



Abba Hillel Silver Collection Digitization Project

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MS-4787: Abba Hillel Silver Papers, 1902-1989.

Series I: General Correspondence, 1914-1969, undated.

Sub-series A: Alphabetical, 1914-1965, undated.

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Jewish Agency, 1929-1930.

הסוכנות היהודית בשביל ארץ ישראל
THE JEWISH AGENCY FOR PALESTINE.

TELEPHONE: MUSEUM 3817 (4 LINES).

TELEGRAMS: "ZIONIBURO, LONDON."

CODES: BENTLEY'S AND MOSSE'S.

77. GREAT RUSSELL STREET,

LONDON. W.C.1.

In reply please address the Secretary:

and quote the following Reference No.:

PROTECTION OF CULTIVATORS IN LAND TRANSACTIONS IN PALESTINE.

Note on Legislation now in Force.

At the time of the military occupation, land transactions in Palestine were governed by provisions of the Ottoman code.

The "Transaction of Land Ordinance 1920-21", which was promulgated in September, 1920, introduced various amendments.

The protection of cultivators in land transactions is dealt with in Art. 8 of this Ordinance, which reads as follows:

"The consent of the Government to a disposition shall be given by the Director of Lands or the Registrar of the district or sub-district, who shall be satisfied only that the transferor has a title; provided that, in the case of agricultural land which is leased, he shall also be satisfied that any tenant in occupation will retain sufficient land in the district or elsewhere for the maintenance of himself and his family."

This provision, with slight formal amendments introduced by the Ordinance of 1921, remained valid until 1928, and was repealed by the Protection of Cultivators Ordinance 1929, when the following provisions came into force:

1. "The landlord of miri land may not terminate tenancy of a tenant of more than two years' standing without at least one year's notice."
2.
3. "When valid notice to quit has been given, the landlord shall pay the tenant compensation for disturbance ... if a claim for such compensation is made within three months from the date of the tenant's departure"
4. "Tenants of five years' standing and over are to receive an additional compensation of one year's rent."
5. "Where application is made to register the transfer of miri land on which there are tenants who have received notice to quit in accordance with this Ordinance, the Director of the Department of Lands shall not record the transfer unless he is satisfied that security has been given by the landlord for carrying out any obligations to the tenants
/under

under this Ordinance, or unless the purchaser agrees to take over the obligations of the former landlord in this respect."

Under this Ordinance it will be seen that there is no provision to the effect that land must be found for any sitting tenants, though ample provision is made for monetary compensation.

