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# ORGANIZATION AND WORK OF THE ČAČAK COUNTY COURT IN THE 1840S

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Čačak.

*Abstract.* The aim of the paper is to present the organization and work of the Čačak County Court in the 1840s. The source material used for the paper are the reports of the Ministry of Justice, with statistical data, and lists of officials with information about employees, as well as published official state data and the *List of ax heads, municipalities and conciliation courts in the Principality of Serbia* from 1839. Also, a comparison will be made in relation to other county courts in the country during the observed period. Basic data will be presented on the costs that were determined for this court and the amounts that were deposited within this court, as well as those that were kept in the name of the assets of persons under guardianship (so-called *pupilar masses*).

## Introduction

After the Constitution of 1838, the Serbian state took the first steps towards the introduction of the rule of law, when the first laws and decrees on the organization and work of the courts, court proceedings, were adopted and stemmed from the Constitution.<sup>3</sup> At the beginning, the problems that arose due to the lack of adequate regulations and laws, and adequate court personnel, quickly became apparent. This is when the first statistics and official data on the work of the courts in Serbia were created, as part of the reports of the Ministry of Justice to the State Council, the first of which was submitted in 1846.<sup>4</sup> It is important to investigate the years when the Serbian court system was formed, primarily on the example of the county courts, in order to see how the judicial power coped with challenges and problems, bringing solutions according to the needs of practice, on the fly, with the trials and errors that follow the each start.

Forced by the rebellion of Abdulah and Petar Dobrnjac in the Požarevac nāhiye, Prince Miloš established the first nāhiye court in Požarevac in 1821 (Јанковић, 1955, pp. 63–64; Поповић, 2021, p. 179). In 1823, Prince Miloš established nāhiye courts in Čačak, Jagodina, Smederevo, Valjevo, and Šabac. The Valjevo Court was established in May, the Šabac Court in August, and the others in November of the same year. In 1824, courts were established for Rudnik nāhiye in Brusnica, for Ćuprija nāhiye in Svilajnac, and Užice-Soko nāhiye in

<sup>3</sup> *Привремено усїројеније и круї делатносїи їрмириїелних судова* (17 / 29. 1839); *Усїројеније судова окружни* (26. 1 / 6. 2. 1840); *Усїројеније Великоїа или Аїелационоїа суда* (26. 1 / 6. 2. 1840); *Указ о оснивању Суда вароши деоїрадске* (10 / 22. 10. 1841); *Расїис Минисїарсїва їравде о доказима у кривичном їосїїуїку* (11 / 23. 2. 1842); *Доїуниїелна їравила у смотїрењу суїења їо часїи їраїанскої и криминалної* (19 / 31. 5. 1845); *Тумачење Доїуниїелних їравила из 1845. їодине* (20. 7 / 1. 8. 1846); *Усїројеније Врховної суда* (9 / 21. 9. 1846); *Усїројеније Аїелационої суда* (1 / 13. 11. 1846); *Полицїјска уредба* (18 / 30. 5. 1850) (Поповић, 2016, p. 227–228).

<sup>4</sup> The first preserved such report is: *Извод рада Поїечїїїелсїва їравосуїа за 1844. и 1845. їодину*, Државни архив Србије / National Archives of Serbia (=ДАС), Државни савет / The State Council (=ДС), 1846, № 458.

Užice. In the summer of 1826, the Court for the Kragujevac nahiye was established in Kragujevac, and in October 1827, the Court for the Belgrade nahiye was established with its headquarters in the village of Rogača. Each nahiye court had two members, one scribe and two policemen (Петровић, 1901, p. 605; Поповић, 2021, p. 179). In 1833, nahiye courts were established in Kruševac, Aleksinac, Banja, Knjaževac, Zaječar, and Negotin. The court from Svilajnac was transferred to Paraćin. The Soko Court was separated from the Užice Nahiye Court and located in Rogačica for Soko, in Podrinje nahiye (Петровић, 1901, p. 614; Поповић, 2021, p. 179).

The Constitution of 1838 provided for the Court of Appeal, as a court of second instance, and designated the then capital, Kragujevac, as its seat. The Court of Appeal was exclusively concerned with reviewing and adjudicating cases and lawsuits that had passed through the lower courts. By decree of March 1, 1839, the prince appointed the members of the Court of Appeal (Љушић, 1986, p. 239; Поповић, 2021, p. 179). In the local administration of the Principality, until the Constitution of 1838, the judicial power was not independent and intertwined with the police. This was particularly evident in the municipality and captaincy (districts, smaller administrative units within the county), and to a lesser extent in the nahiye (counties) and *areas*, that consisted of several counties. The Constitution established three types of courts: in each municipality, a conciliation court, in each county one first instance court, and in the capital, one court of appeal. Twenty-one articles of the Constitution (Articles 27–48) are devoted to the judiciary, almost one third. The reason is the large lack of laws and regulations that would apply to the courts and the importance attached to judicial institutions in the Principality in the 1830s (Љушић, 1981a, pp. 118–119; Поповић, 2021, p. 179). There was another judicial power not foreseen by the Constitution (cassation), which was exercised by the prince outside the Constitution (Јовановић, 1933, p. 18; Поповић, 2021, p. 179).<sup>5</sup>

### *Circumstances of the 1840s and Conciliation Courts in the County of Čačak*

As already mentioned, the Nahiye Court in Čačak, later the Čačak County Court, was founded in 1823 by Prince Miloš Obrenović. The Čačak County consisted of four districts: of Dragačevo, Karanovac, Studenica and Trnava (Гавриловић, [1846] 1994, pp. 214–215). In 1839, the conciliation courts in District of Dragačevo had their headquarters in the villages of Kaona, Dubac, Guberevac, Viča, Kotraž, Lisa, Rti, Guča, Tijanja, Markovica, Grab, Goračići, Dljín, Lisice,

<sup>5</sup> About the Court of Cassation, see: Кулаузов, 2015, pp. 13–20; Поповић, 2016, pp. 29–30, 42.

Kape, Virovo, and Mirosaljci. In the same year, in the District of Studenica, conciliation courts were located in the following villages: Baljevac, Trnava, Bioci, Mlanča, Ušće, near the fountain of Mato, Đakovo, Maljin Dol, and Plešin. The seats of conciliation courts in Trnava District were in Pakovraća, Atenica, Trnava, Ježevica, Premeća, Lazac, Goričani, Slatina, Zablaće, and Čačak. The conciliation courts in the District of Karanovac were in Karanovac, Adran, Mrsać, Samail, Rađevica, Vrdila, Bogutovac, Konarevo, Kurilovo, Otrok, Vraneši, Podunavci, Vrba, Dragosinjci, Ratina, Kamenica, Kruševica, and Mataruga (Љушић, 1981b, pp. 167–175). There were 17 conciliation courts in the District of Dragačevo, 9 in the District of Studenica, 10 in the Trnava, and 19 in the Karanovac District, a total of 55. There are testimonies about the purchase of a cross and a Gospel for the needs of the Magistrate in Čačak in 1838, since before that the oath was taken in front of a simple small icon (Перуничкић, 1968, pp. 361–362).

During the reign of Prince Aleksandar Karađorđević and Constitutionalists, certain poor counties, which were sparsely populated and poorly connected to other parts of the Principality, were areas where instability reigned, especially border counties, far from the capital and institutions, such as counties of Užice, Čačak, Kruševac, and Crna Reka. From the spring of 1846, Boža Pavićević and his band of robbers sporadically attacked the Čačak region. Haiduk attacks increased in frequency and strength from 1848. For the Čačak County Court itself, the case is evidenced that one night in May, six chained criminals escaped from its prison, among whom three became bandits and fled to Austria, to fight with the Serbs from the other side of the border against the Hungarians. The frequency of banditry in the Užice and Čačak counties after 1848 led to the abandoning milder measures against banditry by the Constitutionalists. The Police Code of 1850 appeared, and in April 1850, a law against banditry, known as the Užice Law, was adopted, according to which every caught haiduk had to be handed over to the county court, which was to try him without delay and, if proven guilty, to sentence the haiduk to death and hand him over to the county head office for execution, which acted as a court of first instance. In June 1850, the effect of the Užice Law was extended to the Čačak County. As an example, we should mention the first-instance verdict of the Čačak District Court against the family of Ranko and Milenko Karadža, from October 1850, by which Ranko was sentenced to six and the other five haiduks to three years of imprisonment, including corporal punishment. The convicts had to compensate the state for the damage done, and the family of Ranko Karadža had to be deported to another county. The Karadža family submitted a request to the Court of Conciliation not to expel them, which was submitted to the Čačak Municipality in January 1851, and the Court of Conciliation guaranteed the Karadža family, except for Ranko's house. Ranko Karadža and his comrades escaped from prison in March of the same year, and in May, Ranko was found and killed. In July 1851, when Ranko was already dead, the Court of Appeal decided to reduce his corporal

punishment, but he was sentenced to 12 years of imprisonment in heavy iron. His comrades received a double sentence, i.e., six years of hard prison. In July, the Supreme Court sentenced Ranko to 12 years in prison and the ‘dead whip’, while his comrades were released from prison and were supposed to be released after serving corporal punishment (Милосављевић, 2009, pp. 118–136).<sup>6</sup>

### *The Staff of the Čačak County Court in the 1840s*

According to the published official state data, in the period 1839–1850, the presidents of the Čačak County Court were Miloš Tajsic, Dimitrije Madzarević, Teodor Božić, Petar Radovanović, Todor Bojanić, Stanisav Stefanović, Ilija Momirović, again Miloš Tajsic, Milenko Đorđević, and Mijailo Georgijević. The members of the Court were Dimitrije Madzarević, Vasa Simić, Mijailo Radojević Samailac, Marko Lazarević, Gile Crpčanin, Stevan Erić, Kosta Čolak-Antić, Gaja Krstić, Sreten Jevtić, Vasa Gligorijević, Jevtimije Vesović, Rista Babović, and Andrija Stamenković. The duties of court secretary were carried out by Jelisija Paunović, Jovan Peruničić, Dimitrije Milosavljević, Marinko Radovanović, Jevtimije Vesović, Hristofer Petrović, Simeon Simić, and Stevan Dinić. The post of scribe was held by Petar Jovanović, Dimitrije Milosavljević, Dimitrije Ilić, Jevtimije Vasić, Petar Janošević, again Jevtimije Vasić, Simeon Simić, and Sima Mihajlović, while the post of junior scribe was held by Sima Atanasijević, Sima Simić, Milovan Pantelić, Rista Petrović, Lazar Rašković, Krsta Nikolajević, and Stevan Petrović. The *practitioners* (interns) were Sima Maksimović, Dimitrije Stanić, Milutin Ostojić, Dimitrije Ilić, Stefan Stanić, Simeon Maksimović, Milosav Stanojević, Jovan Milosavljević, Ljubomir Gavrilović, Lazar Arandelović, Alimpije Popović, Rista Spasojević, and Marko Đorđević (Поповић, 1999, pp. 185–186).

The Commission for the Improvement of Civil Judicial Proceedings from 1845 concluded that the courts were overburdened due to the inexperience of judges and the small number of court personnel, and recommended an increase in the personnel of the courts, which were grumbling in front of a large number of cases. Among them was the Čuprija County Court, and a scribe was added to it. A scribe was added to the Belgrade City Court and to the county courts of Belgrade, Šabac, Čačak, and Smederevo. Another *Head of the Table* of the Court of Appeal was also added. The county courts of Valjevo, Kragujevac, Jagodina, Crna Reka, Aleksinac, and Gurgusovac worked poorly due to the inexperience of the staff (Станковић, 2013, pp. 156–157; Поповић, 2021, pp. 181–182).

<sup>6</sup> See: Љушић, 1985, pp. 73–100; Пејин, 1986, pp. 77–98; Пејин, 1989, pp. 29–81; Маџаревић, 1990, pp. 27–77; Маџаревић, 1991, pp. 28–87; Маџаревић, 1995, pp. 7–34; Милосављевић, 2006, pp. 5–51; Милосављевић, 2007, pp. 5–49; Милосављевић, 2014, pp. 39–64; Милосављевић, 2016; Милосављевић, 2017.

Before we present the conduit list data from the report of the Ministry of Justice for 1844, stored in the archival fund of the State Council in the National Archives of Serbia, it should be recalled that, according to the published official state data, the president of the Court in 1844 was Stanislav Stefanović, appointed on April 15 of the same year, before that this duty was performed by Todor Bojanić, since 1842 (Поповић, 1999, p. 185).

Stefan Erić, 53 years old, in excellent health, served as a member of the Čačak County Court. He was married, had three children, and was born in Viča, in the District of Dragačevo, in March 1792. From 1805 to 1813, he was a *buljubasha*, then he served in various professions, as a district elder and a member of the Krajina County Court. During his service, he received five wounds fighting for the liberation of his homeland from the enemy, in the battles near Brza Palanka, Pazar, Dubalj, and Čačak. He became a member of the Čačak County Court in December 1842. He could read and write a little, was familiar with calculus, as well. It was not known how he performed his duties before, since the former president of the court Bojanić did not provide data for Erić's conduit list. In the last few months, he proved himself as accurate enough in the execution of official duties, he was of good nature and behavior during that period and there were no bad remarks on that issue. The new President of the Court was not yet sufficiently familiar with Erić's capabilities. Erić was still in the process of trial regarding the criminal case and it was not known whether he would be able to avoid guilt.<sup>7</sup>

Another member of the Court was Gile Crpčanin, a 38-year-old man in perfect health. He was born in Novi Pazar and had five children. He served as a member of the Čačak County Court from September 24, 1842. He did not know how to read and write; he showed good ability in judging. In recent months, he had shown that he performed official duties quite well and had good governance.<sup>8</sup>

The third member of the Court was Gaja Krstić, 45 years old, who suffered from back pain. He was married, had three children, and was born in Jarmenovci in the County of Rudnik in 1800. From 1842, he was a temporary member of the Užice County Court, and in 1844, he became a member of the Čačak County Court. He knew very little to read and write and it did not help him even for his own purposes, he had weak abilities in judging. Sometimes he showed disobedience to his superior during the very session of the Court.<sup>9</sup>

The Secretary of the Court was Marinko Radovanović, 32 years old, married, with two children, from the village of Bogatić, in the District of Mačva, which was within the Šabac County. From 1831, he was an intern for three years

<sup>7</sup> ДАС, ДС, рол. др. 132, № 458/1846.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

and scribe of the Šabac County Court for five years, secretary of the mayor's office for one year, head of the Ministry of Internal Affairs for two years. Due to the popular uprising in 1842, he was out of office for nine months. He graduated from normal schools in Požarevac and was of good abilities, punctual in the execution of official duties, good natured and good at governing himself.<sup>10</sup>

The duty of scribe of the Court was performed by Petar Janošević, 27 years old and healthy, unmarried, born in the village of Vlaški Dol in the District of Morava, within Požarevac County. From 1833, he was first an unpaid, then a paid intern at the Court of the Požarevac County, then the scribe of the Administrative Princely Economy and Military Commissariat in Požarevac, the scribe of the Aleksinac Quarantine, within the Municipality of the Požarevac County, the secretary of the Municipality of the Kragujevac County, and he was deprived of that duty in 1842. In 1843, he was appointed temporary assistant of the County Court of Čuprija, and from 1844 he was the scribe of the Čačak County Court. He graduated from normal schools in Požarevac and was of good abilities, punctual in the execution of official duties, good natured and good at governing himself.<sup>11</sup> The position of assistant scribe of the Court was held by Jevtimije Vasić, 34 years old, married, father of two children, born in Užice. From 1834, he was an office employee at the Serbian All-People's Court, a scribe at the Court of the Čačak County and the Court of the Užice County. He was transferred to the Ministry of Justice; he was the secretary of the Consistory of the Eparchy of Užice in Čačak. In 1842, he was not deprived of his service. He finished normal schools and then continued his education in Šabac. He had good abilities, completed his official duties punctually, had good manners and character, and deserved promotion to a higher position.<sup>12</sup>

The intern at the Court was Milisav Stanojević, about 20 years old, born in Rgotina, in the District of Vražogrnici, within the County of Crna Reka. From 1843 to 1844, he served without pay at the Court of the County of Crna Reka. He finished high school and was of weak abilities, calm nature, and good behavior. The second intern was Jovan Milosavljević, 26 years old. He was born in the village of Godović in the District of Studenica, within the County of Čačak, he was married and had a son. In September 1840, he became a teacher in Mala Rača in the District of Rača in the Užice County, then he served as a temporary notary at the Consistory of the Diocese of Užice. He graduated from the Gymnasium in Kragujevac and the clerical school in Belgrade. Since he had been in the service of the Court for a short time, his ability could not be estimated, nor his character, and his governance and performance of duties were exemplary.<sup>13</sup>

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.



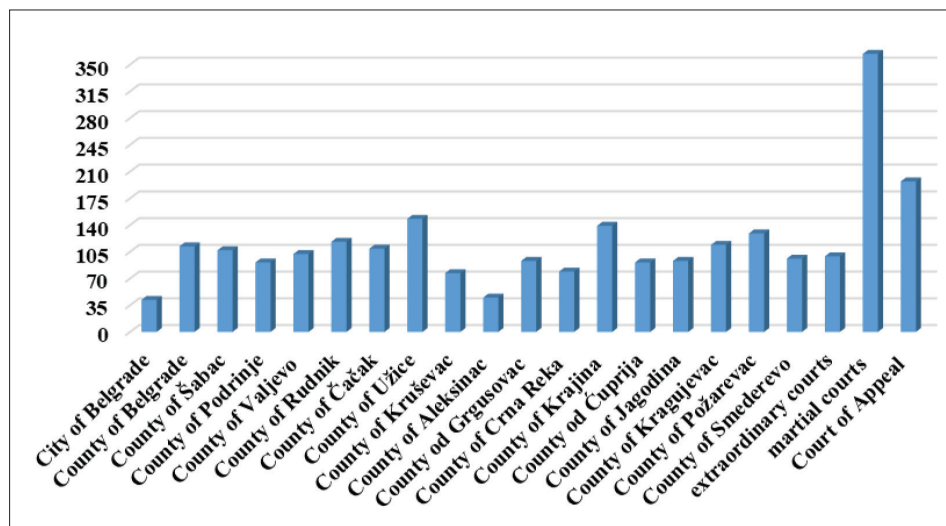
It can be noted that the members of the Court were poorly educated people with an experience in civil service. The secretary, scribes, and interns were more educated, having completed normal schools and, in some cases, grammar schools, meaning that they were able to perform their duties and perform daily tasks. Almost all employees were born and educated in Serbia or Turkey, were originally from, worked and performed duties in Čačak, neighboring and even distant counties. Several of them were dismissed during the 1842 rebellion. Since the Čačak County was far from the capital and on the border, it is possible that people with weaker abilities or who were replaced earlier in the service were sent there, so that they would be marginalized and less potential danger to the state. From the words of the president of the Čačak County Court that his predecessor did not leave a conduit list and that there are not many testimonials about the previous abilities of the employees, as well as from certain poor ratings of the staff, the quality of the staff of the Court can be doubted.

### *Statistics of the Čačak County Court in the 1840s*

Statistical data on the work of the Čačak County Court in the 1840s were not the subject of a specific research. In the monograph *Istorija Čačka: hronologija od praistorije do 2000. godine* (History of Čačak: Chronology from Prehistory to the Year 2000) one can find basic information about the court personnel, while in the collection of documents *Čačak and Gornji Milanovac*, edited by Branko Peruničić, there are certain documents about the nature of the litigations that were conducted in this court (Davidović & Pavlović, 2009, pp. 127, 134; Перуничих, 1968, pp. 443, 447, 453, 457, 558). For the understanding of the Serbian judicial organization, under which jurisdiction was also the Court of the Čačak County, the doctoral dissertation of Miroslav Popović, *Judiciary in the Principality of Serbia (1838–1869): organization and basics of judicial proceedings*, is important (Поповић, 2016). The data used in this part of the paper are based on archival materials stored in the National Archives of Serbia. The archival fund County Court in Čačak (1834–1918) is preserved in the Inter-Municipal Historical Archive in Čačak, but, unfortunately, only one document has been preserved for the observed period, which is not important for the given topic.

In this part of the paper, data will be analyzed concerning the nature of the cases that were conducted in this court. Also, a comparison will be made in relation to other county courts in the country during the observed period. Basic data will be presented on the costs that were determined for this court and the amounts that were deposited within this court, as well as those that were kept in the name of the assets of persons under guardianship (so-called *pupilar masses*).

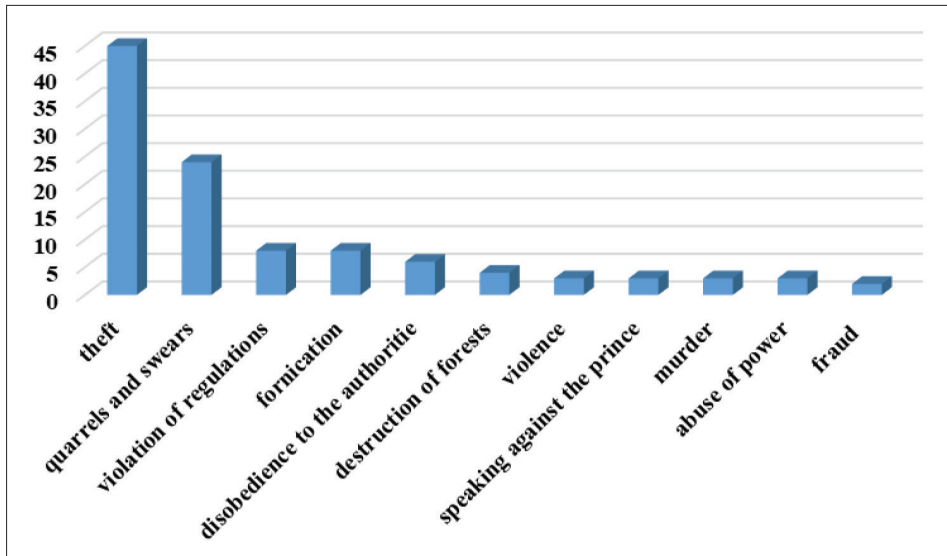
Graph 1. The number of criminal offenses adjudicated at the Court of Appeal, the Court of the City of Belgrade, county, extraordinary and martial courts in 1844<sup>14</sup>



With 109 adjudicated criminal offenses, the Čačak County Court was in the middle category in terms of the number of adjudicated criminal offenses in 1844, while the highest number of criminal offenses recorded in the regular courts was in the Užice and Krajina county courts. By far the largest number of adjudicated criminal offenses were conducted in the martial courts, since the Catan Rebellion took place that year, for which a martial court was formed and operated.

<sup>14</sup> Државни архив Србије (=ДАС), Државни савет (=ДС), рол. бр. 132, № 458/1846, *Извод свих криминалних њарница и кривичних дела од 1. јануара до 31. децембра 1844. године*; Поповић, 2016, р. 86.

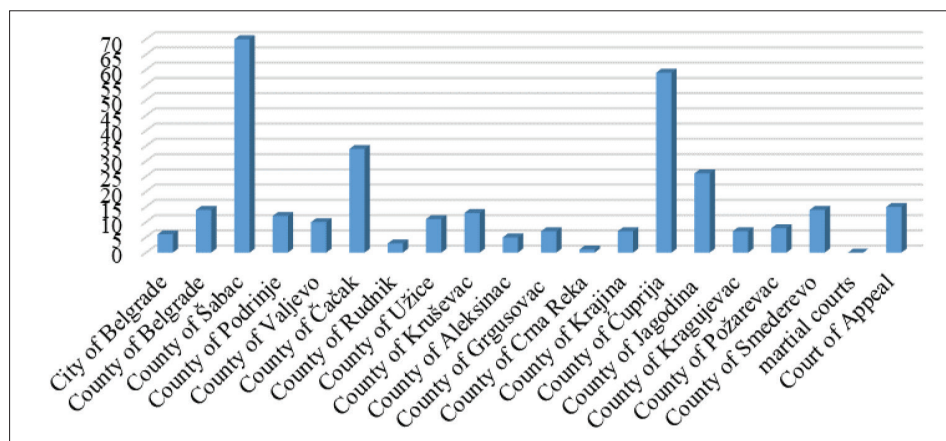
Graph 2. Structure of adjudicated criminal offenses at the Court of the Čačak County in 1844<sup>15</sup>



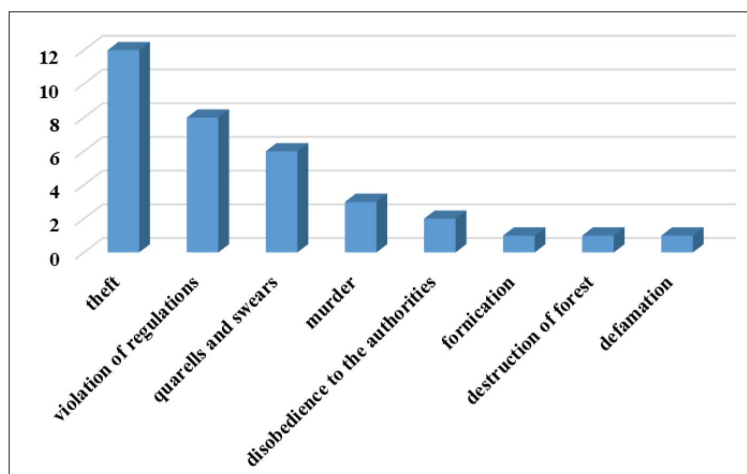
Criminal acts included murder, theft, fornication, quarrels and swearing, speaking against the prince and the state, arson, cordon violations, violence, defamation, damage, abuse of power, sodomy, false lawsuits and testimony in court, fraud, violation of regulations, disobedience to the authorities, rebellion. Of the above-mentioned criminal offenses that were resolved in the courts in 1844, most of them were the subject of court proceedings in the Court of the Čačak County. More than half of the solved crimes were those about theft, quarrels and swearing. Fornication and violation of regulations each accounted for 7.3% of the total number of crimes. With three cases each of murder, speech against the prince and the state, violence and abuse of power, these acts accounted for 11% of the total number of criminal cases. Frauds that were the subject of two court proceedings accounted for the smallest number.<sup>16</sup>

<sup>15</sup> ДАС, ДС, рол. бр. 132, № 458/1846, *Извод свих криминалних њарница и кривичних дела од 1. јануара до 31. децембра 1844. године*; Поповић, 2016, р. 86.

<sup>16</sup> Theft took 41.3%, quarrels and swearing 22%, disobedience to the authorities 5.5%, destruction of forests 3.7%, violence, speaking against the prince and the state, murders and abuse of power 2.8% each and frauds 1.8% of the whole number of adjudicated criminal offences in 1844.

Graph 3. The number of unsolved criminal offenses at the Court of Appeal, the Court of the City of Belgrade, the county, and the martial courts in 1844<sup>17</sup>

The Court of the Čačak County, with 34 unsolved crimes, belongs to the middle category, in terms of the number of unsolved crimes. The largest number of uncompleted criminal offenses were recorded by the Šabac and the Čuprija county courts. In contrast to the adjudicated criminal acts, in which the martial courts were leading, in 1844 not a single case was recorded that was not resolved in the martial courts. The Court of Crna Reka County recorded the lowest number of unsolved crimes—one case of murder.

Graph 4. Structure of unsolved criminal offenses at the Court of the Čačak County in 1844<sup>18</sup>

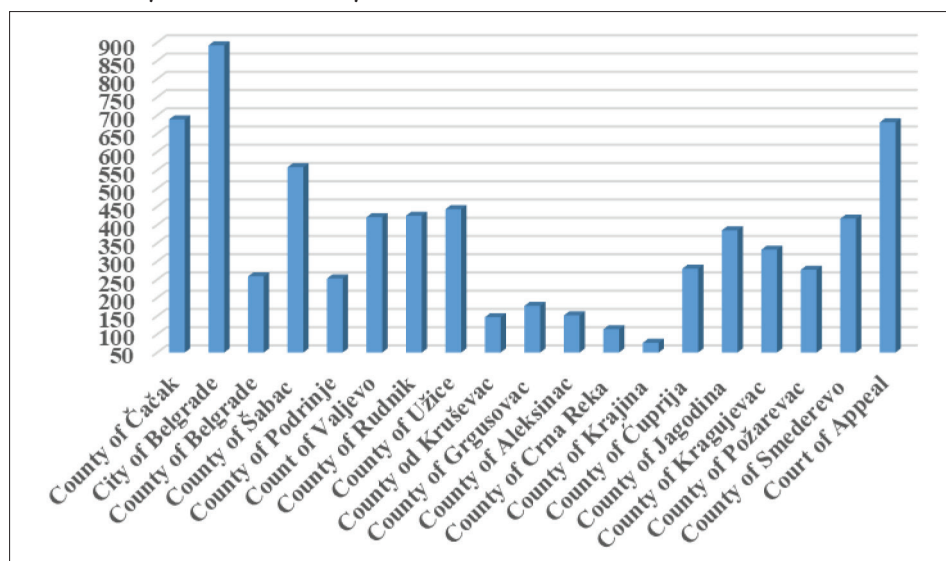
<sup>17</sup> ДАС, ДС, рол. бр. 132, № 458/1846, *Извод свих криминалних њарница и кривичних дела од 1. јануара до 31. децембра 1844. године*; Поповић, 2016, р. 86.

<sup>18</sup> Ibid.

The number of unsolved cases related to criminal offenses was about three times smaller than the number of adjudicated crimes. As in the case of adjudicated crimes, in the case of unadjudicated criminal court proceedings, slightly more than half of the total number consisted of criminal acts of theft, quarrels and swearing. Violation of regulations was the subject of 23.5% of criminal acts. Murder cases, as well as adjudicated crimes, were the subject of three court proceedings.<sup>19</sup>

A comparative review of adjudicated and unadjudicated criminal cases shows that the crimes that were adjudicated to the greatest extent were related to the speech against the prince and the state (100%), violence (100%), abuse of power (100%), fraud (100%), fornication (88.9%), quarrels and cursing (80%), arson (80%), theft (78.9%). It is obvious that the crimes from which the state suffered the most damage were the best dealt with.

Graph 5. The number of completed civil lawsuits at the Court of Appeal, the Belgrade City Court and county courts in 1845<sup>20</sup>



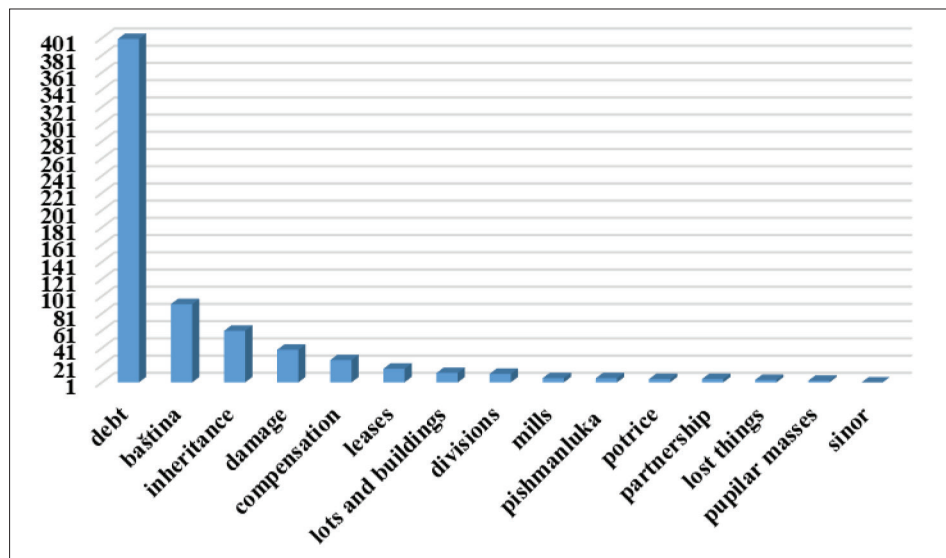
With its 689 civil lawsuits, the Court of the Čačak County was at the very top in terms of the number of civil lawsuits for which the judgment was pronounced in 1845. That year, 681 lawsuits ended up being revised at the Court of Appeal. The largest number of completed litigations was recorded by the

<sup>19</sup> Theft took 35.3%, quarrels and swearing 17.7%, murders 8.8%, disobedience to the authorities 5.9%, fornication, destruction of forests and defamation 2.9% each of the whole number of unsolved criminal offences at the County Court of Čačak in 1844.

<sup>20</sup> ДАС, ДС, рол. бр. 132, № 458/1846, *Извод свих грађанских ијарница од 1. јануара до 31. децембра 1845. год ијри окружнима, вароши Београда и Айелационом суду вођени.*

Belgrade City Court with 892 completed disputes, while the lowest number was recorded by the Krajina County Court with only 77 litigations.

Graph 6. Structure of completed civil lawsuits at the Court of the Čačak County in 1845<sup>21</sup>



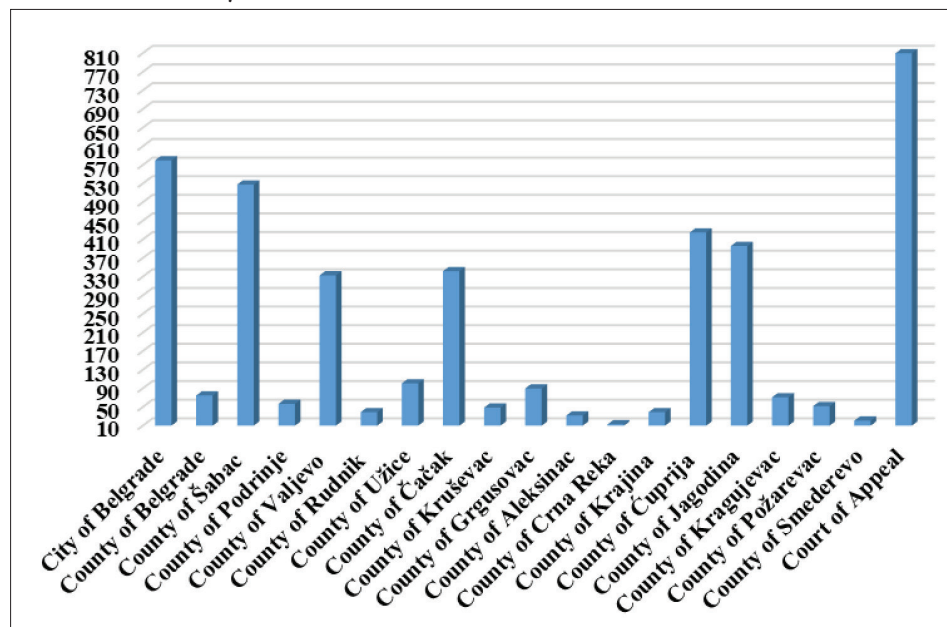
In 1845, slightly more than half of the civil lawsuits that received a verdict were those conducted over various types of debts.<sup>22</sup> A more significant share in

<sup>21</sup> ДАС, ДС, рол. бр. 132, № 458/1846, *Извод свих грађанских парница од 1. јануара до 31. децембра 1845. год њи окружнима, вароши Београда и Апелационом суду вођени.*

<sup>22</sup> Debt disputes took 58.1% of the total number of civil lawsuits that ended at the Court of the Čačak County in 1845. Disputes about different types of fees, leases, lots and buildings, divisions, water mills, withdrawal from the contract (so-called *pishmanluk*), damage caused by livestock in someone else's land property (so-called *potrica*), partnership, lost things, about assets of persons under guardianship (so-called *pupilar masses*), disputes among neighboring villages about borders (so-called *sinor*) accounted for 3.9%, 2.5%, 1.7%, 1.6%, 0.9%, 0.9%, 0.7%, 0.7%, 0.6%, 0.4%, 0.2% of the total number of completed civil cases at the Court of the Čačak County in 1845, respectively. And in the previous year, 1844, more than half of the civil lawsuits conducted at the Court of the Čačak County were about various types of debts. Debt disputes accounted for 61.6% of the total number of civil lawsuits that ended up in the Court of the Čačak County in 1844. Their number compared to that of 1845 increased by 76.9%. In 1845, there was also an increase in the number of lawsuits regarding *baština* and inheritance by 240.7% and 84.8% respectively. In 1844, the number of lawsuits over mills and *potrica* was 6 times less than in 1845, as well as disputes over so-called *pupilar masses*, which were 2 times less than in 1845. Debt disputes took 58.1% of the total number of civil lawsuits that ended up at the Court of the Čačak County in 1845. Disputes about *baština*, inheritance, damages, compensation, leases, lots and buildings, division, mills, *pishmanluk*, *potrica*, partnership, lost things, *pupilar masses*, and *sinor* accounted for 13.4%, 8.9%, 5.7%, 4%, 2.5%, 1.7%, 0.9%, 0.9%, 0.7%, 0.7%, 0.6%,

the total number of lawsuits was occupied by disputes over intestate succession of hereditary estates (Serb. *baština*), inheritance, and various types of damages, 13.4%, 8.9%, and 5.7%, respectively<sup>23</sup> (*Зборник закона и уредаба* 1, 1840, p. 103). There were only three resolved civil lawsuits that had so-called *pupilar masses* as their subject. Only one court case involved a dispute over a *sinor*.<sup>24</sup>

Graph 7. Number of unsettled civil cases at the Court of Appeal, Belgrade City Court and county courts in 1845<sup>25</sup>



With 342 unsettled civil cases, the Court of the Čačak County was in the middle in terms of the number of unsettled disputes in 1845. Most of the courts recorded a higher number of completed than unresolved civil lawsuits, except for the courts of the Čuprija and Jagodina counties, and the Court of Appeal, which had a 19.8% higher number of pending than adjudicated civil

0.4%, 0.2% of the total number of completed civil lawsuits at the Čačak County Court in 1845, respectively.

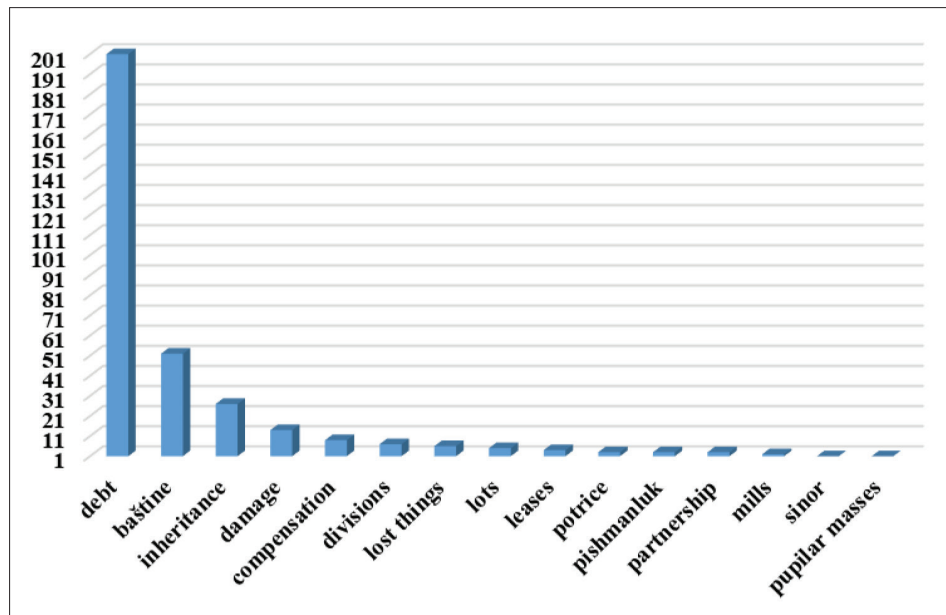
<sup>23</sup> According to the Law from 1840, every Serb had the right to claim his planted or unplanted land in court and the court had to accept to examine that claim. Also, no one could be deprived of land without a court verdict. Since 1833, when the sipahi relations ended, everyone who happened to be on a certain land had the right to that land and was equal in rights to those who had deeds.

<sup>24</sup> Disputes among neighboring villages about borders.

<sup>25</sup> ДАС, ДС, рол. бр. 132, № 458/1846, *Извод свих грађанских парница од 1. јануара до 31. децембра 1845. год при окружнима, вароши Београда и Апелационом суду вођени.*

litigations. The Čačak County Court had a 50.4% lower number of pending than adjudicated civil cases.

Graph 8. Structure of pending civil cases at the Court of the Čačak County in 1845<sup>26</sup>



As in the case of completed lawsuits, debt disputes accounted for the largest share—59.9% of all pending court proceedings conducted at the Čačak County Court in 1845. Disputes about *baština*, inheritance and various types of damages accounted for 15.2%, 7.9%, and 4.1%, respectively, of the total number of pending litigation. The smallest number was occupied by disputes about *pupilar masses* and *sinor*, with only one case each.<sup>27</sup>

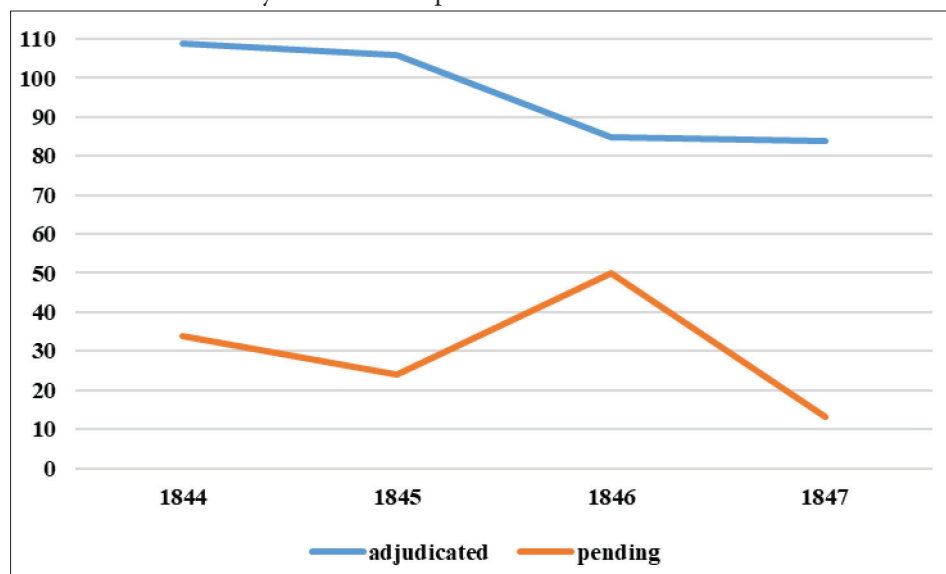
<sup>26</sup> ДАС, ДС, рол. № 132, № 458/1846, Извод свих грађанских парница од 1. јануара до 31. децембра 1845. год при окружнима, вароши Београда и Апелационом суду вођени.

<sup>27</sup> Disputes about compensation, division, lost things, lots, leases, *potrica*, *pishmanluk*-abandonment of contracts, partnerships, mills, *sinor* and *pupilar masses* accounted for 2.6%, 2.1%, 1.8%, 1.5%, 1.2%, 0.9%, 0.9%, 0.9%, 0.6%, 0.3%, 0.3% of the total number of lawsuits that remained unresolved at the Čačak County Court in 1845, respectively. Even in 1844, the largest number of pending lawsuits were conducted over various types of debts – 41.9% of the total number of lawsuits that did not receive a verdict, while their number increased by a slight 2.4% compared to the following year. The smallest share, as in 1845, was occupied by disputes over *pupilar masses* and *sinor*, with one case each that remained unresolved in 1844. Disputes regarding *baština*, compensation, inheritance, damages, division, lots and buildings, water mills, leases, *potrica*, partnerships, *pishmanluk*, *pupilar masses* and *sinor* accounted for 19.5%, 17.4%, 11.7%, 3.1%, 1.5%, 1.3%, 1.1%, 0.8%, 0.6%,



A comparative review of the number of adjudicated and unadjudicated civil lawsuits in 1845 shows that the majority of adjudicated disputes were related to leases (81%), *pupilar masses* (75%), mills (75%), damages (70.9%), lots and buildings (70.6%), inheritance (69.3%), rescission of contract (66.7%), debt (66.1%), *baština* (63.9%), partnership (62.5%), *potrica* (62.5%), division (61.1%), *sinor* (50%). Only disputes regarding compensation and lost items did not have a single resolved case. If we compare the data from 1845 with those from 1844, it can be seen that there was a more efficient management of lawsuits, considering that in 1844 most disputes had a larger number of pending than adjudicated cases.

Graph 9. Trend in the number of adjudicated and pending criminal offenses at the Čačak County Court for the period 1844–1847<sup>28</sup>



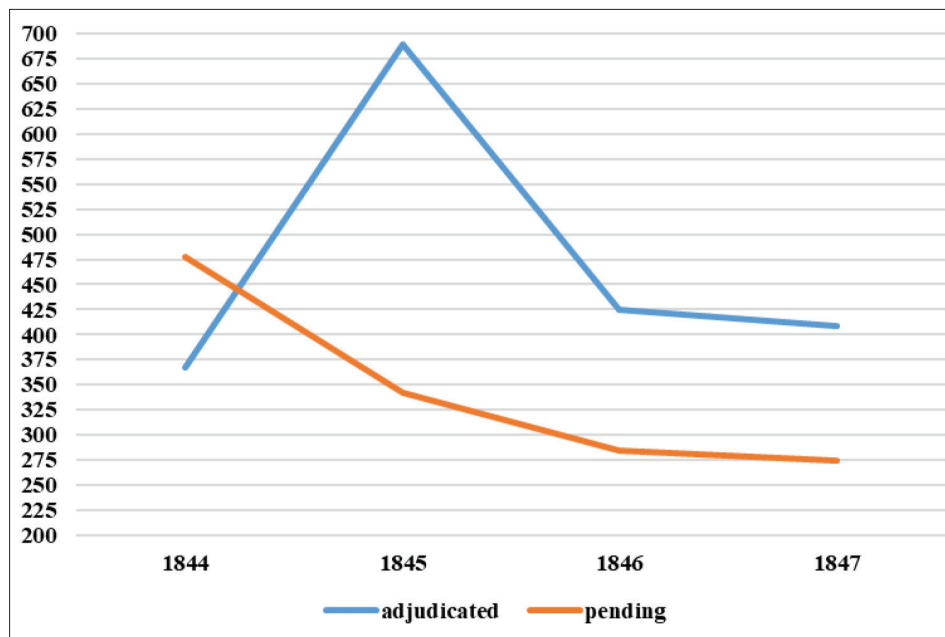
In the period from 1844 to 1847, at the Čačak County Court, the number of criminal offenses that received a verdict was higher than those that remained unsolved, on average 3.9 times. The number of completed criminal cases in the observed period was in decline – in the last year, that number decreased by 22.9% compared to the year 1844, when the maximum in terms of adjudicated criminal offenses was recorded. The trend of the number of pending crimes recorded oscillations—the maximum was recorded in 1846, when it was 47.1%

0.4%, 0.2%, 0.2%, 0.2% of the total number of civil cases that remained unresolved at the Čačak County Court in 1844, respectively.

<sup>28</sup> Поповић, 2014, pp. 117–118; ДАС, Министарство иностраних дела – Внутренo одељење (=МИД-В), ф.2 р.71/1848.

higher compared to the initial year. The minimum number of unadjudicated criminal offenses at the Čačak County Court was recorded in the last year of the observed period and was 61.8% less than in 1844, and 74% less than the recorded maximum.

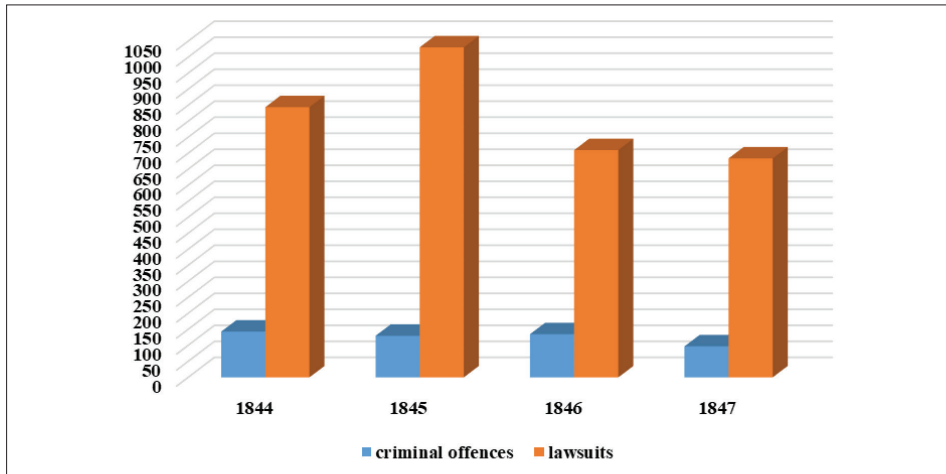
Graph 10. Trends in the number of civil lawsuits at the Court of the Čačak County for the period 1844–1847<sup>29</sup>



In the observed period, the number of adjudicated civil cases was higher in all years except in 1844, when their number was 23.1% lower than those that were not concluded during the year. In other years, the number of adjudicated civil lawsuits was 66.4% higher than those that remained unresolved. The trend in the number of adjudicated civil cases recorded oscillations in the observed period, the maximum was recorded in 1845, when it was 87.7% higher compared to the initial year, which was followed by a decline and in the last year the number of completed civil cases was 40.6% lower than the recorded maximum. The trend in the number of pending civil lawsuits was on the decline during the observed period. The minimum was recorded in the last year when it was 42.3% lower than the maximum recorded in the initial year of the observed period.

<sup>29</sup> Ibid.

Graph 11. Comparative overview of the number of criminal offenses and civil cases for the period 1844–1847<sup>30</sup>



During the observed period, the number of lawsuits was on average 6.5 times higher than the number of criminal acts. The biggest difference between these two types of cases was recorded in 1845, when the number of civil proceedings recorded at the Čačak County Court was 7.9 times higher than the number of criminal acts that reached this court.

The activity of the county courts and the Belgrade City Court also included the custody of deposit values. According to the Decree of November 18, 1847<sup>31</sup>, 2% of the deposited money was charged on cash and valuables, regardless of how long they were kept, except in cases where the creditor would deposit a bond (*Зборник закона и уредаба* 4, 1849, p. 143). At that time, 1% of the deposited money went to the court treasury. According to the amendment to the law dated 28.2.1852, if a certain person did not want to receive the money belonging to him, the court had the obligation to keep the money for another year. If by then no person appeared to claim the amount, then it would be considered alienated and would belong to the state treasury (*Зборник закона и уредаба* 6, 1853, p. 87). In 1845, the largest deposited amount was recorded at the Belgrade City Court, while the Court of the Čačak County received the largest deposit in relation to the other county courts, with the exception of the Court of the Belgrade County.<sup>32</sup> Also, in all courts, the amounts of money received were higher than

<sup>30</sup> Поповић, 2014, pp. 117–118; ДАС, МИД-В, ф.2 р.71/1848; ДАС, ДС, рол. бр. 132, № 458/1846, *Извод дейџиџија свих судова од 26. октџобра 1844. до конца октџобра 1845. џодине.*

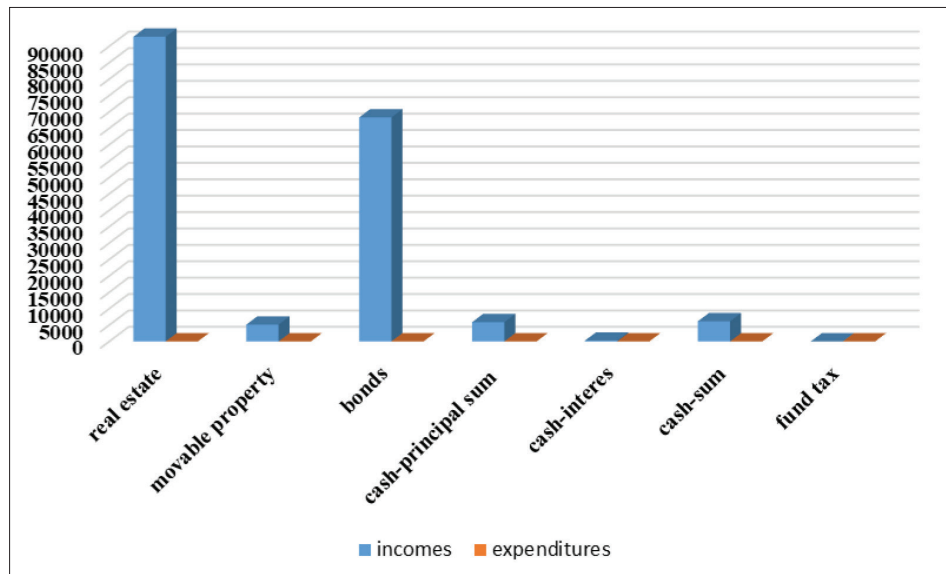
<sup>31</sup> Dates are given according to the Gregorian calendar.

<sup>32</sup> The amount of deposit money received at the Čačak County Court in 1845 was 44,642 tax grosh.

the amounts that were issued in that year, and on average 93.9%. At the courts of the Kragujevac, Požarevac, Čuprija, and Smederevo counties, neither the receipts nor the issuance of deposit money were recorded in 1845. In 1845, the Court of the Čačak County issued a sum 2.1 times smaller than that which was handed over to the court for safekeeping that year.<sup>33</sup> It is not clear whether the court deposit meant a deposit in a broader sense or, perhaps, that money belonged to the convicts, so the court kept the money while the convicts were serving their sentences.

The courts, in addition to the money deposited within them, were also in charge of keeping the money of minor heirs, who were under guardianship, the so-called *pupilar* money. According to the Ordinance of May 28, 1845, the exclusive right to take care of the *pupilar masses* fell under the jurisdiction of the county courts, except in those cases in which the tutor or heir had certain appeals. At that time, appeals were submitted for consideration to the Court of Appeal (*Зборник закона и уредаба* 3, 1847, p. 53). There is a document from the year 1845, which shows in what form and how much value the estate of the *pupilar mass* was entrusted to the courts.

Graph 12. The amount of received and issued values of the pupilar masses at the Court of the Čačak County in 1845 in tax grosh<sup>34</sup>



<sup>33</sup> The amount of deposit money issued at the Čačak County Court in 1845 was 21,481 tax grosh.

<sup>34</sup> ДАС, ДС, рол. бр. 132, № 458/1846, *Рачун о имању њујиљних маса њри судовима за 1845. годину.*

The courts were charged with safeguarding the estate of the deceased until the heir(s) came of age. That legacy could be in the form of real estate, movable property, bonds and cash. The courts had the right to issue the cash with interest and then the corresponding interest was added to the trust estate. In 1845, the Court of the Čačak County was among the lowest in terms of cash, with only 5,899 tax grosh, on which amount interest of 260 tax grosh was realized.<sup>35</sup>

Overall, the lowest value was in the movable property, in which the Court of the Čačak County belonged to the middle, having other county courts in regard. The value of movable property was 10.5 times less than the highest amount recorded at the Court of Smederevo County, while, regarding the smallest value recorded at the Court of Gurgusovac County, was 25.1 times higher.

The average value of immovable property was 5.6 times higher than the value of movable property entrusted under the jurisdiction of county courts. With 92,928 tax grosh in immovable property, the Court of the Čačak County was in the middle level of real estate value. The largest sum was recorded by the Požarevac County Court—139.9% higher value than that of the Čačak County Court. The lowest value in real estate was recorded at the Court of the Podrinje County with only 5,618 tax grosh, which was 93.9% less than the real estate value Court of the Čačak County.

Bonds were also part of the legacy of the pupilar masses.<sup>36</sup> Their total value in the courts in 1845 was the highest in relation to all other forms that were entrusted for safekeeping in the form of pupilar masses. The amount that the court could demand in the name of bonds at the Court of the Čačak County was 37.3% less than the average. By far the largest claims were registered at the Požarevac County Court, while the smallest were recorded by the Crna Reka County Court.<sup>37</sup>

Courts handed over immovable property, movable property, principal sum with associated interests and bonds to the heirs of the pupilar masses. While the pupilar mass was lying within the courts for safekeeping, the court was obliged to pay the tax for the pupilar fund out of cash. According to the Decree of March 17, 1838, 1/6 of the cash went to this fund. (*Зборник закона и урегада* 4, 1849, стр. 123) Courts gave money from this fund with interest at a rate of 10%, which by the law of October 29, 1849 replaced the previous rate

<sup>35</sup> In that year, the Belgrade City Court received the most money on behalf of the pupilar masses, and the amount was 35.5 times greater than that received by the Court of the Čačak County, while the smallest amount of money was received by the Court of the Kruševac County, which was only 3.8% less from the one received by the Čačak County Court.

<sup>36</sup> Bonds were claims of the pupilar masses from their debtors.

<sup>37</sup> The value of bonds entrusted to the Požarevac County Court was 10.5 times higher than that recorded at the Čačak County Court. The value of bonds at the Court of Crna Reka County was 5.3 times lower than that recorded at the Court of Čačak County.

of 6% (*Зборник закона и уредаба* 4, 1849, p. 139). In 1845, the Čačak County Court did not record any issuance from the pupilar masses.<sup>38</sup>

According to the budgets of the Principality of Serbia, which were created in the 1840s, the costs allocated for the county courts and the Court of the City of Belgrade accounted for an average of 69.9% of the expenditures planned for the Ministry of Justice (Павловић, 2017, pp. 70–73). The largest share among them was occupied by the Court of the City of Belgrade,<sup>39</sup> followed by the Court of the County of Belgrade,<sup>40</sup> while the other county courts had an equal share, which accounted for an average of 5.3% of the budget allocated to the county courts and the Court of the City of Belgrade. In 1844, the Court of the Čačak County accounted for 5.18%, in 1846 5.44%, in 1847 5.42%, and in 1848 5.24% of the total costs allocated to the county courts and the Belgrade City Court. In 1844, the employees of the Čačak County Court were a member of the court, a secretary, a scribe, a junior scribe, and a practitioner (intern). Their annual salaries that year were 450, 350, 200, 150 and 100 thalers, respectively.<sup>41</sup> In the 1850s, the number of employees in the Čačak County Court increased, so in 1855 the staff numbered the president, three members, a secretary, an accountant of the second class, an assistant accountant, an archivist, a senior scribe, two junior scribes, prison guard and three cops. Their annual salaries then amounted to 700, 1350<sup>42</sup>, 350, 250, 150, 200, 200, 300<sup>43</sup>, 72, 180<sup>44</sup> thalers, respectively.<sup>45</sup> If the salary values from 1844 and 1855 are compared, it can be seen that there was no change in their amount. The

<sup>38</sup> The largest amount of cash was issued at the Court of the City of Belgrade, while the lowest value was recorded at the Court of the Podrinje County. The recovery of real estate was recorded in four courts: the Court of the Požarevac County, the Court of the Krajina County, the Court of the Kragujevac County and the Court of the City of Belgrade, which also recorded the highest value. The issued bonds were recorded in the majority of courts, of which the highest value was at the Belgrade County Court and the smallest at the Jagodina County Court. The highest value of issued tax was recorded by the Court of the City of Belgrade, while the lowest was recorded by the Court of the Crna Reka County.

<sup>39</sup> In the four years for which the budgets of the Ministry of Justice have been preserved (1844, 1846, 1847, and 1848), the Belgrade City Court accounted for an average of 7.9% of the expenditures allocated to the county courts and the Belgrade City Court.

<sup>40</sup> In the four years for which the budgets of the Ministry of Justice have been preserved (1844, 1846, 1847, and 1848), the Court of the Belgrade County accounted for an average of 6.5% of the expenditures allocated to the county courts and the Belgrade City Court.

<sup>41</sup> ДАС, ДС, № 458/1846.

<sup>42</sup> This amount applies to all three members, so the annual salary of one member was 450 thalers.

<sup>43</sup> This amount refers to two junior scribes, so the salary of the junior scribe was 150 thalers.

<sup>44</sup> This amount refers to three cops, so the annual salary of a cop at the Court of the Čačak County amounted to 60 thalers.

<sup>45</sup> ДАС, ДС, рм бр. 189, 1854, бр. 516, *Буџетѝ љрихода и расхода за 1854/1855. љодину*, бр. 722.

increase followed only after 1856, but due to the lack of branching of the budget of the judiciary for those years, it is not possible to present exactly how much that increase amounted to (Павловић, 2017, pp. 77–79).

The budget of the courts, starting from 1844, grew and reached its maximum near the end of the 1850s. Thus, for example, in 1858, the budget of the courts amounted to 224% of the budget from 1844. The number of courts did not change significantly during the 1840s and 1850s, but the increase occurred due to the increase in the number of employees as well as their salaries. Namely, in the 1850s, there was a branching of the written activity at the courts, as a result of which protocolists, registrars, archivists, expeditors, accountants were introduced (Павловић, 2017, p. 83).

### *Conclusion*

In 1844, the Court of the Čačak County was in the average among the county courts in terms of the number of criminal offences. The number of unadjudicated crimes was about three times lower than the number of adjudicated crimes. More than half of the cases in both categories of criminal offenses were cases related to theft, quarrels and swearing. Crimes such as speaking against the prince and the state, violence, abuse of power, from which the state suffered the most damage, were resolved the fastest. With its 689 civil lawsuits, the Court of the Čačak County was at the very top in terms of the number of civil court proceedings for which a verdict was pronounced in 1845. As for the number of pending civil cases, the Court of the Čačak County recorded an average value in 1845, and that number was 50.4% lower than the number of adjudicated civil cases. Debt disputes accounted for the largest share of both lawsuits categories. In the period from 1844 to 1847, the number of solved criminal offenses tended to decrease. A similar trend was observed in pending crimes, with the fact that in 1846 there was a sharp increase in pending criminal cases. The trend in the number of adjudicated civil cases recorded oscillations in the period from 1844 to 1847, while the number of pending disputes was in decline. Except in the initial year of the mentioned period, the number of settled civil cases was 66.4% higher than those cases that were waiting to receive a verdict. During the same period, the number of lawsuits was on average 6.5 times higher than the number of criminal offenses. In 1845, the largest deposit amount was recorded at the Court of the City of Belgrade, while the Court of the Čačak County received the largest deposit in relation to the other county courts, with the exception of the Court of the Belgrade County. The expenses allocated in the budgets for the county courts in the 1840s accounted for an average of 69.9% of the planned expenses for the Ministry of Justice. Among them, the largest share was occupied by the Court of the City of Belgrade and the Court of the County of Belgrade,

while the other county courts had an equal share, accounting for an average of 5.3% of the expenditures allocated for the county courts and the Court of the City of Belgrade. In 1844, 1846, 1847, and 1848, the Court of the Čačak County accounted for 5.18%, 5.44%, 5.42%, and 5.24%, respectively, of the total costs allocated to the county courts and the Court of the City of Belgrade.

The members of the Čačak County Court were of lesser education, but people with great experience in performing state affairs. The lower staff had mostly completed normal schools or gymnasium, which was enough to perform their duties. They were mostly people born and educated in Serbia. The employees were natives and previously worked in the same or neighboring districts, although there were also those from further away. A good part of the staff was deprived of service in 1842. This gives the impression that people who were problematic or less prepared were often sent to border districts, far from the capital, such as Čačak. The court probably had more personnel, three members of the court, a scribe and his assistant, due to the larger volume of work. The Commission for the Improvement of Judicial Procedure in 1845 included the Čačak court in the list of burdened and intervened. The efficiency of the Čačak County Court improved in the following years, as was the case with some other courts that were found to be overburdened in 1845, such as the Čuprija and Smederevo county courts, who also showed better results.

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## Организација и рад Суда Округа чачанског 1840-их

### Резиме

Циљ рада је да се представе организација и рад Суда Округа чачанског 1840-их година. Изворну грађу представљају извештаји Министарства правде, са статистичким подацима, и листе чиновника са информацијама о запосленима, те шематизам и Попис пореских глава, општина и примирителних судова у Кнежевини Србији из 1839. године. У овом раду биће анализирани подаци који говоре о природи предмета који су вођени на овом суду. Такође, биће извршена и компарација у односу на остале окружне судове у земљи у току посматраног периода. Биће представљени и основни подаци о трошковима који су одређивани за овај суд и износима који су били депоновани при овом суду као и онима који су чувани на име пупиларних маса.

Чланови Чачанског окружног суда били су слабијег образовања, али људи са великим искуством у вршењу државних послова. Ниже особље имало је завршене махом нормалне школе или гимназију, што је било довољно за вршење дужности. Махом су то били људи рођени и школовани у Србији, који

су били родом и који су претходно радили у истом или суседним окрузима, мада је било и оних из удаљенијих округа. Дobar део особља био је лишен службе 1842. године. То одаје утисак да су често у пограничне округе, удаљене од престонице, попут Чачанског, слати људи проблематични или слабије спреме. Суд је, вероватно, због већег обима посла, имао бројнији персонал, три члана суда, писара и његовог помоћника. Упркос томе, али и чињеници да је Комисија за унапређење судског поступка 1845. године сврстала Чачански суд у списак оптерећених и интервенисала, ефикасност Суда Округа чачанског побољшавала се у наредним годинама, као што је био случај и са неким другим судовима који су нађени пренапрегнутим 1845, попут ћупријског и смедервског, који су, такође, показивали боље резултате.

*Кључне речи:* Кнежевина Србија; судство; статистика; Суд Округа чачанског.



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