

paid (*ferağ b'il-vefa*). Article 118 outlines the conditions by which a creditor may sell mortgaged lands.⁵³

Only the following year, in early 1859 (1275 H), were procedures established for the transfer of tapu rights. The *Nizamname-ı Tapu* (Tapu Code of Regulations) provided for government officials to record land transactions in the provinces.⁵⁴ According to Article 1 of the Tapu Regulations, the heads of the treasury and the administration in the *qaḍas* were to be considered their district's landowners. As such, they were assigned the power to grant temporary usufruct title-deeds to *miri* lands.⁵⁵ These would, in turn, be sent to the provincial council (*meclis*) which would forward it to the central *Defterhane*, the *Tahrir-ı Emlak Nezareti* (Ministry of Property Registration), which would issue the official tapu certificate, which would then be sent back down along this chain to the tapu holder.⁵⁶

According to the letter of the law,

When a person desires to alienate (*ferāğ*) his or her land to another, he must get a certificate bearing the seals of the Imam and mukhtars (*muhtārlar*) of his quarter or village, stating that he or she is really the possessor of the usufruct (*mutasarrıf*) of such land [...] When the alienor and alienee, or their legal agents, come to the meclis of the country (*meclis-i memleketeye geldiklerinde*), the certificate brought by them will be taken and kept. After the fees for the alienation have been paid and the resignation (*istifa*) [from the property by the possessor of its usufruct]

⁵³ Ibid., 62-63.

⁵⁴ Ibid., 71-87. The Regulations were proclaimed in mid-January 1859 (on 8 Jumādī al-Ākhir, 1275H).

⁵⁵ Ibid., 71.

⁵⁶ Ibid., See relevant articles 3, 18, 21 on pages 71, 78-79.