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### **The Establishment of Serbian Local Government in the Counties of Niš, Vranje, Toplica and Pirot Subsequent to the Serbo-Turkish Wars of 1876–1878**

As a result of the wars of liberation against the Ottoman Empire in 1876–78 and decisions of the Congress of Berlin in 1878, Serbia acquired independence, her territory considerably expanded<sup>1</sup> and the population increased by 299.640.<sup>2</sup> The major towns of the newly-liberated areas were Niš, Pirot, Vranje, Leskovac, Prokuplje and Kuršumlija. The so-called *New Areas* (Nove oblasti)<sup>3</sup> were given their final legal shape under a special law, in the form of the counties of: Niš, Vranje, Pirot and Toplica.<sup>4</sup> The process of establishing state administration and local government as well as incorporating the newly-liberated areas into the legal system of pre-war Serbia took five years (1877–82). It was a complex process, ridden with many difficulties. The intention was to bring stability to a backward feudal region marked by a volatile political situation, specific population distribution, high population density, intense migratory movements, ethnic and religious tensions, and a very low level of economic development. On the other hand, Serbia had to fulfil all the obligations stipulated by the Treaty of Berlin. Thus, establishing

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<sup>1</sup> Before the wars, the Principality of Serbia enjoyed autonomy under Ottoman suzerainty and consisted of the Pashalik of Belgrade and the areas it had acquired by the Sultan's decree (hatti-sherif) of 1833: Ključ, Krajina, Crna Reka, Gurgusovac, Banja, Svrlijig, Aleksinac, Ražanj, Paraćin, Kruševac, Jadar, Radjevina, a smaller portion of the region known as Stari Vlah, and the Nahiye of Novi Pazar.

<sup>2</sup> M. Dj. Milićević, *Kraljevina Srbija – Novi krajevi, 1884* [Kingdom of Serbia–New Areas, 1884] (Belgrade, 1973), xvi.

<sup>3</sup> The *New Areas* were incorporated into Serbia after the wars of liberation against the Ottoman Empire and the Congress of Berlin, and the term came into official usage immediately after liberation in December 1877 and January 1878. Milićević, *Kraljevina Srbija*, xv; National Assembly Sessional Records 1878–1907.

<sup>4</sup> In Serbia, counties (*okrug*) were the largest units of local self-government, followed by districts (*srez*) as medium-sized and municipalities (*opština*) as the smallest.

state administration and local government in the newly-liberated areas was a three-fold process which included: 1) the legal organization of new local institutions; 2) the regulation of agrarian relations; and 3) the colonization of the liberated areas.<sup>5</sup> This paper is devoted to the first part.

*1. The legal organization of new local institutions*

The Second Serbo-Turkish war broke out on 1 January 1877 and resulted in significant successes within several weeks.<sup>6</sup> The Serbian army liberated large areas in the Južna (South) Morava and Nišava river valleys, virtually the whole region of south-eastern Serbia. By the time a peace treaty between Russia and the Ottoman Empire was signed at San Stefano, the provisional Serbian authorities controlled the following towns and villages: Niš, Prokuplje, Kuršumlija, Leskovac, Vlasotince, Bela Palanka, Pirot, Kula, Gramada, Belogradčik, Caribrod (modern-day Dimitrovgrad), Ginci, Dragoman, Slivnica, Breznik, Trn, Radomir, Klisura, Bosiljgrad, Vranje, Trgovište, Bujanovac, Preševo, Gnjilane, Kamenica, Novo Brdo, as well as the areas of the monasteries of Gračanica (in Kosovo) and Prohor Pčinjski (in Pčinja). The Serbian army had also penetrated close to Priština, Kumanovo and Kriva Palanka, and, apparently, volunteer units fighting under its command even entered Kustendil (medieval Velbuzd).<sup>7</sup>

According to the decisions of the Great Powers at the Congress of Berlin, a portion of the territory the Serbian Army had seized were assigned to the Principality of Bulgaria (Kula, Gramada, Belogradčik, Caribrod, Ginci, Dragoman, Slivnica, Breznik, Trn, Radomir and Bosiljgrad with its environs), and a portion was restored to the Ottoman Empire (Priština, Kumanovo, Kriva Palanka, Gnjilane, Lab District with Podujevo, and the Bujanovac-Preševo area with Upper Pčinja). At the same time, Serbian rule

<sup>5</sup> For more on the resettlement of Albanians from these areas to Kosovo and the influx of Kosovo Serbs into these areas, see D. T. Bataković, *The Kosovo Chronicles* (Belgrade: Plato, 1992), esp. 111-112.

<sup>6</sup> Russia started a war against the Ottoman Empire in April 1877, and emerged victorious in January 1878. The two sides negotiated, to the exclusion of other participants in the war, a new political situation in the Balkans, and on 3 March 1878 the Treaty of San Stefano was signed. The Ottomans had to accept the creation of an autonomous Bulgarian principality controlled by Russia, in fact a Greater Bulgaria as an instrument of Russia's dominance in the Balkans. The provisions of the Treaty, however, were significantly modified by the Treaty of Berlin of 13 July 1878, which did recognize an autonomous but much smaller Bulgaria within the Ottoman Empire.

<sup>7</sup> A town in the southwest of modern Bulgaria; V. Stojančević, "Jugoistočna Srbija u vreme oslobođenja 1877-78" [Southeast Serbia at the Time of Liberation], *Leskovački zbornik XV* (1975), 71.

began to be established in the internationally recognized areas. First of all, many experienced officials serving in pre-war Serbia were sent to the newly-liberated areas with the powers of county prefects. They exercised their authority in the provisionally constituted territorial units. They were followed by other officials (magistrates, notaries, local treasury officers etc.) to assist in establishing the new local government in accordance with Serbia's state policy.<sup>8</sup>

A project for establishing local government in the areas to be liberated had been made in late 1875, simultaneously with Serbia's war plan (but it could not be carried out because Serbia suffered defeat in her first war against the Ottoman Empire in 1876). This may be inferred from a military report on Serbia's armament dated 1875,<sup>9</sup> which also contained instructions for provisional institutions and officials and fixed the boundaries between the military powers of the *Supreme Administration*, and the civil powers of the *Auxiliary Administration*.<sup>10</sup>

The main role in establishing civil government was assigned to Serbia's Minister of Education and Religious Affairs Alimpije Vasiljević.<sup>11</sup> As the government's representative in the Supreme Army Command, he was authorized to issue a range of legislations necessary for establishing the first domestic local institutions in the liberated areas. Vasiljević was assisted by highest-ranking representatives of the military power, such as the head of the General Staff and the commander of the division responsible for the ongoing military operations. Serbia started implementing its war plan related to civil-military separation as early as December 1877. With the war still underway, however, the main duty of civil authorities was to collect clothes and food for the army.<sup>12</sup>

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<sup>8</sup> R. Guzina, *Opština u Srbiji 1839-1918* [The Municipality in Serbia 1839-1918] (Belgrade, 1976), 235.

<sup>9</sup> V. Nikolić-Stojančević, *Leskovac i oslobođeni predeli Srbije 1877-78* [Leskovac and the liberated areas of Serbia 1877-78] (Leskovac, 1975), 26.

<sup>10</sup> *Ibid.*

<sup>11</sup> Alimpije Vasiljević (1831-1911), a Serbian politician, member of the Liberal Party, writer and professor of philosophy at the Great School in Belgrade (his most significant work was *The History of Education in Serbia*); he served several terms as Minister of Education and Religious Affairs (including the period of the Serbo-Turkish wars 1876-78), and was appointed Serbian diplomatic envoy to Russia twice.

<sup>12</sup> A letter by the Chief of the General Staff to the Minister of the Interior of 11 December 1877 shows the most important reasons for civil-military separation, cf. Guzina, *Opština*, 237; Nikolić-Stojančević, *Leskovac*, 58-59.

According to the research done by Slobodanka Stojičić,<sup>13</sup> the process of establishing domestic civil government in the *New Areas* and incorporating them into the legal system of pre-war Serbia passed through two phases: 1) the establishment of provisional local institutions, and 2) the establishment of permanent local institutions on the model of those that already existing in the Principality of Serbia. The first phase lasted one year: from the arrival of the first officials in December 1877 until 17 December 1878, when the *Law on the Division of the Annexed Area into Counties and Districts* was passed, whereby the structure of local institutions of the new administrative units was finally established. The second phase began with the enactment of this law and lasted until 30 March 1881, when the *Law on the Enactment of the Police Profession Law in the Liberated and Annexed Areas* was brought into force as the final act in the process of incorporating the liberated areas into the legal system of pre-war Serbia. This was a painstaking task, because it involved removing, or at least modifying, the effects of Ottoman rule such as an outdated social system, underdeveloped economy, rudimentary state institutions, weak public finances, and feudal property relations.

*a) First period: The provisional organization of local government*

Alimpije Vasiljević signed the first instructions for the provisional organization of local government on 23 December 1877, titled *Rules for All Officials in the Seized Serbian Areas*.<sup>14</sup> The *Rules* predominantly regulated the *conduct* of all officials who had begun to work in the new Serbian areas. They reminded the officials of the significance of their role in establishing the principles of law and order. The officials were expected to perform their duties in such a way that the people could feel *all the benefits of a brotherly government*, although they were warned not to turn into *leniency*.<sup>15</sup> One of the interim instructions for the newly-established institutions was to settle all disputes *orally and promptly*, and to be of assistance to the Serbian army and the population in the *New Areas*.<sup>16</sup>

The *Rules* also regulated new local, district and municipal, government bodies in the liberated areas. The new districts were administered by

<sup>13</sup> S. Stojičić, *Novi krajevi Srbije 1878–1883* [Serbia's New Areas 1878–83] (Leskovac, 1975).

<sup>14</sup> *Pravila* [hereafter: *Rules*] in *Zbornik zakona i uredaba izdanih u Knjažestvu Srbiji XXXII* [Collection of Laws and Regulations Issued in the Principality of Serbia; hereafter: *Laws*] (Belgrade, 1878), 239–241.

<sup>15</sup> *Rules*, 239.

<sup>16</sup> *Rules*, 239.

a body of three members: *one for the Police, one for the Judiciary and one for Finances*. The Chief of Police was in charge of maintaining law and order, the Chief of Judiciary of judicial proceedings, and the Chief of Finance took care of the public revenue for the unit under his jurisdiction.<sup>17</sup>

The officials initially dispatched by the Serbian government to administer the new districts became the heads of local administration.<sup>18</sup> They acted as a link with the government's member in the Supreme Army Command, and answered to him.<sup>19</sup> According to S. Stojičić, these officials can neither be considered real district prefects, nor can their local administration be identified with real district prefectures, and for two reasons: 1) the territorial extent of the new districts corresponded more to pre-war Serbia's counties, and 2) the newly-established district administrations differed both in structure and in powers from the district prefectures of pre-war Serbia (collective bodies, Chief of Justice, collective governing in the sphere of police, judicial and financial matters). Therefore, the district administration should be viewed as a particular form of civil government, which was necessary under transitional conditions in the *New Areas*.<sup>20</sup>

District administrations had several concerns. The *first concern* was to make a record of all municipalities, to specify the district's inner structure, and to establish municipal administrations.<sup>21</sup>

As can be seen from the *Rules*, the organization of municipal government was another task assigned to the central government's officials, to be carried out in the following way: the officials were to consult with distinguished local citizens on the appointment of members to municipal councils; the mayors were to be chosen from select persons of *confidence and energy willing and capable to perform their duties to the satisfaction of all*. Finally, every municipality was to elect a municipal council of five to fifteen members in accordance with its size, and to hire several salaried clerks.<sup>22</sup>

And yet, the central government's officials often left local institutions as they had been under Ottoman rule. This is obvious from a report by Alimpije Vasiljević, revealing that the Serbian government found it suitable to preserve the existing institutions because the people had been accustomed

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<sup>17</sup> *Rules*, 240.

<sup>18</sup> Stojičić, *Novi krajevi Srbije*, 41; *Rules*, 239.

<sup>19</sup> *Rules*, 239.

<sup>20</sup> Stojičić, *Novi krajevi*, 41.

<sup>21</sup> *Rules*, 241.

<sup>22</sup> *Rules*, 240-241.

to them. In that way the local population was likely to accept their new administration more easily.<sup>23</sup>

In the process of municipal reorganization, the most significant task of district administrations was to group villages into municipalities and to carry out a property enumeration. Several important factors played a part in the process, such as the natural boundaries of a municipality, communal orientation points (schools, churches, wells, watermills etc.) and the occupations of the population (farming, cattle-breeding, crafts). Nevertheless, the procedure could not be uniform for all the liberated areas, as different situations in different areas needed to be taken into account. Therefore, the newly-established authorities had to rely on the advice and opinion of local household heads.<sup>24</sup> It was even more difficult to carry out the enumeration of property was more difficult, and it required military support and assistance. The civil authorities were too weak to prevent the widespread looting of the abandoned Turkish property and frequent raids of armed Muslim Albanians into the liberated areas.

The implementation of the instructions contained in the *Rules* and the experience gained from it led to the first law regulating the legal status of municipalities and municipal authorities, passed by the National Assembly on 3 January 1878 – the *Provisional Law on the Liberated Areas Organization*.<sup>25</sup> This law defined the legal status of counties, districts and municipalities in all the liberated territory, as well as the responsibilities and procedures for their administrations. Although it made no change to the existing subdivisions, it left room for the district administrations to institute changes *if necessary and in consultation with the distinguished household heads*, but only before the process of reorganization was finalized. After that, any change to the structure and name of a municipality required approval from the Minister of the Interior.<sup>26</sup>

Under the *Provisional Law* territorial subdivisions became typical policing subdivisions with some judicial powers. To judge from its provisions, it in fact was the *Law on County Prefecture System and County Prefect Office* of 1839 extended to the annexed areas under a *lex specialis*. According to its Article 53, every county had its organs of government,<sup>27</sup> such as the county prefect, the county treasury officer and the county judge.

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<sup>23</sup> Guzina, *Opština*, 239.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Provisional Law* in *Laws*, 251-257.

<sup>26</sup> *Provisional Law*, Art. 1, 2 and 3, p. 251.

<sup>27</sup> *Provisional Law*, Art. 53, p. 261.

As the head of a county, the county prefect exercised police and some judicial powers (minor civil and criminal cases) in the area under his jurisdiction, assisted by the necessary number of personnel. He was appointed by the Prince at the proposal of the Minister of the Interior. He attended all county affairs through district and municipal administrations, which he had the power to replace. In case a county did not have its military commander, the county prefect fulfilled those duties as well.

The county treasury officer was in charge of economic and financial affairs. He was appointed by the Prince at the proposal of the Minister of Finance. Judicial power was embodied in the high judge appointed by the Prince at the proposal of the Minister of Justice. He exercised judicial authority in accordance with his legal powers.<sup>28</sup>

According to Article 51 of the *Provisional Law*, every county was subdivided into districts,<sup>29</sup> and every district had its government bodies, headed by the district prefect and the district judge. The district prefect exercised police and some judicial powers (minor civil and criminal cases) in the area under his jurisdiction. He was appointed by the Prince at the proposal of the Minister of the Interior. He attended district affairs through municipal administrations, which he had the power to replace; in case the district had no military commander, the district prefect fulfilled his duties as well. Every district had a district judge appointed by the Prince at the proposal of the Minister of Justice, and he exercised judicial authority in accordance with his legal powers.<sup>30</sup>

Under Article 22 of the *Provisional Law*, districts were subdivided into municipalities, which in turn were classified by size into three groups: small municipalities with up to 200 taxpayers, medium-sized municipalities with more than 200 taxpayers, and large municipalities with more than 500 taxpayers.<sup>31</sup> Every municipality had its organs of government embodied in the mayor office. At the second session of the National Assembly in 1879, a member of the Serbian Parliament (Ćirko Andrejić) described the procedure for the appointment of municipal mayors in the *New Areas*: "At the outbreak of the second war [second Serbo-Turkish war], I was authorized by the commander to choose men in my district who would work properly. And I did, I chose several mayors and they still are mayors, and no one is unhappy with them."<sup>32</sup>

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<sup>28</sup> *Provisional Law*, Art. 55-57 and 62, pp. 261-263.

<sup>29</sup> *Provisional Law*, Art. 51, p. 261.

<sup>30</sup> *Provisional Law*, Art. 25-29, 33, 34 and 36, pp. 255-257.

<sup>31</sup> *Provisional Law*, Art. 18, p. 254.

<sup>32</sup> *Stenografske beleške o sednicama Narodne skupštine za 1879-90* [National Assembly Sessional Records for 1879-90], 1063-1064.



A municipal mayor was assisted by one or two assistants and several clerks, as well as by the necessary number of policemen. None of these offices or posts was elective. The mayor was appointed by the district prefecture *from among the distinguished household heads in a municipality*. Like county and district prefects in their jurisdictions, he exercised policing and minor judicial powers in his municipality, and fulfilled the duties of a military commander if there was not one. As the bearer of administrative powers, the municipal mayor was obliged to *deal with all affairs of state as required from a municipality*. As a judicial authority, the municipal mayor judged civil cases of no more than 50 dinars and minor criminal cases where the punishment was limited to 5 days in prison or a 50-dinar fine. However, not even these minor cases were under the exclusive jurisdiction of municipal courts; they could be committed to district courts. Appeals against the municipal court decisions could be lodged with district courts, and the last level was the so-called grand judge whose decision was binding.<sup>33</sup>

It is important to note that all judges (municipal mayors, district judges and grand judges) tried cases not according to a written law, but in all *conscience, belief and knowledge of justice and tradition*.<sup>34</sup> They were advised on the local legal customs by councils consisting of local community members. Such a procedure was practical, because trials were quick, although it was more primitive than collegial judging in accordance with written law.<sup>35</sup>

Every municipality had a council consisting of five, ten or fifteen members, in proportion to its size. This council was an advisory body, convened and presided over by the mayor; it discussed a range of issues of importance for the municipality.<sup>36</sup>

The administrative functioning of municipal (district and county) government was overseen by the Minister of the Interior. As for different *professional responsibilities*, they were under the control of the corresponding ministers. However, during the war all bodies were also subject to the military authorities.<sup>37</sup>

The relationship between the *Provisional Law* and the 1866 *Law on Municipalities and Municipal Government* (passed under Prince Mihailo),<sup>38</sup> i.e. *Alterations and Amendments* made to this Law in 1875, was regulated un-

<sup>33</sup> *Provisional Law*, Art. 4-8, 11, 13, 37 and 66, pp. 251-253, 258, 264.

<sup>34</sup> Slobodan Jovanović, *Vlada Milana Obrenovića II* [The Reign of Milan Obrenović] (Belgrade, 1991), 13.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Provisional Law*, Art. 18 and 19, p. 254.

<sup>37</sup> *Provisional Law*, Art. 71 and 73, p. 265.

<sup>38</sup> Prince Mihailo Obrenović (1823-68), son of Prince Miloš Obrenović, ruled 1840-42 and 1860-68. His rule may be described as *enlightened autocracy*.

der Article 87 of the *Provisional Law*: if there were no provisions for a concrete case in the *Provisional Law*, nor a local custom to abide by, the 1875 Serbian Law could be implemented in order to bridge such legal lacunae.<sup>39</sup>

As can be seen, the *Provisional Law* envisaged the subsidiary use of a Serbian positive law, thereby paving the way for the incorporation of the *New Areas* into the legal system of pre-war Serbia. The same Law also ensured some essential values of civil society, such as the principle of equality before the law and religious freedom. All citizens of the liberated areas were made equal with the citizens of Serbia not only in rights but also in obligations (e.g. military service, taxation).<sup>40</sup>

It is interesting to note that shortly after its enactment the *Provisional Law* was criticized in the magazine *Straža* (Sentry) in the article authored by "A Socialist Propagator".<sup>41</sup> The anonymous writer claims that the principle of local self-government and prompt trial is at odds with the subordinate position of municipal institutions to bureaucracy and police, and instead demands political freedoms and the introduction of a true principle of local government.

Counties and districts were established under the *Law on Provisional Administrative Organization of the Liberated Areas* of 14 May 1878.<sup>42</sup> All the liberated territory was divided into six counties (Niš, Kuršumljija, Leskovac, Vranje, Pirot and Kula) with 21 districts.<sup>43</sup> Each county and district was allocated the necessary number of policemen, financial and judicial officers, in order to alleviate the lack of skilled staff in the freshly-established local administration.<sup>44</sup> At the same time, the administrative, judicial and financial professions were completely separated, which was the last step in establish-

<sup>39</sup> *Provisional Law*, Art. 87, p. 268.

<sup>40</sup> *Provisional Law*, Art. 75-77, 80 and 81, pp. 266-267.

<sup>41</sup> *Straža* was a socialist-coloured magazine for science, literature and social issues, published in Novi Sad (then in Austro-Hungarian Monarchy, today the capital of Vojvodina, Serbia) from September 1878 to March 1879. Its editor was Lazar Paču, subsequently a minister in several Serbian cabinets 1903-14. The likely author of this article was Pera Todorović (a friend and co-worker of Svetozar Marković's and a founding member of the People's Radical Party 1881), because he was responsible for political articles as a member of the editorial board of the magazine. *Straža*, Nov-Dec. 1878, 427-430.

<sup>42</sup> *Law on Provisional Administrative Organization in Laws*, 308-315.

<sup>43</sup> Under Art. 2 of the Law, the County of Niš included the districts of: Niš, Koprivnica and Bela Palanka; 2. the County of Kuršumljija: Prokuplje, Kuršumljija, Ibar and Vučitrn; 3. the County of Leskovac: Veternik, Vlasina and Pusta Reka; 4. the County of Vranje: Vlasina, Poljana, Morava and Pčinja; 5. the County of Pirot: Visoki, Breznica, Nišava, Trn and Lužnica; and 6. the County of Kula included the districts of: Kula and Novo Selo.

<sup>44</sup> *Law on Provisional Administrative Organization*, Art. 3, pp. 310-311.

ing a provisional domestic government in a situation when the borders between the new Balkan states had not been drawn yet. Serbian government extended to all the areas taken by the Serbian army, overcoming, more or less successfully, many ethnic and religious barriers in the process. For example, there were many difficulties in the borderland between Serbia and Bulgaria (especially in the Šop region),<sup>45</sup> due to an unconsolidated ethnic awareness of the local people influenced both by the Serbian and Bulgarian national propagandas.

The *kojabashi* (non-Muslim community leader) of the Ottoman *Kaza* of Trn, Arandjel Stanojević, had a very important role in the establishing of Serbian civil government in the liberated Znepolje,<sup>46</sup> where he was first appointed president of the local court, and then head of the district of Trn. Under the *Provisional Law* of 3 January and the *Law on Provisional Administrative Organization* of 14 May 1878, Trn became the administrative seat of Znepolje, i.e. of the District of Trn included in the newly-formed County of Pirot.<sup>47</sup> Professor Panta Srećković<sup>48</sup> became the first prefect of the County of Pirot, and Arandjel Stanojević was appointed prefect of the District of Trn. Stanojević persistently campaigned for international recognition of the sovereignty of the Principality of Serbia over all areas taken

<sup>45</sup> The Šop area (*Šopluk* or *Šopsko*) is a mountainous area on the modern-day border between Serbia, Bulgaria and Macedonia, the boundaries of which are quite vague. The term Šop has always denoted the common people, highlanders. Cf. *Skrivene manjine na Balkanu (Hidden Minorities in the Balkans)*, ed. Biljana Sikimić (Belgrade: Institute for Balkan Studies, 2004) and therein the articles by P. Hristov, 67-83, and S. Zlatanović, 83-95.

<sup>46</sup> A Serbian popular leader and representative before the Ottoman authorities, Arandjel Stanojević was considered one of the most distinguished figures from Niš to Sofia, and from Pirot to Kustendil. Moreover, as a cattle trader, he was one of the richest locals. He was originally from Klisura, a highland settlement on the boundary between Znepolje and Vidin (today in Bulgaria). He was respected by the Turks as well. Stanojević spoke Turkish, French and Greek. After the arrival of the Serbian army he assumed an active role in establishing Serbian rule in the sanjaks of Niš and Sofia. See V. Stojančević, "Kodžabaša trnske kaze Arandel Stanojević i srpsko-bugarski spor oko Trna i Znepolja 1878-1879", *Istorijski časopis* XXV, 195-196.

<sup>47</sup> National feelings of the local population of Znepolje were a highly important matter for the Serbian government and its claims on the liberated areas. Based on field reports, the Serbian government was quite confident that the people of Trn, Klisura and 80 other villages of Znepolje thought of themselves as Serbs, cf. Stojančević, "Kodžabaša", 199-200.

<sup>48</sup> Panta Srećković (1834-1903), professor of history at the Great School in Belgrade and politician. His historical writing on Serbia's past lacked the necessary criticism.

by the Serbian army on the border with Bulgaria.<sup>49</sup> He also energetically struggled against the propaganda of the Bulgarian Committee from Sofia, against the Exarchate bishops – especially bishop Eustathius (appointed by the Exarchate,<sup>50</sup> on the eve of the war against the Ottoman Empire, as head of the Eparchy of Nišava), and the Russian envoy to Sofia Alabin, who demanded that the Serbian authorities leave the former sanjaks of Niš and Sofia in order that these could be annexed to Bulgaria in compliance with the Treaty of San Stefano.<sup>51</sup> Bulgarians were aware that Stanojević was distinguished in the local community, and that the annexation of the Kaza of Trn and Znepolje to Bulgaria was difficult without Stanojević on their side. Thus, Stanojević was offered to become a deputy of the Bulgarian Constitutional Assembly which was to establish the first domestic government<sup>52</sup> after the departure of Russians from Bulgaria.<sup>53</sup> He declined the offer.<sup>54</sup> When the Congress of the Great Powers in Berlin was over on 13

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<sup>49</sup> Arandjel Stanojević was the representative of the Kaza of Trn in a deputation to St. Petersburg in April 1878 to petition the Russian emperor for the right of the people of Pirot, Trn, Vranje and the neighbouring areas of *Old Serbia* to be *Old-Serbs* and, consequently, to remain in Serbia, cf. Stojančević, “Kodžabaša”, 203; B. Lilić, *Istorija Piroti i okoline* (1878–1918), vol. II, 246.

<sup>50</sup> From the abolishment of the Patriarchate of Peć in 1766 and the Archbishopric of Ohrid in 1767, all Bulgarian and Serbian bishoprics came under the jurisdiction of the Patriarchate of Constantinople, which replaced almost all Slav bishops with ethnic Greeks. This was opposed by all Orthodox Slavs, Serbian and Bulgarian, who strove to emancipate their respective churches from the Greek Patriarchate. Backed by Russia, Bulgarians succeeded in establishing their autonomous church organization, and on 28 February 1870, by the Sultan’s decree, the Bulgarian Exarchate was established; its jurisdiction also extended to many Serb-inhabited areas, including the counties of Niš, Pirot and Vranje. In the areas under the Exarchate’s jurisdiction, Greek bishops and teachers were replaced with Bulgarian.

<sup>51</sup> There was a significant gap between Pirot’s urban population and its rural surroundings. Many members of the Pirot elite, known as *čorbadžije* (chorbaji), accepted both the Exarchate and the Bulgarian idea, and were unwilling to break up their business relations with the markets of northern Bulgaria, Thrace and Constantinople. The rural population of the Pirot area, by contrast, accepted hardly any change in their life, upheld their customs and tradition, and supported the unification of Pirot with Serbia. The Exarchate sought to exploit this gap, especially under the mutaserif of Pirot Jordanča-Pasha Bakalov, cf. Lilić, *Istorija Piroti*, 247.

<sup>52</sup> Stojančević, “Kodžabaša”, 209–210.

<sup>53</sup> Stationed in Bulgaria during the war, Russian army officers and soldiers behaved as a “domestic element”.

<sup>54</sup> Stanojević was warned that he would be tried by the “people’s court” if he did not declare himself a Bulgarian, which really meant that the Bulgarian Committee would have him executed. See Stojančević, “Kodžabaša”, 211.

July 1878, the borders between the independent Principality of Serbia and the autonomous Principality of Bulgaria were finally defined. The District of Trn and Znepolje became part of Bulgaria, and Stanojević moved to Serbia. In the Pirot region, he is still remembered as a man who made personal sacrifices for his homeland.<sup>55</sup>

*b) Second period: The permanent organization of local government*

As a result of the Berlin Treaty, new states emerged in the Balkans. Serbia had to cede a large portion of the liberated territory to Bulgaria or to restore it to the Ottoman Empire. Both the military and civil authorities of the Principality of Serbia withdrew from the ceded and restored territories. Alos, a good part of the local population withdrew with them, unwilling to acknowledge the new borders. Serbia retained the largest part of the former Sanjak of Niš, while the smaller part and the whole Sanjak of Sofia were annexed to the autonomous Principality of Bulgaria. The Sanjak of Priština was restored to the Ottomans.

From that moment, the process of establishing permanent institutions of local government in the *New Areas* began. The Serbian government focused all its efforts on the constitutional and overall legal unification of post-Berlin Serbia.

Even before Serbia's legislature made the new areas administratively and legally equal with pre-war Serbia, the Serbian government had decreed their political unification by extending voting rights to the new citizens of Serbia, who voted in the parliamentary elections of 28 October 1878. The government's position was that the *New Areas* had not been conquered but liberated and that, consequently, they should enjoy all constitutional and political rights as from day one.<sup>56</sup> The Opposition suspected the government of having been guided by party political motives. Indeed, in the politically uneducated *New Areas*, where the fear of authorities was still strong, a chance for the government's candidates to win elections was greater than in pre-war Serbia. The Prime Minister, Jovan Ristić,<sup>57</sup> could rely on his party's

<sup>55</sup> *Ibid.*, 209-216.

<sup>56</sup> Jovanović, *Vlada Milana Obrenovića II*, 14.

<sup>57</sup> Jovan Ristić (1831-1899) was one of the most important Serbian politicians of the nineteenth century, a historian, diplomat and statesman, the unquestionable leader of the Liberal Party. He was a member of the Regency for underage Prince Milan Obrenović 1869-72, and underage King Alexander Obrenović 1889-93. He successfully completed long negotiations on the withdrawal of the Ottoman troops from Serbia under Prince Mihailo Obrenović (1840-42, 1860-68; King 1882-89) and worked on the 1869 Regency Constitution. He was the Minister of Foreign Affairs at the time

candidates in the *New Areas*, who firmly supported his government after the elections.

Political unification was followed by administrative and judicial unification. On 17 December 1878 the National Assembly passed the *Law on the Division of the Annexed Areas into Counties and Districts*.<sup>58</sup> Under this Law, the annexed areas were divided into four counties (Niš, Vranje, Pirot and Toplica) and 15 districts.<sup>59</sup> In addition, several important provisions of the *Provisional Law* of 3 January 1878 were revoked (Articles 22, 23, 51 and 52), mostly those regulating the grouping of municipalities into districts and districts into counties and the seats of districts and counties. This question was settled by a decree Prince Milan Obrenović issued on 6 February 1879, finally defining the boundaries of districts and counties, and the seats of local administration, listing all the villages included in their inner structure (1001 villages in 15 districts).<sup>60</sup> In that way, the unification that was de facto carried out even before the state borders in the Balkans were finally drawn, got its legal framework resulting in the administrative unification of the whole of the Principality of Serbia.

Under the *Law on Legal Proceedings in the Annexed Areas* of 31 December 1878<sup>61</sup> judicial unification was carried out. The Serbian laws concerning the judiciary, civil and criminal law (material and procedural) were extended to the *New Areas*.<sup>62</sup> The only exceptions were the legislation on immovable property and the *Law on Lawyers*. The first exception resulted from Serbia's international obligations as stipulated by the Berlin Treaty, and the second one had its domestic reasons. Domestic legislation on the immovable property was not extended to the *New Areas* because the Great Powers at the Congress of Berlin had met some demands of the Porte and the Ottoman landowners. The limitations imposed on Serbia concerned the

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of the Berlin Congress, and the international recognition of Serbia was for the most part his doing. His historical writings include: *Foreign Relations of Serbia 1848-72* and *Serbian Diplomacy the Serbian Wars of Liberation and Independence 1875-78*.

<sup>58</sup> *Law on the Division of the Annexed Areas into Counties and Districts* in *Lawes XXXIV* (1879), 32-34.

<sup>59</sup> Art. 1 of the *Law on the Division of the Annexed Areas*: 1. Niš County with Niš as its county town included four districts: of Niš, Zaplanje, Leskovac and Vlasotince; 2. Pirot County with Pirot as its county town also had four districts: of Nišava, Visoki, Bela Palanka and Lužnica; 3. Vranje County with Vranje as its county seat had three counties: of Pčinja, Poljanica and Masurica; and 4. Toplica County with Prokuplje as its provisional seat had four counties: of Dobrica, Prokuplje, Kosanica and Jablanica, 196-209.

<sup>60</sup> *Ibid.*, 196-197.

<sup>61</sup> *Ibid.*, 71-77.

<sup>62</sup> *Law on Legal Proceedings*, Art. 3 and 4, pp. 71-74.

obligation to award compensation to the holders of former spahiliks in the liberated areas. Therefore, the issue was solved by a special law in compliance with Serbia's international obligations assumed by the ratification of the Berlin Treaty. The *Law on Lawyers* was not extended to the *New Areas* because the Serbian government assumed that the ill-informed population of the liberated areas might fall prey to unscrupulous lawyers.<sup>63</sup>

### 3. Conclusion

The incorporation of the newly-annexed areas into the legal system of post-war Serbia was carried out fully in the administrative and judicial spheres, civil (except the question of land ownership) and criminal law. The process was rounded off with the passing of the *Law on the Enactment of the Police Profession Law in the Liberated and Annexed Areas* on 30 March 1881.<sup>64</sup> Under this Law the legislations of the Principality of Serbia concerning the organization of local government and its powers were extended to the *New Areas*. Most of its provisions regulated the extension to the liberated areas of all legislations on municipalities, districts and counties and their organization and functioning.<sup>65</sup> It is important to note that the 1875 *Law on Municipalities* was extended to the *New Areas* under this Law. The legal unification of Serbia, which had begun with the Second Serbo-Turkish War in 1877 and lasted until the passing of this Law under the Progressivist government in 1881, was thus completed.

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<sup>63</sup> Serbia extended the *Law on Lawyers* to her *New Areas* in 1881, together with other legislations that had not been in force in the liberated areas before that year.

<sup>64</sup> *Laws*, 526.

<sup>65</sup> *Ibid.*