

The New Territories of Serbia after the Balkan Wars of 1912–1913 The Establishment of the First Local Authorities

Abstract: In the Balkan Wars of 1912–13, the Kingdom of Serbia wrested Old Serbia and Macedonia from Ottoman rule. The process of instituting the constitutional order and local government institutions in the liberated and annexed areas was phased: (1) the building of provisional administration on the instructions of government inspectors and the head of the Military Police Department; (2) implementation of the Decree on the Organisation of the Liberated Areas of 14 December 1912; and (3) implementation of the Decree on the Organisation of the Liberated Areas of 21 August 1913. Finally, under a special royal decree issued in 1913, implementation began of some sections of the Constitution of the Kingdom of Serbia. In late December 1913, the interior minister, Stojan M. Protić, submitted the bill on the Annexation of Old Serbia to the Kingdom of Serbia and its Administration to the Assembly along with the opinion of the State Council. The bill had, however, not been put to the vote by the time the First World War broke out, and the issue lost priority to the new wartime situation until the end of the war.

Keywords: Serbia, Ottoman Empire, Balkan Wars, local government, Old Serbia, Macedonia

The establishment after the Balkan Wars of local government in the areas acquired by Serbia underwent three military, legal and political phases. In the liberated areas of Old Serbia (Ras-Polimlje Area,¹ Kosovo, Skoplje Area) and Vardar Macedonia, the possession of which was acknowledged to Serbia, these phases were as follows:

(1) the establishment of an interim administration based on the instructions given by inspectors assigned by the relevant ministries and the chief of the police department of the Supreme Command of the army;

(2) the implementation of the *Decree on the Organisation of Liberated Areas* of 14 December 1912;

(3) the implementation of the *Decree on the Organisation of Liberated Areas* of 21 August 1913.

This process was not finalised for at least two reasons. One was the struggle between the military and civil authorities for primacy in the liberated areas, and the other was the outbreak of the Great War in 1914. These

¹ The Ras-Polimlje area largely overlapped with the former Ottoman Sanjak of Novi Bazar and Sanjak of Sjenica, both within the Vilayet of Kosovo (1877–1912), as will be discussed later.

circumstances hindered the consolidation of the freshly established and still very fragile local authorities in the Ras-Polimlje Area, Kosovo, Area of Skoplje (Uskub until 1912) and most of Vardar Macedonia after almost five centuries of Ottoman occupation.

However, to understand the political situation in the Balkans in general, and in the areas that were the theatre of military operations during the Balkan Wars in particular requires at least a brief overview of the overall administrative-territorial organisation of the Ottoman Empire in Europe and how it functioned. This will provide a background to the structure and functioning of those vilayets of which Old Serbia and Macedonia formed part before the Balkan Wars.

The organisation of Ottoman government in Old Serbia and Macedonia on the eve of the Balkan Wars

At the beginning of the twentieth century the administrative-territorial division of the Ottoman Empire into *vilayets*, *sanjaks* and *kazas* was still in force.² Such division was established by the Constitution of 1876, which was abolished the same year and then reinstated during the Young Turk revolution in 1908.³ Vilayets were the largest subdivisions, and on the eve of the Balkan Wars the territory of the Ottoman Empire was divided into twenty-eight such units. Its European part, known as Rumelia since the middle ages, consisted of six vilayets: Kosovo, Scutari, Monastir, Salonica, Janina and Adrianople. The capital city of Constantinople (*şehir-e-manati*) had a special status equivalent to that of a sanjak. All vilayets were subdivided into sanjaks or mutesarifliks (districts). Kazas were divided into: 1) *mudirliks* (which were traditionally called nahiyes although the former nahiyes were larger than mudirliks; this territorial unit is often termed “county

² On the administrative-territorial division of the Ottoman Empire (1878–1912) see J. Nikolić, “Upravne oblasti Turske do 1912”, in *Spomenica dvedesetpetogodišnjice oslobodjenja Južne Srbije* (Skoplje 1937); N. Rakočević, “U Turskom carstvu. Političke i društvene prilike”, in *Istorija srpskog naroda*, vol. VI-1 (Belgrade, 1983), 263–290; R. Mantran, *Histoire de l'Empire ottoman* (Paris, 2003). Very detailed information on the administrative-territorial organisation of the Ottoman Empire in the Balkans can be found in the reports of military representatives of the Kingdom of Serbia in Constantinople submitted to the General Staff in mid-1903 (Belgrade, Military Archives, p. 14, f. 2, d. 4/1).

³ For more on this Constitution and its reinstatement during the Young Turk Revolution of 1908 see H. Kayali, *Arabs and Young Turks: Ottomanism, Arabism and Islamism in the Ottoman Empire 1908–1918* (Berkeley: California University Press, 1997), 75; M. Mazower, *The Balkans: From the End of Byzantium to the Present Day* (Phoenix Press, 2003), 106.

department” or “bigger municipality” in the traditional Serbian scholarly literature); and 2) *yaftas* (smaller municipalities), which consisted of one larger or several small villages.⁴ In addition, urban municipalities (*belediyes*) consisted of smaller units (*maballes*). There were also autonomous ecclesiastical-educational municipalities.⁵

However, this administrative-territorial division of the Ottoman Empire was not uniform. In some cases, the structure of a *kaza* (*kaymakamlık*) was different: it included only *yaftas* and no *mudirlik*s. For instance, there were 65 *yaftas* in the Sanjak of Pljevlja in 1909; on the other hand, the *Mudirlik* of Priboj existed along with the *kazas* of Prijepolje and Pljevlja in the same sanjak.⁶

However, the administrative-territorial and legal-technical structure of the Vilayet of Kosovo was particularly important. This vilayet was created in late January 1877, amidst the Eastern Crisis. Its seat, originally in Priština, was transferred to Uskub in 1888. A rigid pyramidal system of hierarchical organisation was established in all administrative-territorial units in the Vilayet of Kosovo. Practically, such a system of local government was similar to that which had been established by the 1839 *Law on the County Prefectural System and the District Prefect Office* in the Principality of Serbia under the Constitutionalist regime (1842–1858).⁷

The Vilayet of Kosovo comprised six sanjaks: Skoplje, Priština, Sjenica, Pljevlja, Peć and Prizren. The Sanjak of Skoplje had ten *kazas*: Skoplje, Kačanik, Štip, Peševo, Kumanovo, Kratovo, Radoviš, Palanka, Veles and Kočani; the Sanjak of Priština comprised the *kazas* of Priština, Gnjilane, Preševo, Vučitrn, Mitrovica and Novi Bazar; the Sanjak of Sjenica consisted of the *kazas* of Sjenica, Donji Kolašin, Nova Varoš and Bijelo Polje; the Sanjak of Pljevlja had two *kazas*: Pljevlja and Prijepolje; the Sanjak of Peć comprised the *kazas* of Peć, Djakovica, Berane, Gusinje and Trgovište (Rožaje); and the Sanjak of Prizren consisted of the *kazas* of Prizren, Tetovo, Ljum and Gostivar.

There is some confusion in the usage of the names of individual sanjaks within the Vilayet of Kosovo in international academic and popular history writing. A characteristic example concerns the inaccurate and tendentious usage of the term Sanjak of Novi Bazar. The famous Serbian geographer, Jovan Cvijić, wrote about this issue as early as 1904:

⁴ Rakočević, “U Turskom carstvu”, 265.

⁵ Nikolić, “Upravne oblasti”, 979–995.

⁶ Rakočević, “U Turskom carstvu”, 265–266.

⁷ Contained in the collection of laws and regulations enacted in the Principality of Serbia published in Belgrade in 1840 (*Sbornik zakona i uredbe i uredbeni ukaza*), 78–83.

There stands out, by its relief and communications, the north-western part of Old Serbia, which since the Congress of Berlin has been commonly but inaccurately called – Sanjak of Novi Pazar; due to its political position this region has recently become even more distinctive. It is the south-easternmost portion of the Dinaric Alps system; the most favourable central region of highland and woodland areas between the Tara and the Zapadna [West] Morava [river]; it was only natural that it should become the centre of a mountainous state like Raška [*Rascia*; the medieval Serbian state]. It was there, moreover, that the famous Bosnian road intersected with the caravan routes which led from the Ibar and Kopaonik areas to the Zeta coast via Novi Pazar and Peć [...] In recent times, the Sanjak of Novi Pazar has become politically important as well, because, since the Treaty of Berlin, it largely plays the role of a region inserted between three countries with similar political aspirations: Serbia and Montenegro on the one hand, and Austria-Hungary on the other. This political isthmus, by means of which the Treaty of Berlin left Serbia and Montenegro separated from one another, is about 50 kilometres wide in a straight line. This is why it is now the area of Old Serbia and Macedonia that is second only to the central region in political importance.⁸

To better understand political-territorial terms relating to this former part of the Ottoman Empire, one should look back to the history of the Sanjak of Novi Bazar and the Vilayet of Kosovo.

In 1872 the administrative-territorial structure of the Vilayet of Bosnia was recomposed. The Sanjak of Novi Bazar was detached from it and joined with the Mudirlik of Pljevlja and Sanjak of Niš to form the short-lived Vilayet of Novi Bazar. In 1877, the Vilayet of Novi Bazar was dismantled and the Sanjak of Novi Bazar was incorporated into the newly-created Vilayet of Kosovo.

Shortly after the Congress of Berlin and the Austro-Hungarian occupation of Bosnia-Herzegovina, in 1880, the administrative area of the Sanjak of Novi Bazar was once again reorganised. Its western part was incorporated into the newly-established Sanjak of Pljevlja together with the kazas of Pljevlja and Prijepolje and the Mudirlik of Priboj. This unit existed until the outbreak of the First Balkan War in 1912. The rest of the former Sanjak of Novi Bazar was organised as a separate sanjak whose seat was in Sjenica. The Sanjak of Sjenica existed until the beginning of the Balkan Wars; in the early twentieth century it included the kazas of Sjenica, Bijelo Polje, Nova Varoš and Donji Kolašin. On the other hand, only the kaza of Novi Bazar was attached to the Sanjak of Priština. The Sanjak of Novi Bazar thus ceased to exist as a separate Ottoman administrative-territorial unit but its name survived and remained in use. In the period between the Congress of Berlin (1878) and the Balkan Wars (1912) the area of the for-

⁸ J. Cvijić, *Govori i članci* (Belgrade: Napredak, 1921), 144–145.

mer Sanjak of Novi Bazar was distributed among several sanjaks and the use of this term for the whole area was not legitimate any more.

The organisation of Serbian local government in the liberated areas of Old Serbia and Macedonia

1) *The establishment of an interim administration*

After the Serbian army entered Old Serbia and Macedonia, the Supreme Command, seated in Skoplje since 26 October 1912, took first steps to form a new local government by appointing civil authorities.⁹ The Supreme Command immediately appointed special inspectors from all the ministries of the Serbian government. Judicial officers were appointed at the Supreme Command headquarters in Skoplje in January 1913. Then a police department was set up which was responsible for the organisation of civil administration in the newly-liberated areas,¹⁰ and Milorad Vujičić, senior official of the Ministry of the Interior, was appointed as its head. The initial and temporary administrative division of the liberated areas concerned the organisation of new municipalities, districts and counties on the model of those in the pre-war Kingdom of Serbia. Ten counties were formed: Prijepolje, Novi Bazar, Priština, Prizren, Kumanovo, Skoplje, Tetovo, Debar, Bitolj (Monastir) and Adriatic. Officials in counties and districts were appointed by the Supreme Command's decree at the suggestion of the Police Department in accordance with the military regulations and Article 6 of the *Law on the Organisation of the Army* of 1901. This means that district and county officials did not have to meet the requirements prescribed by the civil law of the Kingdom of Serbia (*Law on the Organisation of Districts and Counties*) of 1905.¹¹

These officials operated on instructions from the Chief of Police Department Milorad Vujičić. Their main duties were: 1) to secure personal safety and property of the population in cooperation with local military commanders; 2) to ensure the equality of all citizens regardless of their religious or ethnic background; 3) to secure the real property owned by the Ottoman state and other legal entities. They were ordered to investigate crimes and to adjudicate sentence on offenders on the spot in the spirit of Serbian laws. One of their most important duties was to group villages into municipalities and municipalities into districts. District prefects were given

⁹ R. Guzina, *Opština u Srbiji (1830–1918)* (Belgrade: Rad, 1976), 445; M. Jagodić, *Uredjenje oslobođenih oblasti 1912–1914. Pravni okvir* (Belgrade: Istorijski institut, 2010), 11.

¹⁰ Guzina, *Opština u Srbiji*.

¹¹ Jagodić, *Uredjenje oslobođenih oblasti*, 11–12.

the authority to appoint town and village mayors and the required number of municipal councillors.¹²

However, Vujičić was aware that the established organisation of local authorities was limited in scope and temporary in character. For that reason, on 8 November 1912, he submitted a proposal to the Serbian government to issue a decree on the organisation of the newly-liberated areas in the same manner as it had been done by the introduction of the *Provisional Law on the Organisation of Liberated Areas* of 3 January 1878 (or 15 January New Style) on the territory liberated in the Second Serbian-Turkish war.¹³ However, before the adoption of Vujičić's proposal, the commander of the Third Army (covering mainly the area of Kosovo and Prizren), General Božidar Janković, had issued the *Temporary Police Decree and Decree on Municipality Courts in the Area of Responsibility of the Third Army* on 16 November 1912.¹⁴ This was a temporary act which was to be applied until the final formation of the Serbian state administration. The Decree consisted of two sections and 62 articles. The first part regulated the organisation of municipal courts but, unlike in the rest of Serbia, the principle of elective municipal officers (town or village mayors, municipal councillors) was not introduced. Municipal officers were appointed and recalled by the police. Article 7 stipulated that mayors and other civil servants in towns had to be ethnic Serbs. The second section of the Decree listed the crimes within the jurisdiction of municipal courts as well as penalties for those offenses. Milorad Vujičić was not satisfied with the fact that the Decree concerned only a part and not all of the newly liberated areas. In addition, he considered that the provision of Article 7 of the Decree of the Third Army seriously undermined the principle of equality of citizens in the process of establishing new local authorities. Probably at his suggestion, the newly-appointed chief of the District of Priština, Dimitrije Kalajdžić, drafted a decree on the organisation of the entire liberated area. However, Vujičić was not satisfied with this draft either, because it was a slightly modified text of the *Provisional Law on the Organisation of the Liberated Areas* of 3 January 1878. That was why Vujičić drafted his own version, which he submitted to the Interior Minister, Stojan Protić, in November 1912.¹⁵

¹² Ibid. 13.

¹³ Ibid. 48.

¹⁴ See *Zbornik zakona i uredaba. Prečišćeno i sistematski uredjeno izdanje* (Belgrade 1912), 268–298.

¹⁵ Jagodić, *Uredjenje oslobodjenih oblasti*, 16.

2) *The implementation of the Decree on the Organisation of the Liberated Areas of 1912*

On 14/27 December 1912, King Peter I promulgated the *Decree on the Organisation of the Liberated Areas*, which was based on the *Law on the Army*.¹⁶ This Decree, which included a preamble and 88 articles divided into four chapters, seems to have been made on the basis of Kalajdžić's draft.¹⁷ It was very similar to the *Provisional Law on the Organisation of the Liberated Areas of 1878* in both content and structure. This showed that the Serbian government's legal approach to the newly-liberated areas was essentially the same as it had been in 1878.

The first chapter of this Decree (Art. 1–14) concerned the organisation of municipalities. The size of a municipality was determined by the district prefect and could be changed only by decision of the Minister of the Interior. As in pre-war Serbia, municipal authorities were town and village mayor, municipal council and municipal assembly. There were no elective municipal authorities; they were appointed by the district prefect instead. Municipal authorities were in charge of all municipal affairs – police and executive and to a lesser extent financial and judicial.

A municipal mayor maintained the order in his municipality. He also adjudicated in all disputes regarding chattel as well as lawsuits relating to immovable property and minor disputes concerning crops damaged by livestock (20–50 dinars worth). Village mayor was authorised to settle all disputes in which fines did not exceed 20 dinars. In these disputes adjudication was verbal and short on the spot and in accordance with “the soul and justice”. A town mayor also adjudicated crimes stipulated in the third part of the Criminal Code of the Kingdom of Serbia, for which offenders could be sentenced to no more than 10 days in prison or fined 100 dinars in cash. Appeals to town mayor's verdicts were submitted to the district prefecture.

The Decree did not specify whose duty was to prepare a municipal budget, but the overall context leads to the conclusion that town and village mayors were entrusted with that task. Budgets of village municipalities were approved by the county prefecture, and budgets of county towns were approved by the Minister of the Interior. Salaries of all municipal officers were financed from local, municipal taxes.¹⁸ A municipal council had only an advisory role and no clearly defined responsibilities. Its members were

¹⁶ Arhiv Srbije, fond Ministarstvo finansija [Archives of Serbia, Finance Ministry Fonds], F. 41, p. 41, 1912. This Decree was not countersigned by any minister or published in the *Srpske novine* (which served as the official gazette), just like the decrees on the appointment of civil servants in the newly-liberated areas.

¹⁷ Jagodić, *Uredjenje oslobođenih oblasti*, 17.

¹⁸ Ibid. 17–19.

appointed and replaced by the district prefect at the municipal assembly, consisting of all citizens with the right to vote, after having consulted prominent local household heads. Municipal assemblies had no real authority, and their role was only advisory.

The provisions of the second chapter of the Decree (Art. 15–30) concerned the exercise of authority in administration of districts. The territorial scope, name and seat of a district as well as of the municipalities and villages within it, were determined by the Minister of the Interior. The district prefect and scribes were appointed by the Supreme Military Command at the proposal of the Minister of the Interior. Practitioners working in district prefectures were appointed by county prefect.¹⁹ The district prefecture was authorised to maintain law and order in its area and, most importantly, it supervised the work of municipal authorities. If there was no military commander in a district prefecture, the district prefect was required to perform his duties. A district prefecture was also authorised to investigate all crimes and offenses, and to bring perpetrators before the district court for a trial. It investigated and adjudicated in all criminal cases and lawsuits that were beyond the jurisdiction of the town mayor. In order to meet district prefecture financial requirements, both ordinary and extraordinary expenses, there was a district tax. The district budget was compiled by the district prefect in consultation with town mayors, and approved by the county prefect. Emergency military needs were met in the same way as at municipal level.²⁰

The third chapter of the Decree (Art. 31–72) dealt with the organisation of counties and county courts. The territorial scope, name and seat of a county were approved by the Minister of the Interior. The county prefect, secretary and scribes were appointed by the Supreme Military Command at the proposal of the Minister of the Interior. The county treasurer and the required number of financial officials were appointed at the suggestion of the Minister of Finance.

District, county and municipal police authorities were subordinate to the Minister of the Interior regarding the maintenance of law and order, but acted upon orders from the other relevant ministries in all other matters. In military matters – in the event of war – all officials were at the disposal of military authorities.

In each county there was a district court which consisted of a judge, a secretary, and the required number of scribes. They were appointed by the Supreme Military Command at the proposal of the Minister of Justice. For a trial of a criminal case to be valid, the presence of a judge, secretary and scribe was required, and for lawsuits, of a judge, a secretary or a scribe, and

¹⁹ *Ibid.* 19.

²⁰ *Ibid.* 19–21.

a lay judge. The municipal council of a county elected five lay judges and three deputy-jurors every year. A district court adjudicated in all lawsuits beyond the jurisdiction of municipal authorities, misdemeanours and all committed by the county government and all military offenses committed by military authorities. A district court also performed all other duties of the first instance courts in the Kingdom of Serbia with the exception of real estate ownership matters. Sales contracts concluded before the declaration of war between the Kingdom of Serbia and the Ottoman Empire (October 1912) – and not approved by the responsible authorities – as well as mortgage loans were not considered valid (and therefore could not be the subject of legal proceedings) until the conclusion of a peace treaty after the war. In the meantime, the police had the authority to settle disputes concerning possession (de facto authority over things) in order to maintain law and order. The trial was public unless public morality or general public interests required otherwise. Verdicts were reached by majority vote. Criminal offenses were sentenced according to the Criminal Code of the Kingdom of Serbia. Death sentences had to be submitted to the Great Court for approval within five days. The Great Court with jurisdiction over the entire newly-liberated area was established in Skoplje. Its trial chamber consisted of three judges and the required number of secretaries and scribes. They were appointed by the Serbian government at the proposal of the Minister of Justice. This court had the authority as court of cassation and appeal. Its verdicts were immediately executed, with the exception of death sentences which had to be submitted to the “supreme authority” for approval. Salaries of the court staff were financed from extraordinary military loans.²¹

The fourth chapter (Art. 74–88) contained transitional and final provisions. These provisions provided for the equality of all citizens, freedom of religion and a strict ban on proselytism. The Eastern Orthodox religion of the “autocephalous Serbian church” was proclaimed state religion. The Minister of Finance was authorised to levy state and municipal taxes independently of the existing laws of the Kingdom of Serbia.

Finally, the Decree reintroduced the regulations from the *Law on Arrest and Persecution of Outlaws* of 1895 (which had not been in force in Serbia since 1905).²² This shows that there still was in Old Serbia and Macedonia banditry and similar violent behaviour.

²¹ District and county prefects were allowed to use personal firearms in case their lives were threatened by other persons using firearms or other weapons. Cf. Jagodić, *Uredjenje oslobođenih oblasti*, 20.

²² Ibid. 21–22.

3) *The implementation of the Decree on the Organisation of the Liberated Areas of 1913*

After the conclusion of the Peace Treaty in Bucharest on 10 August 1913, demobilisation of the Serbian Army was ordered, and the King's decree suspended the work of the Supreme Military Command. Therefore, the *Decree on the Organisation of the Liberated Areas of 1912* could not remain in force any more. The new *Decree on the Organisation of the Liberated Areas* was passed on 21 August 1913 (Old Style).²³ The Decree was amended three times: twice in late 1913 and once in early 1914.²⁴ This Decree was very similar to that of 1912 in structure and content – it did not have the preamble as the previous one. It was also introduced by the King at the proposal of the Council of Ministers (government), and it was countersigned by all the cabinet members.²⁵

The purpose of this act was twofold: 1) to resolve the tensions between military and civil authorities in favour of the latter; 2) to increase the level of efficiency of civil authorities in the newly-liberated areas.

According to Art. 1 of the Decree, “every village or small town, which had been a municipality, i.e. a basic administrative unit will remain so henceforth unless the new administrative authorities find it necessary to make changes either by merging several villages in a single municipality or by distributing [several villages] in several municipalities”.

As has been seen, the new Decree obliged the new Serbian authorities to respect the boundaries of the earlier municipalities (which typically comprised a number of villages) if there were no particular reasons for a change. In case of change (according to Art. 2), the boundaries between municipalities were laid down by the district prefect and, once established, could be further changed only with the approval of the Minister of the Interior.

A municipality was headed by a town mayor, who was assisted by village mayors in the performance of his duties. A town mayor was also assisted by scribes and other personnel (Art. 4).

Town and village mayors and scribes were appointed by the district prefect from the pool of municipality citizens. He could also replace them “whenever necessary”. However, other “competent people from other municipalities” could also be appointed provided that they became residents of that municipality (Art. 5). When appointing town and village mayors,

²³ Ibid. 23.

²⁴ See *Zbornik zakona i uredaba*, 266–268.

²⁵ *Srpske novine*, no. 181, 21 August/3 September 1913.

district prefects preferred “more reliable people”, i.e. those who were loyal to the new Serbian government.

Art. 6–10 of the Decree stipulated the following competencies of municipal authorities:

- (1) conducting all municipal affairs and managing municipal property;
- (2) performing police and administrative duties as well as other duties allotted to them;
- (3) adjudicating civil lawsuits for which the fine ranged from 20 to 50 dinars (mayor village adjudicated in civil lawsuits for which the fine was up to 20 dinars);
- (4) a town mayor sentenced for the crimes stipulated in the third part of the Criminal Code; he could not sentence to more than 10 days in jail or for crimes punishable with greater maximum penalties (he could fine the offender with up to 100 dinars or two days in jail);
- (5) a municipal court could not adjudicate lawsuits on real estate ownership (it could only deal with an issue of possession) – due to the existing Ottoman feudal land tenure system which was to be resolved by a special law in the near future;
- (6) a municipal court could not affirm documents on the purchase of real estate or registered real estate – for the same reason; these acts could not be performed by district prefectures, county courts and prefectures either (Art. 21 and 37).

The judicial proceeding was stipulated by Art. 8. It proclaimed that town and village mayors should judge in accordance with “soul and justice” (they referred to the *Police Decree* of 18 May 1850 and the *Criminal Law* of 29 March 1860).

Appeals against the verdict of a village mayor were submitted to the town mayor. Appeals against the verdict of a town mayor were submitted to the district prefect, and his decision was final.

Each municipality compiled its own budget. For a county prefecture, it was approved by village municipality, and for county towns, by the Minister of the Interior. All municipal expenditures were covered from the “municipal surtax and income” which were collected by “municipal authorities” (Art. 11).

There were also municipal councils which were appointed by the district prefect at a municipal assembly after the consultation with household heads. Municipalities with up to 100 households elected ten council members, those with up to 200 households – fifteen council members, and those

with more than 200 houses – twenty council members. The municipal council was elected for a term of one year. The district prefect was authorised to dissolve it if necessary.

Finally, the Decree stipulated that all local taxes – at the county, district and municipal levels – be levied in consideration of the size of municipalities, material conditions of its citizens and in agreement with the municipal council (Art. 43).

One of the most important duties was assigned to the tax council. The tax council assessed the financial situation of each inhabitant of a municipality and prescribed the amount of tax to be paid in accordance with “soul and conscience”. Its members were the chief of the tax department, the town mayor and the scribe (and three citizens appointed by the municipal council in town municipalities).²⁶ The following year, 1914, the composition and competencies of the tax council were somewhat changed on the basis of special government decisions.²⁷ In order to control the work of tax collectors, four inspections were formed in the newly-liberated area.²⁸

The Decree established the division of the newly-liberated area into 11 counties: Prijepolje, Novi Pazar, Priština, Prizren, Kumanovo, Skoplje, Tetovo, Štip, Kavadarci, Debar and Bitolj, subdivided into 46 districts. A district administration was run by a district prefect. He was assisted by a secretary, treasurer, scribe, practitioners and other civil servants. County prefects were appointed by the King at the proposal of the Minister of the Interior, and treasurers were appointed by the Minister of Finance. Practitioners and other civil servants in counties were appointed by the county prefect. There were special forestry and tax departments within county prefectures. District prefectures were organised in the same way. Their chiefs were district prefects and they also had their own tax departments.²⁹

Finally, each county had its own court of the first instance. In addition, there were special courts for Muslims which dealt with marital, family and inheritance disputes. The highest court in the area of Old Serbia and Macedonia was the Supreme Court seated in Skoplje. However, despite the establishment of the state administration and judiciary, subordinate to the respective ministries, the supreme power still belonged to the Skoplje-based Military Command. The entire civil administration was under the control of army officers, and every civil official could be dismissed without prior notice

²⁶ Ibid.

²⁷ “Izmene i dopune poreske uredbe o razrezu i isplati poreza u oslobođenim oblastima”, *Srpske novine* no. 109, 17 May 1914.

²⁸ Guzina, *Opština u Srbiji*, 451.

²⁹ Ibid. 448.

and replaced by military personnel. The principle of electiveness was not implemented even in municipalities.³⁰

As has been shown, the 1913 *Decree on the Organisation of the Liberated Areas* introduced the strict centralisation of local government in the newly-liberated lands. Local authorities were entirely dependent on the central government, and could easily be dismissed for whatever reason. They mainly performed those duties transferred to them through delegation of authority. In such an inflexible system of state administration based on the principle of bureaucratic centralism and subordination there was no room for true local government (county assembly and county council, district assembly and district council). This was justified by the distinctive economic and cultural underdevelopment of the newly-liberated areas as well as by the lack of security. A high-handed police regime was believed to be best suited to facilitate their progress and painless integration into the legal and political system of the Kingdom of Serbia based on the 1903 Constitution. At any rate, the *Decree on the Organisation of the Liberated Areas* of 21 August 1913 established the primacy of civil over military authorities in Old Serbia and Macedonia. However, it remained a temporary bylaw. Art. 92 stipulated that the Decree would be in force “until the National Assembly incorporates the liberated area into the Kingdom by means of a legal act which will be done at the first regular session [of Parliament]”.³¹

4) *The 1913 proclamations of King Peter I Karadjordjević*

King Peter I Karadjordjević issued two proclamations on 7 September 1913. His *Proclamation to the Serbian People* declared the unification of the newly-liberated areas with the Kingdom of Serbia. This proclamation was countersigned by all cabinet members and published in the official gazette (*Srpske novine*).³² The Kingdom of Serbia's new borders with Bulgaria, Greece, Montenegro and Albania were determined at the Bucharest Peace Conference in 1913 and confirmed by bilateral agreements between these countries.

As for the legal-political system in the newly-liberated areas, the King's proclamation stated that certain Serbian laws would be introduced through royal decrees and governmental decisions. This state of affairs would last until the special law stipulating the form of administration in

³⁰ Guzina, *Opština u Srbiji*.

³¹ *Ibid.* 452.

³² *Srpske novine* no. 186, 27 August/9 September 1913; the same issue brought the text of the Peace Treaty of Bucharest, see Jagodić, *Uredjenje oslobođenih oblasti*, 32–34.

the newly-liberated areas was adopted. Provisional measures facilitated the gradual integration of these areas into Serbia's legal and political system.³³

On the same day, the King also issued the *Proclamation to the People* (citizens) of the newly-liberated areas, also countersigned by all government members and published in the official gazette. The Proclamation especially emphasised that Serbia realised her historical right to the new territory owing to the Serbian army. It also announced that local administration would be regulated through decrees until the introduction of Serbia's legal and political order in these areas.

5) Bill on the Annexation of Old Serbia to the Kingdom of Serbia and her Administration of 1913

After the King's proclamations, the Serbian government presented its programme for the establishment of the legal status in the newly-incorporated areas – it was announced in the King's speech of 17 October 1913. The *Bill on the Legal Basis of the Organisation and Administration of Old Serbia* was said to be in preparation for submission to the National Assembly; it was stressed that it would provide for a somewhat different kind of government from that in pre-war Serbia in the first few years.³⁴ The term *Old Serbia* used in the Bill referred to all newly-liberated areas, i.e. both the areas of Old Serbia and Macedonia.

On 12 December 1913, the Minister of the Interior, Stojan Protić, submitted the *Bill on the Annexation of Old Serbia to the Kingdom of Serbia and her Administration*, together with the relevant opinion of the State Council.³⁵ According to this bill, the process of annexing the newly-liberated areas involved the implementation of a number of laws of the Kingdom of Serbia and full or partial implementation of constitutional provisions in accordance with the government's decision.³⁶ Such decisions were duly published in the official gazette.

According to Art. 2 of the Bill, the newly-liberated areas were administratively divided into 12 counties (Prijepolje, Ras, Zvečan, Kosovo, Prizren, Kumanovo, Skoplje, Tetovo, Ohrid, Bitola, Bregalnica and Tikveš) and 45

³³ Jagodić, *Uredjenje oslobodjenih oblasti*, 33.

³⁴ *Stenografske beleške o sednicama Narodne skupštine 1913–1914. godine* [Records of the National Assembly Proceedings 1913–1914], 4; Jagodić, *Uredjenje oslobodjenih oblasti*, 35.

³⁵ *Stenografske beleške*, 446–447; Jagodić, *Uredjenje oslobodjenih oblasti*, 35–43.

³⁶ Art. 7 of the Bill stipulated that: "The constitutional provisions, laws and decrees of the Kingdom of Serbia will be gradually and partially implemented in the liberated areas of Old Serbia."

districts. The administration of the towns of Skoplje and Bitolj was similar to that of Belgrade and Niš. These towns were subdivided into smaller units (quarters) that were under the supervision of the district prefect (Art. 3). The greatest importance was attached to Art. 5, 13, 15, 16 and 21, which determined the character of the state administration in the newly-liberated areas. Art. 5 authorised the Minister of the Interior to change boundaries between districts and counties and their names if necessary, but only with the approval of the State Council. According to Art. 13, municipal mayors in counties and districts were appointed by royal decree. All other municipal mayors were appointed by county prefects. Art. 15 stipulated that all officials and officers were only required to pay direct tax, and no state or local taxes, during their service in the liberated areas of Old Serbia. According to Art. 16, civil officials and officers serving in the newly-liberated areas enjoyed benefits in respect of their years of service. Every third year of their service was counted double.

And finally, according to Art. 21, officials in Old Serbia received a bonus of up to ten percent of their salaries; apart from this, they had other benefits such as: free accommodation, reimbursed expenses for electricity and heating etc. The submitted text of the Bill was accompanied by written explanation. The explanation and the opinion of the State Council clearly indicated that the administration established in the newly-liberated areas was highly centralised. The institutions had no autonomy in their work and were directly subordinated to the central government. There was no local self-government whatsoever. The Bill also envisaged the appointment of military, judicial and administrative officials from the Kingdom of Serbia to posts in the newly-liberated areas.³⁷

The Legislative Committee of the National Assembly submitted its report on 14 March 1914 which recommended the passing of the Bill, but also proposed an important amendment (which would later be adopted): Art. 9 reduced the duration of the “extraordinary regime” in the newly-liberated areas from ten to six months. However, the National Assembly did not vote on the Bill due to the outbreak of the First World War. After the war, on 30 June 1919, Regent Alexander Karadjordjević decreed the application as from 1 August 1919 of the Serbian Constitution and laws to the areas annexed to Serbia and Montenegro after the Balkan Wars.³⁸

³⁷ *Stenografske beleške*, 513–516.

³⁸ Jagodić, *Uredjenje oslobođenih oblasti*, 42–43.

6) *The implementation of the 1903 Constitution of the Kingdom of Serbia in the newly-liberated areas*

Despite the temporary organisation of local government, the application of Serbia's regulations in the newly-liberated areas started after the passing of the government decree of 21 August and the royal decree of 7 September 1913. Most of the laws were implemented in September 1913 either partially or entirely. They were introduced on the basis of a governmental decision.³⁹

The implementation of certain parts of Serbia's Constitution in the newly-liberated areas started on the basis of the Decree of King Peter I Karadjordjević of 20 November/3 December 1913 – at the proposal of the government.⁴⁰ The purpose of this measure was to demonstrate that the provisional legal order in the newly-liberated areas had its constitutional basis. The full or partial implementation of constitutional provisions related to the form of government, state religion and national territory, constitutional rights of Serbian citizens, state administration, King, Ministerial Council (government), Council of State, the judiciary, state finances, national economy and state property, civil service, churches, schools, charitable institutions and the army.⁴¹

Special regulations for the newly-liberated areas were also applied in the form of King's decrees from September 1913 to May 1914:⁴² a total of sixteen decrees, among which a few had a special significance for the organisation and work of local administration: *Decree on Public Security in the Newly-Liberated Areas* of 23 September/6 October 1913,⁴³ which was amended on 15 October of the same year;⁴⁴ *Tax Decree, Relating to Tax Assessment and Collection in the Liberated and Annexed Areas of the Kingdom of Serbia* of 30 January/11 February 1914;⁴⁵ *Decree on the Organisation of Courts and Judicial Proceedings in the Annexed Areas of Old Serbia* of 2 March 1914⁴⁶ (slightly modified on 7/20 June 1914); *Decree on Settlement in the Newly-*

³⁹ For a list of the laws implemented in the newly-liberated areas see *Stenografske beleške*, 516–517.

⁴⁰ See *Ustav za Staru Srbiju* (Belgrade: Drž. štamp. Kralj. Srbije, 1913).

⁴¹ For more detail see Jagodić, *Uredjenje oslobodjenih oblasti*, 59–61.

⁴² For a list of all decrees with a more detailed explanation of their content see Jagodić, *Uredjenje oslobodjenih oblasti*, 63–110.

⁴³ *Srpske novine*, no. 208, 23 September/6 October 1913.

⁴⁴ *Srpske novine*, no. 227, 16/29 October 1913.

⁴⁵ *Srpske novine*, no. 26 2/15 February 1914.

⁴⁶ *Srpske novine*, no. 40, 19 February/5 March 1914.

liberated and Annexed Areas of the Kingdom of Serbia of 20 February/5 March 1914⁴⁷ (amended on 9/22 May 1914).

The *Decree on Settlement* related to the existential questions of the population, both in the newly-liberated areas and in pre-war Serbia. Its implementation opened the complex problem of agrarian relations in the newly-liberated areas, but the outbreak of the First World War delayed the solution to this delicate social and political issue. The agrarian reform would be dealt with by the new state, the Kingdom of Serbs, Croats and Slovenes (Kingdom of Yugoslavia from 1929), during the entire interwar period.

The implementation of constitutional provisions and legal regulations in the newly-liberated areas and their incorporation into the constitutional system of the Kingdom of Serbia had not been completed due to a new war and the ensuing occupation of the country (1914–1918). Under the combined onslaught of Serbia's enemies – Austria-Hungary, Germany and Bulgaria – the governmental institutions had to be evacuated from the country. They found refuge and temporarily functioned on the Greek island of Corfu.⁴⁸ In such a difficult war situation the issue of the legal regime in the newly-liberated areas lost priority until the end of the Great War.

7) The conflict between the Serbian military and civil authorities regarding the organisation of local government in the newly-liberated areas

The Balkan Wars showed that an inspired mobilisation of an entire society – from ordinary citizens to highest officers – could result in a magnificent military triumph. Regardless of its losses the Serbian army demonstrated its ability to confront the considerable military force of the Ottoman Empire, and to liberate the areas to which Serbia laid her historical claim. However, these wars also revealed a latent conflict between civil and military leaderships, discernible since the Annexation Crisis of 1908.

Military circles emerged strengthened from the Balkan Wars, taking credit for their successful completion. But the officer corps did not constitute a monolithic bloc in terms of their views on civil authorities, state policy and the dynasty. On the one hand, there were the Supreme Command officers who led military operations. They were loyal both to the King and to Crown Prince Alexander Karadjordjević, who had proved his talent and personal bravery in the First Balkan War. They later split with

⁴⁷ *Srpske novine*, no. 44, 23 February/8 March 1914.

⁴⁸ From 7 April 1916 to 31 November 1918 the *Srpske novine* were published on the island of Corfu and announced the laws, decrees and other official documents of the Kingdom of Serbia. See M. Luković, *Razvoj srpskog pravnog stila* (Belgrade: Službeni glasnik, 1994), 74–75.

the government over the question of policy on the newly-liberated areas. Field-Marshal Radomir Putnik, Chief of the General Staff of the Serbian Army, and General Živojin Mišić, were in favour of a five-year military rule in Old Serbia and Macedonia as a transitional phase towards their full incorporation into the legal-political order of the Kingdom of Serbia.⁴⁹ Their proposal was justified primarily by security considerations, having in mind especially the frequent incursions of armed Albanians from Northern Albania. For that reason, the highest military circles demanded the primacy of military over civil authorities in the newly-acquired areas.

The most militant officers were gathered in the semi-secret organisation *Unification or Death* founded in 1911.⁵⁰ It included about ten percent of the officer corps and had a very powerful organisational structure headed by a central council.⁵¹ This organisation did not shrink from overt threats to politicians and legitimate civil authorities in Serbia if these were not willing to follow its policy. Most of its members were former conspirators who had assassinated King Alexander Obrenović and Queen Draga in the May Coup of 1903. The most prominent members of the organisation were: Colonel Dragutin Dimitrijević Apis (Head of the Military Intelligence of the General Staff), General Damjan Popović, Colonel Čedomilj Popović, Major Velimir Vemić, chetnik (voluntary guerrilla forces) Major Vojislav Tankosić, chetnik Captain Vojin Popović (*vojvoda* Vuk) and others. This organisation was better known under the name of *Black Hand*. The Black Hand published its newspaper *Pijemont* (Piedmont) which clearly indicated its political aim: the unification of all Serbs under the Kingdom of Serbia.⁵²

⁴⁹ V. J. Vučković, “Unutrašnje krize Srbije i Prvi svetski rat”, *Istorijski časopis* XIV–XV (1965), 182–183.

⁵⁰ In detail on this organisation in D. MacKenzie, *Apis: The Congenial Conspirator. The Life of Colonel Dragutin T. Dimitrijević* (New York: Columbia University Press, East European Monographs, 1989), 64–75; D. T. Bataković, “Nikola Pašić, les radicaux et la ‘Main noire’. Les défis à la démocratie parlementaire serbe 1903–1907”, *Balcanica* XXXVII/2006 (2007), 144.

⁵¹ MacKenzie, *Apis*, 67–68.

⁵² Crown Prince Alexander at first supported the Black Hand with a donation, but he soon came into sharp confrontation with Apis and other prominent members of the organisation, which had its epilogue in the so-called Salonika Trial in 1917, when Apis and his closest associates were sentenced to death on conspiracy charges. Cf. S. Jovanović, “Apis”, vol. 11 of *Collected Works* (Belgrade 1991), 299; Vučković, “Unutrašnje krize”, 173–229; Bataković, “Nikola Pašić, les radicaux et la ‘Main noire’”, 145; D. MacKenzie, *The “Black Hand” on Trial. Salonika 1917* (Boulder & New York: East European Monographs, 1995).

Members of the Black Hand increasingly interfered in the country's internal and foreign affairs. The intentions of these officers had been apparent since the formation of the organisation and committed to paper in its "Statute". The Black Hand intended to arbitrate in the forthcoming events, and was determined to come down on those who resisted its political agenda, the Serbian government included. Art. 4 of their statute emphasised that by its nature it was bound to have an influence on official factors in Serbia – and Serbia had the role as the Piedmont among the Serbs and South Slavs – as well as all social classes and the entire social life in Serbia.⁵³ In fact, the Black Hand expected at least unofficial support from civil authorities.

However, not all of the May Coup plotters joined the Black Hand. A number of former conspirators, who were at loggerheads with Colonel Apis, formed their own organisation in 1912, before the outbreak of the Balkan Wars, as a counterweight to the Black Hand. It was named the *White Hand*. Since its inception, this organisation enjoyed the support of civil authorities. Its most significant members were three colonels: Petar Živković, Petar Mišić and Josif Kostić.⁵⁴

On the other hand, the government was headed by the Radicals who had the parliamentary majority. After the death of Prime Minister Milovan Milovanović in 1912, Nikola Pašić became Prime Minister, but the Black Hand took a dim view of him. The Radical government also took credit for the success in the Balkan Wars, and made it clear to the military. The conflict between the Black Hand and the Serbian government grew in intensity. While Nikola Pašić avoided overt clashes with the Black Hand members, although they made threats to his life, the Interior Minister Stojan Protić took a very different stand. As a consistent supporter of constitutionalism and parliamentarianism, Stojan Protić loathed military interference in politics, and in particular the role that the Black Hand bestowed upon itself. For this reason, he constantly emphasised that the Black Hand posed the greatest threat to democracy. Therefore the Black Hand considered Protić its formidable opponent and Protić, for his part, placed the most influential members of the Black Hand under police surveillance. The membership of the People's Radical Party also extended full support to the government, and to Protić in particular, but this backing was primarily motivated by party interests rather than by concern for national and state interests.

Another stumbling block in relations between the military and the government was the organisation of administration in the newly-liberated

⁵³ The full text of the Statute in Ž. V. Zirojević, *Istina o Apisu* (Priština: Stručna knjiga, 1998), 39–42.

⁵⁴ MacKenzie, *Salonika 1917*, 79; D. T. Bataković, "Sukob vojnih i civilnih vlasti u Srbiji u proleće 1914. godine", *Istorijski časopis XXIX–XXX* (1982–1983), 480.

areas. The Radicals, viewing the newly-liberated areas as their sphere of influence and a new source of the party's political and economic power, advocated the institution of civil authorities, which would ensure their supremacy over the army and other political parties; last, but not least, it would also ensure their victory in the forthcoming parliamentary elections. Feeling somewhat threatened by the Independent Radicals in pre-war Serbia, the Radicals saw the region of Old Serbia and Macedonia as "new agitation dough for great Radical scone".⁵⁵ Essentially, the Radical government acted in the same way as Jovan Ristić⁵⁶ had after 1878, when civil authorities had been established in the liberated districts of Niš, Pirot, Toplica and Vranje. The opposition (Independent Radical Party and the National Party) saw through the Radicals' intentions. Anxious that the Radicals might politically entrench themselves in the new-liberated areas through the agency of "their" district and county prefects, the opposition supported the military circles. The leader of the National Party, Stojan Ribarac, went so far as to call for the establishment of a strict military regime in the newly-liberated areas.⁵⁷

The Black Hand vigorously opposed the Radical government's plans and the measures carried out in the newly-liberated areas. Their conflict culminated in the spring of 1914. The leadership of the Black Hand took a firm stance that a very strict but fair military regime must be established in the newly-liberated areas. The measures undertaken by the government were sharply criticised and the entire system of administration that was about to be implemented was labelled as "not thought-through" and "inopportune". The Black Hand especially opposed the exercise of authority by the police rather than the army. On that, the *Pijemont* wrote:

If we want this volcanic soil to be brought into harmony with the interests of Serbia as soon as possible, the whole government there has to be permeated with such aspiration. The army alone could introduce such administra-

⁵⁵ Bataković, "Sukob vojnih i civilnih vlasti", 445.

⁵⁶ Jovan Ristić (1831–1899) was one of the most important politicians in nineteenth-century Serbia, a historian, diplomat and statesman, the unquestionable leader of the Liberal Party. He was a member of the Regency for underage Prince Milan Obrenović (1868–1872), and underage Prince Alexander Obrenović (1889–1893). He successfully worked on the Constitution of 1869. He served as foreign minister at the time of the Congress of Berlin, and the international recognition of Serbia was largely his doing. His historical writings include: *Spoljašnji odnošaji Srbije 1848–1872* [Foreign Relations of Serbia 1848–1872] and *Srpska diplomatija i srpski ratovi za oslobodjenje i nezavisnost 1875–1878* [Serbian Diplomacy and the Serbian Wars of Liberation and Independence 1875–1878]. See in detail in D. MacKenzie, *Jovan Ristic: Outstanding Serbian Statesman* (Boulder: East European Monographs, 2006).

⁵⁷ Guzina, *Opština u Srbiji*, 446.

tion [...] by itself, the army is a guarantee of the security of citizens. Under the army influence, the disturbed national tranquillity and the torn civil peace will be restored much quicker [...] the military rule in these parts is the supreme requirement stemming from the past of this people. To ignore it is to fall into error.⁵⁸

Conclusions

In the Balkan Wars of 1912–13 Serbia – along with her Balkan allies (Greece, Bulgaria and Montenegro) – finally liberated Old Serbia and Macedonia from Ottoman rule. The Balkan Wars showed that an inspired mobilisation of entire society, from ordinary citizens to highest officers, can bring about a magnificent military triumph.

The process of establishing the constitutional order and local authorities in Old Serbia and Macedonia passed through several stages: (1) the period of provisional administration based on the instructions of the relevant ministries, the Chief of the Police Department of the Supreme Command of the Army; (2) the period of implementation of the *Decree on the Organisation of the Liberated Areas* of 14 December 1912; (3) the period of implementation of the *Decree on the Organisation of the Liberated Areas* of 21 August 1913. Finally, certain parts of the Serbian Constitution of 1903 were implemented at the suggestion of the government and on the basis of a royal decree. In late December 1913, the Minister of the Interior, Stojan Protić, submitted the *Bill on the Annexation of Old Serbia to the Kingdom of Serbia and her Administration* to the National Assembly. However, the National Assembly never voted on it due the outbreak of the First World War in 1914. The question of administration of Old Serbia and Macedonia had to be removed from the agenda until the end of the war.

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⁵⁸ *Pijemont*, 11 August 1913.

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