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## TALES OF OTTOMAN BOOK THEFT (19<sup>th</sup> CENTURY)\*

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It seems that the Latin saying “Verba volant, scripta manent” (“Words fly away, writings remain”) is true for inscriptions engraved into much more durable material like stone rather than writings on parchment or paper. Hence a lot of ancient books disappeared in the course of time exactly as in the case of Aristotle’s famous trilogy *Poetics*, of which only the *Tragedy* book happened to survive. The fate of the other parts (*Comedy* and *Epic*) is unknown but an object of various fictions, amongst them Umberto Eco’s *The Name of the Rose* relating the creepy story of a murder committed in a fourteenth-century Italian monastery because of Aristotle’s *Comedy*. While in fiction some writings still can survive well until the Middle Ages, in reality not only words, but apparently also writings or books could fly away, so to speak, because of various reasons, among which destruction and burning seem to be the most probable ones. As a matter of fact, although destroyed and burned books presumably disappear for ever, Mikhail Bulgakov’s novel *The Master and Margarita* implies that sometimes a burnt manuscript could be still reconstructed from memory.

There is another case in which flew-away books could appear again, and namely the case of book theft when the stolen books could be given back to

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their actual possessor. It is easy to assume that book theft appeared with the emergence of the book itself. Since that specific crime was not unusual the book colophons often contained warnings towards their eventual thieves or plunderers calling down curses on them.<sup>1</sup> In spite of such warnings not only manuscripts, which definitely were rare, but also printed books, which must have presumably been much more accessible, were stolen. Such evidences are available for instance in a manuscript note inserted in the lower cover of a copy of Joannes Tortellius's *Orthographia* printed at Venice in 1471. The note reads that the copy was stolen during the *Walpurgisnacht* of horror that happened in Florence on the eve of Palm Sunday, April 8, 1498.<sup>2</sup> To give another much creepier example, the Londoner William Bond was first transported and then executed in 1721 for having stolen books.<sup>3</sup> As a matter of fact, the eighteenth-century English penal practice was still based largely on public executions such as whipping, the pillory, transportation, and hanging, and the severity of the punishment sought to produce the due effect on the public rather than to punish the offender in relation to the crime committed.<sup>4</sup>

The history of the book, in particular the history of the book in the Ottoman Empire, a relatively new field of interdisciplinary study, has done a lot to reveal different historical, social, cultural and intellectual aspects of acts such as writing, creating, reading, disseminating, censoring, banning, destroying or burning books, whether manuscripts or printed. However, less attention is paid so far to cases of inappropriate behavior and crimes committed because of books. There were cases of book theft, sale of inherited books at the black market without public auctioning, which was an infringement of the stipulations of the inheritance laws, sale of books donated to public libraries and whose sale was forbidden by virtue of the law, printing of books at illegal printing houses, and of books that overlooked the censorship regulations.

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<sup>1</sup> See A. Aktuna, "Verba volat, libri quoque volat..." at <http://www.moleschino.org/wp/?p=60>.

<sup>2</sup> C. F. Bühler, "Savonarola's Arrest and the Theft of a Book: Libri Impressi Cum Notis Manuscriptis, VII," *Renaissance News* 7/3 (1954): 95-97.

<sup>3</sup> P. Earle, *A City Full of People: Men and Women of London, 1650-1750* (London, 1994), p. 66. Quoted after: A. Johns, *The Nature of the Book. Print and Knowledge in the Making* (Chicago and London, 1998), pp. 140-141, note 156.

<sup>4</sup> See D. Hay, "Crime and Justice in Eighteenth- and Nineteenth-Century England," *Crime and Justice* 2 (1980): 45-84.

In the present article I will focus on several nineteenth-century Ottoman documents dealing with cases of book theft. These are petitions written by victims of such illegal acts and decisions taken by the Ottoman authorities to put an end to, to prevent, to investigate these acts, as well as to punish the offenders.

I have to say that since, to the best of my knowledge, no other particular study on this subject matter is done so far, I do not dispose of any basis for a comparison and further analysis. In other words, the present study is in a way very first a step into this particular topic. Neither specialists in Ottoman book history, nor specialists in Ottoman criminal law and its application do have paid so far attention to it. As a matter of fact, the main reason for that was simply the lack of appropriate sources to rely on. This is only by good fortune that I came across documents dealing with four nineteenth-century cases of book theft and preserved at *Başbakanlık Arşivi*, Istanbul.

Undoubtedly, such crimes were committed in the previous centuries, too. However, for the time being, the only earlier documental evidence I have come across is dating from 1203/1788-89. It reveals the case of a certain Şeyh Mustafa, who was *zaviyedar* at Hoca Fazlullah's *türbe* and *zaviye* in the town of Geğbüze (today's Gebze). Şeyh Mustafa petitioned the sultan because a certain Ibrahim, who was a post rider (*menzilci*) of the same town, dismissed him illegally from the office and plundered his belongings and books.<sup>5</sup>

One can remind here even earlier Ottoman cases of book plunder whose fairness is not yet confirmed through any documental evidence. The first one is revealed in a decree issued by sultan Murad III (1574–1595) in 1588 and published in one of the European prints in Arabic, the commentary on Euclid's *Elements of Geometry* by Nasireddin al-Tusi (d. 1274), printed in 1594 at *Tipographia Medicea* in Rome. The decree reveals that two European traders had imported to the Ottoman state goods as well as books printed in Arabic and Persian on the basis of an imperial decree allowing them to do so. However, the two traders had complained that their stock had been plundered at the Ottoman dock. The robbers were seriously provoked by the fact that the two foreign traders had such books and plundered them, too. The decree ordained that all the responsible Ottoman authorities should not allow in future such plunders that

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<sup>5</sup> Başbakanlık Osmanlı Arşivi (BOA), Cevdet Evkaf 28475.

are contradictory to the Muslim sacred law and to the capitulations.<sup>6</sup> The said decree is a good illustration of what is usually referred to as the two sides of the coin. On the one hand, the official Ottoman authorities allowed trade in Arabic books printed abroad, but on the other hand the wide public was, at least to a certain extent, hostile towards such prints. It must have been especially true for the European prints of the Koran. During the seventeenth century, and this is the second well known earlier case, a lot of such Koran prints imported by sea to the Ottoman shores by an Englishman had been reportedly thrown out into the Sea of Marmara by the locals.<sup>7</sup>

Both cases were not actually only criminal acts, but also a manifestation of the hostile attitude to books printed abroad and considered to be more or less offensive. However, my nineteenth-century cases do not contain such ideological and cultural connotations. They seem to be merely criminal cases. Nevertheless, they are interesting enough to be studied from different methodological perspectives. On the one hand they reveal a little known chapter of Ottoman book history related to the criminal acts committed because of books. On the other hand, they provide a good opportunity for the specialists of Ottoman criminal law to study its application within the framework of this particular crime. I have to say that neither the Muslim law, Shari'a, nor the Ottoman civil (or sultanic) law did contain regulations dealing in particular with books. When possessed by private persons, books were considered a private property and therefore in book theft cases the regulations related to theft of goods which were considered private property were applied at all. However, the specific nature of the book, combining material and nonmaterial value, can still provoke our curiosity of the reasons lying behind the committed crime. As rather expensive goods in those times books was certainly a good source for gaining some money out of their sale. On the other hand, books were very important a source of knowledge. If one was deprived from a book, it meant that he or she was deprived from certain knowledge, as well. So, from the point of

<sup>6</sup> See the text in standard Arabic, Latin transliteration, and English translation, respectively in Efdaleddin, "Memalik-i Osmaniye'de Tibaatın Kadimi," *Tarih-i Osmanî Encümeni Mecmuası* 40 (1332/1916): 245–247; S. N. Gerçek, *Türk Matbaacılığı, I. Müteferrika Matbaası* (İstanbul, 1939), pp. 23–24; G. N. Atiyeh (ed.), *The Book in the Islamic World. The Written Word and Communication in the Middle East* (Albany, 1995), p. 283.

<sup>7</sup> F. Babinger, *Stambuler Buchwesen im 18. Jahrhundert* (Leipzig, 1919), p. 8.

view of those who stole books they were either source of money, or source of needed knowledge, or probably, both of them.

Let me now describe in brief the nineteenth-century Ottoman cases of book theft I have come across and then make some attempt to analyze them.

### The First Case

The first book theft case is revealed in an undated petition (*arzuhal*).<sup>8</sup> According to the archival catalogue the document in question is dating from 1270/1853-54. Since no date is written on the document itself it seems that the archivists have put that year taking into consideration the date of other documents found together with this one. The petitioner is a certain İçilli Mehmed, whose petition was formally addressed to the sultan (at that time Abdülmecid, 1839-1861). So, what happened to Mehmed? During the Kurban Bayram he went from his hometown İçil to Kartal for some trade business (*ticarete gitmiş*) but on his way he was robbed. The robbers threatened him, plundered his books, five books related to the traditional *medrese* curriculum (classical treatises on Arabic syntax) and a copy of the Koran (*Kelam-i kadim*), as well as his watch and clothes (*çamaşur*). Mehmed complained that he had hardly come out unscathed. Then he went to Istanbul and settled as a student at the so-called *Çifte*, one of the theological colleges (*medrese*) in the Süleymaniye complex, which as a matter of fact were the most prestigious institutions within the Ottoman system of Islamic education. Since of his being poor and unable to get the said books, Mehmed asked the sultan for a benefaction to provide him with the books that were apparently needed for his education.

### The Second Case

The second case is revealed in two related documents: an undated petition by the victim and a letter (*şukka*) sent by the Grand Vizierate to the governor of Harput. According to the petitioner, El-Hac Abdulfettah, who was a teacher of Islamic theology and law (*müderris*), a certain Çataloğlu Osman Ağa together

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<sup>8</sup> BOA, Sadaret: A.DVN 99.86. I would like to thank Prof. Dr. Amy Singer (Tel Aviv University), Mr. Mustafa Birol Ülker (Director deputy of the Center for Islamic Studies Library, Istanbul), and Dr. Bilgin Aydın (University of Marmara, Istanbul) for their valuable suggestions in reading and transliterating the document in question.

with several other criminals burgled during the night at 3 o'clock the teacher's room at the school (*dershane*) located next to the so-called Grand Mosque (*Cami-i kebir*) in Malatya. The burglars devastated the room but managed to steal only a piece of the teacher's personal belongings and twenty books out of over 200 books put in the room because of the intervention of the students who succeeded to hide most of them. The next day the teacher complained to Şekerci İsmail Ağa, the official (*müdür*), governing the sub-district (*kaza*) of Malatya. However, since the latter was over ninety years old and hence unable to solve the problem his reply was: "I can not solve [the problem], let Allah solve it!" Because of that elusive reply the victim addressed his petition to the Grand Vizierate and asked for issuing of an order to Cemal Paşa, governor of Harput, in order the persons involved in the case to be procured in the local council (*meclis-i kebir*)<sup>9</sup> on the condition that the person who is not rightful will cover the court expenses of the rightful person.<sup>10</sup>

The second document is a letter (*şukka*) dating from the end of November 1857. It was sent by the Grand Vizierate to the governor (*vali*) of Harput and stipulated that the case should be heard jointly by the Shari'a court and the local council (*meclis-i kebir*).<sup>11</sup>

### The Third Case

The third case is revealed in an order (*buyruldu*) dated January 10, 1861 and sent by the Grand Vizierate to the chief of the Istanbul police.<sup>12</sup> According to its contents a certain Yedekçi Mustafa, suborned by Hüseyin Efendi, a servant at the Greek Patriarchate (*Fenar memuru*), penetrated through the garden fence

<sup>9</sup> During the period of 1842–1864 *kaza* was the smallest Ottoman administrative unit, governed by a *müdür*, who was elected by the local population. The bigger unit was called *sancak*, governed by a *kaymakam* and the so-called "small council" (*meclis-i sagir; küçük meclis*). The biggest administrative unit was called *eyalet*, governed by a *vali* and the so-called "big council" (*meclis-i kebir; büyük meclis; eyalet meclisi*). See: İ. Ortaylı, *Tanzimat Devrinde Osmanlı Mahallî İdareleri (1840-1880)* (Ankara, 2000); M. Çadırcı, "Tanzimat," *Osmanlı*, vol. 6 (Ankara, 1999), p. 184. See also: A. Işık, *Malatya. Adıyaman (Hısn-i Mansur), Akçadağ, Arabkir, Besni, Darende, Doğanşehir, Eskimalatya (Battalgazi), Hekimhan, Kâhta Pütürge, Yeşilyurt. 1830-1919* (İstanbul, 1998), p. 154.

<sup>10</sup> BOA, Sadaret: A.MKT.DV 120.13 (1).

<sup>11</sup> BOA, Sadaret: A.MKT.DV 120.13 (2).

<sup>12</sup> BOA, Sadaret: A.MKT.MVL 124.13.

and the window into Yaver Akif Bey's house located in the vicinity of Rumeli Hisarı and stole a certain number of weapons and books. The offender Yedekçi Mustafa had admitted at the examination council (*tahkik meclisi*)<sup>13</sup> that he was pushed to commit the crime by the afore-mentioned Hüseyin Efendi and that he kept the stolen weapons, while the pander kept the stolen books. Then the examination council sent an official report (*mazbata*) to the Supreme Council (*Meclis-i Vala*)<sup>14</sup> for a confirmation of the envisaged punishment of the said thief according to the article 220 of the Ottoman penal code,<sup>15</sup> as well as for a suggestion of a due punishment for the said pander. Then the Supreme Council heard the case but found that the thief should be punished according to the article 222 because he committed the crime at night and in an inhabited place.<sup>16</sup> As for the pander, he was considered party to a crime and hence deserving to be punished according to the article 45.<sup>17</sup> So the two offenders were sentenced to three years of imprisonment and to recover the stolen weapons and books to

<sup>13</sup> *Tahkik meclisi* or *Meclis-i tahkik* was one of the two councils attached to the Police office (*Zabtiye Müşirliği*) and established in 1854. Here were heard cases of crimes (murders, wounding and thefts), for which the penal code envisaged imprisonment lasting more than three months and fines more than 10 *mecidiye altını*. See E. Buğra Ekinci, *Osmanlı Mahkemeleri (Tanzimat ve Sonrası)* (İstanbul, 2004), pp. 139-140.

<sup>14</sup> *Meclis-i Vala-yı Ahkam-ı Adliyye* (Supreme Council of Judicial Ordinances) was established in March 1838 as a higher legislative and law court. In September 1854 it was divided into *Meclis-i Ali-i Tanzimat* and *Meclis-i Vala*, the former being legislative and the latter law court. However, in July 1861 they were united again as a *Meclis-i Ahkam-ı Adliyye*, and in March 1868 divided for the second time into *Şura-yı Devlet* and *Divan-ı Ahkam-ı Adliyye*. See: S. Shaw, "Meclis-i Vala," *The Encyclopedia of Islam*, vol. 6 (Leiden, 1991), pp. 972-973; M. Seyitdanoğlu, *Tanzimat Devrinde Meclis-i Vâlâ: 1838-1868* (Ankara, 1994); A. Akyıldız, "Meclis-i Vala-yı Ahkam-ı Adliyye," *TDV İslam Ansiklopedisi*, vol. 28 (İstanbul, 2003), pp. 250-251.

<sup>15</sup> Article 220 reads as follows: "Her ne kadar insan ikamet eder mahal olmasa veyahud meskun mahalle müteallik bulunmasa bile kapalı duvar ile mahdud olan mahallerin duvarını dolarak veya nerd-ban ile aşarak veya alet-i mahsuse ile kapusunu açarak hırsızlık edenler muvakkaten küreğe konulurlar." See: *Ceza Kanunname-i Hümayun* (Takvimhane-i amire, 1274/1858), pp. 50-51.

<sup>16</sup> Article 222 reads as follows: "Zirde ta'dad olunan ahvalden biriyle irtikab-ı sirkat eden şahıs üç sene müddetle habs olunur. Ahval-i mezkûrenin birincisi gece vakti olmak ve iki veyahud daha ziyade eşhas birlikde bulunmak veya iki keyfiyetin yalnız birisi olub fakat adam oturur bir mahalde veya mabedde olmaktadır..." See: *Ceza Kanunname-i Hümayun*, p. 51.

<sup>17</sup> Article 45 reads as follows: "Bir cürmün müşterek failleri kanunun sarahatı olmayan mevadda ol cürmün fail-i müstakili gibi mücazat olunur." See: *Ceza Kanunname-i Hümayun*, p. 11.



their owner. Afterwards the Grand Vizierate sent the current order to the chief of the Istanbul police office to implement the envisaged punishment.

### The Fourth Case

There are three related documents revealing the fourth case of book theft. The first one is a report (*mazbata*) dated January 18, 1862 and presenting the hearing of the case at the examination council (*tahkik meclisi*).<sup>18</sup> According to it the 23-year-old bookbinder Kigork, son of Karabet, fall down in a street near by the so-called *Tavuk pazarı* in Istanbul because of his being drunk. Then he was taken to the police office. Afterwards the bookseller Kitapçı Halil Efendi, staying at the so-called *İstanbul Ağa inn (han)* inside the Grand Bazaar (*Çarşu-yi kebir*) of Istanbul, and the bookbinder Mehmed Efendi, staying at the so-called *Tabhane* college, one of the several ones included in the *medrese* complex of Sultan Mehmed the Conqueror, came to the police office and complained that Kigork had cheated them and stolen from them a plenty of books. Upon this complaint Kigork was arrested and the case was put to hearing at the examination council. Since Kitapçı Halil was on business in the province he authorized his brother and business partner Hacı Ali Efendi to present at the court hearing the state of affairs. According to his statement Kigork, who used to take books for binding, came in the daytime to the above-mentioned inn, opened with a key the door of the bookseller's room and stole a hundred books. Then the other litigant, Mehmed Efendi, was inquired. He stated that the last Ramazan Bayram he had given Kigork 86 bound books to be silver-plated but never taken them back. Then the offender admitted his crime and that he had managed to sell a part of the books stolen. Then the examination council judged that the offender should be imprisoned according to the articles 236<sup>19</sup> and 220. He was also sentenced to recover the available stolen books and the sum of 3243 piaster for those ones that he managed to sell meanwhile. However,

<sup>18</sup> BOA, Sadaret: A.MKT.MVL 141.37 (1).

<sup>19</sup> Article 236 reads as follows: "*Emanet ve vekalet tarikiyle veyahud ibraz ve iade etmek veyahud main olan bir suret ile istimal eylemek üzere ücretli ve ücretsiz bir hizmet sıfatıyla kendüsine ita ve teslim kılınmış olan emval ve eşya ve nukud ve tahvilat ve sair her derlü ta'ahhudat ve ibra-yı mütezammin-i senedat ve saireyi eshabını izraran ketm veyahud zayi eden şahıs iki aydan iki seneye kadar habs olunur ve kendüsinden lazım gelecek tazminatın ifasıyla bedel-i tazminatın rub' kadar ceza-yı nakdi dahi olunur...*" See: *Ceza Kanunname-i Hümayun*, pp. 54-55.

since he had no any sources to recover the sum he was sentenced to recover it by installments during the period of punishment. This judgment was conveyed for confirmation to the one of the Supreme Council's departments, and namely the Trial Department (*Daire-i muhakemat*).<sup>20</sup>

The second document is the final judgment of the Supreme Council taken on February 2, 1862. The said Kigork was sentenced to four years of *kürek* punishment, that is, penal servitude on the galleys, and to recover the sum of the unavailable books by installments during the period of punishment according to the articles 220, 236, and 19 of the penal code.<sup>21</sup> Article 19, in particular, stipulates that the offender should be exposed to public ignominy for two hours.<sup>22</sup>

The third document is an order dated February 13, 1862 and sent by the Grand Vizierate to the chief of the Istanbul police with the instruction to implement the punishment.<sup>23</sup>

### Analysis

The studied four cases could be analyzed by putting forth the following major questions:

- What is the social and professional profile of the victims?
- What is the social and professional profile of the thieves and what were the explicit and implicit motives for committing the theft?
- What and how many were the books stolen?
- How were the cases solved in the framework of the Ottoman judicial administration?

<sup>20</sup> This department was established in 1857 as a subdivision of the Supreme Council under the name *Deavi Dairesi*, and later, in 1861, renamed as *Muhakemat Dairesi*. See E. Buğra Ekinci, *Osmanlı Mahkemeleri (Tanzimat ve Sonrası)*, p. 151.

<sup>21</sup> BOA, Sadaret: A.MKT.MVL 141.37 (2).

<sup>22</sup> Article 19 reads as follows: "... *Kürek cezasına müstehak olan şahıs hakkında teşhir usulü dahi icra olunur. Şöyle ki cezaya hükm eden divan mazbatasının bir hulasası gayet kalın huruf ile yazılıb mücazat olunacak şahıs bulunduğu şehirde bir meydana veya memerr-i nas olan bir mahale götürülüb işbu hulasa göğsüne konularak iki saat orada tevkif ve halka ira'ye olunduktan sonra ayaklarına timur konularak mahal-i mücazatına gönderilir. Onsekiz yaşında aşığı olan ve yetmiş yaşından ziyade bulunan eshab-ı cinayet işbu teşhir kaidesinden muaf tutulur.*" See: *Ceza Kanunname-i Hümayun*, p. 5.

<sup>23</sup> BOA, Sadaret: A.MKT.MVL 141.37 (3).

### The Victims

In the cases studied here the victims, not surprisingly, were people whose occupation required ownership of books. We have a *medrese* student and a *mederese* teacher, a bookseller and a bookbinder, and a person, who presumably was at some military service because of his title *Bey* and the fact that together with his books weapons were also stolen from his house. As a matter of fact, the victim profile appearing from these cases is completely the same as the book owner profile as revealed in a number of studies on book ownership in the Ottoman Empire. According to studies based on inheritance registers of citizens of major urban centers like Istanbul, Bursa, Sinop, Trabzon, Samsun, Giresun, Çorum, Sofya, Vidin, Rusçuk, Salonica, Karaferye, Damascus, and Cairo, the Ottoman reading public consisted mainly of men of religion (*ulema*), scholars and students included, administrative and military officials, and sometimes traders and craftsmen, among them certainly booksellers and bookbinders.<sup>24</sup> The number of books stolen in the studied four cases also corresponds to the

<sup>24</sup> A. Turgut Kut, "Terekelerde Çıkan Kitapların Matbu Satış Defterleri," *Müteferrika* 2 (1994): 3–24; S. Öztürk, *Askeri Kassama Ait Onyedinci Asır İstanbul Tereke Defterleri (Sosyo-Ekonomik Tahlil)* (İstanbul, 1995), pp. 174–184; C. K. Neumann, "Arm and Reich in Qaraferye," *Der Islam* 73 (1996): 259–312; T. Artan, "Terekeler Işığında 18. Yüzyıl Ortasında Eyüp'te Yaşam Tarzı ve Standartlarına Bir Bakış: Orta Halliliğin Aynası," *18. Yüzyıl Kadı Sicilleri Işığında Eyüp'te Sosyal Yaşam* (İstanbul, 1998), pp. 49–64; L. Uluç, "Ottoman Book Collectors and Illustrated Sixteenth Century Shiraz Manuscripts," *Revue des mondes musulmans et de la Méditerranée* 87–88 (1999): 85–107; F. Sakal, "Osmanlı Ailesinde Kitap," *Osmanlı*, vol. 11 (Ankara, 1999), pp. 732–738; H. Sahillioğlu, "Ottoman Book Legacies," H. Sahillioğlu, *Studies on Ottoman Economic and Social History* (İstanbul, 1999), pp. 189–191; C. Establet, J.-P. Pascual, "Les livres des gens à Damas vers 1700," *Revue des mondes musulmans et de la Méditerranée* 87–88 (1999): 143–175; M. Anastassiadou, "Livres et "bibliothèques" dans les inventaires après décès de Salonique au XIXe siècle," *Revue des mondes musulmans et de la Méditerranée* 87–88 (1999): 111–141; M. Anastassiadou, "Des défunts hors du commun: les possesseurs de livres dans les inventaires après décès musulmans de Salonique," *Turcica* 32 (2000): 197–252; A. İ. Karataş, "Tereke Kayıtlarına Göre XVI. Yüzyılda Bursa'da İnsan-Kitap İlişkisi," *Uludağ Üniversitesi İlahiyat Fakültesi Dergisi* 8 (1999): 317–328; A. İ. Karataş, "Osmanlı Toplumunda Kitap (XIV–XVI. Yüzyıllar)," *Türkler*, vol. 11 (Ankara, 2002), pp. 896–909; O. Sabev, "Knigata v ejednevieto na müsülmanite v Ruse (1695–1786)," *Almanah za istoriyata na Ruse* 4 (2002): 380–194; O. Sabev, "Private Book Collections in Ottoman Sofia, 1671–1833 (Preliminary notes)," *Études balkaniques* 1 (2003): 34–82; N. Hanna, *In Praise of Books: a Cultural History of Cairo's Middle Class, Sixteenth to the Eighteenth Century* (Syracuse, New York, 2003); O. Sabev, *İbrahim Müteferrika ya da İlk Osmanlı Matbaa Serüveni (1726–1746). Yeniden Değerlendirme* (İstanbul, 2006), pp. 269–277.

victims' professional and social profile. As the inheritance registers reveal, the *medrese* students usually owned a few books needed for their education. In our case the student Mehmed obviously possessed only six books. Since all of them were stolen he became in vital need to be provided with new books and decided to ask the government for beneficence. *Medrese* teachers and other religious functionaries owned much considerable number of books also needed for their professional activities. In our case the teacher El-Hac Abdulfettah possessed 200 books, of which luckily only 20 happened to be stolen. Normally, booksellers and bookbinders also owned a great number of books, in some studied cases even over a thousand of copies. In our case 100 books were stolen from the room of the bookseller Halil, but it is not clear whether these were all the books he possessed or only a part of them. One can suggest that most likely these were not all the books stored in his room. The same could be suggested for the bookbinder Mehmed's books. Some high ranking military officials also possessed considerable book collections because their social and financial status allowed them to afford collecting of expensive calligraphically executed manuscripts, for instance. Although in our case the number of books stolen from Yaver Akif Bey's house is not specified, their number must have been presumably great.

### The Stolen Books

Only in the first of the studied cases are the stolen books mentioned by their titles or authors. Besides the Koran, the rest five books are dealing with the Arabic syntax and were widely used in the initial stage of the religious education acquired within the Ottoman *medrese* system.<sup>25</sup> In the rest three cases the books are not mentioned by title or author. However, on the basis of previous studies on Ottoman book ownership one can assume that these books differ in no way or slightly from the book collections of any other book owner of similar professional and social status. In the second case it is easy to assume that the *medrese* teacher possessed mainly books dealing with branches of learning

<sup>25</sup> See H. Atay, *Osmanlılarda Yüksek Din Eğitimi. Medrese Programları – İcazetnâmeler – Islahat Hareketleri* (İstanbul, 1983); C. İzgi, *Osmanlı Medreselerinde İlim*, vol. 1 (İstanbul, 1997); Ö. Özyılmaz, *Manzume-i Tertib-i Ulûm, Tertibu'l Ulûm, Kaside Fi'l-Kütübi'l Meşhure Fi'l Ulûm, Kevakib-i Seb'a ve Erzurumlu İbrahim Hakkı'nın Tertib-i Ulûm İsimli Eserine Göre, XVII ve XVIII. Yüzyıllarda Osmanlı Medreselerinin Eğitim Programları* (Ankara, 2002).

included in the traditional curriculum of the Ottoman theological colleges such as Arabic grammar, Muslim jurisprudence and theology, logics, etc. In the third case it is more than likely that the stolen books were pretty valuable. Some of them might have been even calligraphically executed copies of the Koran since higher military officials tended to possess rather expensive book collections. In the fourth case it is pointed out that the books that Kigork stole from the bookseller's room were inventoried in a list (*pusula*), which seemingly did not survive, at least together with the other documents dealing with this particular case. Normally, booksellers and bookbinders disposed of a wider variety of books in terms of topic, genre and authors, in order to be able to meet the existing variety of demands for certain books. I have to point out, on the other hand, that since the demand for religious books was usually higher than the demand for books dealing with other topics the booksellers offered predominantly Korans and religious books.<sup>26</sup>

### The Thieves and Their Motives

Thieves must have definitely had some special reason to steal a given object. More likely, book thieves were more or less interested in books as objects for sale and acquiring a needed sum of money. The relatively high price of the book in those times, even of the printed ones, was probably the main reason for stealing books. They must have been considered a good source of income. It is true especially for the illuminated and calligraphically executed books whose price was always and still is high. One can presume that namely that was the reason for stealing Yaver Akif Bey's books. Obviously they were considered an object of theft whose importance was comparable to that of the weapons. In this case there was a co-operation between two persons, the real agent of the crime, who was interested in the weapons, and the person who pushed him to commit the crime and was interested in the books. Since the latter was a servant at the Greek Patriarchate but of Turkish origin, he was presumably a highly educated person for whom probably the victim's books were well known and of particular importance. While in the first case the unknown robbers supposedly hardly knew their victim and stole from him what they could find in him by a mere chance such as a few books, clothes, and a watch, in the other three cases one can see an intentionally committed book theft. The

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<sup>26</sup> See O. Sabev, *İbrahim Müteferrika ya da İlk Osmanlı Matbaa Seriiveni*, pp. 242–243.

burglars of the teacher's room, who were known as belonging to the criminal contingent (*zulmet güruhundan*), knew that they could find there mainly books. It is certain that in the third and the fourth case the thieves were especially interested in the books stolen. In the fourth case, in particular, the thief was involved in common business with the victims. The subsequent intention of the thieves was more than likely to sell the stolen books and to earn some money. Only in the fourth case it becomes obvious that the thief succeeded meanwhile to sell some of the books he stole. In the third case, however, one can presume that the reason was the possession of valuable books rather than selling them.

### The Administration of Legal Proceedings and Punishments

First of all it is interesting to see how the crime was reported to the Ottoman judicial administration. It was a normal practice to apply directly to the Shari'a court<sup>27</sup> or the governmental council (*divan, meclis*). In our cases, however, we can see that some of the victims were seeking for justice by applying to the central Ottoman government through petitions. Actually, this indirect approach to the judicial council relied on the assumption that the central authority is influential enough to call the councils for initiating legal proceedings against the offenders.

Since for the first case we have at hand only the victim's petition it is hard to presume how the case was solved at all. An inventory of goods left upon demise dating from February 17, 1885 could provide some rough idea about the later developments on condition that the dead person, a certain İçilli Mehmed Said, son of Ahmed, was the same İçilli Mehmed, who appears in our first case of 1854. İçilli Mehmed Said, who died on November 2, 1884, is described as an inhabitant of one of the Istanbul neighborhoods, and namely Çakır Ağa (or Mercimek) neighborhood, and as one of the chief judges (*mevali-i izamdan*). According to the inventory of his goods he possessed 30 books, mostly *fetva* collections and treatises on Shari'a law, as well as a manuscript copy of the Koran. In terms of quantity the number of the books he possessed does not seem very considerable but their total value of 1596 *guruş* constituted roughly

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27. Before the introduction of the Tanzimat penal codes the theft cases were heard at the Shari'a courts. See R. Gradeva, "The Activities of a Kadi Court in Eighteenth-Century Rumeli: the Case of Hacıoğlu Pazarçık," Rossista Gradeva, *Rumeli under the Ottomans, 15th-18th Centuries: Institutions and Communities* (Istanbul, 2004), p. 65.

17 percent of the total value of his goods (9202 *guruş*).<sup>28</sup> So, it seems that books were rather important a part of İçilli Mehmed Said's life because of his occupation. If one assumes that he was the same poor guy whose books and belongings, a watch including, were plundered some 30 years ago his tale could be retold in the following way: after having been robbed İçilli Mehmed continued his religious education at one of the most prestigious theological colleges and due to his petition to the sultan he probably got the books needed for learning; after his graduation he enjoyed a relatively impressing career within the Shari'a judicial hierarchy, and finally died in November 1884.

The second case studied here is of particular interest. The victim appealed first to the governor (*müdir*) of the sub-district (*kaza*) of Malatya, one of whose duties was to initiate the due legal proceeding. The litigant, however, received rather elusive and, I have to say, funny reply suggesting that God should solve his problem. Then the disappointed victim could do nothing but petition to the Grand Vizier who in response ordered to the governor of the district (*eyalet*) of Harput, in which the sub-district of Malatya was included, to initiate a joint hearing by the Shari'a court and the local council (*meclis-i kebir*). Unfortunately, for the time being we do not dispose of other documents revealing the eventual subsequent developments related to that case. In this particular case we can see very curious a combination of three ways of seeking justice. The first one is the suggestion for informal seeking of justice from the God as an ultimate source of justice. The second one is the appeal to the traditional Shari'a court system, and the third one is the prosecution at the newly established governmental councils. As a matter of fact this particular case reflects the complexity of the Ottoman judicial system during the nineteenth century when the stream of pro-European administrative, judicial and educational reforms co-existed with the stream of the traditional Ottoman institutions well until the establishment of the republican political system in 1923.

In the third and the fourth case the whole legal procedure was carried out obviously in a proper way. The cases were first heard at the examination council (*tahkik meclisi*), which suggested a sentence to the Supreme Council (*Meclis-i Vala-yı Ahkam-ı Adliye*). Then the latter confirmed or slightly changed the

<sup>28</sup> İstanbul Müftülüğü Şeri'yye Sicilleri, Kısmet-i Askeriye Mahkemesi 1888, fol. 46-47.

sentence in accordance to the right articles of the penal code fitting to the exact circumstances in which the crime was committed. Finally the Grand Vizierate was the executive institution responsible for the execution of the envisaged sentences.

As a matter of fact the third and the fourth cases dated from the time when the last and much more improved Ottoman penal code was in force. As can be seen from the in-depth studies of the Ottoman criminal law,<sup>29</sup> besides the customary and the Shari'a law the Ottomans promulgated regulations of criminal law, issued on behalf of the sultans and assembled in codes called *kanunname*. Because of various reasons in the seventeenth and eighteenth centuries the Ottoman criminal code became more or less disregarded, and it was revived only in the 1820s due to sultan Mahmud II (1808-1839)'s efforts to strengthen the central government. The very first act of the reformative movement of the Tanzimat, the *Hatt-i Şerif* of Gülhane, proclaimed on November 3, 1839 put the emphasis on guaranteeing the security of life, honor and property of all the Ottoman subjects regardless their ethnicity, religion and sex. The next year, 1840, the first Ottoman penal code, the so-called *Ceza Kanunnamesi*, was enacted. However, it was incomplete and the second Ottoman criminal code (*Kanun-i Cedid*) was promulgated in February 1851. Our first and second case must have been proceeded in accordance with that penal code namely. However both codes did not deal with all possible crimes and did not contain all the criminal regulations. In this case traditional Shari'a law was in force. In 1858 the Ottoman government accepted new penal code based completely on the French penal code. Here, in the part two, for the first time a special section called 'Crimes and offences against private persons' appeared. In contrast with the old Ottoman criminal law, the Tanzimat penal codes laid down explicitly the length of imprisonment, exile or hard labor. Besides, the Tanzimat codes imposed lighter penalties for crimes and offences. For instance, no longer death penalty was stipulated for stealing a prisoner of war, luring away a boy, breaking into a shop, or committing theft several times, while the old Ottoman criminal code prescribed cutting off of a hand for theft.

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<sup>29</sup> T. Taner, "Tanzimat Devrinde Ceza Hukuku," *Tanzimat* (İstanbul, 1940); U. Heyd, *Studies in Old Ottoman Criminal Law*, ed. V.L. Ménage (Oxford, 1973); G. Baer, "The Transition from Traditional to Western Law in Turkey and Egypt," *Studia Islamica* 45 (1977): 139-158; D. Glidewell Nadolski, "Ottoman and Secular Civil Law," *International Journal of Middle East Studies* 8/4 (1977): 517-543.



To give another example, according to the old regulations a person who abducted a girl was punished by castration, while the Ottoman penal code of 1851 prescribed only imprisonment. On the other hand a lot of improvements were undertaken in the organization of the prisons.<sup>30</sup> The introduction of Westernized criminal law in the nineteenth-century Ottoman Empire caused the “eclipse”, in Rudolph Peters’ words, of Islamic criminal law.<sup>31</sup> It must be pointed out, however, that although these penal codes included a separate part dealing with theft crimes (*sirkat*) the severity of the envisaged punishment depended only on the circumstances in which they were committed and not on the nature and value of the goods stolen.

Our third and fourth cases show a strict implementation of the penal code of 1858 in terms of legal proceedings and application of the exact articles by taking into consideration all the circumstances in which the crime was committed. Sometimes the sentence suggested by the lower council was specified more correctly at the Supreme Council, which is an evidence for the relatively good operation of the Ottoman legal system in the reformative period of Tanzimat. However, the very fact that in the third and the fourth case the sentence suggestions made by the lower council were partly corrected by the Supreme Council through addressing to those articles of the penal code, which were fitting more correctly to the committed crimes, reveals that the members of the lower council was not always able to apply the stipulations of the penal code in a due way.

In conclusion, the studied cases reveal on the one hand curious aspects of Ottoman daily life, and how the Ottoman government and legal authorities reacted to them. On the other hand, infringement of the law because of books proves in an unusual way their importance as a source of knowledge, ideas, information and inspiration. Since it is still quite an unexplored topic the present article’s intention was just to draw attention to it and to suggest possible explanations of the presented particular cases, as well as approaches and

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<sup>30</sup> See E. Gürsoy Naskali, H. Oyfun Altın (ed.), *Zindanlar ve Mahkumlar* (İstanbul, 2006); Ö. Şen, *Osmanlı’da Mahkum Olmak. Avrupalılaştırma Sürecinde Hapishaneler* (İstanbul, 2007).

<sup>31</sup> R. Peters, *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge, 2006). See also Colin Imber’s review in *Bulletin of the School of Oriental and African Studies* 70:1 (2007): 162-163.

particular points of interest for future studies. However, I am fully aware of the probability that someone could be really disappointed of not hearing Ottoman cases of murders committed because of books like in Umberto Eco's famous novel *The Name of the Rose*, but unlike novelist's imagination the boundaries of historian's imagination remain restricted within the scope of the available sources.

## APPENDICES

**Table 1: Ottoman Cases of Book Theft (19<sup>th</sup> Century)**

Cases	First Case	Second Case	Third Case	Fourth Case
<i>Year of Crime</i>	1853-54 (?)	1857	1860	1861
<i>Place of Crime</i>	İçil - Kartal	Malatya	Istanbul, Rumelihisarı	Istanbul, Grand Bazaar
<i>Time of Crime</i>	Daytime	Nighttime	Nighttime	Daytime
<i>Number of Books Stolen</i>	6	20	Not stated	100 + 86
<i>Other Goods Stolen</i>	Underclothing and a watch	A piece of personal belongings	Weapons	No
<i>Victim</i>	Mehmed, <i>Medrese</i> student	El-Hac Abdulfettah, <i>dershane (medrese)</i> teacher	Yaver Akif Bey	Kitapçı Halil (bookseller) Mücellid Mehmed Efendi (bookbinder)
<i>Offender</i>	Unknown	Çataloğlu Osman Ağa and some other persons	Yedekçi Mustafa and Hüseyin Efendi ( <i>Fenar memuru</i> )	Mücellid Kigork, son of Karabet
<i>Date of Arrest</i>			25 October 1860	30 April 1861
<i>Hearing at Lower Council</i>		Vizier's order for hearing at the Council of Harput	Yes	Yes
<i>Hearing at the Supreme Council</i>			Yes	Yes
<i>Sentence</i>			Three years of imprisonment	Four years of imprisonment and recovery of damages

<i>Article of the Penal Code</i>			222 and 45	220, 236, and 19
<i>Type and Date of Documents</i>	1. Petition	1. Petition (undated) 2. Vizier's order (29 November 1857)	1. Vizier's order for implementing the sentence (10 January 1861)	1. <i>Mazbata</i> of the lower council (18 January 1862) 2. <i>Mazbata</i> of the Supreme Council (2 February 1862) 3. Vizier's order for implementing the sentence (13 February 1862)

**Table 2: Administration of Crime and Punishment (1842-1864)**

Administrative Unit	Traditional Court	Governor	Administrative and Judicial Council	Regulations
<i>Kaza</i>	Shari'a Court	<i>Müdür</i>		
<i>Sancak</i>		<i>Kaymakam</i>	<i>Meclis-i Sagir</i>	Penal Code
<i>Eyalet</i>		<i>Vali</i>	<i>Meclis-i Kebir</i>	Penal Code
<i>State</i>		Sultan Grand Vizier ( <i>Sublime Porte</i> )	<i>Meclis-i Vala</i> ( <i>Sublime Council</i> ) (est. 1838) - <i>Meclis-i Tahkik</i> (est. 1854), attached to <i>Zabtiye</i>	Penal Code

Documents

BOA/A.DVN 99/86

حق سبحانه و تعالی حضرت  
 شوکتو جهانو قدرتو کرامتو عظمتو شجاعتو رخصتو پناه و جمانه پناه افروز حضرت مبارک ناد الموجد و ربی بالجملة حظا و حصه و تقنی بسید  
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 شاه شوکتو جهانو قدرتو کرامتو عظمتو شجاعتو رخصتو پناه افروز حضرت مبارک ناد الموجد و ربی بالجملة حظا و حصه و تقنی بسید

ای الی محمد  
 طلبه علوی  
 قورین  
 کاب  
 صیر  
 حرم

Hakk sübhane ve teala hazretleri

Şevketlü muhabbetlü kudretlü kerametlü azametlü şeca'atlü merhametlü padişah-i cihan-penah efendimiz hazretlerinin mübarek tadü'l-mevcudlerini bi'l-cümle hatalardan masun ve mahfuz eyleyüb saltanat-ı mülükanelerinde daim ve düşman-ı bed-hahlarını makhur eyleyüb a'da-yi din üzerine galib eyleye amin. Be-câh-ı men cae rahmeten li'l-alemin mübarek rikab-ı kamer-tab mülükanelerine arzuhal-i talebe-i ulum kullarıdır ki, bu kulları nefs-i içilli olub Kurban Bayramında Kartal tarafına ticarete gitmiş isem de bu kullarını ara bir rahda soydular kitablarımı cümlesini aldılar Nahv Cümlesi ma' El-Cami-i Muharrem Efendi ale'l-Cami-i Abdulgaffur, Adalı, Zeynizade, Avamil Tuhfesi ve bir de Kelam-i kadim, bunları cümlesini heybem ile ve çamaşurlarım ile aldılar ve saatimi dahi alub canımı güçle halas eyledim dersaadete geldim el-haleti hazihi Süleymaniye'de Çifte'de sakin ve tahsil-i ulum etmekteyim ve merahim-i mülükanelerinden mercudur ki aziz-i ser-efser-i şahaneler için olsun fakr-i halime terahhumen bu kitabları almaga iktidarım yokdur bu kullarına alıverilüb dua-i hayriyemin mazhar buyrulması niyazım babında emr ü ferman-ı şahane şevketlü muhabbetlü kudretlü kerametlü azametlü şeca'atlü merhametlü padişahımız efendimiz hazretlerindir.

Bende İçilli Mehmed Talebe-i ulum Kulları Sakin-i Süleymaniye Çifteler Afa an hüma



BOA/A.MKT.DV 120/13 (2)

## حیثیت والیسنه

مدویم کندنده حاجی عبدالفتاح افندی تقدیم ایلدی عرضحان محکم کورده واقع جمع کبر اتصاف  
 بوظانه درسخانه دوروزن اولانه اورسی خیال اولمغ عتاده نام کتبه لیلای عتت اوجس برتاج کتبه ایله  
 کلیمه فکوره اوجس ایله هدم ایله درتت بوظانه ایله بکله جمله کتابت ویرمقدار ایستای کتبه ایله  
 ضایع ایستکلمه برتاج ایله حیثیت مجتبی زافع واحقا نه ادرنم حضور استعما ارنسه وکیفه  
 صحیح ایلر اوجسده مغایر ضایع ایستکلمه ایله شرح شریف وجمعه معرفتی ایله باکریه لایحه  
 حکمت اوجس وکیفیت بولا دوروزن ایستکلمه ایله شخصی خصوصاً کتبه بوردی ایستکلمه ایله

## Harput Valisine

Malatya sakinlerinden Hacı Abdulfettah Efendi'nin takdim eylediği arzuhalde mahal-i mezkürde vaki Cami-i kebir ittisalinde bulunan derslane derununda olan odasını Çataloğlu Osman nam kimesne leylen saat üçde birkaç kimesne ile hedm ile yirmi cild kitab ve bir mikdar eşyasını gasb eylediklerinden merkum ile Harput meclisinde terafu' ve ihkak olunması husus istida' olunmuş ve keyfiyet sahih ise bi'l-vücuğ mugayir-i rıza-yı 'ali bulunmuş olmagla Şeri-i şerif ve meclis marifeti ile bi'r-rü'ye lahik olacak hükmün icrası ve keyfiyetin işa' rı hususuna himmet buyurmaları siyakında şukka

[back] fi 11 Rebiulahir 1274 (November 29, 1857)

Kaydı fi 12 Rebiulahir 1274 (November 30, 1857)

BOA/A.MKT.MVL. 124/13

صیحه سیریم یوردلری عالی

ک

برکن مصطفایک فنا یوری حیدر افندیکی تئویقیل یار و عیالیف بلیک - دیم ایله عیالیف خور کانه خان سنده یغور بوز سنده  
 استی و دیجه و دیگه کورده معلوم الفز اولدیله کتابلری ائزد و سرت ایوب و سارعلر کتند سنده اولوب تکرار کتایدی  
 افندی موس الیه الحیدر اولدیله اقرار ایتمه و فندی موس الیه و غیره برده هر تئویقیل کتابلری ایله ایله فایده و تئویقیل ایله  
 اولدیله سرتوم مصطفایک قانونک ایکن یوزیکه بنجی ماده نطقیا اجرای مجاری فایده ایله موس الیه ایتمه و غیره  
 نوجیه معاک اولدیله سیریم یوردلری عالی و اولدیله سیریم یوردلری عالی و اولدیله سیریم یوردلری عالی  
 استیله یوزیک برارم یوزیک اولدیله سیریم یوردلری عالی و اولدیله سیریم یوردلری عالی و اولدیله سیریم یوردلری عالی  
 دیرم یوزیک سیریم یوردلری عالی و اولدیله سیریم یوردلری عالی و اولدیله سیریم یوردلری عالی  
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 و غیره استر اولدیله سیریم یوردلری عالی و اولدیله سیریم یوردلری عالی و اولدیله سیریم یوردلری عالی  
 ایله سیریم یوردلری عالی و اولدیله سیریم یوردلری عالی و اولدیله سیریم یوردلری عالی

Zabtiye müşirine buyruldu-i 'ali

Yedekçi Mustafa'nın Fenar memuru Hüseyin Efendi'nin teşvikiyle Yaver 'Akif Bey'in Rumili hisarında kâin hanesünden bağçe divarından aşarak ve pencereden geçerek malumü'l-mikdar silahlarıyla kitaplarını ahz ve sirkat edüb ve silahlar kendüsinde olub mezkür kitapları efendi-i mümaileyh almış olduğunu

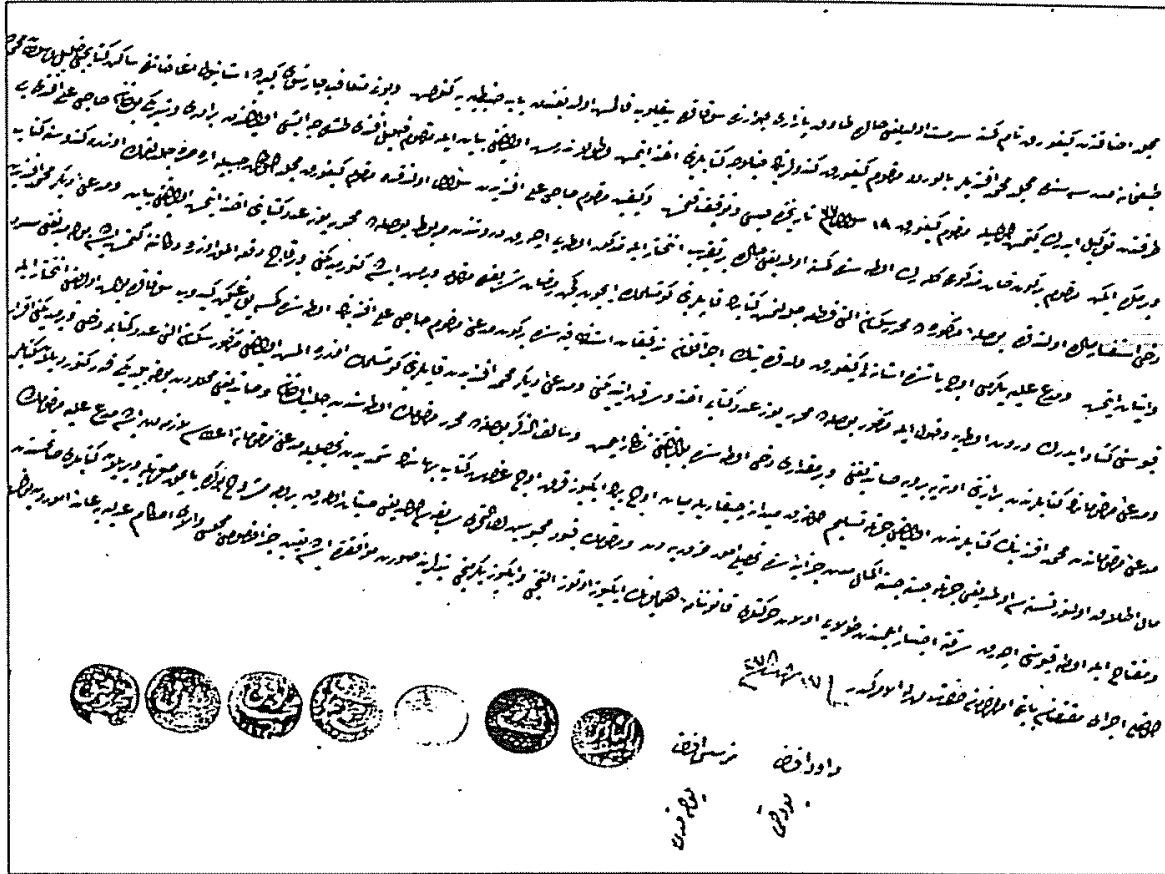
ikrar etmiş ve efendi-i mümaileyh dahi ber vech-i muharrer teşvikiyle kitabları aldığını ifade ve tasdik eylemiş olduğundan merkum Mustafa'nın kanunun iki yüz yirminci maddesine tatbikan icra-yı mücazâtı ve efendi-i mümaileyh hakkında dahi ne vechle mu'amele olunması istizanına dair tahkik meclisinin varid olan bir kıta mazbatası Meclis-i vala'ya lede'l-havale merkum Mustafa'nın aşdığı divarın bir adam boyunda olmasından ve pencerenin dahi açık olmasından dolayı mücazâtının madde-i mezkûre hükmüne tatbikatı uyamayub faziha-i sirkatın gece vakti olmasına ve adam oturur mahalde vuku'bulmasına ve kanun-i mezkûrün iki yüz yirmi ikinci maddesinde madde-i sirkat gece vakti olur ve derununda adam oturur mahalde vuku'bulur ise mütecasirinin üç sene müddetle habs olunması muharrer olduğu gibi efendi-i mümaileyhin vuku'bulan teşviki ve mal-i mesrukdan hisse almış cihetiyle fail-i müşterek bulunmasına ve mal-i mersuk dahi istirdad olunmasına binaen merkumatın zikr olunan iki yüz yirmi ikinci ve kırk beşinci maddelere tatbikan ve tarih-i habisleri olduğu beyan kılınan yetmiş yedi senesi rabiülahirinin dokuzuncu gününden (October 25, 1860) itibaren üç sene müddetle habis olunarak ve hitam-ı müddetlerinde kefalet altına alınarak sebillerinin tahliyesi hususunun savb-i valalarına bildirilmiş meclis-i mezkûrden ba-mazbata ifade olunmuş olmagla ol vechle icabını icra buyruldu.

Fi 27 Cemazeyilahir [12]77 (January 10, 1861)

[back] fi 24 Cemazeyilahir 1277 (January 7, 1861)



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Aded 227

Mücellid esnafından Kigork nam kimesne sermet olduğu halde Tavuk pazarı civarında sokakda yıkılıb kalmış olduğundan bab-ı zabtiyeye götürülmüş ve bunu müteakib Çarşu-yı kebir'de İstanbul aga hanı'nda sakin Kitabçı Halil ve Sultan Mehmed'de Tab'hane Medresesinde Mücellid Mehmed Efendiler bi'l-vurud merhum Kigork kendülerinin haylüce kitaplarını ahz etmiş ve dolandırmış olduğunu beyan ile merkum Halil Efendi taşrada işi olduğundan biraderi ve şeriki bulunan Hacı Ali Efendi'yi tarafından tevkil ederek gitmiş olmasıyla merkum Kigork 19 Şevval sene [12]77 (April 30, 1861) tarihinde habs ve tevkif kılınmış ve keyfiyet merkum Hacı Ali Efendi'den sual olundukda merkum Kigork mücellid olmak hasebiyle ara sıra cildlenmek üzere kendüsine kitab vermekde iken merkum bir gün han-ı mezkûre gelerek odasında kimesne olmadığını halde bir takrib anahtar ile mezkûr odayı açarak derunundan merbut pusulada muharrer yüz aded kitabı ahz etmiş olduğu beyan ve müddei-i diğeri Mehmed Efendi'den dahi istifsar-ı madde olundukda pusula-i mezkûrede

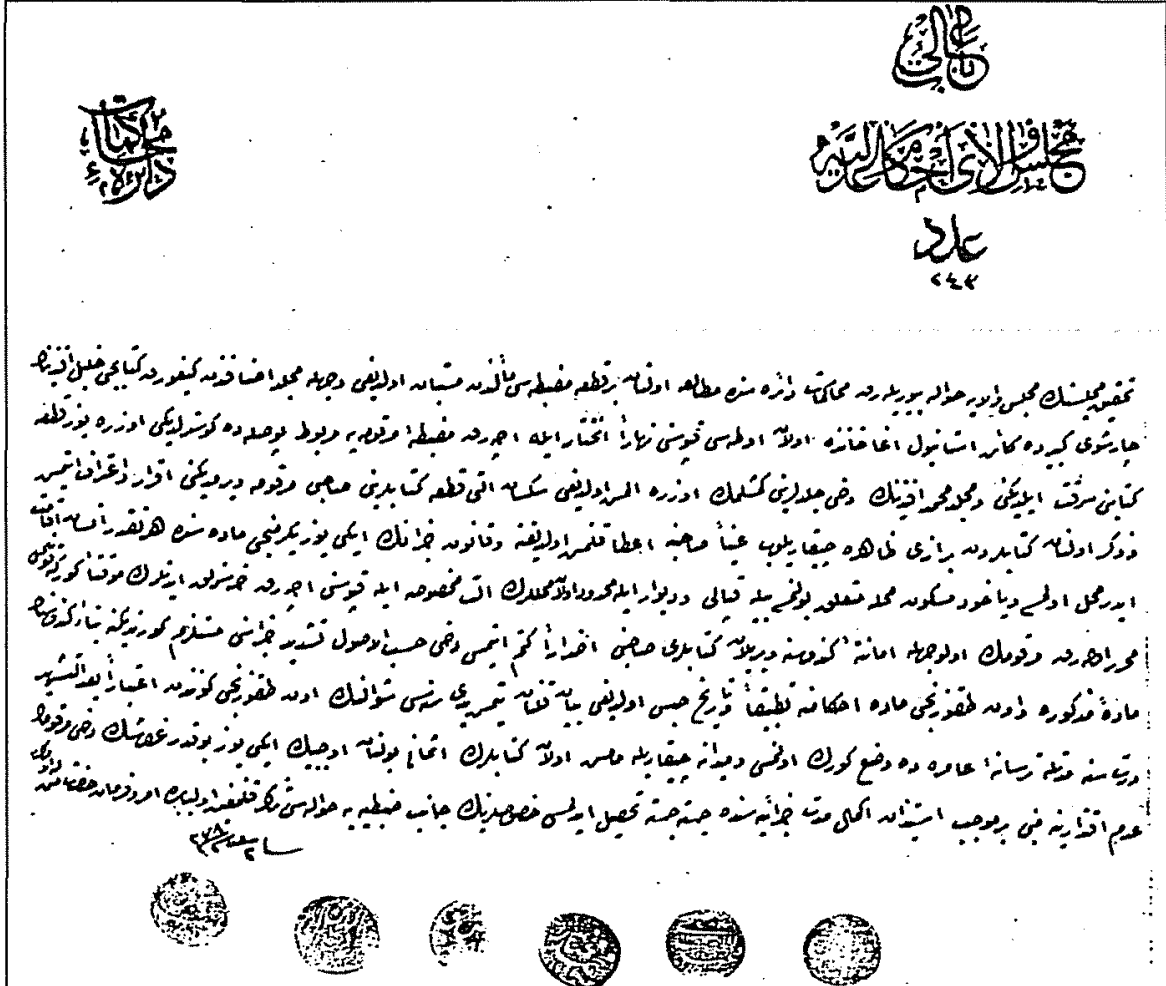
muharrer seksen altı kıta cildlenmiş kitabın kaplarını gümüşlemek için geçen Ramazan-i şerif'de merkuma vermiş ise de getirmediğini ve birkaç defa almak üzere dükkanına gitmiş ise de bulamadığını serd ve ityan etmiş ve müdde-i aleyh yirmi üç yaşında asitaneli Kigork veled-i Karabet'in icra kılınan tedkikat-ı istintakiyesinde bir gün müdde-i merkum Hacı Ali Efendi'nin odasında kimse yoğiken gidüb sokakda bulmuş olduğu anahtar ile kapusunu küşad ederek derun-i odaya duhul ile mezkür pusulada muharrer yüz aded kitabı ahz ve sirkat etdiğini ve müdde-i diğer Mehmed Efendi'den kaplarını gümüşlemek üzere almış aldığını mezkür seksen altı aded kitabı dahi vermediğini ikrar ve müdde-i merkumanın kitaplarından birazını öteye berüye satdığını ve bir mikdarı dahi odasında bulunduğunu tezkar etmiş ve salifü'z-zikr pusulada muharrer merkumun odasından celb olunan ve satdığı mahallerden bulunabildiği kadar getürdilen kitaplar müdde-i merkumandan Mehmed Efendi'nin kitaplarından olduğu cihetle teslim olunarak meydana çıkarılamayan üç bin iki yüz kırk üç guruş kitab bahasının şimdiden tahsiliyle müdde-i merkumana itası lazimedden ise de müdde-i aleyh merkumun mal ıtlak olunur nesnesi olmadığı cihetle ceste ceste ikmal-i müddet-i cezaiyesinde tahsili umur-i zaruriyeden ve merkumun kuyud-i mahbusin lede'l-taharri sabıkası olmadığı müsteban olarak ber vech-i meşruh bu kere yapacak suretiyle verilen kitapları satmasından ve miftah ile oda kapusunu açarak sirkata ictisar etmesinden dolayı olan hareketleri kanunname-i hümayunun iki yüz otuz altıncı ve iki yüz yirminci bendlerine suret-i muvafakatda ise de badehu ceza hususu Meclis-i vala-yi ahkam-i adliye'ye aid umurdan bulunmuş olmagla icra-yı muktezası babında emr ü ferman hazret men lehü'l-emrindir.

Fi 17 Receb ? sene [1]278 (January 18, 1862)

Davud Efendi bu dahi ?, ... Efendi ..., [Mühürler] Yusuf ..., Nuri, Mehmed Hulusi, Es-Seyyid Ahmed Atıf, Mehmed Tefvik, Şevki, Mehmed Tefvik

[back] Muhakemat vurudu fi 20 Receb 1278 (January 21, 1862)

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Bab-1 'Ali

Meclis-i Vala-yı Ahkam-i 'Adliye

Daire-i Muhakemat

'Aded 243

Tahkik meclisi'nin Meclis-i vala'ya havale buyrulurak Muhakemat dairesinde mutalaa olunan bir kıta mazbatası mealinden müsteban olduğu vechle mücellid esnafından Kigork, Kitapçı Halil Efendi'nin çarşu-i kebir'de kain İstanbul Aga hanı'nda olan odası kapusunu neharan anahtar ile açarak mazbata-i merkumeye merbut pusuluda gösterildiği üzere yüz kıta kitabını sirkat eylediğini ve Mücellid Mehmed Efendi'nin dahi cildlerini gümüşlemek üzere almış olduğu seksen altı kıta kitablarını sahibi merkuma vermediğini ikrar ve itiraf etmiş zikr

olunan kitablardan birazı zahire çıkarılıb aynen sahibine ita kılınmış olduğuna ve Kanun-i ceza'nın iki yüz yirminci maddesinde "her ne kadar insan ikamet eder mahal olmasa veyahud meskun mahalle müteallik bulunmasa bile kapalı ve duvar ile mahdud olan mahallerin alet-i mahsuse ile kapusunu açarak hırsızlık edenlerin muvakkatan küreğe konulması" muharrer olarak merkumun ol vechle emaneten kendüsine verilen kitabları "sahibini izraran ketm etmesi dahi hasebü'l-usul teşdid-i cezasını müstelzim göründüğüne binaen kendüsünün madde-i mezküre ve on dokuzuncu madde ahkamına tatbikan ve tarih-i habs olduğu beyan kılınan yetmiş yedi senesi Şevvalinin on dokuzuncu gününden (April 30, 1861) itibaren bade't-teşhir dört sene müddetle Tersane-i amire'de vaz'-i kürek olunması ve meydana çıkarılmamış olan kitabların esmanı bulunan üç bin iki yüz bu kadar gurusun dahi merkumun adem-i iktidarına mebni ber mucib-i istizan ikmal-i müddet-i cezaiyesinde ceste ceste tahsil edilmesi hususlarının canib-i zabtiyeye havalesi tezekkür kılınmagın ol babda emr ü ferman hazret-i men lehü'l-emrindir.

Fi 2 Şaban sene [1]278 (February 2, 1862)

[Mühürler:] İrfan, 'Abdülatif Subhi, Mehmed Muhtar, ..., Mahmud Celaleddin, Yusuf Kamil

[back] numero 243, mucibince fi 3 Şaban 1278 (February 3, 1862)

BOA/A.MKT.MVL 141/37 (3)

فیض مشیری پاشا حضرت پروردگار

مجدد اصنافند که کفوره کنایه خلیل افندیک چارگوی کبیر لانه انان بوله اعا خاننده اولور  
 اولور سنن را اختصار ایدر ایدر بوز فطلم کتابی سرفه ایدر بکنی و مجددی افندیک کیمی جدیدی  
 کتابک اوزره المرد اولور کسکه دانی فطلم کتابی صبی مرقوم و بر مکتبی اقرار و اعتراف  
 ایدر و ذکر افطرد کتابارده براری خاهر جفا - باب عبا صبی اعطه فخره اولور بعضی شخصه  
 مجتهدک وارد اولور مرقومسی مکتبه اولور کتبه بگذره مرقومک فایده جزانک ایدر بوز باری  
 مالکسی احاطه نطقه و نایر جیمی اولور بجه بری سنی سوانک اولور ففوزنجی کوننده اعتبار  
 بگذره رتبه سینه مکتبه زین عهده وضع کورک اوقسی ویدانه جفا ربه صده اولور کتبه  
 اتمام بوضع نه و صیک ایدر بوز بوقدر غرضه دفعه مرقومک عدم افندیک معنی اکلک مکتبه  
 جفته صبی ایدی ففوهار بیک صوبه وار لریه هولایسی مجبسی واردده بقیه اولور  
 و مکتور کتابار کتف و کتبی مکتبه اولور بوقدر مرقومک اعطه فخره اولور بوقدر  
 ایجابی ایدر بوقدر ایدر بوقدر

Zabtiye müşiri paşa hazretlerine

Mücellid esnafından Kigork, Kitapçı Halil Efendi'nin Çarşu-i kebir'de kain İstanbul Aga hanında olan odasını neharan anahtar ile açarak yüz kıta kitabını şirkat eylediğini ve Mücellid Mehmed Efendi'nin dahi cildlerini gümüşlemek üzere almış olduğu seksen altı kıta kitablarını sahibi merkuma vermediğini ikrar ve itiraf etmiş ve zikrolunan kitablardan birazı zahire çıkarılıb

aynen sahibine ita kılınmış olduğu tahkik meclisinin varid olan mazbatası mealinden anlaşıldığından merkumun Kanun-i ceza'nın iki yüz yirminci maddesi ahkamına tatbikan ve tarih-i habsi olan yetmiş yedi senesi şevvalinin on dokuzuncu gününden (April 30, 1861) itibaren bade't-teşhir dört sene müddetle Tersane-i amire'de vaz'-i kürek olunmuş ve meydana çıkarılamamış olan kitapları esmani bulunan üç bin iki yüz bu kadar guruşun dahi merkumun adem-i iktidarına mebni ikmal-i müddet-i cezaiyesinde ceste ceste tahsil edilmesi hususlarının savb-i valalarına havalesi meclis-i vala'dan bâ-mazbata ifade olunmuş ve mezkûr kitapların pusulası merbutan iade kılınmış olmagla ber minval-i muharer icabını icra buyrula deyu,

Fi 13 Şaban sene [12]78 (February 13, 1862)

[back] numero 243, kayd fi 6 Şaban 1278 (February 6, 1862)