupiers would be contrary to justice.

The occupiers of the Mudawara lands were in most cases the descendants of the original owners who, as already explained, transferred their ownership to the Sultan in return for protection, and subsequently these lands were taken over as State Domain after the revolution of 1908. The Mudawara area lay mostly in the Jordan Valley and the first land reform carried out by the Jordan Government was to hand back the property to the occupiers on payment of bedl mithl equal to ten times the land tax, payable in annual instalments over ten years. At the same time the lands were surveyed and partitioned was carried out by agreement amongst the owners.

A great part of the Mudawara lands in Western Bank of Jordan was not yet disposed of. This question will be considered by the Government as soon as possible.

The Mahlul lands comprise whole villages in many cases. It is presumed that the villages adjoining the Hedjaz Railway were declared Mahlul as an administrative policy, while in other cases the decision of Mahluliya may have been as a collective punishment or by the whim of an angry official. In any event disposal is made on the same principles as that of Mudawara lands in those villages which have been continuously cultivated, but the bedl mithl is varied in accordance with the value of the land and its position as regards annual rainfall.

There are, however, some Mahlul areas on which no special claim exists other than their situation in a tribal area or in the vicinity of a village. All applications for disposal in these areas are treated in the following manner. The applicant is told that, provided in the administrative authorities make no objection to him opening the land, and provided he does not in opening the land interfere with any ab antiquo rights, the department will readily concede him the right to cultivate. At the same time he is informed that disposal will not be considered unless the cultivation is continuous over a period of at least three years. In this event disposal will be carried out and bedl mithl will be collected in instalments. This arrangement precludes any immediate speculation, but does not impede the genuine cultivator.

Mawat land is generally disposed of during settlement operations; any cultivated patches are disposed of at once to the occupier, while the remainder is either recorded as otl (uncultivated) or as forest, or as grazing ground. In each case the land will be registered in the name of the Treasury. If it is recorded as forest the land will be controlled by the Forest Laws.



When the last instalment of bedl mithl is paid the occupier can apply for a title deed and, having received it, he becomes the undisputed owner.

follows:-

The policy now adopted in State Domain is as

- (a) Permission is given to nomadic tribes to open and revive the lands they want provided that no tribe shall encroach on a land assigned to another tribe in accordance with the old divisions agreed upon amongst them. Though the average of annual rainfall is little in these lands but some of the tribes have opened portions of these lands either by modern machinery or by animals and built for themselves houses near the lands they opened and left living in tents. The object of this policy was the settlement of nomadic tribes.

- (b) Lands registered in the name of the Treasury after Settlement

of these Lands 200 dunnums are given on lease to any applicant who owns no land or to the small cultivators. Any cultivator owning less than 200 dunnums can lease an area to make his property about 200 dunnums. Such lands are leased to the inhabitants of the villages in which they are existed for five years provided that they are disposed of to them at a nominal Bedel Mithel if it appeared at the termination of the lease that the land was opened and revived.

The object of this procedure is to distribute State Domain on landless or small cultivators and that none is given to the big landowners.

- (c) Government Lands in Jordan Valley.

These lands are within the scope of the Yarmuk Project and can be leased for a period of two years with option of renewal. No person can have on lease more than 100 dunnums and no promise of disposal of the land is given.

Leasess bring water to these lands either by drawing it by pumps from River Jordan or from the artisian wells they make in the lands leased to them.

The object of not giving a promise for the disposing of such lands is to keep them in the name of the Government for distributing them amongst the cultivators and persons in need of lands in case the Yarmuk Project is executed.

Land Registration after Settlement.

Every Schedule of Registration is prepared in the Headquarters of the department for each village, and it is an exact copy of the Schedule of Rights in the case of a Mafruz village and of the Schedule of Partition when the village is Mushaa. In it, in the appropriate column, opposite each plot number is recorded the name of each owner, the area of the plot, the registered value and any encumbrances or servitudes attached to the plot. An index map is also prepared on a scale of 1/10,000 from the cadastral maps and is despatched to the Land Registry of the district together with the Schedule of Registration. The original cadastral sheets are retained in Headquarters.

The system of registration employed for all settled villages is known as the Torrens System. Loose leaf binders are used to contain the records in order that the Land Registries shall not, in future, be encumbered with a mass of dead material.

The basis of the Torrens system of registration is the cadastral map. On the map is shown the boundaries of the block and of all properties lying within. Each block and each parcel is given a serial number. The serial number of the block is in sequence for the village and of the parcels in sequence for the block. Therefore a parcel can be simply and accurately described by giving its serial number, the serial number of the block and the name of the village. Every parcel is the subject of a Land book page; on the top half of the page are recorded all details that are appropriate to its description such as the name of the village, the serial numbers already mentioned, the area and the registered value, etc., while on the lower half space is left to record the owner or owners. On the back of the page all encumbrances are shown, such as leases and mortgages. All changes in ownership are recorded on it and reference is made at the same time to the date and serial number of the transaction. This page is kept in the Land register of the village which is in the form of a loose leaf binder, and will only be removed from it when there has been a change in the boundaries of the parcel.

If, as the result of a partition, the parcel boundaries are changed, the old page is superseded and new pages are substituted in its place for each new plot demarcated.

The Land Register is therefore a true representation of ownership in the village. It contains no out of date records.

The Headquarters of the department keeps a duplicate copy of all Land, Registers and every transaction concluded in the district Land registries is recorded on a duplicate Land book page. This duplication provides not only a safeguard against loss or destruction, but also the most effective form of check on all Land registry transactions.

There are also other forms used by the Land Registrars and are very necessary for this procedure such as "Mutation Statements" and "Encumbrance Forms".

"Mutation Statements" are used in the cases of sale and succession. They are to be filled by the Land Registrar who has to copy the information from the Land Book Page and show in them name or names of vendors cancelled and names of the new purchasers or the name of testator and heirs and the number of shares of each. "Encumbrance Forms" are used to show any encumbrances relating any plot of Land such as mortgage, lease, plantation and attachment exactly as entered in the Land Book Page.

"Encumbrance Forms" and "Mutation Statements" are forwarded to Headquarters. Headquarters can then alter the duplicate pages, by adopting this way we had for each village two registers conform with each other, one is in the Land Registry of the Qadha and the other is at Headquarters and therefore I doubt the possibility of finding a procedure for Land registration which is easier and better than this procedure because neither Headquarters nor Land Registry Offices have ever lost any record during the last twenty years in which this procedure was adopted and no case of fraud have ever been discovered.



Land Tax.

Taxes levied on agricultural lands during Turkish rule were tithes, Merko (Land Tax) and road tax. They were applied and collected from cultivators on a different basis with no equity at all.

In one district these were arbitrarily fixed on a cash basis on each village without taking into consideration the area and fertility of the agricultural lands of the village and so some of the small villages were paying more than other adjacent villages whose areas were of the same fertility but twice more than the small villages. In another district estimates were made of crops lying on the threshing floors and so some large landowners paid less than small, while in other districts they were assessed on a cash basis and collected equally from cultivators without taking into consideration the areas owned by each one of them, i.e. the landowner who had 5000 dunums for instance paid tax as the landowner who had 50 dunums only. This inequality of taxation demanded a new Tax Law and so The Land Tax Law, 1933, was enacted in order to impose an equitable land tax to conform with the areas of lands and their fertility specially when valuation of lands of all the villages was completed during survey.

In 1933 a Land Tax Law was passed which replaced tithes, Merko and road tax by Land tax at the rate of 6 per cent of the annual revenue from the land. By that time the villages survey had been practically completed and Land tax was gradually applied to each district. For every village a valuation list was prepared showing numbers and names of blocks, together with the annual revenue of each block. These valuation lists are published in the Official Gazette: a period one month is allowed for appeals, which are heard by a special committee, whose decision is final. Distribution of tax within the block is carried out in each village by a Tax Distribution Committee. The distribution list published for appeals which are heard by a special committee

Under this system inequalities of taxation between villages were evened out, but the individual distribution is necessarily still remained haphazard until accurate property registers could be compiled. To show the extent of readjustment involved, it may be mentioned that changes ranged from a reduction of 61 per cent in taxation for one village to an increase of 79 per cent for another, while one landowner, whose tax was formerly about 300 liras, is now paying JD.200. These are three examples of innumerable cases that existed to a lesser degree throughout the whole country.

Post Settlement Land Tax Distribution.

As settlement proceeded it was found that the recording of the capital value of each parcel in a village would provide a more accurate method of distributing land tax. It was decided, therefore, by law that land tax distribution lists should be drawn up in accordance with the Land Registry Records in all villages where settlement had been completed.

For every village there was prepared a Land tax register on a loose leaf system, with a page for each landowner. On this page were entered the number of each parcel and of the block in which it was situated, these particulars being taken from the Schedule of Registration. Then, with the capital value of all parcels recorded, the proportionate share of tax was allotted to each parcel, out of the total land tax required from the village.

Distributions lists are made out at Headquarters and revised annually in accordance with changes recorded in the Immovable Property Registers.

Tax Remission.

The Land Tax Law of 1933 allowed for remissions of tax in cases of crop damage or failure. The crops are inspected, and the amount of failure or damage is estimated on a percentage basis, with a subsequent remission of tax.



Land Tax Law of 1946.

This Law does not differ from the previous Law from the point of view of percentage of tax or distribution or remission. The only new provisions in it are for the assessment of an additional land tax on fruit trees planted in the land on different rates as Law of 1933 assessed the tax on the land only and left the trees.

The following Schedule shows the rates of tax to be imposed on each dunnum planted with fruit trees. The tax is assessed as from the date the trees give produce:-

Kind of Fruit	Additional Tax	
Bananas	400 fils per dunnum	
Bananas	300 fils per dunnum	of land irrigated
Citrus fruit	300 fils per dunnum.	by a pump,
Olives	100 fils per dunnum.	
Other fruits	200 fils per dunnum.	{Saqi}
Other fruits	100 fils per dunnum.	{Baal}
Palm	100 fils per dunnum.	
Grapes	400 fils per dunnum.	

Land Tax Law of 1955.

When the remaining part of Palestine were united with Jordan it was necessary to enact a new land tax law as the rates of tax imposed in Palestine were different and therefore the Land Tax Law of 1955 was passed.

This Law is not different from Land Tax Law of 1933 or 1946 from the point of view of distribution and remissions of tax. The main change in it is that the lands were classified and on each different class a tax to be assessed as follows:-

Class of Land	Description	Tax	
1	Lands planted with bananas	400 fils per dunnum	or part thereof
2	Lands planted with citrus	300 fils	"
3	Lands planted with other fruits	70 fils	"
	(a) Irrigated	35 fils	"
	(b) Rainfed	70 fils	"
4	Irrigated land 1st class	35 fils	"
5	Irrigated land 2nd class	30 fils	"
6	Rainfed land 1st class	20 fils	"
7	Rainfed land 2nd class	10 fils	"
8	Rainfed land 3rd class	5 fils	"
9	Rainfed land 4th class		"

LAW NO. (40) OF 1952  
THE LAND AND WATER SETTLEMENT LAW

1. This Law shall be called (The Land and Water Settlement Law 1952). It shall come into force from the date of its publication in the Official Gazette.

2. In this Law:-

(Land) means Miri, Mewqofa and Owned lands and buildings and trees or anything permanent on the land.

(Water) means any rivers, streams, water courses, pools, springs, lakes, wells, waterfalls, dams, reservoirs, or any channel, ditch, drain, embankment, bridge, culvert, regulating or diversion structure or borehole, lifting or pumping device or associated work of any nature used for the purpose of gaining, lifting, transporting and using water for the primary purposes of irrigation or of drainage.

(Land and Water Settlement) means the settlement of all questions or differences in regard to any estate in land and water or title thereto or interest therein or any rights connected therewith and liable to registration.

(Director) means the Director of Lands and Surveys or any official authorised to act on his behalf.

3. The Land and Water Settlement as defined by the previous Article shall apply to all persons, institutions and societies having any estate, title or interest in land and water in the Hashemite Kingdom of Jordan whether disputed or not.

4. 1. Land Settlement shall be carried out under the control and supervision of the Director and shall be exercised by such person or persons as may be delegated by him.

2. The method of procedure, the time and places in which the work is to be begun shall be in the discretion of the Director.

5. As soon as the Director has determined a particular area, to be known as the Settlement Area, in which the work of land and water settlement is to be begun, an order shall be published in the Official Gazette, to be called a Settlement Order, stating that the work of land and water settlement will be commenced in the area in question upon a date to be notified later.

6. As soon as the date referred to in the Settlement Order mentioned in the previous Article has been determined by the Director, a notice to be called a Settlement Notice, shall be notified to the inhabitants of the Settlement Area in such manner as the Director shall think fit. A copy of such notice shall be posted in a conspicuous place in the village or town or tribe. This notice shall contain the following particulars:-

1. The name of the village or town or tribe or places in which the land or water settlement is to be begun.

2. The date and place on which the work of settlement is to be begun.

3. Notification that the work of settlement applies to all persons having any estate, title or interest in the land or water or rights in or connected with the land or water whether admitted or disputed.

7.
  1. All persons claiming any of the rights mentioned in Para 5 of the previous article must submit their claims and documents supporting such claims to the Director or the official authorised by him to accept such claims in the time and place appointed for this purpose. The claims shall be investigated in public in such manner as the Director shall direct.
  2. The Director shall have power to issue from time to time instructions relating to demarcation of the boundaries of land and presentation of claims connected therewith.

8.
  1. In cases where trees belong to any person or persons other than the owner of the land, the Director or any official authorised by him shall have power to effect a settlement between the parties. This settlement shall be carried out in the manner to be agreed upon by the parties. In the event of the parties failing to agree, the Director may give an order for a settlement to be effected in the manner he thinks fit in accordance with the provisions of this Law.

2. The Director may exclude from settlement any parcel of land or any water if he thinks that the public interest so requires. Any transaction or dispute, concerning such parcel or water shall in all cases be dealt with as though no settlement order had been issued in respect thereto and thereupon such transaction or dispute shall be dealt with by the Courts and Land Registries.

3. Land used for general purposes that falls within the category of "Metrouken" shall be registered in the name of the Government on behalf of those who have interest therein.

4. Rights to land or water which are not established by any claimant shall be registered in the name of the Government.

5. When Settlement of Water is carried out the Director shall fix the shares of water that should be recorded in the Schedule of Rights in proportion to the total area of the irrigated lands which are usually irrigated from the water under settlement; provided that such shares are recorded in proportion to the number of the dunums of the irrigated lands. Where any person owns more shares in water than he needs and such shares are given to other owners, the person or persons benefiting from such shares shall pay a just compensation to their owner as may be determined by the Director.

9. The Director or the person authorised by him to carry out settlement operations may:-

1. When the boundary between different blocks or parcels is a curved or irregular line, lay out a fresh boundary in place of the original boundary and may adjust any line he finds convenient for the nature of the land for the purposes of development of work in it either by exchange of such land by another land of equal value or by giving the necessary compensation to the person who sustained loss by such actions and his decision shall be final



2. Open and demarcate any fresh or old road whether such road is public or private and demarcate any right of flow or path for the purpose of connecting any land with a public road and may decide the amount of compensation to be paid to the person sustaining loss by such actions and his decision shall be final.
3. All public or private roads demarcated during settlement operations shall be surveyed and fixed on survey maps. Such maps shall be considered as the only document which should be referred to in cases of dispute or encroachment on such roads.

4. Where it appears that any road surveyed and fixed on the maps to be neglected, such road shall be cancelled by the Council of Ministers and the neck (Ragaba) of the land shall be considered as the property of the Government if it is outside the Municipal area or the property of the Municipality if it is within the Municipal area.

10. As soon as the claims have been investigated, the official authorised shall draw up a list to be known as the (Schedule of Claims) containing all claims whether admitted or disputed. He shall forward to the Director a report regarding any dispute.

11. 1. As soon as the Schedule of Claims and reports relating to disputes have been examined by the Director he shall draw up a list to be known as the (Schedule of Rights).

2. The Schedule of Rights shall be drawn up in such form as the Director shall direct. It shall be signed by him and a copy thereof shall be posted in the Land Registry of the Qada and another copy shall also be posted in a conspicuous place in the village or town. An authenticated copy of the said Schedule shall also be delivered to the Mukhtars of the village with instructions that the contents thereof shall be brought to the notice of the inhabitants of the village.

12. Any person on the grounds that having some estate, title or interest in land or water or any rights connected therewith:-

1. his name has been omitted from the schedule;
2. his estate, title or interest is incorrectly shown in the schedule
3. his estate, title or interest in whole or in part has been incorrectly attributed to some other person;
4. his estate, or shares of water has been incorrectly valued;
5. his estate, title or interest is affected in any other way;

may within a period of thirty days as from the date on which the copy of the Schedule of Rights was posted in the Land Registry, submit an application in writing to the Director or through the Land Registrar of the Qada setting forth the nature of his objection. The Director shall refer the said objections with the Schedule of Rights to the Land Settlement Court.

Any of the co-sharers may be a litigant in a case brought regarding immovable property recorded as musha'a in the Schedule of Rights.

13. 1. Objections to the Schedule of Rights shall be heard and determined by the Land and Water Settlement Court which shall be known as the (Settlement Court). This Court shall consist of a single judge to be appointed in accordance with the terms of the Courts Law. Should the judge be ill or unable to act, a substitute shall be delegated by the Minister of Justice.

The Court shall sit in the village or town concerned at such time as shall be decided by the Land Settlement Judge. But if it is not possible for the Court to sit in the village or town it shall sit in any other place as shall be decided by the Settlement Judge with the consent of the Director.

2. If one of the parties who had been legally notified, failed to appear before the Settlement Court, his objection shall be heard in his absence if he were a defendant or rejected if he were a plaintiff. The party on whom a judgment has been passed in his absence or whose objection was rejected may submit an objection against that judgment within ten days of the date of his notification.

3. Decisions of the Settlement Court shall be final if the value of the property recorded in the Schedule of Rights does not exceed two hundred dinars. If no value to the property was found recorded in the Schedule of Rights the Settlement Court shall name a value to it.

4. Judgements of Settlement Court shall be liable to appeal to the Court of Appeal if the value of the property in the judgment exceeds fifty dinars within fifteen days from the date of the judgment if it was given in presence or from the date of its notification if it was given by default. Judgment of the Court of Appeal shall be subject to Cassation if the value of the property in the judgment exceeds 200 dinars within a period of thirty days if that judgment was given in presence or from the date of its notification if it was given by default.

In all cases no plaintiff shall be allowed to drop his case temporarily and if he insists on dropping it, his objection shall be finally rejected.

5. Any case in a Civil Court relating to land or water which may be pending at the time of commencement of settlement or any such case which is brought during settlement in any particular Settlement Area shall be transferred to the Settlement Court. The Settlement Court shall hear such cases if one of the parties submitted an objection to the Schedule of Rights within the legal period.

6. At any time after the publication of the Settlement Order and until settlement is completed the Settlement Court shall have power - without being bound by the terms of the Magistrates Law - to make, vary or rescind an order for the interim possession of any land or water covered by the Settlement Order or by any case transferred to it in favour of any person claiming or counterclaiming possession; in such case the applicant shall forward a guarantee to make good the loss the other party sustained in case his claim is rejected.

7. The Settlement Court shall have power to order the stoppage of any land registry transaction relating to land or water in any Settlement Area.

Such order shall have the same effect as a court judgement and shall be executed in such manner as the court judgements are executed. Such order shall remain in force until a final decision is given in such case by the Settlement Court.

8. At any time after the publication of the Settlement Order and until settlement is completed, the Settlement Court shall have power to hear the cases of priority and pre-emption provided that the legal periods for bringing the case and the restrictions mentioned in Para 3 and 4 of this article are observed.

14. 1. The Settlement Court, in hearing objections, shall apply besides the rules of justice, the provisions of laws relating to land and water in force in the Hashemite Kingdom of Jordan without being bound by the terms of Articles 20, 36, 41, 42, 45 and 78 of the Ottoman Land Law whether these rights are relating to land or to servitude of rivers, streams, pools, springs, lakes, wells, waterfalls, dams or reservoirs owned or not owned.

2. Notwithstanding any thing to the contrary contained in the Mejella or Code of Civil Procedure or in any law relating to land or water, the Settlement Court shall have power to call for any oral or written evidence that may be required to determine the objections in which the parties are unable to produce any documentary evidence of estate or title, or objections where documentary evidence is produced but has not been issued by a Land Registry.

3. No action between co-heirs for the recovery of land or right in water inherited from a common ancestor shall be heard after the expiration of the period prescribed by Law for bringing actions.

Such period shall run from the beginning of adverse occupation or if the claimant shall have been a minor or under any other disability from the date on which such claimant ceases to be a minor or to be under such disability.

4. Where any rights recorded in the Final Schedule of Rights, referred to in Article 16 hereof, have been procured by fraud, any person sustaining loss thereby shall be entitled to claim compensation from the person responsible for the fraud. Such claims must be submitted to the Settlement Court within a period of three years from the date of the certification of the Schedule of Rights.

5. If any of the decisions of the Settlement Court became final because of forged notifications, the Settlement Court shall have power to order the person benefitting from the said judgement to pay compensation to the person sustaining loss provided that the objection against the notification is submitted within a period of one year from the date of issue of the final judgement.



15. 1. In the event of any person having any estate, title or interest in any particular Settlement Area or areas and who at the time of the commencement of Settlement of Land or Water was residing in any of the countries adjacent to Hashemite Kingdom of Jordan, he may submit an objection to the Settlement Court against the Schedule of Rights in accordance with the provisions of this Law within a period of one year from the date of the Settlement Notice mentioned in Article 6.

But if such person was residing in any country other than the countries adjacent to the Hashemite Kingdom of Jordan, he may submit his objection within three years from the date of the said Settlement Notice.

2. Minors of persons with no legal standing at the time the work of settlement commenced shall have the right to submit an objection against the Schedule of Rights to the Settlement Court within one year from the date the minors attain their majority or the persons with no legal standing recover their qualification.

3. Any person unable to submit an objection to the Schedule of Rights for being absent from the Settlement Area because of war or because he was a member of the forces of the Allied estates, shall be given a respite by the Director provided that this respite shall not in any case exceed five years from the date the war is over.

In all the cases mentioned above the Settlement Court shall, if convinced, issue a decision to correct the Schedule of Rights if the property was not transferred to another person, but if the property was transferred to a third person, the Court, in accordance with the provisions of this Law, may order a compensation to be paid to the person sustaining loss by the person in whose name the property or the shares of water were registered in the Schedule of Rights. The Settlement Court may also issue an order to seize such property if it was still recorded in the Schedule of Rights in the name of such person.

16. 1. When no objections are forwarded against the Schedule of Rights, such Schedule shall be certified by the Judge. If most of the objections against the Schedule of Rights have not been finally determined, the Judge may correct the Schedule of Rights, certify it, with the exception of any Land or shares of water the case of which was not finally determined in accordance with the provisions of this Law, He shall forward the schedule so corrected to the Director. The schedule so corrected shall be known as the Final Schedule of Rights.

2. Upon receipt of the Final Schedule of Rights or the Schedule of Partition referred to in Article(18) of this Law, the Director shall cause a schedule to be called "Schedule of Registration" and send it to the Land Registry concerned. The Land Registrar shall open a new register for the village.

Lands and water shall be registered in this Register in accordance with the Final Schedule of Rights and certificates of registration shall be issued therefor after payment of the fees and charges due on account of settlement operations.

After completion of registration in the abovementioned manner no court in the Hashemite Kingdom of Jordan shall have power to hear an objection to the validity of such entries in the Register except in the cases mentioned in this Law.

3. In places where settlement has been completed no sale or exchange or partition or parcelation in land and water shall be valid unless the transaction is carried out in the Land Registry. Any person who is a party to such transaction shall be liable to conviction by the Court dealing with the case to the payment of a fine not exceeding five dinars.

4. Contracts of plantation and contracts of lease with reference to land which has been settled under this Law shall be registered in the Land Registries. No action in respect to any contract drawn up contrary to the provisions of this Article shall be heard by any Court.

5. In the event of it being proved to the satisfaction of the Director that a mistake has been made in the Final Schedule of Rights, owing to clerical error or error in survey or error in fixing and connecting the boundaries on maps during survey whether this error was made before or after the execution of this Law, the Director shall submit the question to the Judge of the Settlement Court or in his absence to a Peace Court Judge who shall issue a final decision thereon.

6. In the event of it being proved to the satisfaction of the Director that, owing to clerical error or error in survey, a mistake has been made in an entry in the Immovable Property Register, the Director may cause such error to be corrected without intervention of any other person or body of persons.

17. 1. Where Settlement of Water Rights has already been carried out under the Land Settlement Law, the List of Rights so recorded shall be used as the basis for the drawing up of the Water Register without the necessity of carrying out settlement operations for the said water.

2. The other or owners of plots of land to which water has been annexed by the Water Register shall be deemed for all purposes, to be the holder or holders of a title to the water so annexed to their land. No transfer of any such title in water or any share thereof separately from the land to which the water is annexed, shall be valid and no use of the water save on the land to which it is annexed shall be permitted unless the consent of the Director has been given thereto in writing; save that any right to water which has been established by Government under Clause 7 may be entered in the Water Register without necessarily being annexed to any particular piece of land.

3. The Director may from time to time make alterations in the Water Register when:--

- (a) In the event of it being proved to him that, owing to clerical error or error in survey, a mistake has been made in the registration.
- (b) Transfer of land to which water was annexed is made in the Land Registry.
- (c) Division of land is made provided that the water title is divided in proportion to the land unless it is agreed otherwise.
- (d) Expropriation of water right is made.

18. 1. In cases where the Land of any Settlement Area or part thereof is held in undivided ownership, the land shall be partitioned amongst the persons named in the Final Schedule of Rights in accordance with the rights shown therein;

2. If agreement can be reached between owners of not less than two thirds of the shares included in the Final Schedule of Rights as to the manner of partition in accordance with this Law, the partition shall be carried out in accordance with such agreement within a period to be fixed by the Director or any person delegated by him and the owners of the shares which are partitioned after the prescribed period shall be liable to pay fees in accordance with the Schedule annexed to the Land Registry Fees Law in respect of all survey work in connection with the fixing of iron marks;

3. In the event of the owners of not less than two thirds of the shares included in the Final Schedule of Rights failing to agree as to the manner of partition, partition may be carried out in the manner to be decided by the Director;

4. The parcels of land resulting from the partition shall be surveyed and a Schedule of Registration shall be drawn up and approved by the Director to replace the Final Schedule of Rights;

5. The Director shall have power to issue an order prescribing, in any particular Settlement Area, that no person or persons shall be registered as the owner of any parcel of land or an undivided share which is smaller in area than the minimum to be prescribed by him, provided that it shall not be more than one dunum in agricultural land. The Director shall exercise this power whether in respect to land and water settlement as defined by this Law, or in respect to any subsequent registration transaction.

Such parcels or shares which are below the minimum prescribed in such order shall be termed fragments and shall be added to the land or shares of water of the adjoining owner who makes the highest bid for the fragment.

Where two or more fragments can be combined to exceed the limit prescribed in the order the owners of such fragments shall bid for the parcel resulting from the combination.



19. No stamp duty shall be payable in respect any document or paper used in any transaction relating to the execution of the terms of this Law.
20. After the opening of a new register in the Land Registry in accordance with the Schedules of Registration prepared as a result of settlement, the owner of any parcel of land to which no road has been demarcated on the survey map, may apply to the Director to open a road to connect his land with a public or private road.
21. The road shall be demarcated by the Director or the person authorised by him after the payment of survey and inspection fees by the applicant in accordance with the provisions of the Registration Fees Law. The value of the land which is cut for the road shall be valued by three experts, One of the experts shall be appointed by the Director and one by each of the parties. If one of the parties refuses to appoint an expert the Director shall appoint him from amongst the owners of the adjoining lands. When the experts do not reach to a decision unanimously as regarding the compensation then the sum determined by the majority of experts shall be the amount of compensation. Any party may, within one month from the date of his notification of the experts' report, submit to the Director an objection against the value so estimated. The decision of the Director shall be final.
22. In villages where settlement has been completed and there are springs or wells used by the inhabitants of the village for general purposes and for which no harem with road for reaching it have been demarcated on the survey map, the Director may, upon the request of the number of the villages he thinks convenient, may cut a harem and road to lead into such spring or well provided that the persons benefitting from the spring or well, pay compensation to the owner of the land from whom the area was taken for that purpose. The compensation shall be valued in the manner shown in Article (21) of this Law. Such compensation with the registration fees due on such transaction shall be collected in accordance with the Tax Collection Law from the persons benefitting from the spring or well in proportion to what each one pays as land tax.
23. In villages where settlement has been completed in accordance with the provisions of Settlement Law any person, whose name was recorded in the Schedules of Registration as an owner of trees in a parcel of land owned by another person, may apply for the partition of the parcel. Such partition shall be carried out in accordance with the provisions of Article 8 (1) of this Law.

24. In places where settlement has been notified or completed:--

1. An owner of a well or cave situated in a plot owned by another person, may apply to the Director for the demarcation of a road or "haram" for that well or cave; provided that a compensation for the area cut is valued and paid in accordance with Article (21) of this Law.
2. An owner of a parcel of land to which no right of flow has been appointed, may apply to the Director for the appointment of such right from the nearest adjoining parcels provided that a compensation is valued and paid to the owner of the adjoining plot for granting such right in accordance with Article (21) of this Law.
3. In addition to what is mentioned in Para (2) above the Director, in case it is being proved to him that any land had a right of flow before notification of settlement and such right was forgotten to be fixed on maps during settlement and survey operations, may order that this right be fixed and the canal be opened as before without payment of an compensation. His decision in this respect shall be final.

25. Any fees or charges payable in connection with settlement of lands and water may be collected in accordance with the provisions of the Tax Collection Law.

26. The terms of Articles 11, 12, 13, 14 and 15 of the Land Demarcation, Survey and Valuation Law No.42,1953 shall apply to all acts performed under the terms of this Law.

27. The Council of Ministers with the consent of the King shall have power to issue regulations in respect of the following matters:

1. The fees payable for cases brought before the Land and Water Settlement Court.
2. The fees payable for registration of rights recorded in the Schedules of Registration in the Register.
3. The method of procedure in the Land Registries as regards transactions relating to lands and water in which settlement has been completed.
4. Lands assigned for public interest as threshing floors, grazing lands and so on.
5. The way to be followed in executing transactions of registration of lands or water in any settlement area as from the date of publication of Settlement Order mentioned in Article (5) of this Law until the new register is opened in accordance with Article 16.

28. The following Laws and Regulations are hereby repealed:-

1. Land Settlement Law No.9,1937.
2. Addendum to the Land Settlement Law No.34,1949.
3. Regulations issued in accordance with Article 12 of the Land Settlement Law, 1937.
4. Land Settlement Regulations No.1,1939.
5. Land Settlement Regulations No.1, 1943.
6. Land Registry Regulation No.1,1940.
7. Palestine Law and Regulations relating right in Land and Registration.
8. Articles 1-15 of Water Settlement Law No.38,1946.
9. Water Settlement Regulation No.1, 1942.
10. Any other Jordanian or Palestinian Legislations issued before the enactment of this Law to the extent in which such legislation is contrary for the provisions of this Law.

29. The Prime Minister and Ministers of Justice and Finance are charged with the execution of this Law.

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