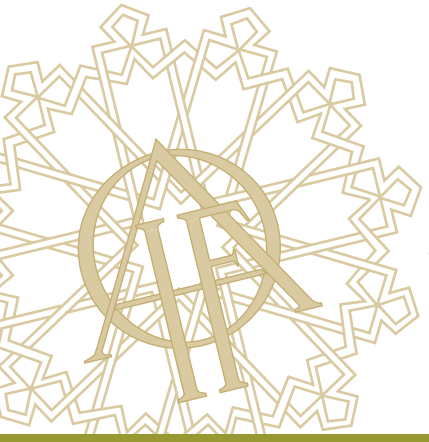
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AnIsl 26 (1992), p. 79-114

Hamza Abdelaziz Badr, Daniel Crecelius

The Waqfs of Shahin Ahmad Agha [avec 3 planches].

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THE WAQFS OF SHAHIN AHMAD AGHA[1]

Hamza ʿABD AL-ʿAZÎZ BADR
Daniel CRECELIUS

INTRODUCTION

The *waqfiyya* of this endowed *sabil-kuttab* refers to its donor, Shahin Ahmad Agha, as *ʿayn aʿyan* (chief agha) of the *dar al-saʿada* in Istanbul. The document also refers to him by other titles affiliated with this position, such as *khass khulasat al-khawwas al-muʿtabirin, muʿtamid al-muluk, muʿtamid al-salatin, anis al-dawla al-ʿuthmaniyya,* and *jalis al-maqamat al-khaqaniyya.*[2] It is clear, therefore, that Shahin Ahmad Agha was working as *ra'is rijala al-khidma* (chief servant) in the imperial palace in Istanbul. These positions of service were held by black and white eunuchs, each group of which had its own organization and duties.[3] The chief black eunuch was referred to as the *kizlar aghasi* (*agha* of the females), while the chief white eunuch held the title *kapi aghasi* or *bab al-saʿada aghasi* (*agha* of the door). The relationship between these two groups of palace eunuchs began to change when Sultan Murad III appointed a black slave as *aghat dar al-saʿada* in 1582.[4] From that year to the end of the Ottoman Empire this position was held by black eunuchs and the influence of the white eunuchs declined in proportion to the growing power of the black eunuchs.

The chief agha of the palace became a powerful person within the palace; upon his promotion he was granted sable furs in the presence of the sultan himself.[5] The influence of these chief black *aghas* increased considerably from the beginning of the seventeenth century to the middle of the eighteenth century. Some even participated in the deposition and appointment of grand *wazirs.*[6]

1. This study was undertaken while Dr. Crecelius was in Cairo during the 1991-1992 academic year under the auspices of an NEH/ Fulbright grant. The views expressed here are those of the authors, not the granting agencies.

2. See the document itself, page 10. The inscription above the entrance to his *sabil-kuttab* carries the same titles.

3. Bernard Lewis, *Istanbul and the Civilization of the Ottoman Empire* (Norman, Oklahoma: 1963), 77; H.A.R. Gibb and Harold Bowen, *Islamic Society and the West* (London: 1950), Vol. I, Part I, 327-331.

4. Gibb and Bowen, *Islamic Society and the West*, Part I, 332; Lewis, *Istanbul and the Civilization of the Ottoman Empire*, 77.

5. Ahmad al-Saʿid Sulayman, *Ta'sil ma warad fi Ta'rikh al-Jabarti min al-Dakhil* (Cairo: 1979), 18.

6. *Ibid.*, 20.

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The *dar al-saʿada aghas* were also appointed as supervisors of the awqaf (pious endowments) of the *haramayn al-sharifayn*, the two holy shrines in Mecca and Medina, and from 1128/1716 the *awqaf al-salatin* in Cairo were assigned to them. They also acquired supervision of awqaf for which the sultans were originally responsible. This situation continued until 1250/1834 when the directorate of the *awqaf al-haramayn* was created during the *tanzimat* period. In 1252/1836 the directorate became a ministry (*nizara*) and terminated the *agha*-s' supervision of these awqaf.

The black eunuchs were recruited originally in Africa south of the Sahara. They were brought as slaves to Egypt, where the necessary operation was performed on a selected few. Many of these were then presented to the sultan by the governor of Egypt. [7] Upon their retirements or deposition they were frequently sent back to Egypt or were assigned pensions from Egyptian sources. This explains the close relationship between this group of palace *agha*-s and their residence in Cairo to supervise the awqaf of the sultans and the *haramayn al-sharifayn*.

In Cairo these *aghas*, like other Ottoman officials, undertook numerous constructions; the *sabil-kuttab* for teaching orphans the principles of reading and writing from the Qur'an was particularly popular among them and they endowed numerous buildings and extensive agricultural lands to support these pious foundations. Many of the buildings constructed by these *agha*-s still exist to recall their connection with Egypt. Some of these *agha*-s built their own tombs inside their monuments. Among the constructions of these *aghas* in Cairo is the *sabil-kuttab*, house and mausoleum built by Yusuf Agha al-Habashi in 1013/1604 (monument number 229), but the most important structure erected by the *agha*-s of the *dar al-saʿada* is the mosque known as al-Malika Safiyya (monument number 200) in al-Da'udiyya, which is the second mosque constructed in Cairo in the Ottoman style. This mosque, erected in 1019/1610, is a multi-unit mosque resembling the mosque of Üç Çorfali in Edirne. It was constructed by ʿUthman Agha ibn ʿAbdallah, *agha aghat dar al-saʿada*, who was the slave of al-Malika Safiyya, the wife of Sultan Murad III and the mother of Sultan Muhammad Khan III. André Raymond saw a connection between the transfer of the old tanneries in Khatt Qusun and the erection of the Malika Safiyya mosque, the ʿAmir mosque and the Bardini mosque in the cleared area. [8]

Also among the constructions of these *agha*-s are the *sabil-kuttab* of Mustafa Agha *Dar al-Saʿada* in Siyufiyya street, [9] the *sabil-kuttab* of ʿAbbas Agha *Dar al-Saʿada* in Harat al-Alfi, [10] and another *sabil-kuttab* built by Yusuf Agha Kizlar *Dar al-Saʿada*,

7. Layla ʿAbd al-Latif Ahmad, *al-Idara fi Misr fi al-ʿAsr al-ʿUthmani* (Cairo: 1978), 8.

8. André Raymond, « La population du Caire de Maqrizi à la Description de l'Égypte, *Bulletin d'études orientales* XXVIII (1975), 210-211.

9. Built in 1028/1618; monument number 265. See André Raymond, " Les Fontaines publiques (*sabil*) du Caire à l'époque ottomane (1517-1798)," *An Isl* XV (1979), 246. See also, Mahmud Hamid al-Husayni, *al-Asbila al-ʿUthmaniyya bi Madinat al-Qahira: 1517-1798* (Cairo: no date), 135-136.

10. Built in 1088/1677; monument number 335. See Raymond, " Les Fontaines publiques, " 256; Mahmud Hamid al-Husayni, *al-Asbila al-ʿUthmaniyya*, 177.

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another *agha* from Ethiopia, in Tabbana Street. [11] Yusuf Agha Kizlar also constructed a *wikala* which no longer exists next to his *sabil-kuttab* and a large residence in the same area in Suwayqat Asfur in which Hamza Pasha resided after his deposition in 1098/1686. [12] After his service in Istanbul ʿAbdallah Agha *Dar al-Saʿada* came to Cairo to supervise the *awqaf al-haramayn* in Egypt. He constructed many buildings around Cairo and a mausoleum for himself in Cairo for which he arranged to have the Qur'an intoned by ten reciters. Although his constructions no longer exist, their descriptions can be found in his waqf document. [13] Mustafa Agha *Dar al-Saʿada*, ʿAbbas Agha and Bashir Agha *Dar al-Saʿada* all built *sabil-kuttabs* in Cairo between 1689-1719. [14] ʿAli Agha Khazindar *Dar al-Saʿada* also erected a *sabil-kuttab* in Siyufiyya Street in 1088/1677. [15] Next to it he built a basin for watering animals and 15 shops to help support his *sabil-kuttab*, but neither the basin nor the shops exist any longer. [16]

In the eighteenth century we find that ʿUthman Agha *Dar al-Saʿada* constructed a large mosque above the tomb of Sidi al-Bayyumi in the Husayniyya district outside Bab al-Futuh. [17] ʿUthman Agha built this mosque in 1180/1766 and adjoined to it a *sabil-kuttab* and mausoleum. [18] The inscriptions above the two entrances of the mosque

11. Also built in 1088/1677; monument number 230. See Raymond, " Les Fontaines publiques ", 251; Mahmud Hamid al-Husayni, *al-Asbila al-ʿUthmaniyya*, 180-186.

12. See Ahmad Shalabi ibn ʿAbd al-Ghani, *Awdah al-Isharat fi man tawalla Misr al-Qahira min al-Wuzara' wa al-Bashat*, edited and annotated by ʿAbd al-Rahim ʿAbd al-Rahman ʿAbd al-Rahim (Cairo: 1978), 181.

13. His *waqfiyya* is preserved as number 1343 in the *daftarkhana* of the Ministry of Awqaf in Cairo.

14. Mustafa Agha constructed his *sabil-kuttab* in 1101/1689; ʿAbbas Agha in 1106/1694 (monument No. 396); and Bashir Agha in 1131/1718 (monument No. 309). See Raymond, " Les Fontaines publiques, " 258, 259, 264; Mahmud Hamid al-Husayni, *al-Asbila al-ʿUthmaniyya*, 208-209.

15. Monument number 268; Raymond, " Les Fontaines publiques, " 257; Mahmud Hamid al-Husayni, *al-Asbila al-ʿUthmaniyya*, 178.

16. Other constructions undertaken by the *dar al-saʿada agha*-s are the following recorded in the Qusun court in Cairo:

Name	*Date*	*Sijill*	*Page Number*	*Item Number*
Bashir Agha	8 Shaʿban, 1099	108	759	2665
Bilal Agha	16 Rajab, 1108	109	191	907
Bilal Agha	3 Rajab, 1112	110	200	657
Bilal Agha	20 Shaʿban, 1114	110	878	2663
Bashir Agha	22 Rajab, 1122	112	598	1570
Bashir Agha	15 Muharram, 1139	114	109	263
Bilal Agha	18 Safar, 1167	116	113	307

17. ʿAbd al-Rahman ibn Hasan al-Jabarti, *ʿAja'ib al-Athar fi al-Tarajim wa al-Akhbar* (Beirut: no date), Vol. I, 379-381, says that ʿUthman Agha built this mosque on the orders of Mustafa Pasha, the grand *wazir* and former governor of Egypt.

18. See Raymond, " Les Fontaines publiques, " 282.

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bear the name of ʿUthman Agha and identify him as the retainer of Bashir Agha *Dar al-Saʿada*.

Among the *aghas* who came to Egypt in the nineteenth century were Sulayman Agha, the former *wakil dar al-saʿada*. He was given an imperial salary from the budget of the Cairo mint in the substantial amount of 1000 *nisf fiddas* per day, so he was able to endow many awqaf described in his *waqfiyya* dated 1263/1836. Sulayman Agha also constructed a *sabil* and a mausoleum for himself in the eastern cemetery of Cairo and endowed money for several mausoleums of religious saints in Cairo. [19] Bashir Agha, already cited above, also built a *sabil-kuttab* of his own in 1131/1718.

In some cases some of these *aghas* mismanaged the awqaf under their supervision and usurped their revenues, whereupon the sultan issued *firmans* to seize their property. For instance, the property of Yusuf Agha, *aghat al-banat*, was seized in 1099/1687. [20] Probably as a result of this mismanagement, in 1103/1691 the sultan issued a *firman* that the supervision of the *awqaf al-haramayn al-sharifayn* and the *awqaf al-dashisha* was to be given to four *sanjaqs beys*. [21]

The number of the *dar al-saʿada aghas* who settled in Egypt was large. Many of them seemed to have resided in the Qusun district around the Birkat al-Fil, which was a prestige area for the aristocracy. One of the streets of this area was even known as Darb al-Aghawat (Street of the Aghas) until the end of the eighteenth century. [22] They were also a large enough distinctive body that they were invited as a separate group to special functions, such as the celebration to which the *mubashir awqaf dar al-saʿada* invited them, and which Ahmad Shalabi described. [23] The size and influence of this group of *dar al-saʿada aghas* is also affirmed by the information from Shahin Ahmad Agha's *waqfiyya*, for we find six of the witnesses are *aghas*. They played an official role at public celebrations, such as those associated with *Wafa' al-Nil*, and socialized with the governor, the *sanjaq beys* and the *ʿulama'*. They were also a significant political force in the politics of Cairo and often played a mediating role between the mamluk amirs and the governor.

The document which is the subject of this study is a *waqfiyya* dated 1086/1675. It endows a *sabil-kuttab* and a large residence on lands belonging to other awqaf. Shahin Agha, who had the right of *khulu* (see below), cleared the first site and constructed his *sabil-kuttab*. This document describes the construction as having a marble floor, grilled brass windows and a marble basin for offering water to the public. He included as part of his endowment 75 *feddans* of good agricultural land in addition to his salary from the imperial slaughterhouse in Cairo. The total income of the first

19. Document number 2147 in the *daftarkhana* in the Ministry of Awqaf in Cairo.

20. This Yusuf Agha had a large residence in Suwayqat Asfur which he used during his stay in Egypt. See Ahmad Shalabi, *Awdah al-Isharat*, 180.

21. *Ibid.*, 187.

22. Jomard, *Wasf Madinat al-Qahira*, translated and annotated by 'Ayman Fu'ad Sayyid (Cairo: 1988), 107.

23. Ahmad Shalabi, *Awdah al-Isharat*, 172.

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waqf is 31,005 *nisf fiddas* annually, which enabled his waqf to pay for the following expenses of his *sabil-kuttab* :

Item	*nisf fiddas* annually
Water for the cistern	2,400
Muzammalati	600
Equipment for the cistern	450
Supervisor of the waqf	3,600
Clerk for the waqf	1,800
Shadd for the waqf	360
Rent collector for the waqf	360
Shaykh to instruct the students	720
Assistant to the shaykh	360
Expenses for 10 orphans	1,800
Bread for the orphans and instructors	1,800
Clothes for the orphans and employees	1,200
	15,450

The surplus was first to be used to maintain the *sabil-kuttab*, then was to be distributed according to the stipulations contained in the document.

Shahin Ahmad Agha tried through his stipulations to ensure that after his death his waqf would not fall into the hands of the mamluks by asserting that the supervision would pass to his freed slaves, then to the *nazir* of the *haramayn al-sharifayn*, who was, like himself, an *agha* sent from Istanbul. [24]

In the year following the recording of his first *waqfiyya* Shahin Ahmad Agha added his newly constructed residence to his original waqf. This was a large house whose northern facade and many of its rooms overlooked the Birkat al-Fil. This second document does not give the dimensions of his house which no longer exists, but there is no doubt that it was very large, for it included a garden of fruit trees and flowers, a well and water wheel, and had a stable for 20 horses. [25]

It is clear from Ahmad Shalabi that this house was still in good condition and suitable as a residence for the governors up to 1150/1737. He noted that the *amir akhur* Mustafa was appointed governor of Egypt and that when he arrived in Cairo on Thursday, 5 Dhu al-Qa'da, 1149/7 March 1737, the *qa'immaqam* presented him and his 20 companions with *qaftans* and settled him in the house of Shahin Ahmad Agha in Qusun. He stayed there for 25 days, going to the diwan on the appointed days. The celebrations for Mustafa Pasha were held in Shahin Agha's house. [26]

It seems that a large number of the houses which the *aghas* constructed were grouped around the Birkat al-Fil. These residences were quite large and suitable as residences for the governors, as Ahmad Shalabi stated in the events of 1099/1687 when

24. See page 82 of the *waqfiyya*.
25. See page 63 of the document.
26. Ahmad Shalabi, *Awdah al-Isharat*, 629-630.

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Hamza Pasha was deposed and brought down to the house of Yusuf Agha in Suwayqat Asfur. [27] He also said that on Wednesday, 16 Rajab, 1122/10 September 1710, Ibrahim Pasha descended to the house of ʿAbbas Agha in Harat Qusun which overlooked the Birkat al-Fil. In addition, on 18 Ramadan, 1147/12 February 1735 when the procession of Bakir Pasha arrived in Cairo coming from Jidda Ahmad Shalabi noted that the deposed ʿUthman Pasha was sent to the house of Salih Agha in Birkat al-Fil. [28]

Unfortunately, only the *sabil-kuttab* and the facade of the house adjoining it remains of Shahin Ahmad Agha's constructions. The site of this house is today an open space used as a woodworking area. The building number is 31 Mukhtar Pasha Street.

TRANSLATION OF THE AWQAF OF SHAHIN AHMAD AGHA

Court: Jamiʿ 'al-Qusun (Cairo)
Date: 10 Shawwal 1086/28 December 1675
Ministry of Awqaf, Document Number 1939

[1]

BISMILLAH AL-RAHMAN AL-RAHIM

Praise be to Allah who facilitates for the one who asks for His generosity; He guides him to the noblest of deeds. He blesses the one who devotes himself [2] to what is pleasing (to Allah). He leads him to the highest ranks. He leads the one who is on the generous side (of Allah). He knows what bounty (Allah) has bestowed on him, so he (in turn) gives generously. He gives to Allah from His own assets. He supports his faithfulness in his worship, so he secures his highest aim. Allah bless and grant salvation to the most perfect of his creations, our lord Muhammad, the chosen (al-Mustafa), the lord of the Arabs and the non-Arabs, the one in whom is gathered all types of perfections, and the noblest of descendants, the one who with determination (succeeds) in the field of combat against those who are unjust and corrupt, [3] the one who has been sent as a guide to the peoples of the world, a guide to what is required, having the best descriptions in the revealed holy books. Every sermon of every *khatib* falls short (in describing him). Eternal blessings on his family and companions, who are the guides of Truth in the congregations of those who attract people to Allah and who are protectors of man in the places of those who are afraid (of Allah), the ones who obtain victory in the East and the West without being fatigued, for as long as the Qur'an is recited and as long as it is remembered, or as long as *mutaqarribs* draw near to it. Whoever asks (of Allah) succeeds, as long as day follows night, as long as stars shine after sunset.

The aim of every thought [4] of a wise person and the highest idea of every wise man is to consider his end. He thinks about his last judgment and what (deeds) he will bring in his hands before (Allah). In the Holy Book of Allah the distinction of

27. Ahmad Shalabi, *Awdah al-Isharat*, 181.

28. Ahmad Shalabi, *Awdah al-Isharat*, 594.

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the givers of alms is made clear. Allah says in his noble book, " Who is it that will lend unto Allah a goodly loan, that He may double it for him, and his may be a rich reward? " [Qur'an, Sura LVII, 11]. And when the person who knows that the people who give charitable gifts (*sadaqat*) are carried to the pinnacle of pleasure and the highest rank, they remain with Allah, praising and invoking His name. They remain [**5**] with Him to the last day, benefitting and accumulating (good). (The donor) immediately complied with Allah's directive in the noble Qur'anic verses and attempted to fulfill the sayings of the noble verses and the Prophet's *hadith*, [29] embracing its magnificent effects, following its orders and teachings.

(In) the clear words of (Muhammad), Allah bless him and grant him salvation, " If a person dies, his work will cease, except for three things: continuous almsgiving, or the knowledge that he taught something beneficial, or a good son to ask blessings on him. " [30] For that is one of the best of good works whose traces are not erased. He wished that Allah would take [**6**] us with Him in the best path and that Allah would protect him from evil and peril through the protection of noble angels. (He is) our master the donor mentioned below.

This is an authentic and legal waqf; it must be considered true and must be obeyed. Its witnesses issued and wrote it down in the noble and highest *shar*ᶜ council and most brilliant and exalted religious assembly, having strong roots in the *shar*ᶜ court, immaculate, satisfying in protected Cairo, in Qusun mosque, [31] may Allah preserve it. In the presence of its supervisor (*mutawalli*), our lord and master, [**7**] the most magnificent of the *sadah al-ashraf* (descendants of the Prophet), the chosen of the descendants of ʿAbd Manaf, having noble descent, chosen of the descendants of Bani Hashim, the great lord, the noble expert trusted by Allah, our master al-Sayyid ʿAbd al-Rahman Efendi, the Hanafi judge, who will sign above. [32] May Allah the most high continue to keep him exalted. May Allah be merciful with his fate for the sake of Muhammad and his family. Amen.

29. Stories of what the Prophet Muhammad did or said which were related by his companions form one of the most important sources for Islamic law.

30. This saying of the Prophet can be found in Muhammad ibn ʿAli ibn Muhammad al-Shawkani, *Nayl al-Awtar* (Cairo : 1347 A.H.), Vol. VI, 18. See also Ibn Hajar al-Hafiz ibn Hajar al-ʿAskalani, *Bulugh al-Maram min Adillat al-Ahkam* (Mecca : Maktabat al-Nahda al-Haditha, 1373 A.H.), 210.

31. The Jamiʿ al-Qusun, situated outside the Bab Zuwayla, was begun by the amir Qusun, one of the amirs of Sultan al-Nasir Muhammad ibn Qala'un, in 730 A.H./1329 A.D. The Mahkamat Bab al-Jamiʿ al-Qusun was one of the *shariʿa* courts in Cairo during the Ottoman period. On Cairo's *shariʿa* court system, see Galal el-Nahal, *The Judicial Administration of Ottoman Egypt in the Seventeenth Century* (Minneapolis and Chicago: Bibliotheca Islamica, 1979. The mosque was damaged through the centuries and was demolished when the Khedive Ismaʿil had Muhammad ʿAli Street built in 1873. At that time a smaller mosque was constructed on part of its former site. See Ahmad ibn ʿAli al-Maqrizi, *Kitab al-Mawaʿith wa al-Iʿtibar bi Dhikr al-Khitat wa al-Athar* (Beirut: Dar Sadir, no date), Vol. II, 307; ʿAbd al-Rahman Zaki, *Mawsuʿat Madinat al-Qahira* (Cairo : Anglo-Egyptian Bookshop, 1987), 328.

32. This *qadi* remains unknown.

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The following was recorded in the presence of the (following) magnificent amirs. The support of the great ones, the amir possessing mamluks, his excellency the amir Hasan Agha, [33] the former *katkhuda* of the Jawishiyya [34] in Cairo, [**8**] the present supervisor (*mutahaddith*) for the district of Balfiyya whose *iqtaʿ* is in the province of al-Bahnasawiyya; [35] his excellency, the most magnificent of the excellent ones, the amir Hasan Agha, [36] former *miʿmar basha* [37] of Cairo, presently among the *ikhtiyariyya* [38] of the Mutafarriqa amirs [39] in the Diwan al-ʿAli in Cairo; his excellency, the most magnificent of their highnesses, the amir Ahmad Agha, [40] the most noble of the Mutafarriqa amirs in the diwan of Cairo, who is known as the follower of the deceased Yaqut Agha *Dar al-Saʿada*; [41] the most magnificent of the grandees (*aʿyan*), having importance, our master Mustafa Agha, [42] one of the Mutafarriqa amirs in the diwan;

33. As head of the Nisf Saʿd political faction in Cairo Hasan Agha Balfiyya was one of the most powerful political leaders of the late seventeenth century. See Ahmad Katkhuda ʿAzaban al-Damurdashi, *al-Durra al-Musana fi Akhbar al-Kinana* (*The Chronicle of Egypt, 1688-1755*), translated and annotated by Daniel Crecelius and ʿAbd al-Wahhab Bakr (Leiden: 1991), 33-35; 42; 59-60; 62; 71-75; etc.; Ahmad Shalabi ibn ʿAbd al-Ghani, *Awdah al-Isharat*, 178-179. He held an *iltizam* in the village of Balfiyya, in Bahnasa province, by which he was identified. He died in 1117 (1705-1706). See al-Damurdashi, 126.

34. This smaller corps, one of the seven Ottoman garrison regiments, served the governor, guarded the meetings of the diwan, collected the taxes owed to the treasury by the countryside, and delivered messages from the governor or the diwan to their recipients anywhere in Egypt. See Huseyn Efendi, *Ottoman Egypt in the Age of the French Revolution*, translated by Stanford J. Shaw (Cambridge: 1964), 87-89.

35. Bahnasa is one of the provinces of Upper Egypt.

36. This amir remains unidentified.

37. The *miʿmar bashi* supervised and taxed all building activities in Cairo and its vicinity. Since 1599 it was a position controlled by the Mutafarriqa regiment, one of the seven Ottoman corps representing Ottoman power in Egypt. See Shaw, *French Revolution*, 85-86. Although he collected over 1,000,000 *nisf fiddas* a year by 1765, he had to deliver to the government only 51,794 *nisf fiddas* as the price for his position. See Stanford J. Shaw, *The Financial and Administrative Organization and Development of Ottoman Egypt, 1517-1798* (Princeton: 1962), 147; 193.

38. The *ikhtiyariyya* were the senior officers of each of the Ottoman corps. They represented the interests of their corps to the government and helped to settle internal disputes within the corps. See Stanford J. Shaw, *Nizamname-i Misir* (Cambridge: 1962), 30-31; Shaw, *French Revolution*, 83.

39. The Mutafarriqa corps was a smaller regiment whose chief function was to guard the forts on Egypt's borders. In Cairo it served as the personal corps of the governor, so it was composed primarily of men sent from Istanbul. One of its principal officers was the *miʿmar bashi*. See Shaw, *French Revolution*, 84-87.

40. The identity of this amir remains uncertain.

41. The *dar al-saʿada* (abode of felicity) refers to the palace of the Ottoman Sultan in Istanbul where the corps of black (and white) eunuchs (*aghas*) served. High ranking *aghas* from this group were sent to Egypt to administer the Mamluk and Ottoman *awqaf* controlled by the government on behalf of the *haramayn al-sharifayn* in the Hijaz. See Ahmad al-Saʿid Sulayman, *Ta'sil ma warada fi Ta'rikh al-Jabarti min al-Dakhil*, 18-19.

42. The Mustafa Agha referred to here appears to be the famous Mustafa Agha, the mamluk of Hasan Agha Balfiyya. Upon the death of his master in 1117 (1705-1706), Mustafa Agha assumed the leadership of his master's faction ("he kept open his master's house") and was named commander of the Çerakise (Circassian) corps. He also assumed his master's *iltizam* in the village of Balfiyya, hence he was called Mustafa Agha Balfiyya. See al-Damurdashi, 126-127.

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the most magnificent of the great ones, the chief support of the noble ones, [**9**] our master ʿAbd al-Rahman Efendi,[43] son of our deceased master, Jaʿfar Efendi,[44] former *katib* (clerk) of the Jawishiyya in Cairo; his excellency, the amir ʿUthman Çorbaji[45] of the Çerakisa in Cairo; his excellency, the most magnificent of their highnesses, our master Hasan,[46] former *efendi* (scribe) of the Jawishiyya in Cairo and presently Turkish clerk (*katib rumi*)[47] of the waqf of the deceased Sultan Ahmad;[48] the most magnificent of the clerks (*arbab al-aqlam*), the support of accountants (*arbab al-arqam*), our master Sulayman Efendi,[49] the present accountant (*muhasibci*) in the Diwan al-ʿAli in Cairo; the pride of the chosen *aghas*, our master Bashir Agha,[50] one of the *aghas* [**10**] of *dar al-saʿada*; the pride of the great ones, support of the proud ones, our master Musa Agha,[51] one of the Mutafarriqa amirs; the pride of the notables (*aʿyan*), chief support of those having influence, the amir ʿAli,[52] the *katkhuda* of our master ... Shahin Ahmad Agha, chief of the *aghas* of *dar al-saʿada*;[53] ... the amir Yusuf,[54] the *khazindar* of our master the above-mentioned Shahin Ahmad Agha. May their standing increase.

43. The identity of this clerk remains uncertain.

44. This clerk cannot be clearly identified.

45. This amir cannot be identified with certainty.

46. This Hasan Efendi could be the famous Hasan Efendi al-Damurdashi, who went on to enjoy an illustrious career in Egypt. See al-Damurdashi, 12; 31; 48-51; 58-61; 63-64; etc.

47. The administration carried on its work in both Arabic and Turkish. The Rumi clerk was responsible for issuing documents in Turkish.

48. This waqf was among the large awqaf endowed by Mamluk and Ottoman sultans on behalf of the *haramayn*. Shaw's claim that this endowment was made by Sultan Ahmad II (1691-1695) is clearly in error since this waqf is mentioned in this document of 1675. It appears to have been established by Sultan Ahmad I (1603-1617). The Ottomans tried to maintain control of these lucrative endowments by sending their supervisors from Istanbul. Other large imperial awqaf were the Muhammadiyya, established by Sultan Mehmed IV (1648-1687); the Muradiyya (or Dashisha al-Sughra), established by Sultan Murad III in 1583; the Dashisha al-Kubra, which united all the awqaf endowed by the Mamluk sultans Çakmak and Qa'itbey and the mamluk amirs Tamam and Kha'und. It was added to by Sultans Selim I (1512-1520) and Sulayman al-Qanuni (1520-1566), and Murad III; and the *haramayn* which combined a number of small awqaf from the Mamluk/Ottoman periods. See Shaw, *French Revolution*, 154-156.

49. This clerk has not been identified.

50. Bashir Agha was one of the *aghas* of the *dar al-saʿada* from Istanbul who came to Cairo to supervise the awqaf of the *haramayn* in Egypt. He became one of the most powerful *aghas* in Cairo in the late 17th and early 18th centuries. He constructed and endowed numerous structures in Cairo, but only a *sabil-kuttab* in Bushtak Street, for which he endowed many buildings and agricultural lands, remains. He received an imperial *firman* at the end of Dhu al-Qaʿda, 1128/November 1716, appointing him *agha* of the females of the imperial harim in Istanbul. See his *waqfiyya*, Document 2697, in the *daftar-khana* of the Ministry of Awqaf in Cairo. See also Ahmad Shalabi, *Awdah al-Isharat*, 289.

51. Musa Agha is mentioned in the events of 1100/1688 when he was asked to deliver a letter from the Cairo diwan to the government in Istanbul. See Ahmad Shalabi, *Awdah al-Isharat*, 184.

52. This amir is probably the ʿAli Agha Khazindar *Dar al-Saʿada* who erected a *sabil-kuttab* in Siyufiyya Street in 1088/1677. See ft. 15.

53. See the Introduction.

54. This amir is most probably the Yusuf Agha Kizlar who built his own *sabil-kuttab* in Tabbana Street. See fts 11, 12.

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When [**11**] our master Shahin Ahmad Agha acquired all the *makan* [55] located in the environs of Cairo, outside the two gates of Zuwayla and al-Kharq [56] in the district of the old tanneries (al-Madabigh al-Qadima) [57] near the secondary door of the Qusun mosque facing the renovated oven in the open area and the street heading towards the Da'udiyya mosque, [58] it included (the following), according to the legal document issued from this court on 11 Jumada al-Akhira 1077/9 December 1666.

In its facade, which was constructed with red bricks, is a rectangular door leading to a corridor which has a staircase leading to [**12**] two rooms (*tabaqatayn*). One of them faces the street; the second faces inward. It included the right of benefits. It is described by four boundaries. The southern one ends at the house of Muʿallim Nasir al-Adami; the northern one ends at the main street in which the facade and the door are found; the eastern boundary ends at the house of al-Zayni Kaywan; the western boundary ends at the house of the above-mentioned Muʿallim Nasir al-Adami.

It included all the benefits of the *khulu* [59] of the *makan* adjoining the above-mentioned *makan*, according to the document of *khulu* issued also from this court on [**13**] the 11th of Jumada al-Akhira 1077. It includes a hall on the ground floor and a small court between the doors, the benefits and rights of which are within four boundaries. The southern one ends at the house of Muhammad Abu Qura; the northern one ends at the house of Muhammad Mutafarriqa; the eastern boundary ends at the above-mentioned *makan*; the western one also ends at the house of Muhammad Abu Qura.

55. In waqf documents the term *makan* has a rather elastic meaning. It refers to "a place," that is, a plot of land on which a structure is built, but can also refer to a building of practically any size, such as a residence.

56. The Bab Zuwayla was the principal gate in the southern wall of the original city of Cairo built by the Fatimids in the tenth century. The Bab al-Kharq was the gate at the southwestern corner of the original Fatimid wall, at the point where the street Taht al-Rabʿ running along this southern wall hit the main canal of Cairo. See André Raymond, *Artisans et Commerçants au Caire au XVIII^e Siècle* (Damascus: 1973), Vol. I, 214; 260; 311-315.

57. When the old tanneries were moved to the western side of Cairo's canal at Bab al-Luq the area they had previously occupied became available for housing. It quickly became one of the prestige residential districts in the area between the Sultan Hasan mosque and Bab Zuwayla. See Raymond, *Artisans et Commerçants*, Vol. I, 327-328.

58. The Da'udiyya mosque (Monument No. 472 on the Cairo map), situated in Suwayqat al-Lala Street, was constructed by Da'ud Pasha, the governor of Egypt, between 945-955/1538-1548. The inscription plaque above its entrance carries the date of 961 AH in sentences, which is six years after his death, but the historian al-Ishaqi said that Da'ud Pasha constructed a great mosque in Suwayqat Lala and endowed it generously. See ʿAli Mubarak, *al-Khitat al-Tawfiqiyya al-Jadida* (Cairo: 1980), Vol. 4, 230; ʿAbd al-Rahman Zaki, *Mawsuʿat Madinat al-Qahira*, 308.

59. *Khulu* gave to the renter some rights of ownership to property he built on endowed land or when he added to existing endowed buildings. The supervisor or founder of a waqf could not expel from the property anyone having the right of *Khulu*. The person having the right of *khulu* could sell or pass it to his heirs. Because the Maliki *madhhab* gave particularly strong rights to the holders of *khulu* most cases involving *khulu* were contested before Maliki judeges. See Muhammad ʿAfifi, *al-Awqaf wa al-Hayah al-Iqtisadiyya fi Misr fi al-ʿAsr al-ʿUthmani* (Cairo: Silsilat Ta'rikh al-Misriyyin, 1991), 167-173.

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These are its boundaries which are known to our master Shahin Agha (and form) the legal description.

All that became the private property of our master Shahin Ahmad Agha, (including the right) of disposal. [**14**] The document whose date is mentioned above certified that. The second *makan* mentioned is part of the waqf of the deceased Nasir al-Din ibn al-Hilal al-Adami and his wife, the deceased Shahiyya, and became part of the *khulu* of our master Shahin Ahmad Agha. The second document mentioned above certified that.

Our master Shahin Ahmad Agha undertook to level all of the above-mentioned two *makans* and to clear all the land. He then brought suitable tools and quality materials, such as lime, gypsum, stones, bricks, marble [**15**] tiles, wood of different kinds, and others suitable materials for that purpose. (He also brought) architects, masons, laborers, carpenters, tilemen, marble workers, plumbers, painters and others.

He constructed a *sahrij*[60] to provide drinking water to the public. Above that *sahrij* (he constructed) a *kuttab*[61] for educating children and for Qur'an recitation. The northern facade of that *sahrij* is constructed of newly hewn red stone. It has a rectangular doorway closed with two nice wooden leaves whose door handles are circular. This doorway leads to four steps and a landing (*basta*) which [**16**] on its left side has a door leading to the *muzammala*.[62] Its floor is done in colored marble. It has a marble basin into which water is poured. It has a window of engraved (latticed) brass. There are cabinets in the *muzammala*, which is roofed in fine wood in the Syrian style and decorated in gold and blue, as is customary.

Beside the door of the *muzammala* is another door leading to the covering lid of the *sahrij*. Inside is a large basin of red stone to hold water. From the landing one reaches an arched staircase of *kiddan* tile[63] leading to the *maktab*. (That *maktab*) has two arches [**17**] which are supported by a white marble column and a balastrade of solid wood. It faces the street above the window of the *sahrij*. It has a wooden awning above the two arches and is roofed in solid wood, which is painted red. Next to (the *maktab*) is a toilet for the children.

In the facade is another doorway with a Roman arch made of newly hewn red stone. It is closed with two leaves of solid wood. It leads to a small corridor having a small landing beside which is a staircase taking one up to a room that has one window

60. The *sahrij*, or cistern, stored water below a *sabil*, or fountain, to which it was usually connected by a mouth or hole in the floor of the latter. It was usually built of brick and water resisting stone. The *sahrij* was roofed by shallow domes supported by pillars and arches of cut stone. In the Ottoman period the term *sahrij* was usually used to include the whole construction of the *sahrij* and *sabil*. See Mahmud al-Husayni, *al-Asbila al-'Uthmaniyya*, 349.

61. The *kuttab* was the primary school of the Muslim community for teaching students the fundamentals of reading and writing. It was often an open, double-arched chamber over a *sabil*.

62. Lane's lexicon lists *muzammala* as "a certain thing in which water is cooled." In this case it is the lower area where water was stored and cooled (for human consumption). See Edward Lane, *An Arabic-English Lexicon* (reprint Beirut: 1968).

63. Kiddan tile is a form of gray marble found in Egypt and used extensively, even today, as a paving tile in buildings.

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facing the street. Next to the window [**18**] is a toilet. The staircase also leads to a *riwaq* [64] which has a sleeping room and four cabinets and a window overlooking the street. Above it is another window. Beside it is a kitchen and toilet. The rest of the staircase leads to the roof. On the roof is a sleeping room and toilet. Around it is a balastrade.

Everything there was completed with doors, awnings, cabinets, and solid plastered walls. The benefits (*manafiʿ*) and facilities, as well as its rights, belong to our master Shahin Ahmad Agha in a legal manner.

All [**19**] the aforementioned construction is the private property of our master Shahin Ahmad Agha, which he built anew with his own funds as the above-mentioned person witnessed.

The agent (*wakil*) of our master Shahin Ahmad Agha, who is his *katkhuda*, the amir ʿAli, whose representation is official as the above-mentioned witnesses testify, certified that he is in good health, of sound mind, and freely chooses, [**20**] wanting to do good, according to the agency mentioned above. He certifies that (Shahin Ahmad Agha) endowed all of the building mentioned above and the construction of the *sahrij* and *maktab*. He provided for the functions of the *sahrij* and *maktab* (by endowing) all of the (first) *makan* mentioned above, and all of 40 *feddans* [65] of *utlaq* [66] recorded for the district of Shubramint, and all of 35 *feddans* recorded for the district of Talibiyya, all of which are in the province of Ghiza, and all of the benefit of the salary allowance (*badal al-murattab*) granted [**21**] to the *shehr muqataʿat* [67] in the Sultan's slaughterhouse. [68] All these are under the supervision and authority of our master Shahin Ahmad Agha, according to the *diwani* permits (*tazakir*) signed and stamped in the usual manner. The permits for the *utlaq* of the 35 *feddans* are dated to the ninth of this month (Shawwal 1086/27 December 1675) and the permit for the *utlaq* of the 40 *feddans* is dated to the fourteenth of Jumada al-Ula of this year mentioned below (6 August 1675).

64. The term *riwaq* was used to describe an area including two *iwans* and the *durr qaʿa* between them, which was usually a place of residence. It was also the term used for the corridor between two *iwans*. See ʿAbd al-Rahman Zaki, *Mawsuʿat Madinat al-Qahira*, 116; Mahmud al-Husayni, *al-Asbila al-ʿUthmaniyya*, 345.

65. The *feddan* was the largest unit of land measurement. It was divided into smaller units called *qassabas*, the number of which varied according to the quality of the land being taxed. See Shaw, *French Revolution*, 170-171.

66. *Utlaq* was pasture or grassland. In Ottoman terminology it referred to the tax exempt lands allocated to produce fodder for the horses of the governor, his retainers, high officials and *sanjaq beys*. See Layla ʿAbd al-Latif Ahmad, *al-Idara*, 351-352.

67. In this case the *shehr muqataʿat* were those urban tax farms (*muqataʿat*) organized around the functioning of the slaughterhouse just outside Bab al-Futuh in Cairo. See Shaw, *French Revolution*, 140.

68. The imperial slaughterhouse, which was located outside Bab al-Futuh, was controlled by the Janissaries from the beginning of the 17th century. Its *multazim* received a tax on each animal slaughtered there and also claimed the right to sell the skins for his own account. He paid a *kushufiyya saghir* of meat valued at 375,000 *nisf fiddas* annually to the governor in addition to a sum of 46,000 *nisf fiddas* annually as *kushufiyya kabir*. See Layla ʿAbd al-Latif Ahmad, *al-Idara*, 189-190; Shaw *Organization*, 149.

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The total derived from those *feddans* [**22**] and the salary amounts annually to 31,005 *nisf fiddas*.[69] From the 40 *feddans* come 3,320 *nisf fiddas*. The income from each *feddan* is 83 *nisf fiddas*. The income of the 35 *feddans* is 2,485 *nisf fiddas*. The income of each *feddan* is 71 [**23**] *nisf fiddas*. The salary allowed from the slaughterhouse is 25,200 *nisf fiddas*. The monthly income is 2,100 *nisf fiddas* and the daily income is 70 *nisf fiddas* in addition to the amount deducted for the *multazim* of the slaughterhouse, which is 30 *nisf fiddas* monthly, as is customary.

This is a legal waqf and provision. It cannot be sold, given away, mortgaged or exchanged, in whole or in part. It must remain [**24**] forever as it is, according to its stipulations, dedicated to the goals which will be described, until Allah inherits the earth and everything in it, for He is the best of inheritors.

The agent described above established a waqf for the aforementioned (Shahin Ahmad Agha) in order to do good and as a means of drawing near (to Allah) without expecting a reward.[70] Every year there should be spent from the income of the waqf 2400 *nisf fiddas* to fill the *sahrij* up to its mouth with water from the Nile at the time of Tuba.[71] There should be spent annually for the wages of the person responsible for the *muzammala* [**25**] 600 *nisf fiddas*, or 50 *nisf fiddas* monthly. There should be spent annually for the *sahrij*'s equipment, for ropes, buckets, towels, jars, mugs, incense, sponges, brooms, and for emptying it every year (for cleaning), 450 *nisf fiddas*, that is, 37 1/4 *nisf fiddas* monthly.

There shall be spent for the salary of the supervisor of the waqf 3,600 [**26**] *nisf fiddas* annually, that is, 10 *nisf fiddas* daily. The salary of the clerk for the waqf shall be 1800 *nisf fiddas* annually, or 5 *nisf fiddas* daily. There shall be spent for the *shadd* and the *jabi* of the waqf 720 *nisf fiddas* annually. The *shadd* shall receive 360 *nisf fiddas* annually and the *jabi* shall receive 360 *nisf fiddas* annually, [**27**] that is, 30 *nisf fiddas* monthly.[72]

The teacher (*mu'addib*) of the children shall receive 720 *nisf fiddas* annually, that is, 60 *nisf fiddas* monthly. The assistant (*ʿarif al-atfal*) will receive 360 *nisf fiddas* annually, that is, 30 *nisf fiddas* monthly. There shall be spent for 10 young orphans who will study in the *maktab* from sunrise to the *ʿasr* prayer, [**28**] except for Friday

69. *Nisf fidda* was the colloquial Egyptian term for the official Ottoman silver *para*. *Nisf fiddas*, or *paras* were grouped into purses (*kis, akyas*). The Egyptian "purse" equalled 25,000 *nisf fiddas*. Forty *nisf fiddas* equalled one *qirsh* (piaster). See Raymond, *Artisans et Commerçants*, Vol. I, 34-35.

70. It appears, therefore, that Shahin Agha was not present in Cairo when his awqaf were created.

71. Many waqf documents stipulate that the *sahrij* was to be filled once a year during the Coptic month of Tuba, for this was the period when the Nile waters were the most free of sediment.

72. The supervisor of a waqf was the chief administrator reponsible for the waqf's wellbeing and for the disbursement of its benefits. The day-to-day activities of the waqf were carried out by a number of officials under his authority. The *mubashir* kept the accounts. The *shadd* supervised the activities of the workers. The *jabi* collected rents belonging to the waqf. On the administrators serving awqaf see Muhammad Muhammad Amin, *al-Awqaf wa al-Hayah al-Ijtimaʿiyya fi Misr: 648-923/1250-1517* (Cairo: 1980), 303-320.

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of every week, the sum of 1800 *nisf fiddas*, that is, each orphan will receive 180 *nisf fiddas* annually, or 15 *nisf fiddas* monthly. Whenever any of them reaches adulthood he shall be dismissed and another enrolled in his place.

There shall be a daily disbursement for the price of cakes of bread, for 40 well baked *raghifs*, the weight of each *raghif* being half a *ratl*. [**29**] For the teacher, four *raghifs*; for the assitant, three *raghifs*; for the *muzammalati*, three *raghifs*; for the 10 orphans, 30 *raghifs*, that is, for each orphan three *raghifs*. The amount (spent) for that bread annually shall be 1800 *nisf fiddas*, that is, five *nisf fiddas* daily.

There shall be spent for the orphans, the teacher, and for the assistant (to buy) Manzalawi cloth, rough cotton cloth from Tanan, white and clean, for thin white cotton cloth (*bafta shami*), for the white cotton skullcaps and scarves, [**30**] the sum of 1200 *nisf fiddas* annually, that is, for each orphan, for Manzalawi cloth and undergarments, for *bafta*, for scarves, and skullcaps, in the sufficient amount as is customary.

There shall be spent for the *hikr* [73] of the above-mentioned empty plot, paid to its waqf, the annual sum of 36 *nisf* copper (coins), or 27 *nisf fiddas*.

Whatever remains from the income of the waqf after all expenditures (have been made) shall be spent for the waqf itself and its maintenance and welfare. The donor shall supervise [**31**] his waqf during his lifetime, may Allah grant him a good and long life. After his death (this surplus) shall be distributed to his freed slaves, both male and female equally, that is, the males and females equally, then after their deaths to their descendants, generation after generation. [74] If one of them dies, having left a son or grandson, his share shall go to his son, [**32**] or his grandson, or great-grandson. But if he has no son or grandson, his share will go to one of equal rank. If all of them perish and death overcomes them all, and none of them exists any longer anywhere on earth, the surplus of the waqf after the above-mentioned expenses and maintenance are paid shall be given as benefit to the *haramayn al-sharifayn*, that is, the noble sanctuary of Mecca al-Mukarrama and the noble sanctuary of Medina al-Munawwara, whose master (is Muhammad), may Allah bless him and grant him salvation. If it is impossible to spend on one of them, the amount will go to the other. If it is impossible to spend on either of them, may Allah not allow that, [**33**] it shall be distributed to the poor and unfortunate in any place, or wherever they are found, as the supervisor thinks best.

The agent stipulated on behalf of the donor the stipulations written here and affirmed that they must be obeyed. Among them, (the donor) stipulated that the supervision

73. *Hikr* is the long term lease of waqf property, usually for a large down payment and small annual rents. The lease may run for 99 lunar years, at which time it can be renewed. A tenant may build on leased waqf land and the new construction becomes his to bequeth or sell. The land, however, always remains part of the original waqf, unless it is exchanged. See "Wakf" in the *Encyclopaedia of Islam*.

74. In making this stipulation, which is very common in such awqaf from Egypt, the donor stipulated that his male and female slaves would share *equally*. This waqf device became a major method to get around those Islamic inheritance laws that assigned women only half the share of men.

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and responsibility for this waqf shall be his during his lifetime. May Allah grant him a long life. The donor has the right to add people to it, to change agents or executors, giving (these functions) to whomever he wishes whenever he wishes. **[34]** He also stipulated the right to add to or subtract (from the waqf), to change it or alter it during his lifetime. After his death no one has the right to make changes in it. After him, the supervision and executorship of the waqf will go to the eldest, then the next eldest, of the freed slaves of the donor, then to their sons or grandsons or descendants, generation after generation, as explained before. When they all perish, the supervision of the waqf **[35]** and its executorship shall be given to the current supervisor of the (awqaf of) *al-haramayn al-sharifayn* in Cairo. [75]

He stipulated that appointment to the aforementioned positions shall be the right of the supervisor of the waqf, now and forever. The prime responsibility of the supervisor is to preserve the waqf, to maintain and prolong it, and to increase its income, even if he has to spend all the waqf's income (to achieve that).

After all this was completed the donor released his ownership of his waqf **[36]** and transferred the supervision and its executorship to a legal supervisor (*mutawalli*) who would manage its income and expenditures. The supervisor confirmed that he received it free of anything that would make its transfer illegal. It occurred to the agent that the donor wanted to withdraw the *waqfiyya* and to reclaim the property on the basis that it is not binding according to the saying of the *imam* Abu Hanifa al-Nuʿman. [76] **[37]** The supervisor countered that the waqf is binding according to the sayings of the two *imams* Abi Yusuf and Muhammad ibn Hasan (al-Shaybani). [77] They disputed that at length before our master the *sharʿ* judge and both of them asked what the noble law required in this regard. He agreed (to consider the question) and after much thought undertook an unequivocable position in the dispute. He found (in matters) relating **[38]** to waqf strong support and an obvious preponderance (of facts); it was proved to him that what had been attributed by the agent of the donor relating to the waqf

75. Since the supervisor of the awqaf in Egypt belonging to the *haramayn* was an *agha* sent from Istanbul, Shahin Ahmad Agha was hoping to keep the supervision of his waqf within this group of *dar al-saʿada aghas*.

76. Abu Hanifa al-Nuʿman ibn Thabit al-Kufi (80-150 A.H.) was the founder of the Hanafi *madhhab*, one of the four schools of Sunni interpretation of the religious law. See Ibn al-ʿImad al-Hanbali, *Shazarat al-Dhahab fi Akhbar Man Dhahab* (Beirut : Dar al-Masira, 1979), Vol. I, 227-230; *Encyclopaedia of Islam*. The process described here was to test, or challenge, the waqf. When the judge declared it to be sound, the waqf was considered secure and could not be challenged again.

77. Abu Yusuf is the judge Yaʿqub ibn Ibrahim ibn Habib al-Ansari (113-182 A.H.). Al-Shaybani is Muhammad ibn al-Hasan ibn Farqad (131-189 A.H.). Both were the most famous students of Abu Hanifa Nuʿman and cofounders of the Hanafi school of *fiqh*. Abu Yusuf was the judge of Baghdad and the first to carry the title *qadi al-quda* (chief judge). Al-Shaybani was the judge of Raqqa during the period of Harun al-Rashid. See Ibn Qatlubgha Abu al-ʿAdl Zayn al-Din Qasim, *Taj al-Tarajim fi Tabaqat al-Hanafiyya* (Baghdad: 1962), 54; 81. See also Ibn al-ʿImad, *Shazarat al-Dhahab*, Vol. I, 298, 321-322; *Encyclopaedia of Islam*.

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and its stipulations, because they were properly issued according to the testimony of its witnesses, (is) legally binding, may Allah support his judgments, and that the waqf is sound and obligatory. [**39**] It is legally confirmed.

Knowing the difference of opinion among the noble *imams*, he made a legal judgment, then signed it in the legal manner and executed its legal conditions and legal requirements which are legal claims issued by (the judge) in the prescribed manner. He considered what had to be considered, so this waqf is completed, [**40**] its rules must be obeyed and it became one of Allah's laudable waqfs. (Allah) will defend it with His strength. No one who believes in Allah and the last day, who knows that he is going to his generous Lord, should try to change or abrogate it, or to void any part of it. Whoever does that will be wanted, and held to account by Allah. [**41**] He will be judged for his deed on the last day, the day in which Allah will be the judge among the worshippers, " The day when their excuse availeth not the evil-doers, and theirs is the curse, and theirs the ill abode. " (Qur'an, Sura XL, 52) " And whoso changeth (the will) after he hath heard it — the sin thereof is only upon those who change it. Lo! Allah is Hearer, Knower. " (Qur'an, Sura II, 181) But he who facilitates and prolongs its expenses, Allah will cool his bed and dictate his proof [**42**] and make his final resort and return safe. He will place him among the secure and joyful, the triumphant through Allah's mercy.

He testified all this himself on the blessed day of 10 Shawwal 1086 of the *hijra* of the Prophet, on him the best of blessings, [**43**] and upon his family and companions. There is no power and no strength save in Allah, His exalted majesty. Allah is the best and sufficient agent.

WITNESSES

Testifies for the judge ʿAbdallah al-Qusuni	Testifies for the judge Mahfuz al-Wasimi	He testifies Shaykh ʿAbd al-Rahim al-Khalwati

Recorded in the sijill

I testify to this.
Ahmad ibn Muhammad al-Wafa'i

Praise to Allah, the One.

I know its contents are legal, certified by its witnesses, and I executed it legally. Written by Ishaq Abu al-Hasan al-Maliki al-Azhari.

Praise to Allah, the One.

I know its contents are legal and I executed it. Written by al-Sayyid Abu al-Nasr al-Hasani, may Allah forgive him.

Witnessed for the judge Ibrahim al-Damijamuni	Witnessed for the judge Ibrahim al-Bashari	Witnessed for the judge ʿAbd al-Rahman al-Wafa'i

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ILHAQ

Court: Jamiʿ al-Qusun
Date: 1 Dhu al-Hijja 1087
Ministry of Awqaf Document Number 1939

This is an authentic addition; it must be considered true and legal. [**45**] It was witnessed and recorded in the *shariʿa* court of the mosque of al-Qusun in Cairo ... in the presence of ... [**46**] our master Ahmad Efendi,[78] the Hanafi *shariʿa* judge whose signature is above. ... The following has been recorded. The *wakil* of ... our master [**47**] Shahin Ahmad Agha, the most illustrious of the *aghas* of *dar al-saʿada* (in Istanbul), is ... the amir ʿAli Agha ibn ʿUmar, one of the *aʿyan* of the Mutafarriqa ... in the diwan of Cairo. His agency on behalf of our master Shahin Ahmad Agha is certified ... before our master the judge [**48**] by the witnesses, (who are) ... the amir Yusuf ibn ʿAbdallah, from the *ta'ifat* (corps) of the Çerakise, the former *khazindar* of Shahin Ahmad Agha, and ... the amir ʿUthman,[79] the former *saqqa bashi*[80] for the poor pilgrims (*sahaba*) (on the charge) of our master Sultan Ahmad, the follower of our master Shahin Ahmad Agha. (These witnesses) legally certified that (ʿAli Agha ibn ʿUmar) is of sound mind and body and has free choice. [**49**] He freely chooses, on the basis of his representation (of Shahin Ahmad Agha) to endow all the building which has been newly constructed on the *hikr* land belonging to the *waqf* of the deceased Maghlabey al-Zardakash[81] which is located in Khatt Qusun in the Aleppo Lane (*Zuqaq Halab*)[82] next to the well and basins which are there, near to (**50**) the furnace of the women's bathhouse (*hammam*)[83] in the Qusun district. (This is) according to the legal document issued by this court and signed by our master Ahmad Efendi, the Hanafi *shariʿa* judge mentioned above, and dated 6 Shaʿban 1087 (14 October 1676).

It includes a new eastern and northern facade of hewn red stone surmounted by a stone overhang which will support [**51**] two structures (*makanayn*) which will become part of this *waqf* (and will include) their benefits and what goes with that.

As noted in the previously mentioned document, its four boundaries are as follows. The southern boundary ends at the *makan* of the amir Shaʿban Agha al-Dughanji, the former *Mutafarriqa bashi*[84] in Cairo. The northern boundary ends at the lane [**52**] in

78. This judge remains unidentified.

79. This amir remains unidentified.

80. The *saqqa bashi* was reponsible for ensuring the water supply which the Sultan Ahmad waqf provided for the pilgrims accompanying the *hajj* caravan to the *haramayn*.

81. This individual cannot be identified.

82. Maqrizi, *al-Khitat*, Vol. II, 23, identifies this lane outside the Bab Zuwayla by the same name in his day. It was a residential area for soldiers.

83. André Raymond, "Les Bains Publics au Caire à la Fin du XVIII[e] Siècle," *An. Isl.* VIII (1969), 136, notes that this *hammam* for women, known as the Hammam Qusun, no longer existed at the end of the eighteenth century.

84. The *Mutafarriqa bashi* was the chief officer in command of the Mutafarriqa corps. See ft. 39.

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which this building stands. In this boundary is the facade and a door. The eastern boundary ends at the street. The western boundary ends at the residence of the amir ʿAbd al-Rahman al-Asmar, known as the *khazindar* of the deceased Kanʿan Bey, *mir al-liwa'*, [85] the former *qa'immaqam*. [86] Concerning those boundaries and rights and details, everything is legally known.

(Also endowed) is all of a building in the Khatt al-Madabigh al-Qadima (street of the old tanneries) [87] inside Darb [**53**] al-Nuqqaliyyin [88] next to the mausoleum [89] known to have been constructed by Shahin Ahmad Agha ... and next to the residence of al-Hajj Futuh al-Tabbakh and the residence of Muhammad al-Khaymi in front of the house of the *qadi* ʿAbd al-Rahman al-Akhtabi, the supervisor (*mubashir*) of the *waqf* of al-Dashisha al-Kubra. [90] It is well known in its district. The rental of its land is for 90 consecutive *hijri* years from the first day of Dhu al-Hijja 1087 (4 February 1677). [**54**] The land belongs to the *waqf* of the deceased Muhammad Kasbey. Everything to be constructed within those boundaries will be part of this *waqf*.

(Also endowed) are all of 24 *feddans* of good soil (*tin sawad*) in the district of Shubramint in Ghiza Province. All this belongs to (Shahin Ahmad Agha) by its legal description. This land [**55**] is the private property of our master Shahin Ahmad Agha; it is his to dispose of up to this date. He purchased it from the amir Ahmad ibn Salim Çorbaji, [91] a member of the *ta'ifat* Mustahfazan [92] in the Cairo citadel, who is known as the *katkhuda* of the deceased Burhan al-Din Efendi, [93] the *naqib al-sadah*

85. *Mir al-liwa'* is a shortened form of *amir al-liwa' al-sharif al-sultani* (commander of the sultan's noble banner). It is the Arabic equivalent of the Ottoman *sanjaq bey*. See *Encyclopaedia of Islam*.

86. The *qa'immaqam* exercised all the authority of the governor in his absence, or upon his deposition. After 1604 this office was usually held by mamluk *sanjaq bey*. See "*Kaim-makam*" in *Encyclopaedia of Islam*, and Shaw, *Organization*, 53; 56-57; 135.

87. Because of the offensive odors they gave off and because of continuing population pressure on the area between Bab Zuwayla and the Ibn Tulun-Sultan Hasan district, the tanneries in the vicinity of the Birkat al-Fil (see fts 8, 57) were moved across the main canal to the area of Bab al-Luq. On the move of the old tanneries to Bab al-Luq, see Raymond, *Artisans et Commerçants*, Vol. I, 327-328.

88. The Khatt al-Madabigh al-Qadima is the first street on the right in Suq al-ʿAsir Street and connects to the Darb al-Nuqqaliyyin. ʿAli Mubarak, *al-Khitat al-Tawfiqiyya al-Jadida*, Vol. 3, 239-240, said that the tanneries were moved in 1865 to Old Cairo.

89. It is clear from this sentence that Shahin Ahmad Agha constructed a mausoleum for himself near his residence. He was actually buried in his mausoleum along with Yusuf Katkhuda ʿAzaban, but the latter was later re-buried in his own mausoleum inside his mosque in the Mouski. See Ahmad Shalabi, *Awdah al-Isharat*, 626.

90. The Dashisha al-Kubra waqf united a large number of lucrative awqaf from the Mamluk and Ottoman periods. By the end of the eighteenth century it was sending 1,907,765 *paras* and 33,333 1/3 *ardabbs* of grain annually to the *haramayn*. See Shaw, *French Revolution*, 155-156. See also ft. 48.

91. This amir remains unidentified.

92. The Mustahfazan regiment, with its barracks in the upper citadel and its control of the most lucrative *muqataʿat*, was the dominant corps in Egypt. See Shaw, *French Revolution*, 90-93.

93. This individual remains unknown, but from his title it is certain that he was a Turk.

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al-ashraf[94] in Cairo, as it is certified in the document whose date is mentioned above.

[56] The land of the second *makan* is next to the *sahrij* known as the construction of our master Shahin Ahmad Agha and is part of the *waqf* of the deceased Muhammad Kasbey. The building on this land is the private property of our master Shahin Ahmad Agha. The rent of this land and the sale of the debris of this building is the responsibility of the supervisor (*nazir*) of the *waqf* (of Muhammad Kasbey). He is ʿAli Çelebi ibn Shaʿban Çorbaji of the *ta'ifat* Çerakise. (All this) is detailed and described in the rental agreement issued by the court **[57]** of Jamiʿ al-Malik al-Salih in Cairo with the permission of the present *shaykh al-Islam*[95] in Cairo and dated 13 Dhu al-Qaʿda (1087 A.H.). The above-mentioned land is his private property according to the *tazkira diwaniyya*[96] in Turkish, fully stamped and signed, and dated the 16th of the month mentioned below.

This is a true and legal *waqf*. **[58]** It may not be sold or given away, mortgaged or exchanged. According to its stipulations, it must be forever devoted to its purposes, which will be mentioned, or until Allah inherits the earth, for He is the best of inheritors.

The *wakil* mentioned above devoted the *waqf* of (Shahin Ahmad Agha) for the benefit of the *sahrij* constructed by our master Shahin Ahmad Agha located in Khatt al-Madabigh al-Qadima near the secondary **[59]** door of the Qusun mosque in front of the new mill in the open space in the street leading to the Da'udiyya mosque, and for the *maktab* above the *sahrij* as it is detailed in the *waqf* document of that *maktab sahrij*, etc., issued by this court on the 10th of Shawwal 1086. He added the income of the above-mentioned *makan* and land to the *waqf* of the above-mentioned *sahrij* and

94. Descendants of the Prophet through his daughter Fatima and her husband ʿAli were called *ashraf* (sing., *sharif*) or *sadat* (sing. *sayyid*) and enjoyed a special position in Muslim society. They were organized into large societies to advance their interests and to maintain their privileges. In the Ottoman Empire a *naqib al-ashraf* (supervisor of the descendants of the Prophet) appointed provincial *naqibs* to administer their affairs in that province. The Ottomans nominated a Turkish *naqib al-ashraf* until a representative of the powerful Egyptian Sadat family obtained the office about the middle of the eighteenth century. From 1762-1763 members of the rival al-Bakri family held this office, with only a few interruptions, until the early twentieth century. See Shaw, *French Revolution*, 103-104.

95. The chief Ottoman judge, who was the Hanafi chief *qadi*, was known as the *qadi al-quda*, the *qadi ʿaskar* (military judge), or the *shaykh al-Islam*. He presided over a judicial system divided into 36 judicial districts, each of which was supervised by an Ottoman appointed (Turkish) judge. These judges in turn appointed deputies (*na'ibs*), usually Arabic speaking, to act on their behalf or to subsidiary courts within their districts. On the judicial system in Ottoman Egypt, see Galal El-Nahal, *The Judicial Administration of Ottoman Egypt in the Seventeenth Century*.

96. The *tazkira diwaniyya* was the receipt from the governor's diwan which was given to any person having the right to claim an allowance from the treasury. The *tazkirji* was the official from the *ruznama* department who prepared these receipts. See Layla ʿAbd al-Latif Ahmad, *al-Idara*, 312-313; 442, and by the same author, *Ta'rikh wa Mu'arrikhu Misr wa al-Sham Ibban al-ʿAsr al-ʿUthmani* (Cairo: al-Khanji, 1980), 46.

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maktab to provide water, garments for the orphans, for their rations (*jaraya*) and other expenses, [**60**] as it is stated in the above-mentioned *waqf* document, without any modifications (from the previous waqf).

The *wakil*, acting as agent for our master Shahin Ahmad Agha, endowed the *waqf*, which includes all the building constructed on the *hikr* land located in Cairo in Khatt Qusun overlooking Birkat al-Fil [97] and known as the residence of our master Shahin [**61**] Ahmad Agha. It is on the main street. According to its *waqf* document, which is a rolled document, it was issued from al-Bab al-ʿAli in Cairo and signed by the *Shaykh al-Islam*, our master Muhammad Efendi, the judge in Cairo at that time, on 11 Shawwal 1072 (30 May 1662).

It includes the southern facade of hewn stone. In it is an arched gateway closed by a single wooden door [**62**] of fine wood. It leads to an unroofed courtyard. Inside it, on the left, are four rooms and a kiosk (above), which overlooks the facade and the door. Facing the (person entering) the courtyard are two storerooms for the pantry and next to them is a kitchen and a staircase leading to two rooms above the already mentioned two storerooms. The rest of the staircase leads to four rooms.

In the courtyard, next to the staircase, is a stable [**63**] for 20 horses. Also in that courtyard is a storage room facing the interior. Above it is a reception room (*maqʿad*) having two columns and three arches. (That *maqʿad*) leads to two rooms, one of which overlooks the garden, the second of which overlooks the unroofed courtyard. Next to the door of the reception room are two storerooms.

Inside the courtyard are a basin, well, and a *saqiyya*. [98] Next to the reception hall, on the left, is an arched doorway closed by a single leaf of fine wood. It leads to a garden with grapevines, [**64**] bitter oranges, apples, and flowers. (The garden) has a well, a gazebo, and a closet (*taz*) with a wooden balastrade.

On the right side of the one entering the above-mentioned doorway is another door leading to a reception area paved in colored marble. It has two small *iwans* [99] and

97. The Birkat al-Fil, an area between Cairo and Fustat, had become the most aristocratic district of Cairo during the period when the grandees built their residences around the shore of its pond. For eight months of the year the Birkat al-Fil held water, then was turned into a garden for four months until the rising waters of the Nile could be diverted once again into its basin to transform it back into a pond. Raymond remarks that 40 % of the aristocrats lived around its shores in the 18th century. See al-Maqrizi, *al-Khitat*, Vol. II, 163-164; Ibn Zahira, *al-Fada'il al-Bahira fi Mahasin Misr al-Qahira* (Cairo: 1969), 209; Raymond, *al-Ta'rikh al-Ijtimaʿi li al-Qahira al-ʿUthmaniyya* (Cairo: al-Madbuli, 1974), 179-181.

98. A *saqiyya* is a water wheel used to raise water, frequently from a well. Many Ottoman houses, especially those with gardens, had such wheels, turned by animals, in their grounds. The *bir saqiyya* is a well with a water wheel.

99. *Iwan* is a Persian word meaning upper hall, or summer chamber, with an open front. This description describes the *iwans* of either schools or residences. Documents call the small *iwan*, which is like a niche, a *sidilla*. See ʿAbd al-Rahman Zaki, *Mawsuʿat Madinat al-Qahira*, p. 18. See also Suʿad Maher, *Masajid Misr* (Cairo: 1980), Vol. IV, 19; *Encyclopaedia of Islam*.

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three recessed windows overlooking the Birkat al-Fil. One of them leads to a *takhtabush* [100] on the northern side which overlooks the Birka.

The reception area has two marble columns and three arches, and a wooden balastrade. [**65**] It is paved with *kiddan* tiles. It leads on the right to a kiosk overlooking Birkat al-Fil. On the left is a door leading to a hall (*qaʿa*) having two *iwans* and a *durr qaʿa* [101] paved in colored marble. Facing the main *iwan* is a windowsill overlooking the Birka and two *sidillas*, [102] one on each side (of the window). One overlooks the Birka and leads to the *takhtabush* and the bedroom, which has another *takhtabush*. [**66**] The second *sidalla* has a window overlooking the reception area. In the *durr qaʿa* is a door leading to a small hall known as a weapons storeroom.

In the courtyard is a door leading to an upper hall having two *iwans*, a *durr qaʿa*, and two *sidillas* overlooking the Birka, and to four rooms, a kitchen and a niche for jars.

(The *waqf* includes) all the benefits, appurtenances, rights and dependencies delimited by four boundaries.

The southern boundary ends at the lane [**67**] overlooking Birkat al-Fil. That boundary has a facade and the (main) door. The northern boundary ends at the Birka. The eastern boundary ends at the house of the amir Hasan Jawish. Its correct description is that part of it ends at the *sahrij* known as the construction and *waqf* of the daughter of Sulayman Efendi; [103] the rest of that boundary ends at the *makan* (formerly) known as her residence, but known now as the residence of our master ʿAbd al-Wahhab Efendi, the former *qa'immaqam* in Cairo. The western boundary ends at the *makan* of ʿAbd al-Wahhab Efendi [**68**] but is better known as ending at (the *makan* of) the amir Hasan Jawish.

(The *waqf* includes) everything inside its boundaries, including its boundaries, rights, and everything relating to it.

Our master Shahin Ahmad Agha stipulated in the *waqf* (comprising) his residence whose boundaries have been described above that he has the right to add or subtract from it, to change it, exchange it, or sell it during his lifetime. After his death no one has the right to undertake any of these (transactions). [**69**] That has been communicated to our master the judge in a legal manner.

It occurred to the above-mentioned *wakil*, who represents our master Shahin Ahmad Agha, to join the income of the *waqf* of the large residence mentioned above to the

100. From the Persian word *takhta*, meaning an elevated platform surrounded by a parapet and provided with posts. The term was also used to describe an open hall. The *takhtabush* was open on opposite sides and generally used as a summer sitting area. See Tawfiq Ahmad ʿAbd al-Jawwad, *Ta'rikh al-ʿImara wa al-Funun al-Islamiyya* (Cairo: 1970), 199. See also Redhouse, *Turkish-English Lexicon* (Beirut: Librairie du Liban, 1987), 513.

101. The *durr qaʿa* is that part of the floor between the doorway and the opposite wall. It is usually 4-5 inches lower than the rest of the room.

102. The *sidallas* are the raised areas found around the sides of a room divided by a *durr qaʿa*. *Sidallas* are usually backed by a window. Larger *sidallas* are called *iwans*. See Edward Lane, *The Manners and Customs of the Modern Egyptians* (London: 1860), 11-13.

103. Their identities cannot be established without knowing more about their connections or positions held.

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income of the other endowed buildings mentioned earlier after (paying) the expenses and the *hikr* rent for the large residence, which are explained in his *waqf* whose date is mentioned above, [**70**] for the support of the benefits of the *sahrij* and *maktab* mentioned above. This is added to his previous *waqf* (property) adjoining the above-mentioned *sahrij*, as are the *utlaqs* which have been endowed by the *wakil* on behalf of (Shahin Ahmad Agha) in the *waqf* issued from this court on the date mentioned above. [**71**] It is a legal addition (to the previous *waqf*).

There should be paid from the income of the endowed buildings mentioned above the rent towards the *hikr* of the newly built residence located in the Zuqaq Halab, whose land belongs to the *waqf* of the deceased Maghlabey al-Zardakash. It amounts to 10 new *nisf* copper (coins) monthly. The rent for the land [**72**] adjoining the *sahrij* belonging to the *waqf* of the deceased Muhammad Kasbey is 6 *qurush* [104] annually, which means 1/2 *qirsh* monthly. The *hikr* rent for the large residence overlooking Birkat al-Fil which is the residence of our master the donor is paid to the following three *awqaf* and amounts annually [**73**] to 47 silver *qurush*; for the *waqf* of the deceased Anis Bey, 14 *qurush* annually; for the *waqf* of the deceased Janim al-Zardakash, 7 *qurush* annually, as it is stipulated relating to the above-mentioned large residence; and 25 *qurush* annually for the *waqf* of the deceased ʿAbd al-Rahman Efendi, [**74**] as is customary. These are the *hikr* rents of the three *awqaf* whose mention was promised above.

There shall be paid a salary to four Qur'an reciters in the large residence overlooking Birkat al-Fil, which is the residence of our master the donor. As compensation for their recitation every day beginning at sunrise of as much as they can recite from the blessed Qur'an (they shall be paid) 60 *nisf fidda*-s, or their equivalent at the time of payment. They shall conclude their recitation with the Surat al-Ikhlas and al-Miʿwathitayn and [**75**] the Fatiha. [105] They will dedicate the reward of that to the Prophet (Allah bless him), to all previous prophets, and to our master the donor during his lifetime and to his soul after his death, then to his freed slaves and all deceased Muslims. All this is stated in the *waqf* document of the above-mentioned large residence.

All the unspent [**76**] income from the combined *waqf*, both this one and the previous one, after the expenses for the *sahrij*, its filling with water, the expenses for the *maktab*, the clothes for the orphans, for their rations and stipends, for the children's teacher, his assistant, for the *muzammalati*, for the salaries of the supervisor, the *mubashir*, and the *shadd*, for the rent collector and other expenses, as they are stipulated in detail in the *waqf* document issued from this court whose date is mentioned above have all been paid, as well as the expenses for the maintenance of the *waqf*, our master Shahin Ahmad Agha the donor [**77**] has the right to dispose of himself during his

104. The silver *qirsh* (pl., *qurush*) was equivalent to 40 nisf *fiddas*/*paras* in Egypt.

105. The Surat al-Ikhlas, verse 92, is one of the shortest and oft-quoted verses of the Qur'an. The Fatiha, or opening verse, is perhaps the most oft-repeated verse of the Qur'an. The Miʿwathitayn are the last two verses of the Qur'an, verses 113-114.

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lifetime (may Allah grant him a long and successful life), then after his death (the unspent remainder) will be distributed to his freed slaves, male and female, equally, and after them to their children and grandchildren, and to their descendants, rank after rank, generation after generation. If one of them dies having left a child or grandchild, [**78**] his portion shall go to his child or grandchild, even his if it is the child of his daughter. If he has left no child or grandchild, his portion will be distributed among those equal in rank. If they all perish and death overcomes them all and the earth is free of them entirely, the remaining unspent income of the *waqf*, after all expenses of the *waqf* have been paid, including its maintenance and repair, shall be spent on the welfare of the *haramayn al-sharifayn*, that is, the *haram* at Mecca and the *haram* [**79**] at Medina. ... If it is impossible to spend for one, (the surplus) shall be spent for the other. If it is impossible to spend for either of them (may Allah not allow that), it shall be distributed to the poor and unfortunate wherever they are as the supervisor sees fit and as best he can.

The *wakil* stipulated on behalf of the donor the stipulations recorded here, [**80**] and affirmed that they must be obeyed. Among them (the donor) stipulated that the supervision of his *waqf* and the responsibility for it shall be his during his lifetime (may Allah grant him a long life). The donor has the right to change agents, or executors, and to assign these to whomever, or whenever he chooses. He also stipulated the right to add or deduct (from the *waqf*), to change or exchange it, to grant or to withhold, during his lifetime. After his death no one has the right to make changes in it. After him, the supervision of the large residence overlooking Birkat al-Fil, which is the residence of our master the donor, shall go alone to his *katkhuda*, the amir ʿAli Agha ibn ʿUmar, the above-mentioned *wakil*, during his lifetime, then after his death it will be assumed by the eldest, then the next eldest, of the freed slaves of the donor, as is stipulated in the *waqf* for that house issued by al-Bab al-ʿAli court on the date mentioned above along with the other endowed buildings, [**82**] then to their sons or grandsons or descendants, as explained before. When they all perish, the supervision of the *waqf* and its executorship will go to the current *nazir* al-*haramayn*[106] in Cairo.

He stipulated that the appointment to the aforementioned positions shall be the right of the supervisor of the *waqf*, now and forever. The first responsibility of the supervisor is to preserve the *waqf*, to maintain and [**83**] prolong it, and to increase its income, even if he has to spend all the *waqf*'s income. [The rest of the document follows the wording of the original *waqf* precisely for the next seven pages].

[**89**] This was issued in the presence of al-Amir Musa, *katkhuda* of the deceased Ali Agha Dar al-Saʿada and the former *shaykh al-haram al-sharif al-nabawi*; ... al-Amir Hasan, one of the *aʿyan* of the Mutafarriqa, the retainer of the deceased ʿAli Agha; ... al-Amir Mustafa Agha, the *khazindar* of the deceased ʿAli Agha; ... [**90**] al-Amir

106. Once again, Shahin Ahmad Agha is trying to guarantee that when the families of all his slaves die out, his waqf shall be supervised by another *agha* of the *dar al-saʿada* in Istanbul, not by one of the local Mamluk amirs.

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Ishaq ibn ʿAbdallah, one of the Mutafarriqa amirs and retainer of the deceased ʿAli Agha, *shaykh* of the already mentioned *haram*; ... al-Amir Hasan ibn ʿAbdallah from the *ta'ifat* Tefenkjiyan in Cairo, who is the retainer of our master Suleiman Efendi, the present *muhasibji* in the *diwan al-ʿali* in Cairo; ... al-Amir Muhammad ibn ʿAbdallah of the Mutafarriqa (corps), the retainer of our master Shahin Ahmad Agha; **[91]** ... al-Amir ʿUmar ibn ʿAbdallah, the present *khazindar* of our master Shahin Ahmad Agha. They acknowledge all this legally. (The *wakil*) testifies to that himself and all that has been (legally) witnessed on the first day of Dhu al-Hijja, the last month of the year 1087.

Allah is the sufficient and best agent (*wakil*).

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وثيقة وقف شاهين أحمد أغا

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بسم الله الرحمن الرحيم

(١) الحمد لله الذى وفق من وقف بباب كرمه وهداه الى أشرف القرب وأنعم على من حبس نفسه **(٢)** لأبتغاء مرضاته فوجهه لأسنى الرتب وارشد من الى جانبه الكريم وعلم ما تصدق به عليه فصدق ووهب وأنا له من ماله وأكد خلوصه فى عبوديته ففاز بغاية الأرب والصلاة والسلام على أكمل خلقه سيدنا محمد المصطفى سيد العجم والعرب الجامع لأنواع الكمالات واشرف الحسب والنسب المجول سنان العزم فى ميدان الحرب على من ركب طرق البغى والعطب **(٣)** المبعوث رحمة للعالمين هاديا لما وجب المنعوت باجل الأوصاف فى أجل الكتب. المنزل بما يقصر عنه خطابة كل خطيب وعلى أله وأصحابه هداة الحق فى محافل الرغب وحماة الخلق فى مواطن الرهب. الحايزين لقصب السبق فى الغرب والشرق بلا نصب. صلاة وسلاما دائمين ما تلى قرآنه وحفظ فرقانه وتقرب اليه متقرب ففاز بالطلب وما دار لدوران وتعاقب الجديدان وطلع نجم أو غرب. وبعد فأن منتهى نظر **(٤)** كل عاقل أريب وقصارى فكر كل ماهر لبيب النظر فى غاية أمره وعقباه والتفكر فيما فيه خلاصه فى أخراه وما يكون له عدة بين يدى من يعلم سره ونجواه وأن فى كتاب الله المجيد بيان مزية المتصدقين ما قاله فى كتابه العظيم " من ذا الذى يقرض الله قرضا حسنا فيضاعفه له وله أجر كريم " . ولما كان ممن رأى ان مطايا الصدقات تحمل صاحبها الى مدارج السعادات ومراتب العنايات السنية، وتبقى له عند الله ثناء وذكرا. وتكون **(٥)** له فى يوم العرض عليه نفعا وذخرا. بادر الى امتثال ما دلت عليه الأيات الكريمة القرآنية وبالغ فى تحقيق ما جاءت به الأيات الشريفة والأحاديث النبوية متعلقا بمفاخر أثارها مقتنعا لما ورد من أوامرها واخبارها. لصريح قوله صلى الله عليه وسلم اذا مات ابن أدم انقطع عمله إلا من ثلاث صدقة جارية أو علم ينتفع به أو ولد صالح يدعو له فان ذلك حسنة من الحسنات لا يمحى آثارها. وكان من رغب فى ذلك سلك الله **(٦)** بنا وبه أحسن. المسالك وكفاه الله شر السوء والمهالك. بحرمة كرام الملايك. حضرة مولانا الواقف الأتى ذكره فيه وبعد فهذا كتاب وقف صحيح شرعى لأزم معتبر صريح مرعى صدر الأشهاد به وسطر بمجلس الشرع

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الخلو المسطره من هذه المحكمة ايضا المؤرخة فى حادى عشر جمادى الأخرة سنة سبع وسبعين والف على قاعة أرضية وفسحة صغيرة بين الأبـواب ومنافع ومرافق وحقـوق وحدود أربعة القبلى الى منـزل محمد أبو قـورة. والبحرى بيت محمد متفرقة. والشرقى للمكـان المرقوم أعلاه. والغربى يتنهى الى منزل محمد أبو قورة أيضـا بحد ذلك كله المعلوم ذلك عند مولانا شاهين أحمد أغا المشار اليه أعلاه العلم الشرعى. والجارى ملك جميع المكان المرقوم أولا بيد مولانا شاهين أحمد أغا وحوزه وتصرفه يشهد **(١٤)** له بذلك الحجة المحكى تاريخهـا أعلاه، والجارى المكان المرقوم ثانية وقف المرحوم ناصر الدين بن هـلال الأدمى وزوجته المرحومة شهية المرأة فى خلو مولانا شـاهين أحمد أغا المشار اليه أعلاه يشهد لـه بذلك الحجة المحكى تاريخها ثـانيا بأعاليه. بـدا لمولانا شاهين أحمد أغا المشار اليـه أعلاه أنه أزال جميع ما بالمكانين المرقومين أعلاه من الأبنية والجدر ونظف أرض ذلك جميعه وأحضر مؤنا متقنة وآلات محكمة من جير وجبس وأحجار وطـوب ورخام **(١٥)** وبلاط وأخشـاب بأنواعها وغير ذلك من المؤن الصالحة لـذلك ومهندسين وبنائين وفعلا ونجـارين ومبلطين ومرخمين وسبـاكين ودهانين وغير ذلك. وأنشـا بذلك صهـريجا لملىء الماء العذب الذى هو سيسبل يعلو الصهريج المرقوم مكتب معـد لتأديب الأطفال وقراءة القرأن. المشتمل ذلك الصهريج المرقوم على واجهة بحرية مبنية بالحجر الفص النحيت الجديد الأحمر بها باب مـربع يغلق عليه فردة باب خشبا نقيا به حلقة يدخل منـه الى أربع درج وبسطة **(١٦)** بها يسرة باب يدخل منـه الى مزملة مفروش أرضها بالـرخام الملون بها حوض رخام برسم صب الماء وشباك نحـاس أصفر مكلف وخزائن بالمزملة المرقومـة مسقفة نقيا فرخا شاميـا منقوش بالذهب واللأزورد على جـارى العادة. بجوار بـاب المزملة باب يدخل منـه الى خرزة الصهريج المرقـوم موضوع بـه حوض كبير حجرا أحمر برسم صب الماء. ويتوصل من البسطة المرقومة الى سلم معقود بالبلاط الكدان يصعد من عليه الى المكتب المذكور أعلاه وبه قنطرتين **(١٧)** بينهما عامود رخام أبيض ودرابزي خشبا نقيا مطل على الطريق علو شباك الصهريج المذكور ورفـرف خشب على القنطرتين المذكـورتين مسقف ذلك نقيا مـدهون ذلك بـالسيلقون الأحمر. ويجاور ذلك كرسى راحة برسم الأطفـال. وبالواجهة المرقومة باب أيضا موتـور رومى مبنى بالحجر الفص النحيت الأحمر الجديد يغلق عليه فردة باب خشابا نقيا يدخل منه الى دهليز صغير به بسطة صغيرة بجوارها سلم يصعد من عليه الى أوضة بها شباك مطل على الطريق بجوارها **(١٨)** كرسى راحة ويصعـد من السلم الى باب يدخل منه الى رواق به خزانـة نومية وأربع دواليب وشباك مطل على الطريق يعلـوه شباك بجواره مطبخ وكرسى راحـة. ويصعد من باقى السلم الى السطح العالى على ذلك بالسطح المرقوم خزانة نومية وكرسي راحة بدائره سياج مكمل ذلك بالأبواب والرفوف والخزائن مسبل الجدر بالبياض سفلا وعلوا. ومنافع ومرافق وحقوق المعلوم ذلـك عند مولانا شاهين أحمد أغا المشار اليه أعلاه العلم الشرعى والجارى **(١٩)** جميع البنا المذكور أعلاه فى ملك مولانا شـاهين أحمد أغا المشار اليه أعلاه وإنشائه وعمارته

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الشريف العالى العماد ومحفل الدين المنيف الأنور الراسخ الأوتاد بـالمحكمة الشرعية المطهرة المرضية بمصر المحمية بباب الجامع القوصونى عمـره الله تعالى بذكره بين يدى متوليها سيـدنا ومولانا (٧) فخر السادة الأشراف صفوة أل عبد مناف سلالة الأكارم نخبه أل بنى هاشم. السيد المعظم والماهـر المكرم. الواثق بالملك المعيد المبدى مولانا السيد عبد الرحمن أفندى الحاكم الشرعى الحنفى الذى سضع خطه الكـريم أعلاه أدام الله تعالى علاه. ولطف به فى قضاه بمحمد واله أمين سطر ما مضمونه بحضرة فخـر الأمرا وعمدة الكبرا الأميرى المخدومى الجناب العالى الأمير حسن أغا كتخدا طايفة الجاويشية بمصر المحروسة سابقا (٨) المتحدث على ناحية بلفيا واقطاعهـا بولاية البهنساوية حالا. والجناب العالى فخر ذوى المعالى الأمير حسن أغا معمار باشا بمصر سابقـا، اختيار أمرا المتفرقة بالديوان العالى بمصر المحروسة حالا، والجناب العالى فخر أرباب المعالى الأمير أحمد أغـا عين أعيان أمرا المتفرقة بديوان مصر المحروسة. المعروف بتابع المرحوم ياقوت أغا دار السعادة، وفخر الأعيـان عمدة ذوى الشأن مولانا مصطفى أغا من أمرا المتفرقة بالديوان، وفخر الأكابـر عمدة أرباب المفاخر (٩) مولانا عبـد الرحمن أفندى ابن المرحوم مولانا جعفـر افندى كاتب طايفة الجاويشية بمصر سابقا. والجناب العالى الأمير عثمان جوربجى طايفة الجراكسة بمصر، والجناب العالى فخر ذوى المعالى مـولانا حسن افندى طـايفة الجاويشية بمصر سابقـا وكاتب رومى وقف المرحوم السلطـان أحمد حالا، وفخر ارباب الأقلام، عمدة أصحـاب الأرقام مولانا سليمان أفندى المحاسبجى بالـديوان العالى بمصر حالا، وفخر الأغاوات المقربين مولانا بشير أغا من أغوات (١٠) دار السعادة وفخر الأكابر عمدة أرباب المفـاخر مولانا موسى أغا من أمراء المتفرقة، وفخر الأعيان عمدة ذوى الشأن الأمير على كتخدا حضرة مولانا خاص الخواص المعتبرين معتمد الملوك ومؤتمن السـلاطين أنيس الدولة العثمانية وجليس المقامـات الخاقانية مولانا شـاهين أحمد أغا عين أعيان أغوات دار السعادة، وفخـر الأعيان وعمدة ذوى الشان الأمير يوسـف خازندار حضرة مولانا شـاهين أحمد أغا المشار اليه أعلاه زيد قدرهم لما (١١) ملك مولانا شاهين أحمد أغا المشار اليه أعلاه ملك جميع المكان الكاين بظاهر القاهرة المحروسـة خارج بابى زويلـة والخرق بخط المدابغ القديمة بـالقرب من بـاب سر الجامع القوصونى تجاه الطـاجون المستجده بالفسحـة والدرب المتوصل منه لجامـع الدوادية المشتمل كاملـه بدلاله الحجة الشرعية المسطـره من هذه المحكمة المؤرخـة فى حادى عشرى جمادى الأخره سنة سبع وسبعين والف على واجهـة مبنية بالطوب الأجـر بها باب مربع يدخل منه الى دهليز به سلم يتوصل منه (١٢) الى طبقتين أحداهما مطلة على الطريق السـالك والثانية حبيس ومـا لـذلك من المنـافع والحقوق ويحيط بـذلك ويحصره حـدود أربعـة القبلى ينتهى الى بيت المعلم نـاصر الأدمى. والبحرى للطـريق السالك وفيـه الواجهة والبـاب. والشرقى ينتهى الى بيت الزينى كيـوان. والغربى ينتهى الى بيت المعلم ناصر الأدمى المرقـرم. وجميع منفعة خلو (١٣) المكان الملاصق للمكـان المرقوم أعلاه المشتمل بدلالـة حجة

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(٢٦) نصف حسابا عن كل يوم عشرة أنصاف فضة وأن يصرف لكاتب الوقف المذكور فى كل سنة نظير علوفته من الفضة الف نصف واحد وثمانماية نصف فضة حسابا عن كل يوم خمسة أنصاف فضة وأن يصرف لشاد الوقف المذكور وجابيه فى كل سنة نظير علوفتهما من الفضة سبعماية نصف وعشرون نصفا فضة. ما هو للشاد من الفضة ثلاثماية نصف وستون نصف وما هو للجابى من الفضة ثلثماية نصف وستون نصفا **(٢٧)** حسابا عن كل شهر ثلاثون نصفا فضة وأن يصرف لمؤدب الأطفال عن علوفته فى كل سنة من الفضة سبعماية نصف وعشرون نصفا فضة حسابا عن كل شهر من الفضة ستون نصفا فضة وأن يصرف لعريف الأطفال فى كل سنة نظير علوفته من الفضة ثلثماية وستون نصفا حسابا عن كل شهر ثلاثون نصف فضة وأن يصرف لعشرة أيتام قصر يقرؤن القرأن بالمكتب المذكور أعلاه فى كل يوم من شروق الشمس الى قبيل **(٢٨)** العصر خلا يوم الجمعة من كل أسبوع فى كل سنة نظير علوفتهم من الفضة الف نصف واحد وثمانماية نصف فضة حسابا عن كل يتيم من الفضة ماية نصف واحدة وثمانون نصفا حسابا عن كل شهر خمسة عشر نصف فضة. ومتى بلغ واحد من الأيتام المذكورين يخرج ويكتب واحد مكانه. وأن يصرف فى ثمن خبز قرصه وقدره فى كل يوم أربعون رغيفا عبرة كل رغيف نصف رطل مصرى مقر بالنار. **(٢٩)** ما هو للفقيه أربعة ارغفة وما هو للعريف ثلاثة أرغفة وما هو للمزملاتى ثلاثة أرغفة وما هو للعشرة أيتام ثلاثون رغيفا، لكل يتيم ثلاثة أرغفة وقدره فى كل سنة من الفضة الف نصف واحد وثمانماية نصف فضة حسابا عن كل يوم خمسة أنصاف فضة وأن يصرف فى ثمن كسوة الأيتام والفقيه والعريف وهى ظهور منزلاوى نظاف وخام طنانى أبيض نظيف وبفته شامى أبيض وطواقى وشدود فى كل سنة **(٣٠)** من الفضة ألف نصف واحد ومايتا نصف ثنتان لكل يتيم ظهر وقميص وبفته وشد وطاقيه بقدر كفايته على العادة. وأن يصرف أجرة حكر مكان الخلو المرقوم لجهة وقفه وقدره فى كل سنة من الفلوس النحاس ستة وثلاثون نصفا نحاسا عنها من الفضة سبعة وعشرون نصفا فضة وما فضل من ريع الوقف المرقوم بعد المصاريف المشروحة أعلاه يصرف منه لعمارة عين الوقف المرقوم ومرمته ومصالحه يتصرف فيه **(٣١)** الواقف المشار اليه أعلاه مدة حياته أحياه الله تعالى حياة طيبة ورزقه أطول الأعمار ثم من بعده يصرف لعتقا الواقف المشار اليه أعلاه ذكورا واناثا بالسوية بينهم الذكر والأنثي فى ذلك على حد سواء ثم من بعدهم على أولادهم وأولاد أولادهم وذريتهم ونسلهم وعقبهم طبقة بعد طبقة ونسلا بعد نسل وجيلا بعد جيل. على أن من مات منهم وترك ولدا أو ولد ولد أنتقل نصيبه لولده **(٣٢)** أو ولد ولده وأن سفل فأن لم يكن له ولد ولا ولد ولد أنتقل نصيبه لمن هو فى درجته فاذا أنقرضوا باسرهم وأبادهم الموت عن أخرهم وخلت بقاع الأرض منهم ولم يبق منهم أحد صرف ما فضل من ريع الوقف المذكور بعد المصاريف المذكورة والعمارة لمصالح الحرمين الشريفين حرم مكة المشرفة وحرم المدينة المنورة على صاحبها أفضل الصلاة والسلام فإن تعذر أحدهما صرف للأخر فأن تعذرا معا والعياذ

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وتجديده بمفرده بشهاده من سمى أعـلاه. اشهد عليه وكيل مولانا شاهين أحمد أغا المشار اليـه أعلاه هو كتخداؤه الأمير على المشار اليه أعلاه الثابت توكيله عنه فى ذلك وفيما يذكـر فيه لدى مولانا الحاكم المشار اليه أعلاه بشهادة من سمى أعلاه ثبوتا شرعيا شهوده اشهادا شرعيا فى كمال صحته وسلامته وطواعيته واختياره (٢٠)و رغبته فى الخير وارادته. انـه بما له من التـوكيل المعين أعلاه وقف وحبس وسبل وأكـد وتصدق بجميع المكـان المذكور أعـلاه وبناء الصهريـج والمكتب المرقوم أعلاه وأرصـد على مصالح الصهـريج والمكتب جميع المكـان المرقوم وجميع أربعين فـدانا اطلاقـا مرتبا بناحيـة شبرمنت وجميع خمسة وثلاثين فدانـا اطلاقا مـرتبا بناحية الطـالبية كل ذلك بولاية الجيـزية وجميع منفعة بدل مـرتب المسموح (٢١) عن مقاطعـة الشهر بالسلخـانة السلطانيـة الجارى ذلك جميعه في تحدث مولانا شاهين أحمد أغا المشار اليه أعلاه وتصرفه بدلالة التذاكر الديوانية المكملة بالختم والعلامة على العادة المؤرخ تذكرة اطلاق الخمسة وثلاثين فدانا فى تاسع شهر تاريخه والمؤرخ تذكره اطلاق الأربعين فدانا فى رابع عشر جمادي أول سنة تاريخه والمؤرخ تذكرة المرتب فى سابع عشرة جمادى الأخر سنة تاريخه أدناه وقدر مبلغ ربع الأطيان المذكورة (٢٢)ومرتب المسموح فى كل سنة من الفضة الأنصاف العددية أحـد وثلاثون الف نصف وخمسة أنصاف فضة ما هو عن الأربعين فدانا المرقومـة أعلاه من الفضة الموصوفة ثلاثة ألاف نصـف وثلثماية نصف وعشرون نصف حسابا عن كل فدان ثلاثة وثمانون نصفا فضة من ذلك وما هو عن الخمسة وثلاثين فدان المرقومة أعلاه من الفضة الموصوفة الفا نصف اثنان وأربعمائة نصف وخمسـة وثمانون نصفا حسابا عن كل فـدان أحد وسبعون (٢٣)نصفا فضة وما هو عن مرتب المسمـوح بالسلخاناه المرقـومة من الفضة خمسـة وعشرون الف نصف ومايتا نصف ثنتان حسـابا عن كل شهر الفا نصف اثنان ومائة نصف واحدة عن كل يوم سبعـون نصف خارج ذلك عما يقتطعه ملتزم السلخاناه المرقومة فى كل شهر من الفضة ثلاثين نصفا فضة عن عادتـه. وقفا وارصادا شرعيين. لا يباع أصل ذلك ولا يوهب ولا يرهن ولا يناقل به ولا ببعضه قـايما على اصوله محفوظا (٢٤)على شروطه مسبلا على سبله الأتى ذكرهـا فيه أبد الأبدين ودهرا الداهرين الى أن يـرث الله الأرض ومن عليها وهو خير الوارثين. إنشا الوكيل المشار أعـلاه وقف موكله المشار اليه أعـلاه على فعل خيرات وقربـات ومبرات منها أن يصرف من ربع وقفـة هذا فى ثمن ملىء الصهـريج المذكور الى الخرزة فى كل سنة من الفضة الفا نصف اثنان واربعمائة نصف فضـة من بحر النيل المبارك فى ايام طوبى وأن يصرف للمزملاتى نظير علوفته (٢٥)فى كل سنة من الفضـة ستماية نصف فضة حسـابا عن كل شهر من الفضـة خمسون نصفا فضة وأن يصرف فى ثمن الة الصهريج المرقوم من سلب ودلو وفوط وقلل وكيزان وبخور وسفنج ومكانس ونزح فى كل سنة من الفضـة اربعمائة نصف وخمسون نصف فضة حسـابا عن كل شهر من الفضـة سبعة وثلاثـون نصفا ونصف نصف فضة وأن يصرف لناظـر الوقف المذكور فى كل سنّة نظير علوفته من الفضـة ثلاثة الأف نصف وستماية

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(٤٢) وجعله من الأمنين الفـرحين الفايزين بـرحمة الله. وأشهد على نفسـه الكريمة بـذلك وبه شهد في تـاريخ اليوم المبـارك العاشر من شهـر شوال المكـرم الذى هـو من شهور سنـة ست وثمانين وألف من الهجرة الشريفـة النبويـة المحمدية المصطفوية على صـاحبها أفضل الصلاة والسلام وعلى اله وأصحابه الكـرام ولا حول ولا قوة الأ بالله العلى العظيم وحسبنا الله ونعم الوكيل.

شهوده

شهد بذلك الشيخ عبد الرحمن الخلوتى

شهد على الحاكم محفوظ الوسيمى

قيدت بالسجل المحفوظ شهد على الحاكم عبد الله القوصونى

شهد بذلك أحمد بن محمد الوفاى

الحمد الله وحده
اتصل بى مضمونه بالطريق الشرعى بشهادة شهوده ونفذته التنفيذ المرعى حرره الفقير اليه تعالي أبو النصر الحسنى
أن عفى عنه

الحمد الله وحده
اتصل بى مضمونه بالطريق الشرعى بشهادة شهوده ونفذته تنفيذا شرعيا حرره الفقير اليه أسحاق أبو الحسن المالكى الأزهرى
عفى عنه

شهد على الحاكم
عبد الرحمن الوفاى

شهد على الحاكم
ابراهيم البشارى

شهد على الحاكم
ابراهيم الدميجمونى

الحاق

المحكمة : الجامع القوصونى
التاريخ : مستهل ذى الحجة سنة ١٠٨٧هـ
رقم الوثيقة : ١٩٣٩ حجج
مكان الحفظ : أرشيف وزارة الأوقاف بالقاهرة

بسم الله الرحمن الرحيم

هـذا كتـاب وقف مضـاف صحيح شرعى لازم معتبر صريح مـرعى **(٤٥)** صدر الاشهـاد به وسطـر بمجلس الشرع الشريف الأزهر. ومحفل الـدين المنيف الأنور بـالمحكمة الشرعية المرضيـة. بباب الجامع القوصـونى بمصر المحمية عمرها الله تعـالى بذكره الي يوم الدين. بين يدى متـوليها هو سيدنا ومولانا فخـر علماء الأسلام كمال ولاية الأنام معدن الفضل **(٤٦)** والجود والأنعام محرر القضايا والأحكام بمذيد الاحكـام الواثق بالملك المعيد المبدى مولانا أحمد

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(٣٣) بالله صرف للفقـراء والمساكين أينما كانوا وحثيما وجدوا بحسب مـايراه الناظر على ذلك ويـؤدى اليه اجتهاده. وشرط الوكيل المشار اليه أعلاه للواقف المشار اليه أعـلاه فى وقفه هذا شروطا نص عليها وأكد فى المصير اليها منها أنه شرط النظر على وقفـه هذا والولايـة عليه لنفسه ايـام حياته أحيـاه الله تعالى حيـاة طيبة وللواقف المذكـور أن يسنده ويفوضه ويوصى به لمن شاء متى شاء. **(٣٤)** وشرط له أيضا الأدخال والأخـراج والتغير والتبديل والأعطاء والحرمان والزيادة والنقصان مـدة حياته وليس لأحد من بعده فعل شىء من ذلك. ثم من بعده يكـون النظر على ذلك والولاية عليه لـلأرشد فالأرشـد من عتقا الـواقف المشار اليه أعـلاه وأولادهم وأولاد أولادهم وذريتهم ونسلهم وعقبهم على الحكم والترتيب المشروحين أعلاه ثم من بعـد أنقراضهم اجمعين يكـون النظر على ذلك **(٣٥)** والولاية عليه لناظر الحرمين الشريفين بمصر حين ذلك. وشرط التقرير فى الوظايف المذكوره أعلاه لناظر الوقف المرقوم أعلاه دائما وابدا وأن يبدأ الناظر على ذلك بعمارة الوقف المرقوم ومرمته وما فيـه البقاء لعينه والنمو لريعه ولو صرف فى ذلك جميع غلته ولما تم الحال على هـذا المنوال رفع الموكل المشـار اليه أعلاه عـن وقفه **(٣٦)** هذا يـد ملكه وحيازته ووضع يـد نظره وولايته وسلمه لمتول عليـه شرعا ليتصرف فيه ويصرفه فى مصارفه المعينة أعلاه وسلمـه المتولى على ذلك باعترافه غير مشغـول بما يمنع صحه التسليم. ثم عن للـوكيل المذكور أن مـوكله رجع عن الـوقفية المذكـوره وأن يرده الى ملكـه متمسكا بعـدم اللزوم على قول الأمـام الأعظم أبى حنيفة النعمان **(٣٧)** أسكنه الله فسيح الجنـان، وعارضه المتولى المرقـوم متمسكا بـاللزوم على قـول الأمامين الصـاحبين ابى يوسف ومحمـد بن حسن وطال بينهما النـزاع فى ذلك وتداعيـا ذلك لدى مولانا الحاكم المشـار اليه أعلاه وطلب كل منهما فعل ما يقتضيـه الشرع فى شأن ذلك فأجابهما لذلك ونظر فى محل النزاع نظرا شافيا وتأمله تاملا وافيا فوجد فى جانب **(٣٨)** الوقف قولا قويا ورجحانا جليا وثبت لديه أحسن الله تعالى مـا نسب لوكيل الواقف المشار اليـه من الوقف والشروط علي الوجه المحرر المضبـوط بشهادة شهوده ثبوتا شرعيا وحكم أيد الله أحكامه وأحسن اليـه بموجب ذلك وبصحة الوقف المرقوم ولزومه **(٣٩)** وانبرامه على الوجه الشرعى عالما بالخلاف الصـادر بين الأيمة الأشراف حكما شرعيا أوقعه فى ذلك بالطريق الشرعى مستـوفيا شرايـطه الشرعية وواجـباته المحـررة المرعية من دعوى شرعية صـدرت عنده فى ذلك بطريقه الشرعى واعتبـار ما يجب اعتباره شرعا فقد تم هذا الوقف **(٤٠)** ولزم حكمه وانبرم وصار وقفا من أوقاف الله الحميدة مدفوعا عنه بقوته السديدة ليس لأحد يؤمن بالله واليوم الأخر ويعلم أنه الي ربه الكـريم صائر أن يغيره أو يبدله أو يسعى فى إبطاله أوإبطال شىء منه فمن فعل ذلك فأن الله طليبه ورقيبه وحسيبه **(٤١)** ومجازيه بفعله يوم التناد يوم عطش الأكباد يوم يكون الله تعالى هو الحاكم بين العباد. يوم لا تنفع الظالمين معذرتهم ولهم اللعنة ولهم سوء الـدار. فمن بدله بعد ما سمعه فأنما أثمه على الذين يبـدلونه أن الله سميع عليم. ومن أعـان علي مصالحه وصرفه فى مصارفـه برد الله مضجعه ولقنـه حجته

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أرضه فى وقف المرحوم محمد كسبـاى وما سيجد به من الأبنية والمنافع والحقوق يكون داخـلا فى هذا الوقف المرقوم أدناه. وجميع أربعة وعشرين فـدانا طينا سوادا كاينا بأراضـى ناحية شبرامنت بولاية الجيزيـة المعلوم ذلك عند الموكل المشار اليه أعلاه العلم الشرعى ألنافى للجهالة شرعا والجارى المكان المذكور أعلاه **(٥٥)** فى ملك مولانا شاهين أحمد أغا الموكل المشـار اليه أعلاه وبيـده وحوزه وتصرفه إلى تـاريخه أل ذلك اليه بالشراء الشرعى من قبل الجنـاب العالى الأمير أحمد بن سليم جوربجى طايفه مستحفظان قلعة مصر المحروسة المعروف بكتخدا المرحوم برهان الدين أفندى نقيب السادة الأشراف بمصر المحروسـة كما يشهد للموكل الواقف المشـار اليه أعلاه بذلك الحجـة المحكى تاريخها أعلاه **(٥٦)** والجارى أرض المكان الثانى المجاور للصهريج المعروف بانشـا مولانا شاهين أحمد أغا الموكل المشار اليه أعلاه فى وقف المرحوم محمد كسباى والجارى بناؤه فى ملك مولانـا شاهين أحمد أغا الموكل المشار اليه أعلاه وتواجر أرضه ومبايعـة انقاضه من قبل ناظره هو فخـر أمثاله على جلبى بن شعبان جوربجى طايفـة الجراكسة كما هو معين ومشروح ومفصل بمستند التواجر الشرعى المسطر من محكمة **(٥٧)** جامع الملك الصالح بمصر المحروسة المصدر فيه بـالأذن من قبل شيخ الأسلام بمصر حـالا المؤرخ فى ثالث عشرى من شهـر ذى القعدة الحرام سنـة تاريخه أدنـاه. والجارى الطين المذكور فى تصرفـه واستحقاقـه بدلالة التـذكرة الـديوانيـة المكتتبة باللغـة التركية المكملـة بالختم والعلامة المؤرخة فى سادس عشر شهر تاريخه أدناه. وقفا صحيحا شرعيا وحبسا صريحا مرعيا **(٥٨)** لا يباع أصل ذلك ولا يوهب ولا يـرهن ولا يناقل به. قايما على أصـوله محفوظا على شروطه مسبـلا عن سبله الأتى ذكرهـا فيه. ابد الأبدين ودهر الداهرين الى أن يرث الله الأرض ومن عليهـا وهو خير الوارثين. أنشأ الوكيل المشار اليه أعلاه وقف موكله المشار اليه أعلاه على مصالح الصهريج الـذى انشأه وأوقفه مولانا الموكل المشار اليه أعلاه الكائن بخط المدابغ القديمة بالقرب من باب سر **(٥٩)** الجامع القوصونى تجاه الطاحون المستجد بـالفسحة والدرب المتوصل منه لجامع الدوادية والمكتب علو الصهريج المذكور كما هو معين ومفصل ومشروح ومبين بمكتوب الأيقاف لذلك ولغيره المسطر من هذه المحكمة المؤرخ فى عاشر شهر شوال سنة ست وثمانين والف المذكور ذلك أعلاه. واضاف ريع المكان والطين المذكور ذلك أعلاه لوقف الصهـريج والمكتب المذكور أعلاه وملائه وكسوه أيتامه وجرايـاته ومصاريفه **(٦٠)** وخدمته كما هو معين بالمكتوب المحكى تاريخه أعلاه من غير عدول عنه ولا خروج عما هو معين به. وأن الوكيل المشار اليه أعلاه بماله من التوكيل عن مولانا شاهين أحمد أغا المشار اليـه أعلاه أنشأ وقف موكله المشار اليه أعلاه الصادر منه فى جميع بناء المكـان القائم على الأرض المحتكرة الكائن بـالقاهرة المحـروسة بخط قوصون المطل على بـركة الفيل المعروف بسكن مولانا شاهين **(٦١)** أحمد أغا الموكل المومى اليه أعـلاه بالطريق السالك المشتمل بـدلالة مكتوب وقفه لـذلك المكتتب فى الأوصال الملصق لبعضـه بعضا المسطـر من الباب العالى بمصر المحـروسة المشمـول بامضى

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افندى الحاكم الشرعى الحنفي الـواضع خطة الكريم أعلاه. دام علاه. وأيـد أحكامه. بمحمد وألـه امين. سطر ما مضمونـه اشهد عليه وكيل حضره خـاص خلاصة الخواص المعظمين ثقة الملـوك ومؤتمن السلاطين أنيس الـدولة العثمانية **(٤٧)** وجليس المقامات الخاقانيـة مولانا شاهين أحمد أغا عين أعيان أغاوات دار السعـادة هو كتخدا قدوة الأكابر والأعيان عمدة الأعاظم ذوى المفاخر والشأن الجنـاب العالى الأمير على أغا بن عمر من أعيان امراء المتفرقة بديوان مصر المحروسة. الثـابت توكيله عن مولانا شاهين أحمد أغا المشار اليه أعـلاه فى ذلك وفى جميع ما يذكر فيه لدى مولانا الحاكم المشار **(٤٨)** اليه أعلاه بشهـادة فخر الأماثل والأعيان الجناب العالى الأمير يـوسف بن عبد الله من طائفة الجراكسـة وخازندار مولانـا شاهين أحمد أغا المشار اليـه أعلاه سابقا والجنـاب العالى الأمير عثمان سقا باشا بسحابة المرحوم مولانا السلطان أحمد سابقا وتابع مولانا شاهين أحمد أغا المشار اليه أعلاه. ثبوتا شرعيا شهوده اشهادا شرعيا فى كمال صحته وسلامته وطواعيته **(٤٩)** وأختياره وجواز الأشهاد عليه شرعا أنه بماله من التوكيل عن مولانـا شاهين أحمد أغا المشار اليـه أعلاه وقف وحبس وسبل وأكد وحـرم وأبد وتصدق بجميع بنا المكـان المستجد الانشاء والعمارة القـايم على الأرض المحتكرة وقف المرحـوم مغلباى الـزردكاش الكـاين بخط قوصـون داخل زقاق حلب. الملاصق للبئر والحيضـان الذى هنـاك قريب من **(٥٠)** مستوقـد حمام النسا بخط قـوصون المشتمل الأتى بدلالـة الحجة الشرعية المسطرة مـن هذه المحكمة المشمولـة بامضى مولانـا أحمد أفندى الحاكم الشرعى الحنفى المشار اليه أعـلاه المؤرخة فى سادس شهر شعبـان المكرم سنة سبع وثمانين وألف وهى سنه تـاريخه أدناه على واجهة دايرة جديدة مبنية بالحجر الفص النحيت الأحمر بحريـة وشرقية يعلوها حرمدانات حجر سيبنى **(٥١)** عليها مكانان بمنافعهما وحقوقهما ويكونان من جملة هذا الوقف المذكور وما لذلك من المنافع والمرافق والتوابع واللواحق والحدود. ويحيط بـذلك ويحصره حدود أربـع مـعينـة بـالحجة المحكـى تاريخـها أعلاه. الحد القبلى ينتهـى لمكـان تحدث مولانا الجناب العالى الأمير شعبان أغا الدوغنجى ومتفرقة باشا بمصر المحروسة. سابقا والحد البحرى ينتهى للزقاق **(٥٢)** الذى هـو فيه وفيه الـواجهة والباب والحد الشرقى ينتهى للطـريق السالك والحد الغـربى ينتهى لمكان سكن الجناب العالى الأميرعبـد الرحمن الأسمر المعروف بخازنـدار المرحوم كنعان بيك ميرا اللوا وقايم مقـام بها كان. بحد ذلك كله وحدوده وحقه حقوقـه ومعالمه ورسومه وما يعرف به ذلك وينسب اليه شرعـا. وجميع بناء المكان الكاين بخط المدابغ القديمة داخل درب **(٥٣)** النقليين المجاور للضريح المعروف بانشاء مولانـا شاهين أحمد أغا الموكل المشار اليه أعلاه الأتى ذكـره فيه ومجاور لسكن الحاج فتوح الطبـاخ ولسكن محمد الخيمى تجاه منـزل مولانا القـاضى عبد الرحمن الأخطابى مبـاشر وقف الدشيشة الكبرى. وله شهرة فى محلـه تدل عليه وأمد تواجـر أرضه لمدة تسعين سنة كاملة متـوالية هلالية تمضى من مستهل شهر ذى الحجـة الحرام من ختام سنة سبع وثمانين **(٥٤)** والف الجارى

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حياة وليس لأحد من بعده فعل شيء من ذلك (٦٩) واتصل ذلك بمولانا الحاكم المشار اليه أعلاه الأتصال الشرعى بالطريق الشرعى. بدا لمولانـا الوكيل المشار اليه أعلاه بما له من التوكيل من موكلـه مولانا شاهين أحمد أغا المومى اليه أعلاه أنه جعل كامل ريع وقف المكان الكبير المذكور الموصوف أعلاه منضما لريع الأعيان الموقوفة المذكورة أعلاه بعد المصاريف وأجـرة أحكار المكان الكبير المذكور أعلاه المعينة بكتاب وقفـه المحكى تاريخه أعلاه (٧٠) من مصالح الصهريج والمكتـب المذكور ذلك أعلاه مضـافا ذلك جميعـه لوقفـه السابق وهـو المكان الملاصق للصهـريج المرقوم والمسموح والأطـلاقات الموقـوف ذلك من قبل الـوكيل المشار اليه أعـلاه عن موكلـه المومى اليه أعـلاه المعين ذلك مكتوب وقفـه المسطر من هـذه المحكمة المحكى تـاريخه أعلاه (٧١) اضافـة شرعية وأن يصرف من ريـع الأعيان الموقوفة المذكورة أعلاه أجرة حكر المكان المستجد الأنشاء والعمارة الكائن بزقاق حلب الجارى أرضه فى وقف المرحوم مغلباى الزردكاش المرقـوم أعلاه وقدره فى كل شهر من الفلوس الجدد النحاس الـرايجة بمصر عشرة أنصاف فلوسا نحاسا، وأجرة أرض (٧٢) المكان المجـاور للصهريج المذكور الجاري فى وقف المرحـوم محمد كسباى المذكـور أعلاه وقدره فى كل سنة ستة غـروش حسابا عن كل شهر نصف غرش. وأجرة أحكار المكـان الكبير المطل على بركة الأفيلة سكن مولانا الواقف الموكل المشـار اليه أعلاه لجهة الثلاثة أوقاف الآتى ذكرها فيـه وقدره فى كل سنة من الغروش الفضة (٧٣) العدديـة سبعة وأربعون غرشـا، ما هو لجهة وقف المرحـوم أنيس باى فى كل سنة خمسة عشر قـرشا من ذلك، وما هو لجهة وقف المرحوم جانم الزردكاش فى كل سنة سبعة قروش من ذلك حكم ما هو معين بمكتوب وقف المكان الكبير المذكور وما هو لجهة وقف المرحوم عبد الـرحمن أفندى وقدره فى كل سنة من الغروش الموصوفة خمسة وعشرون قرشا (٧٤) الجارى بها العادة حكم المعتاد فى ذلك باقى أجرة أحكار الثلاثة أوقاف الموعود بذكرها أعلاه وأن يصرف معلوم الأربعـة أنفار القرا بالمنـزل الكبير المطل على بركة الأفيلة سكن مـولانا الواقف المشار اليـه أعلاه عن معلوم قراتهم صبيحة كل يـوم بعد طلوع النهار ماتيسر قراته من القرآن العظيم ويختمـون القراءة بسورة الأخلاص والمعوذتين (٧٥) والفـاتحة ويهدون ثـواب ذلك الى النبى صلى اللـه عليه وسلـم والي سايـر الأنبيـاء والمرسلين وفى صحايف مولانا الواقف المشار اليه أعلاه مدة حيـاته والي روحه بعد وفاته ثم الي عتقائه وسائر أموات المسلمين وقدره فى كل شهر ستـون نصف فضة أو مـا يقوم مقام ذلك من النقـود عند الصرف كما هـو معين ومشروح بمكتوب وقف المكان الكبير المذكـور أعلاه وجميع مـا فضل (٧٦) من ريع كامـل الوقف المرقوم السـابق واللاحق بعـد مصاريف الصهريج وملايه والمكتب وكسـوة الأيتام وجرايتهم وعلوفتهم ومؤدب الأطفال والعريف والمزمـلاتى ومعلوم الناظر والمباشر والشاد والجابى وغير ذلـك كما هو معين ومشروح ومفصل ومبين بكتاب الوقف المسطـر من هذه المحكمة المحكى تاريخه أعلاه. وبعد جميع (٧٧) المصاريف وعمارة عين الوقف المذكور أعـلاه يتصرف فى ذلك مولانا شاهين

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حضره شيخ الأسلام مولانا محمد أفندى القاضـى بمصر المحروسة حين ذاك، المؤرخ فى حادى عشر شهر شوال سنة ثنتين وسبعين والف على واجهة قبليه مبنية بالحجر الفص النحيت بها باب مقنطر تغلق عليه فردة باب خشبا (٦٢) نقيا يتـوصل منه الى دركاه لطبقـة برسم البواب ويتـوصل منه الى حـوش كشف سماوى ويتوصل من الحوش المذكور على يسرة الـداخل أربع طباق وكشك مطل على الـواجهة والباب، وبصـدر الحوش المذكور حـاصلين معدين للكلار وبجوارهما مطبخ وسلم يتوصل منه الى طبقتين علو الحاصلين المذكورين، ويتوصل من باقى السلم الى أربعة طباق، وبجوار السلم المذكور بالحوش المذكوراسطبل. (٦٣) مقام عشرين رأس من الخيل وبالحوش المذكور حاصل تجاه الداخل علوه مقعد بعـامودين وثلاث قناطر ويتوصل من المقعـد المذكور الى طبقتين مطل احداهما على الجنينة والثانية مطلة على الحوش المذكور وبجوار باب المقعد حاصلين. وبـالحوش المذكور حوض وبئر ساقيه. وبجوار المقعد يسره باب مقنطـره يغلق عليه فـرده باب خشب نقى يتوصل منـه الى جنينة بها أنشـاب كرم عنب (٦٤) ونارنج وتفاح وأزهار وبها بير ماء معين وبها جملون وتاز بدرابزين خشبا نقيـا وعلى يمنة الداخل من الباب المذكور باب يتوصل منه الى منظرة مفروش أرضها بالرخام الملون بها ايوانين صغار وثلاث مراتب مطلات على بركة الأفيلة أحدها يتوصل منه الى تختبوش وهى من الجهة البحرية المطلة على البركة المزبورة، بـالمنظره المذكورة عمودان من المرمر وثلاث مناظر ودرابزى خشب (٦٥) مفروش أرض ذلك بـالبلاط الكدان ويتـوصل من المنظرة المزبورة على يمنـة الداخل الى كشك مطل على البركة المذكورة، وباليسرة باب يدخل منه الي قاعة تحوى ايوانين ودور قاعة مفروش أرضها بالرخام الملون وبالايوان المرقوم الكبير صدره مرتبة مطلة على البركة المزبـورة وسدلتين يمنة ويسرة احداها مطلة على البركة المزبورة ويتوصل منها الى تختبوش وخزانة نومية بها تختبوش أيضا (٦٦) والسدلة الثانية بها شباك مطل على المنظرة المذكورة وبالدور القـاعة المزبورة باب يتوصل منـه الى قاعة صغيرة معروفة بـالجبخانة وبالحوش المرقوم بـاب يتوصل منه الى قاعـة علوية بها ايـوانين ودور قاعـة وسدلتين مطلتين على البركة المزبـورة، واربع طباق ومطبخ وبيت أزيـار ومنافع ومرافق وحقـوق وتوابع ولواحق ويحيط بكـامل ذلك ويحصره حدود أربعة الحد القبلى ينتهى الى الـزقاق (٦٧) بعلو بركـة الأفيلة المزبورة وفيه الـواجه والباب، والحد البحرى ينتهى الى البركـة المزبورة، والحد الشرقى ينتهى الى بيت الأمير حسن جـاويش وصوابـه بعضه الى الصهـريج المعروف بـانشا بنت سليمان أفنـدى ووقفها وبـاقية الى المكـان المعروف بسكنها والأن يعرف بمولانا عبد الوهاب أفنـدى قائم مقام بمصر المحروسة سابقا، والحد الغربى ينتهى الى مكان عبد الـوهاب أفندى المومى (٦٨) اليه وصوابـه الى الأمير حسن جاويش المذكور بحد ذلك كلـه وحدوده وحقه وحقوقه ومعالمه ورسومـه وما يعرف به ذلك وينسب اليه شرعا. وأن مولانا شـاهين أحمد أغا الموكل المشار اليه أعلاه شرط لنفسه فى وقف منـزل سكنه الموصوف المحدود أعـلاه الأدخال والأخراج والتبديل والأستبـدال والبيع بلفظ مدة

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وتأمله تأملا وافيا فوجد فى جانب الوقف قولا قويا ورجحانا جليا وثبت لديه أحسن الله اليه ما نسب لوكيل الواقف المشار اليه أعلاه فى الوقف والشروط على الوجه المحرر المضبوط بشهادة شهوده ثبوتا شرعيا، وحكم أيد الله أحكامه **(٨٦)** وأحسن اليه بموجب ذلك وبصحة الوقف المذكور ولزومه وانبرامه على الوجه الشرعى عالما بالخلاف الصادر بين الأيمة الإسلاف، حكما شرعيا أوقفه فى ذلك بطريقه الشرعى مسئولا فى ذلك بشرائطه الشرعية وواجباته المحررة المرعية من دعوى شرعية صدرت بالطريق الشرعى واعتبار ما يجب اعتباره شرعا فقد تم هذا **(٨٧)** الوقف ولزم حكمه وانبرم وصار وقفا من أوقاف الله الحميده مدفوعا عنه بقوته الشديده، ليس لأحد يؤمن بالله واليوم الأخر ويعلم أنه الى ربه الكريم صاير أن يغيره أو يبدله، أو يسعى فى ابطاله أو أبطال شىء منه فمن فعل ذلك كان الله طليبه وحسيبه، ومجازيه بفعله يوم التناد يوم **(٨٨)** عطش الأكباد يوم يكون الله سبحانه وتعالى هو الحاكم بين العباد يوم لا تنفع الظالمين معذرتهم ولهم اللعنه ولهم سوء الدار، فمن بدله بعد ما سمعه فانما إثمه على الذين يبدلونه إن الله سميع عليم، ومن أعان على مصالحه وصرفه فى مصاريفه برد الله مضجعه ولقنه حجته وجعله من الأمنين الفرحين الفائزين برحمة الله **(٨٩)** صدر ذلك بحضور فخر الأكابر والأعيان الجناب العالى الأمير موسى كتخدا المرحوم على أغا دار السعادة وشيخ الحزم الشريف النبوى كان، والجناب العالى الأمير حسن من أعيان المتفرقة وتابع المرحوم على أغا المشار اليه أعلاه، وفخر الأغوات الأمير مصطفى أغا خازندار المرحوم على أغا المشار اليه أعلاه. والجناب العالى **(٩٠)** الأمير اسحاق بن عبد الله من المتفرقة تابع المرحوم على أغا شيخ الحرم المذكور، والجناب العالى الأمير قاسم بن عبد الله تابع المرحوم على أغا شيخ الحرم المذكور أعلاه، والجناب العالى الأمير حسن بن عبد الله من طايفة توفكجيان بمصر المحروسة تابع مولانا سليمان أفندى المحاسبجى بالديوان العالى بمصر المحروسة حالا، والجناب العالى الأمير محمد بن عبدالله من المتفرقة تابع مولانا شاهين أحمد أغا **(٩١)** المشار اليه، وفخر الأمثال والأعيان الأمير عمر بن عبد الله خازندار حضرة مولانا شاهين أحمد أغا المشار اليه أعلاه حالا، واطلاعهم على ذلك اطلاعا شرعيا واشهد على نفسه الكريمة بذلك وبه شهد فى مستهل شهر ذى الحجة الحرام ختام سنة سبع وثمانين والف وحسبنا الله ونعم الوكيل.

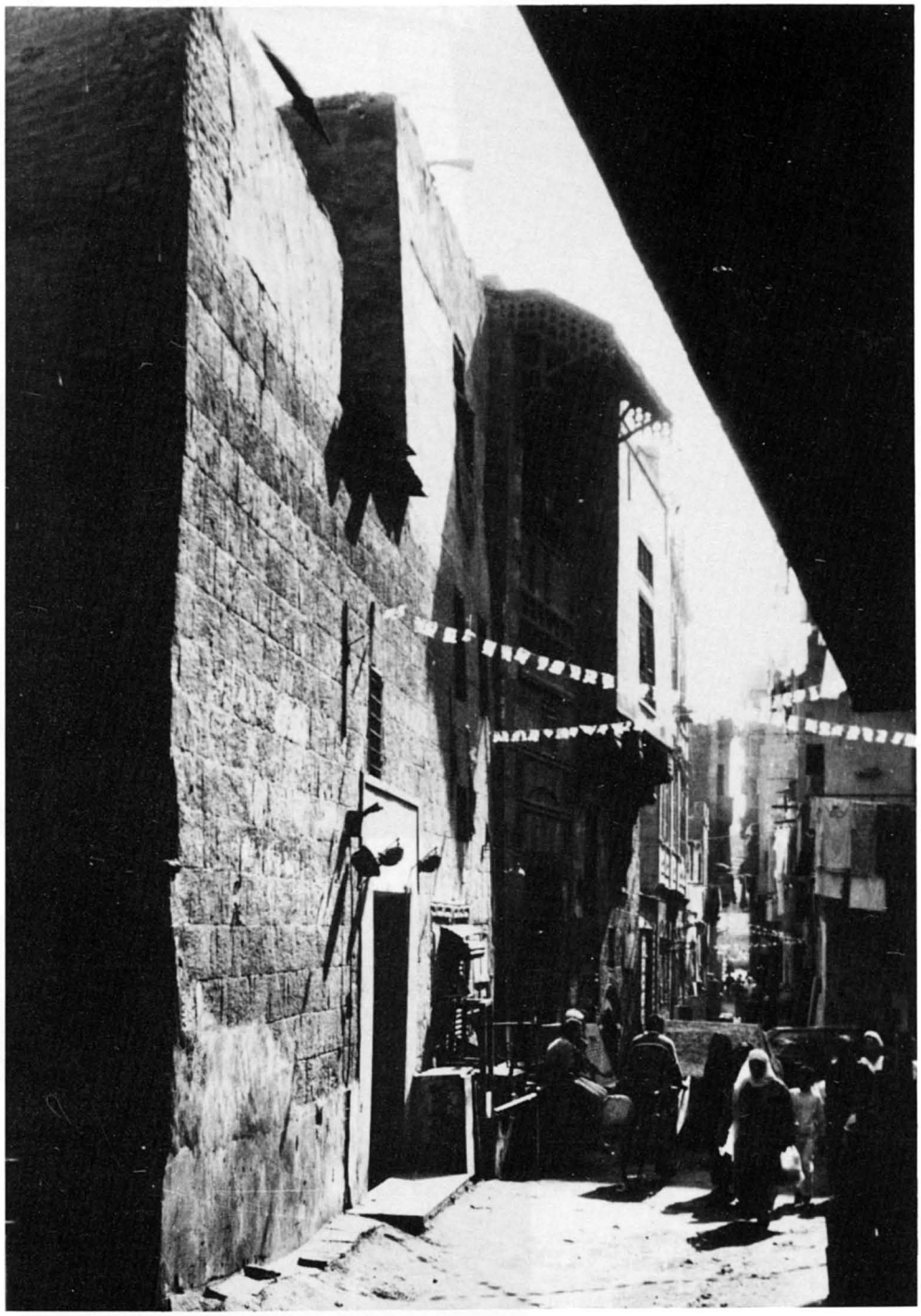
شهوده

توقيعات

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أحمد أغا الواقف الموكل المشار اليه أعلاه لنفسه مدة حياته أحياه الله تعالى حياة طيبة ورزقه أطول الأعمار ثم من بعده يصرف لعتقاء الواقف المشار اليه أعلاه ذكورا واناثا فى ذلك على حد سوا. ثم من بعدهم على أولادهم وأولاد أولادهم وذريتهم ونسلهم عقبهم طبقة بعد طبقة ونسلا بعد نسل وجيلا بعد جيل على أنه من مات منهم وترك ولدا إو ولد ولد **(٧٨)** أنتقل نصيبه لولده أو ولد ولده وأن سفل فان لم يكن له ولد ولا ولد ولد أنتقل نصيبه لمن هو فى درجته فاذا انقرضوا بأسرهم وابادهم الموت عن أخرهم وخلت بقاع الأرض منهم ولم يبق منهم أحد صرف ما فضل من ريع الوقف المذكور بعد المصاريف المعينة بالوقف المرقوم والعمارة والمرمة لمصالح الحرمين الشريفين، حرم مكة المشرفة وحرم **(٧٩)** المدينة المنورة على الحال بها أفضل الصلاة والسلام فان تعذر أحدهما صرف للأخر، فان تعذرا معا والعياذ بالله تعالى صرف للفقراء والمساكين أينما كانوا وحيث ما وجدوا بحسب مايراه الناظر على ذلك ويودى اليه اجتهاده. وشرط الوكيل المشار اليه أعلاه للواقف المشار اليه أعلاه فى وقفه هذا شروطا نص عليها **(٨٠)** وأكد فى المصير اليها، منها أنه شرط النظر على وقفه هذا والولاية عليه لنفسه أيام حياته، أحياه الله حياة طيبة وللواقف المذكور أن يسنده ويفوضه ويوصى به لمن شاء متى شاء وشرط له أيضا الأدخال والأخراج والتغيير والتبديل والأعطاء والحرمان والزيادة والنقصان مدة حياته وليس لأحد من بعده فعل شىء من ذلك، ثم من بعده يكون النظر على وقف المنزل **(٨١)** الكبير المطل علي بركة الأفيلة سكن مولانا الواقف المشار اليه أعلاه فقط لكتخدائه الأمير على أغا بن عمر الوكيل المشار اليه أعلاه بمفرده مدة حياته، ثم بعده للأرشد فالأرشد من عتقاء مولانا الواقف المشار اليه أعلاه. حكم ما هو معين بكتاب وقف المنزل المرقوم المسطر من الباب العالى المحكى تاريخه أعلاه مع بقية الأعيان المرقومة ثم من **(٨٢)** بعدهم على أولادهم وأولاد أولادهم وذريتهم ونسلهم وعقبهم على الحكم والترتيب المشروح أعلاه ثم من بعد انقراضهم أجمعين يكون النظر على ذلك والولاية عليه لناظر الحرمين الشريفين بمصر حين ذاك. وشرط أن التقرير فى الوظائف لناظر الوقف المذكور أعلاه دايما ابدا وأن يبدا الناظر على ذلك بعمارة الوقف المرقوم ومرمته وما فيه **(٨٣)** البقاء لعينه والنمو لريعه ولو صرف فى ذلك جميع غلته. ولما تم الحال على هذا المنوال رفع الوكيل المشار اليه أعلاه يد موكله عن وقفه هذا وملكه وحيازته، ووضع يد نظره وولايته وسلمه لمتول عليه شرعا يتصرف فيه ويصرفه فى مصارفه المعينه فيه، وتسلمه المتولى على ذلك باعترافه بذلك غير مشغول عنه بما يمنع صحة التسلم. ثم عن للوكيل المذكور أن موكله رجع عن **(٨٤)** الوقفية المذكورة وأن يرده الى ملكه متمسكا بعدم اللزوم على قول الأمام الأعظم أبى حنيفه النعمان اسكنه الله تعالى فسيح الجنان فعارضة المتولى المرقوم فى ذلك متمسكا باللزوم على قول الأمامين الصاحبين أبى يوسف ومحمد ابن الحسن، وطال بينهما التنازع فى ذلك وتداعيا ذلك لدى الحاكم المشار اليه أعلاه وطلب كل منهما فعل ما **(٨٥)** يقتضيه الشرع الشريف فى شأن ذلك فأجابهما لذلك ونظر فى محل النزاع نظرا شافيا

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Sabil-Kuttab and the Facade of the House constructed
by Shahin Ahmad Agha in Mukhtar Basha Street.

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Pl. 16

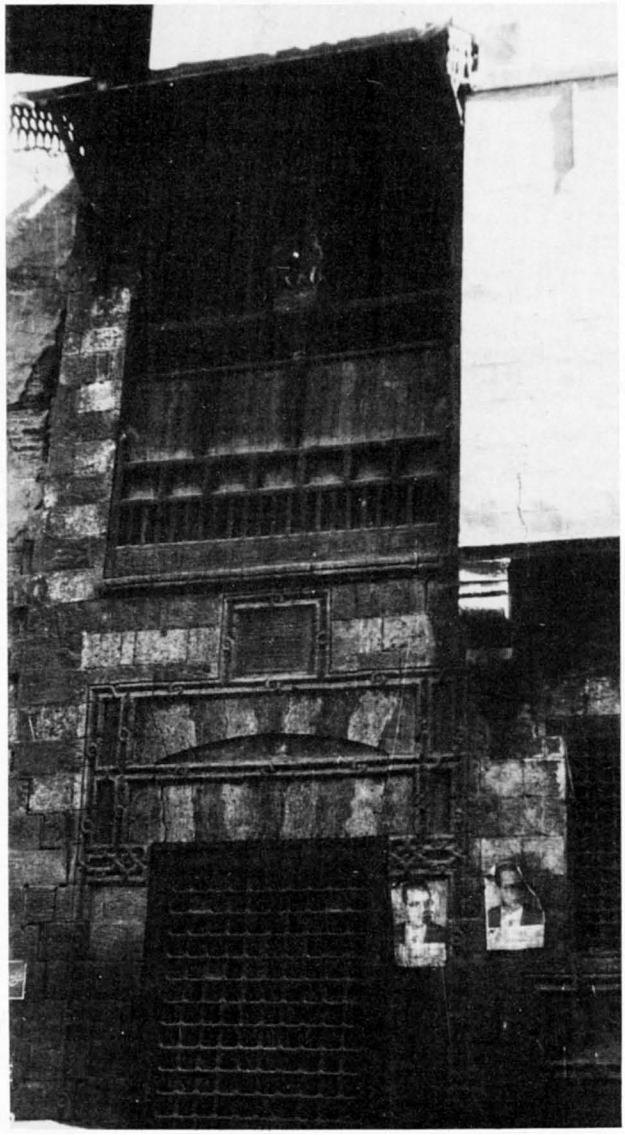


a. Sabil-Kuttab and remains of one of the two makans of Shahin Ahmad Agha.

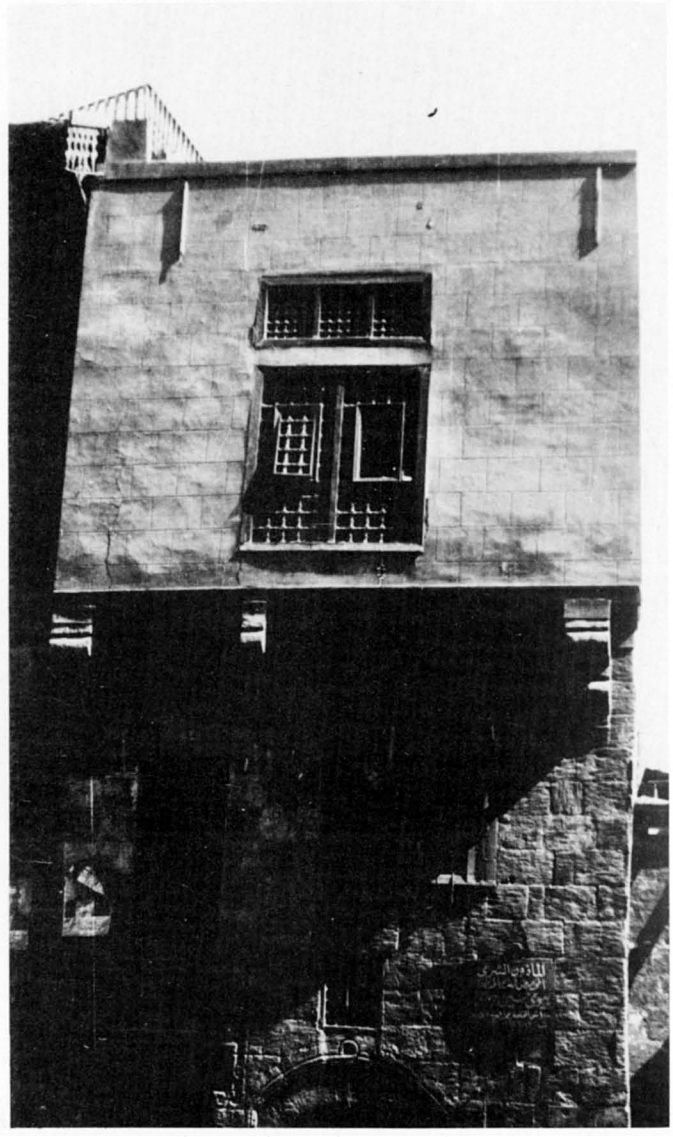


b. Harat al-Madabigh al-Qadima now begins at Muhammad ʻAli Street.

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a. Sabil-Kuttab of Shahin Ahmad Agha.



b. Remains of one of the two makans.

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