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## DECREE ON THE ORGANISATION OF THE VILAYETS, 1867

In order, at least in some measure, to mitigate the effects of internal conflict which were causing disturbances in its provinces, particularly in those which were far away from a large urban centre and in which the population was mixed and in order to enable the country to become more prosperous, the Porte, in 1864, after a series of reforms, also undertook the reorganisation of the administrative system in its provinces. The initiator of this action was Fuad Pasha. In his opinion – and his opinion became law – it was necessary to divide up the Empire along new regional and administrative lines, bring in greater centralisation of the administrative system, separate military from civil administration and, in addition to the Sheriat law-courts, found civil law-courts. It was necessary to replace the former eyalets, into which the Empire had been divided, by vilayets. The legal systems of European states, especially the French Civil Code, were taken as the basis for this reorganisation. However, there were statesmen (especially Cevdet Pasha) who took the view that, when reorganising the provinces, account should be taken not only of the territorial but also of the ethnic circumstances in individual areas of the Empire.

It was decided that, for experimental purposes, only one such administrative unit should be formed initially; this was to be in the Balkans and in that place where the national aspirations of the subjugated peoples were greatest and where demands for more freedoms and rights were most coherently expressed. In 1864, therefore, a decree was passed by which the Danubian vilayet (*Vilayet-i Duna*) was created out of the eyalets of Rusca, Vidin and Niš. The vilayet was divided into seven sanjaks (sancak) or livas (regions): Niš, Vidin, Sofia, Tulcea, Varna, Rusca and Trnovo. These sanjaks were divided into kazas (districts) and the kazas into nahiyas (local communities).

The first governor of this vilayet was Midhat Pasha. Thanks, above all, to his qualities as a statesman, the experiment was successful and gave

positive and encouraging results; consequently, on 10th May in the following year, 1865, the Porte decided to introduce the vilayet system throughout the whole Empire.<sup>1</sup>

Thus the whole Empire was divided into 55 vilayets (123 sanjaks). Of these, ten vilayets (44 sanjaks) were in the European part of the state. They were: Istanbul, as a special administrative area, the vilayet of Edirne with five sanjaks; the Danubian vilayet with the sanjaks of Rusca, Varna, Vidin, Tulcea, Trnovo, Sofia and Niš; the vilayet of Bosnia with the sanjaks of Sarajevo, Zvornik, Banja Luka, Travnik, Bihać, Novi Pazar and Herzegovina; the vilayet of Salonica with the sanjaks of Salonica, Serrai and Drama; the vilayet od Ioannina with the sanjaks of Ioannina, Ergeri, Trikkala, Preveza and Berat; the vilayet of Manastir (Bitola) with the sanjaks of Manastir, Prizren, Skopje and Debar; and the vilayet of Skadar with a sanjak of the same name. The Archipelago became a separate vilayet with five sanjaks. The same was the case with Crete.<sup>2</sup> The organisation of these vilayets was based on the Decree on the Organisation of the Danubian Vilayet, in accordance with which decrees for the remaining vilayets were formulated. No real differences existed between them. A similar decree reached Bosnia at the beginning of June 1865. Accompanying the decree there was also a firman ordering the setting up of the vilayet of Bosnia along the lines laid down in the decree. The order was made public by the naib (vice-gerent) of Sarajevo, Yusuf Aga-efendi, at the musalla (large open space for the holding of public prayers on a muslim holiday), (today a children's park at the mouth of the Koševo stream) on 9th June 1865.<sup>3</sup>

Together with these legal directives there were also detailed written instructions about the organisation of the vilayets and some rules about the mechanisms of certain institutions of the Danubian vilayet. According to these instructions territorial and administrative reforms in Bosnia and Herzegovina were permitted, providing there was a need for them. There really was a need for them because Herzegovina had been separated from Bosnia as early as 1833: prior to 1833 it had been a separate eyalet; this decree, therefore, meant that the two eyalets of Bosnia and of Herzegovina were transformed into the vilayet of Bosnia.

The text of the decree on the organisation of the vilayet of Bosnia is known to us today only in a translation which appeared in the *Bosanski Vjestnik* entitled *Ustavni zakon Vilajeta Bosanskog*.<sup>4</sup> It was probably the official translation from the Turkish original. It is worth mentioning that

<sup>1</sup> cf. Salih Hadžihuseinović — Muvekkit, *Tarih-i Bosna*, a monologue in the Oriental Institute, [Sarajevo,] p. 333

<sup>2</sup> E. Z. Karal, *Osmanli Tarihi VII*, *ibid.*, p. 130.

<sup>3</sup> Muvekkit, *op. cit.*, p. 333.

<sup>4</sup> 'The Constitutional Law of the Vilayet of Bosnia,' *Bosanski Vjestnik*, nos. 4–10, 28th April — 11th June 1866.

the translation contains some French words and it is, therefore, possible that the translator was translating a French language edition. Comparing the Turkish text of the decree on the organisation of the Danubian vilayet with the Serbo-Croatian translation of the *Ustavni zakon Vilajeta Bosanskog*, the conclusion may be drawn that this is, indeed, virtually the same text. The differences between the two texts are to be found mainly only in the titles and in the decree and name of the individual vilayets. It is almost certain, therefore, that there was the same relation between the decree on the organisation of the Danubian vilayet and the decrees on the organisation of the remaining vilayets in Rumelia. It was probably owing to the fact that the texts were completely identical that there was felt to be no need to publish these decrees individually; it was sufficient to publish the decree on the organisation of the Danubian vilayet which appeared in the first book of the Destur.<sup>5</sup>

Immediately after the promulgation of the decrees, certain reforms were brought about in the titles of positions in the administrative hierarchy and in the organisation of certain institutions. Thus, in the course of 1867 the former title of *kaymakam*, for the governor of a sanjak or liva was changed to that of *mutasarrif*, the title *müdür* for the district governor was changed to that of *kaymakam* and that of *zabit*, for the governor of a nahiye (local community), become *müdür*. The title *muhasebeci*, minister in charge of finance in a vilayet, was changed to that of *defterdar* and the title *mal müdürü*, the chief official responsible for financial affairs in a sanjak, become *muhasebeci*; the title *mal katibi* (financial secretary) at the district level was changed to that of *mal müdürü*.<sup>6</sup> Some time before 26th February 1867 the office of the competent authority in charge of external affairs in the vilayet, the *hariciye müdürü*,<sup>7</sup> was abolished, etc.

After these and other reforms the *Decree on Vilayets (Vilayet nizamnamesi)* was prepared and published. It was valid for all vilayets with the exception of, generally speaking, Libya and Crete. Since the text was also valid for Bosnia, it appeared in a special collection of laws and regulations which were drawn up for this vilayet. The edition was printed at the vilayet printing works in Sarajevo on 12th Zulhicce 1284.

Owing to the fact that decree is of specific importance for the study of the Turkish administrative system in Yugoslavia and that, hitherto, it has neither been examined nor used in the social sciences, we considered it necessary to put forward a translation of it. For the translation we used the already mentioned Sarajevo edition of 1867. In

<sup>5</sup> Destur (collection of Turkish laws) book 1, 2nd ed., Istanbul, 1st Zilhicce 1282 (17.IV 1866) pp. 517–536.

<sup>6</sup> The order concerning these reforms reached Bosnia on 21st Safer 1284 (24.VI 1867). cf. Muvekkit, *op. cit.* p. 326, *Bosna* no. 55, 14.VI 1867.

<sup>7</sup> *Bosna* no. 57, 1.VII 1867.

the footnotes we have pointed out the major differences between this text, the Decree on the Organisation of the Danubian Vilayet and the Constitutional Law of the Vilayet of Bosnia. We have also documented the reforms which later occurred in the administrative division and organisation of the vilayet of Bosnia.

TEXT OF THE DECREE ON THE ORGANISATION  
OF THE VILAYETS<sup>8</sup>

The multifarious expanses of the Ottoman Empire shall be divided, like livas, into a number of administrative units. Every unit shall be called a vilayet.<sup>9</sup>

Article 1. The supreme administrative authority<sup>10</sup> of every administrative unit shall be vested in the respective administrative council<sup>11</sup> as laid down in the following articles.<sup>12</sup> The supreme administrative authority shall be located in the capital of the vilayet.<sup>13</sup>

Article 2. Every vilayet shall be divided into livas,<sup>14</sup> including the part of the vilayet in which the central (vilayet) authority resides.<sup>15</sup> In every sanjak the mutasarriflik<sup>16</sup> shall be the administrative authority. It shall be located in the capital of the liva.

<sup>8</sup> In the Turkish text this decree was called the *Vilayet nizamnamesi*, which literally translated means 'decree' or 'statute on vilayets'. The title of the decree on the organisation of the vilayet of Bosnia in the contemporary Serbo-Croat translation was: *Ustavni zakon Vilajeta Bosanskog*, ('The Constitutional Law of the Vilayet of Bosnia', henceforth, 'The Constitutional Law').

<sup>9</sup> This is not mentioned in the Constitutional Law of the Vilayet of Bosnia.

<sup>10</sup> The original reads, "*Idare-i umumiyye*" which means 'public and supreme administration'. In the Constitutional Law: "vrhovna zemaljska vlast" ('the supreme power in the land').

<sup>11</sup> The original reads, "*heyet-i idare*". In the Constitutional Law, "vlada" ('government').

<sup>12</sup> The original reads, "*mevadd-i atiyede*". There was a mistake in the official translation: "po sledećoj naredbi" ('in the following article').

<sup>13</sup> Article 1 in the Constitutional Law reads as follows: "The supreme power in the land shall be vested in the government, as laid down in the following article, and shall be located in the vilayet capital specified for that purpose".

<sup>14</sup> In the Constitutional Law this reads as follows: "The vilayet of Bosnia shall consist of seven sanjaks."

<sup>15</sup> In Şevval 1283/February 1867 the office of kaymakam of the central Sarajevo sanjak was abolished; the sanjak was placed under the direct control of the vali. (Muvekkit, *op. cit.*, p. 326; *Bosna* no. 41, 4.III 1867). In June 1869 a special office of mutasarrif of the central sanjak was created (*Bosna* no. 161, 12.III? 1869) but on the fifth day of Ramazan 1288/18th November 1871, the office was abolished for economic reasons. At this time the special financing system of the liva and financial assistance to the vilayet secretariat were also abolished (Muvekkit, *op. cit.*, p. 334; *Bosna* no. 283, 21.XI 1871). A year later the office was reintroduced because, on the fourth day of Ramazan 1292/4th October 1875, Ibrahim-bey took up the office. He had been appointed as the assistant of the vali and the mutasarrif of the sanjak of Sarajevo. (Muvekkit, *op. cit.*, p. 353).

<sup>16</sup> The original reads, "*mutasarriflik idaresi*" ('regional administrative authority').

Article 3. Every sanjak is divided into kazas and every kaza represents one kaymakamluk (district).<sup>17</sup> The müdür (official in charge of the district) shall reside in the capital of the kaza.

Article 4. Each kaza is divided into villages. In every village there shall be a commune authority (*idare-i belediye*). This shall be elaborated in the following articles. Smaller administrative units composed of a few small villages, which the individual kazas are unable to represent because of the geographical location of the former, shall be administered as if they were attached to one of the kazas. These units shall be called nahiyes.

Article 5. In cities and towns a mahalla must have at least fifty houses in it. Each mahalla shall be treated as a village.

## SECTION ONE THE SUPREME CENTRAL ADMINISTRATIVE AUTHORITY

### Chapter One CIVIL ADMINISTRATION

Article 6. The administration of civil, financial, police and political affairs in the vilayet and the execution of the verdicts of the courts shall be entrusted to the vali who shall be appointed by His Majesty the Sultan. In addition to being responsible for the execution of all the decrees of the Empire, the vali of the vilayet is also responsible, within the limits of his authority, for the domestic administrative affairs of the vilayet.<sup>18</sup>

Article 7. Finance and accountancy in the vilayet shall be entrusted to a financial official who shall be called the defterdar of the vilayet. He is responsible for all the financial affairs of the vilayet and although he, personally, is subordinate to the vali in matters concerning the accounts, he is directly responsible to the Ministry of Finance.

Article 8. The duties of finance and accountancy with relation to both the vali and the defterdar are laid down in a separate decree. Matters concerned with the accounts shall be entrusted to an accountancy office which shall be under the directorship of the defterdar and which shall function as laid down by the Minister of Finance.

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<sup>17</sup> Here the legal and administrative divisions in the vilayet are clearly separated despite the fact that they coincide territorially.

<sup>18</sup> To deal with all these affairs the vali had the assistance of the mutasarrif of the central sanjak; the latter, therefore, acted as the vali's assistant.

Article 9. General secretarial duties in the vilayet shall be entrusted to an official appointed by the Empire with the title of *mektupçu* (general secretary) of the vilayet.<sup>19</sup>

Under his directorship there shall be a Correspondence Bureau (*tahrirat kalemi*). All official correspondence of the vilayet authorities shall pass through the hands of this institution which shall also be the guardian of official documents and records. There shall be a printing works in the vilayet under the directorship of the general secretariat (*mektupçuluk*).<sup>20</sup>

Article 10. The central government shall appoint, on the recommendation of the Ministry of Foreign Affairs, an official who shall be responsible for concluding international agreements and conducting foreign affairs [ of the vilayet] . Orally and in writing he shall maintain contact with the government and foreign representatives and shall deal with matters arising therefrom.<sup>21</sup>

Article 11. In the vilayet there shall be an official responsible for public works, appointed by the Porte on the recommendation of the Ministry of Public Works. His duty, in collaboration with the engineers who shall work under him, shall be to consider the questions of building and maintaining public roadways, bridges and public buildings and to ensure that work on them is satisfactorily carried out.<sup>22</sup>

<sup>19</sup> The First Secretary (*mektupçu*) of the vilayet of Bosnia was Ibrahim Teufik-bey. He filled this office from 1865 to October 1869. He founded a school for administrative cadres in Sarajevo at which the local population received training for service in the administration. He taught Turkish stylistics in this school. The last secretary of the vilayet was Ebu Zija Teufik, the well-known Turkish publicist and literary critic. Before the occupation he resigned from state service and, as a private individual, gave moral support to national resistance against the occupation of Bosnia and Herzegovina in 1878.

<sup>20</sup> After the creation of the vilayet of Bosnia, the government began negotiations with the Zemun printer Ignjatius Karl Sopron on the opening of a printing works in Sarajevo. An agreement was reached on 21st November 1865 and Sopron, with financial assistance from the Bosnian government, opened a branch of his printing works in Sarajevo and maintained it until 1.X 1867, when the printing works were sold to the vilayet government for 600 ducats. A weekly paper, "Bosna", was printed there between 28.V 1866 and 28.VI 1878; altogether there were 615 issues of it as the official gazette and between 4th April and 18th July 1878 there were a total of 16 issues as a semi-official gazette. Kreševljaković: *Štamparije u Bosni i Hercegovini za Turskog Vremena, 1529–1878*, Material for the History of Croatian Literature, IX, Zagreb 1920, 12–28.

<sup>21</sup> This official was called the *hariciye müdürü*. cf. article 13. Some time prior to 26.11 1867 this office was abolished and the *hariciye müdürü*, Alibeg, was posted to Istanbul (*Bosna* no. 40, 25.11 1867). Some time later the *Dragomat bosanskog vilajeta* was founded and Konstan efendi was appointed as its director. The Oriental Institute, [Sarajevo,] M.T. 1164, (*Bosna* no. 57, 1.VII 1867).

<sup>22</sup> Work on the building of better roads in Bosnia began in 1863. For this purpose 'kuluk' (unpaid forced labour) as well as overseers were used. Many official and other public buildings were built in Sarajevo and in the provinces at this time, (for example, the old konak and the military hospital in Sarajevo. The foundation stone of the hospital was laid on Friday 29th June 1866 and the building was completed in the summer of 1867).

Article 12. There shall be an official who shall work for the development of agriculture and trade and deal with the calculation and recording of wages as well as with exports and imports in the vilayet. He, too, shall be appointed by the central government on the recommendation of the Ministry for Trade and Agriculture.<sup>23</sup>

Article 13. An *idare meclis* (an administrative council) shall be under the directorship of the vali (governor of a vilayet). The method by which this council is appointed shall be laid down in another section but it shall be composed of mufetiş's (inspectors), Sheriat judges, defterdars, mektupçus, foreign affairs officials (*hariciye müdürü*) and selected national representatives, two of whom shall be Moslems and two non-Moslems.<sup>24</sup> The vali shall be the president of the idare meclis. In his absence he shall appoint a deputy from amongst his officials.

Article 14. It is the duty of the idare meclis to give advice on the promulgation of regulations affecting civil, financial and foreign affairs as well as on agricultural matters and public works. It shall not interfere with the legal authority of the judiciary. The way in which the council shall give advice and how this advice shall be put into practice shall be laid down in a separate book of regulations (*nizamname*).

Article 15. Generally speaking the police shall be under the command of the vali of the vilayet; the vali is authorised to distribute this force in the sanjaks and kazas and to move contingents of it from one place to another. At the head of the police force there shall normally be a high ranking officer, a colonel (*miralay*) but equivalent to a military commander. The aforementioned officer is subordinate to the vali and duty-bound to make records of police numbers etc.

<sup>23</sup> Thirty-eight 'kadiluks' of the rural kazas were organised for the development of agriculture, (H. Kreševljaković: *Menafi Sanduci u Bosni i Hercegovini, 1866-1878*, Sarajevo, 1940). Since 1865 experiments had been conducted in the cultivation of cotton (around Trebinje, Stolac and Banja Luka). There were also rice cultivation projects for which seed was obtained from Italy; in Herzegovina viticulture was improved and tobacco cultivation expanded. In Bosnia fruit growing, especially that of plums, apples and pears was developed. There were endeavours to improve the breed of Bosnian horses. In 1872 the first vet was appointed in Bosnia in the person of Riza ef. Kreševljaković, who had been to veterinary school (baytañ) in Istanbul. Written with the aim of improving agricultural output, some articles appeared in the contemporary Bosnian press (on potatoes, the fertilization of orchards, the use of sunflower plants, land cultivation, bee-keeping and domestic animals, etc.).

In February 1867 an *Odjel za Sumarstvo* (Forestry Department), attached to the vilayet of Bosnia, was founded. (*Bosna*, no. 41, 4.III 1867). Marko Poljanić worked as an official in this department. He was born in Travnik, went by the name of Fatim ef. and after attending high school in Sarajevo, completed his studies in Istanbul.

<sup>24</sup> The Decree on the Danubian Vilayet as well as The Constitutional Law of the Vilayet of Bosnia envisaged three national representatives for this council. cf. *Destur* p. 520 article 13 and the Constitutional Law, article ??

## Chapter Two

THE ADMINISTRATION OF JUSTICE<sup>25</sup>

Article 16. A mufetiş (inspector) of Sheriat judges shall be appointed by the Caliphate on the recommendation of the Sheik-ul-Islam. He shall inspect all courts of law in the vilayet and shall examine all 'ilams' (judicial decrees) and other Sheriat documents which need to be passed on to the central government.

Article 17. Regulations concerning the inspection of Sheriat courts and other duties of the inspector of the courts shall be determined by a directive (*tenbihname*) emanating from the Meşihat.

The Appellate Court<sup>26</sup>

Article 18. Within the vilayet there shall be an Appellate High Court (*Büyük meclis-i temyiz-i hukuk*). Its duty is to resolve and pass judgement in those legal disputes concerning property (movable and immovable assets) as well as in those criminal cases which, after discussion in the appellate courts of the livas, and in accordance with the due process of the law, are to be sent up to the High Court.<sup>27</sup>

Article 19. The mufetiş (inspector) of the Sheriat courts shall preside at the vilayet Appellate Court which shall be composed of six member jurors (*mumeyiz*), three Moslems and three non-Moslems. The method of their election shall be laid down in Section Five. In this board (of judges) there shall be a special official appointed by the central government who shall be well versed in Sheriat law (*hukuk*) and in civil (legal) affairs.

Article 20. The Appellate Court is obliged to consider and resolve all disputes which, in accordance with the law it is bound to deal with, excepting:

<sup>25</sup> The original reads, *umur-i hukukiye*, which literally translated means 'legal affairs.'

<sup>26</sup> The original reads, "*Meclis-i temyiz-i hukuk ve cinayet*." The Decree on the Danubian Vilayet as well as the Constitutional Law of the Vilayet of Bosnia envisaged, instead of this single civil court, two completely separate judicial boards: the Board of the Civil Court (*Meclis-i temyiz-i hukuk*) and the Board for Criminal Offences (*Meclis-i cinayet*). The selection of members of both boards was to be performed separately; the president of both boards was to be the kadi. The decree envisaged one board of judges for both civil disputes and criminal cases, but it was also envisaged that, in exceptional circumstances, a special board could be formed for criminal offences composed of members of the regular courts.

<sup>27</sup> Until just before the end of 1875 all the verdicts of the civil courts were written in Turkish but after this time they were written in both Turkish and Serbo-Croat. The translators at the Sarajevo court were Zaharija Bakarević, Aleksa Popović and Đorđe Hadžilazarević. This decree was valid for the whole vilayet. *Bosna* no. 497, 3.1. 1876.



firstly, disputes involving the Moslem population which must be resolved in the Sheriat courts; also, disputes involving the non-Moslem population which are resolved by their confessional communities;

secondly, disputes concerned purely with matters of trade which are resolved in the Commercial Courts.

Article 21. A document summarising the verdicts of court cases which have been dealt with in the Appellate High Court of the vilayet shall be placed at the disposal of the vali. This document (*mazbata*) shall be stamped with the official seal of the inspectors of the judges and members of the jury. The vali shall ratify those verdicts which fall within his jurisdiction and those which do not he shall place before the central government for their consideration and final decision.

#### The Criminal Board (*Meclis-i cinayet*)

Article 22. If a legal dispute arises in the Appellate Court which needs to be examined in detail, whether the dispute is one concerning ordinary civil affairs or criminal offences, then a temporary body composed of members of the court may be set up.

#### The Commercial Court (*Meclis-i ticaret*)<sup>28</sup>

Article 23. In the vilayet there shall be a vilayet Commercial Court constituted according to the prescribed law on trade; in order to function in the way prescribed by the aforementioned law, the court shall be composed of a special presiding officer and several court members. The court shall, at the higher, ratify or not, as the case may be, the verdicts of the corresponding courts in the sanjaks.

Article 24. In a sanjak which happens to contain the seat of the vilayet government there shall be a kaymakam, an administrative council, a Civil Court and a Commercial Court as in other livas. These bodies, in addition to performing the duties of the sanjak bodies, shall also conduct the civil and legal affairs of the district (*kaza*) which happens to contain the seat of government of the liva. In addition to being obliged to assist the vali of the vilayet in public affairs, the kaymakam of the central

<sup>28</sup> The Commercial Court (*Ticaret-i Meclis*) existed in Sarajevo and Mostar before the establishment of the vilayet. It was founded in Sarajevo in 1861 and in Mostar in 1863. In addition to a presiding officer and secretary these courts also had four councillors, representatives of each religion. For the method by which these courts administered justice, see H. Kreševljaković, *Dževdet pašina pisma o Bosni iz 1864 godine*, Sarajevo, 1932, pp. 7–10 and *Narodna starina* book 1 pp. 162–164.

sanjak is also obliged, in the case of the absence of the vali, to preside in those bodies in which the vali normally presides.<sup>29</sup>

### Chapter Three

#### SPECIAL AFFAIRS OF THE VILAYET

Article 25. In the vilayet there shall be one public committee composed of members elected and delegated from the sanjaks: two Moslems and two non-Moslems from each sanjak. The method of their election shall be explained in Section Five. The president of this committee shall be the vali and the vice president an individual chosen by the vali from amongst the latter's officials.

Article 26. The vilayet committee shall meet annually in the capital of the vilayet. The session and consultation period of the committee may not last more than forty days.<sup>30</sup>

Article 27. The public committee of the vilayet shall:

1. concern itself with the maintainance and upkeep of major roads in the vilayet and minor roads in the kazas and villages; build, repair and maintain public buildings and consider and discuss the demands of the inhabitants of the livas and kazas on these questions;

2. consider the question of ensuring that the roads remain passable.

3. consider the question of the development of trade and agriculture;

4. consider questions concerning the fair distribution and collection of taxes in the sanjaks, kazas and villages.

Article 28. The representatives of each sanjak are obliged to inform the vilayet committee of demands submitted, whether they concern the sanjak in question generally, or whether they concern each kaza individually. Their demands shall be previously pointed out to the vali. Only those questions approved for discussion by the vali shall be discussed in the committee. Similarly, discussions about those questions which concern the public affairs of the vilayet shall be directly initiated by the vali. The committee is obliged to give its opinion only. How the latter may be put into effect is the business of the competent authority of the central government; the vali shall hand over documents (*mazbata*)

<sup>29</sup> In 1867 the kaymakamluk of the central sanjak, together with its institutions, was abolished and its work was transferred to the competent authorities of the corresponding vilayet institutions.

<sup>30</sup> The Vilayet Committee (parliament) of the vilayet of Bosnia had annual sessions from 1866 to 1874. The vali opened and closed the sessions with a speech. (See, *Govor Osman-paše pri otvaranju Zemaljskog vijeća u Sarajevu 1868*, *Obzor* no. 11, 16.1 1930). The conclusions of the committee were carried to Istanbul by two or three emissaries.

to the central government which contain the conclusions of the committee on the individual questions which were the object of its deliberations; they shall be put into effect as the Empire sees fit.

## SECTION TWO

### ADMINISTRATION IN THE LIVA

#### Chapter One

##### CIVIL ADMINISTRATION

Article 29. In every sanjak there shall be one mutasarrif of the liva, appointed by Imperial Decree (*irade*); he shall administer the civil, financial and police affairs of the liva, but under the supervision and supreme authority of the vali. In addition to being obliged to carry out all the orders of the Empire (the central government) and all the directives of the vali with respect to the sanjak, he is also obliged, within the framework of his acquired authority, to administer the domestic affairs of the liva.

Article 30. The financial affairs of the sanjak shall be entrusted to an official who shall be called the muhasebeci; he is subordinate to the defterdar of the vilayet and appointed by the central government on the recommendation of the Ministry of Finance.

Article 31. Obligations in financial affairs and accountancy which relate to the mutasarrif, as well as obligations which relate to the muhasebeci, shall be laid down in a Special Decree (*nizamname*). Accountancy in the liva shall be entrusted to a financial bureau which shall be under the authority of the muhasebeci and which shall operate as the defterdar of the vilayet recommends.

Article 32. The official correspondence of the liva shall be entrusted to an official who shall be called the head of correspondence (*tahrirat müdürü*) and who shall be appointed by the central government. There shall be a correspondence bureau under his authority. He shall deal with all the official correspondence of the liva and maintain all lists and records.

Article 33. Under the authority of the mutasarrif there shall be an *Idare meclis* (administrative council of the liva) composed of the judge of the kaza in which the kaymakam<sup>31</sup> resides, the local mufti, the spiritual representatives of the non-Moslem inhabitants, the muhasebeci, the head of correspondence and four additional permanent members: two Moslems

<sup>31</sup> This should read 'mutasarrif'.

and two non-Moslems. The president of the idare meclis is the mutasararif of the liva. In his absence he shall be replaced by a person appointed by the mutasararif.

Article 34. The administrative council is obliged to see to the promulgation of regulations on civil, financial and police affairs, on taxes, public works, cadastres and agricultural affairs. It shall not interfere with the affairs of the judiciary. The way in which the council shall conduct its deliberations and how its decisions are to be put into effect shall be laid down in a Special Decree (*nizamname*).

Article 35. In the kaza in which the seat of the sanjak government is situated there shall be a kaymakam. Legal disputes in these kazas shall be resolved in the courts (*meclis*) of the liva. The kaymakam is obliged to undertake the civil administration of the kaza and to assist the mutasararif in public affairs; he shall be called the mutasararif's assistant (*mutasararif muavini*).

Article 36. The commander of the police force in the sanjak shall be the mutasararif of the liva. He shall distribute and station this force throughout the kazas in accordance with orders received from the vali and he shall be authorised to move the police force from one kaza to another as needs arise. The chief police officer in the sanjak shall be the chief of police in [the capital of] the liva. He shall act (serve) in accordance with the decree on the police force and shall be under the command of the mutasararif of the liva.

## Chapter Two

### THE ADMINISTRATION OF JUSTICE IN THE LIVA

Article 37. Every liva shall have a kadi (judge). His duty is to attend court hearings and to pass judgement in disputes which come under the jurisdiction of the Sheriat court, with the exception of disputes which are resolved by civil law. The kadi of the sanjak shall be nominated and appointed (by the Sultan) on the recommendation of the Sheik-ul-Islam.

Article 38. In the capital of the liva there shall be a Civil Court of Appeal (*meclis-i temyiz-i hukuk ve cinayet*). This court resolves those criminal and legal disputes which, by law, the Civil Court of the kaza is unable to resolve and those cases where, after hearing the verdict of the Civil Court of the kaza, the disputing parties seek to appeal (in the High Court).

Article 39. The kadi shall preside over the Board of the Civil Court in the capital of the sanjak. The Board shall consist of six member jurors (*mumeyiz*): three Moslems and three non-Moslems. The method of their election shall be explained in Section Five. In the Board there shall

be one special official instructed in legal matters and appointed by the central government.

Article 40. The Civil Court is the competent authority for considering and resolving all disputes which shall be settled in accordance with Civil Law, with the exception of:

firstly, disputes in respect of the Moslem population, which must be resolved in the Sheriat courts; likewise, disputes in respect of the non-Moslem population which must be resolved by their religious authorities;

secondly, purely commercial matters which are resolved by the Commercial Courts.

Article 41. Cases which are heard and concluded in the Civil Court of the liva must be submitted to the mutasarrif in the form of a document (*mazbata*) bearing the official seal of the judge and jury. The mutasarrif shall carry out the verdicts within the limits of his jurisdiction, as determined by the Sublime Porte; those verdicts which do not fall within his jurisdiction he shall pass on to the vali for the latter's consideration.

Article 42. There shall be a Commercial Court in the liva which shall be formed in accordance with commercial law and shall perform its duties within the limits laid down in that law; it shall consist of a special president and several members.

### SECTION THREE

## ADMINISTRATION IN THE DISTRICT (KAZA)

### Chapter One

#### CIVIL ADMINISTRATION

Article 43. In every kaza (district) there shall be a kaymakam appointed by the central government to administer civil, financial and police affairs. His immediate superior shall be the mutasarrif of the liva. In addition to being obliged to carry out the orders of the central government and the directives of the vilayet and liva authorities, he is also obliged, within the framework of his acquired authority, to exercise control in the district (kaza).

Article 44. The financial affairs of the kaza, that is the collection of state revenue, its transfer to the capital of the liva and the settling of necessary debts of the kaza falls under the jurisdiction of the kaymakam.

Article 45. One, if necessary two, secretaries of the kaza shall be appointed for maintaining the accounts and conducting the official correspondence of the kaza.

Article 46. Three members of the idare meclis (administrative council), both Moslems and non-Moslems, shall be under the authority of the kaymakam of the kaza. They shall be elected in accordance with regulations explained in Section Five.

Article 47. There shall be an idare meclis (administrative council) under the authority of the kaymakam of the kaza. The members of the idare meclis shall be the kadi of the kaza in which the kaymakam resides, the town mufti, the spiritual elders of the non-Moslem population, the secretary of the kaza and three further members.<sup>32</sup> Its president shall be the kaymakam.

Article 48. The administrative council is obliged to see to the promulgation of regulations in respect of civil, financial and police affairs: the collection of taxes, public works, the cadastre and agriculture. It shall not interfere with the affairs of the judiciary. The method by which the council shall conduct its deliberations and how its decisions shall be put into effect, shall be laid down in a separate decree.

Article 49. The commander of the police force who happens to find himself in a kaza shall be the kaymakam of that kaza. He shall avail himself of this force in accordance with the directive which he receives from the mutasarrif of the liva and in a way laid down in the decree on the police force.

## Chapter Two

### THE ADMINISTRATION OF JUSTICE IN THE KAZA

Article 50. In every kaza (district) there shall be a kadi. He is the competent authority for resolving all disputes which fall within the jurisdiction of the Sheriat court, with the exception of disputes which are resolved on the basis of Civil Law. The Sultan nominates and appoints the kadi on the recommendation of the Sheik-ul-Islam.

Article 51. In the capital of every kaza there shall be a District Civil Court (*meclis-i deavi*). The court shall be presided over by the kadi of the kaza and shall be composed of three members, Moslems and non-Moslems, bearing the title of jurors (*mumeyiz*).<sup>33</sup> They shall be elected in accordance with the system laid down in Section Five.

Article 52. The court is obliged, within the framework of its jurisdiction, to hear and resolve disputes which are heard and resolved on the basis of Civil Law, as well as minor criminal offences and infringements of the law which fall within its jurisdiction. Exceptions to this are:

<sup>32</sup> In earlier texts four members were envisaged.

<sup>33</sup> Earlier four members, (two Moslems and two non-Moslems), had been envisaged.

1. those disputes involving the Moslem population which are resolved in the Sheriat courts and disputes involving the non-Moslem population which shall be resolved by their own religious authorities,
2. criminal cases which fall within the jurisdiction of the Criminal Boards,
3. purely commercial disputes which shall be resolved in the Commercial Courts.

Article 53. The kaymakam<sup>34</sup> must be informed, by means of a document (*mazbata*) bearing the official seal of the judge and jury, about disputes resolved in the District Civil Court. The kaymakam shall carry out their verdicts within the sphere of his jurisdiction and those which do not fall within his jurisdiction he shall pass on to the mutasarrif.

#### SECTION FOUR

#### ADMINISTRATION AT THE VILLAGE LEVEL

Article 54. In every village, for each religious group, there shall be two village headmen who shall be elected in accordance with the system laid down in Section Five. If the members of any one religious denomination have less than twenty houses in a village then they shall have one village headman.

Article 55. After their election village headmen shall report to the kaymakam of the kaza and shall be put under his command.

Article 56. In every village the headmen of each religious denomination shall be the executive agent of the authorities in the collection of revenue and in other matters. They shall be concerned with the public affairs of every village and of every section of the population.

Article 57. Under the authority of the village headmen there shall be individuals, bearing the titles of *bekçi* (guard), *korucu* (policeman) and others, who shall perform the duties of policing the village. They shall act in accordance with special decrees designed specifically for them.

Article 58. In every village and for each religious community there shall be an *ihdiyâr meclis* (Council of Elders) composed of at most ten and at least three members. The election of these members shall take place in accordance with the regulations laid down in Section Five. In every village the imams (priests) of the Moslem population and the spritual elders of the non-Moslem population shall be ex officio members of the village concil of their religious community.

Article 59. The village councils are obliged to ensure the correct apportionment of taxes payable by the separate religious communities,

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<sup>34</sup> The original reads "müdür" which is a repetition of an earlier mistake.

consult each other on questions of village cleanliness and the development of agriculture and, in the limits laid down by the law, resolve, by means of reconciliation, those petty disputes and disagreements which may be settled in such a way.

Article 60. If a decree concerns things generally connected with public affairs and agriculture in a village and if the village is composed of different religious communities, then the village councils of all the religious communities shall meet and consult amongst themselves in a spirit of common accord. If disputes, which are settled by reconciliation and which the village councils (*ihdiyâr meclis*) are authorised to settle, relate to members of different religious denominations, then at most ten and at least six members of the village councils to which the plaintiff or the defendant is answerable, shall meet and endeavour to settle the dispute. The Court of Reconciliation (*Meclis-i sulh*) shall be composed of an equal number of members on the basis of religious affiliation or, rather, on the basis of the religious denominations of the plaintiff and the defendant; that is, there shall be the same number of members of the religious denomination of the defendant as members of the court who happen to be members of the same religious group as that of the plaintiff. The most senior village headman shall always preside at the council of headmen.

Article 61. Directives, both on the affairs for which they are the executive arm of the authorities and on domestic affairs concerning the village, shall be sent to the village headmen. Members of the same religious denomination as the village headman shall guarantee the work of the village headman in respect of financial affairs.

Article 62. Village headmen and members of the village councils shall be elected for one year but are allowed to be re-elected for a longer period.<sup>35</sup> They shall be replaced if they fail to act in accordance with the directives of the authorities. They can also be replaced if the village council so demands.

## SECTION FIVE

### Chapter One

#### THE ELECTORAL SYSTEM IN VILLAGES

Article 63. Members of the same religious community in every village who are over 18 years of age, permanently resident in the village, citizens of the Ottoman state and who pay at least 50 Groschen annually

<sup>35</sup> This is repeated in Article 66. This and many other mistakes indicate that this text was based entirely on an earlier text of the decree and that not enough attention was paid to changes that were made in it.



in tax, shall convene an annual meeting in their village to elect their own village headmen and their own members of their village council.

Article 64. The village headmen and members of the village council may be men who are permanently resident in the village, who are citizens of the Ottoman state, who are at least 30 years of age and who pay at least 100 Groschen annually in tax.

Article 65. The names of the elected members and also the method by which the village headman and members of the *ihiyar meclis* were elected, must be submitted to the *kaymakam* of the district annually in the form of a document (*vereke*) bearing an official seal or the signatures (marks) of the new members.

Article 66. Although the village headman and members of the village council are elected for one year, they are allowed to be re-elected for a longer period. If a village headman has to be replaced for one of the reasons outlined in Article 62,<sup>36</sup> or if he dies and his post remains vacant, or if one of the members of the village council dies, then those inhabitants of the village who have the right to vote shall convene an extraordinary meeting at which, in accordance with the prescribed regulations, other people shall be elected in their place.

## Chapter Two

### THE ELECTORAL SYSTEM IN THE KAZA

Article 67. Every two years an electoral commission shall be formed in the *kaza* composed of the *kaymakam*, the *kadi*, the *mufti*, the spiritual elders of all the non-Moslem religious denominations and the secretary of the *kaza*. The commission shall nominate candidates both from amongst the inhabitants of the capital of the *kaza* and from amongst the inhabitants of the villages. These candidates should normally be paying at least 150 Groschen annually in tax, be citizens of the Ottoman state, be over the age of 30 and should preferably be literate.

Firstly, three times as many candidates shall be nominated for members [of the *idare meclis*] as are to be elected. As before, half shall be Moslems and half non-Moslems. If in the *kaza* in question there are a greater number of non-Moslem inhabitants then the candidates shall be divided between them. The first year nine<sup>37</sup> candidates shall be nominated and thereafter five every year.

Secondly, for the Board of Judges (*meclis-i deavi*), three times as many candidates shall be nominated as are to be elected. Half shall be Moslems and half non-Moslems. If, in the *kaza* in question, there are more

<sup>36</sup> The original reads, "there is an error in Article 66.," because this was the case with the old text.

non-Moslems, then the candidates shall be divided between them. The first year nine<sup>37</sup> shall be nominated and thereafter five<sup>38</sup> candidates annually.

Article 68. The names of people who are nominated in the way specified in the previous article shall be written at the top of the official list (*varak*) which shall have a set format; the personal details of the candidates shall be given in a supplement and below this there shall be the official seal of the kaza. It shall be sent to each village. When the list arrives in the village it shall be read aloud at a general assembly arranged by the village council and from amongst the nominees in the kaza twice the number of members [of the council] or jurors (*mumeyiz*) shall be elected; that is, out of nine<sup>37</sup> nominees six shall be elected.<sup>39</sup> When the results are written in below the personal details, an official seal shall be attached and the whole thing shall be sent to the kaza authorities.

Article 69. Besides this data, members of the electoral commission in the kaza shall compile and place their official seal on a document concerning the election of the candidates which shall be kept by the administrative authorities of the kaza. Similarly, a document explaining the method of election of the candidates shall be drawn up in the village, stamped with the official seal by members of the village councils and filed with the administrative authorities of the kaza.

Article 70. When the electoral lists arrive from the villages in the kaza capital they shall be examined by the secretary of the kaza in the presence of members of the electoral commission. A third of all the candidates of every religious denomination, those who received the least votes, shall be rejected. Since the remaining candidates who received the majority of votes and from among whom the authorities will have to make a choice, will comprise a number twice as big as that which the authorities shall ultimately elect, a special electoral list shall be drawn up for them and sent to the mutasarrif of the liva. Each village shall be considered as one vote. The candidate who obtains the vote of the most villages shall have a majority.

Article 71. When the district electoral lists arrive in the liva, the mutasarrif shall, from amongst the elected candidates in the district and according to the criteria of which candidate is suited to which work, determine the membership of the district administrative council and the jurors of the District Civil Court. On the occasion of the election and appointment of candidates, it is up to the mutasarrif to decide whether to turn to the administrative council of the liva for help or not.

Article 72. For all members of the district administrative councils and the jury of the District Civil Court, letters of authorisation

<sup>37</sup> In the earlier text this reads "twelve".

<sup>38</sup> In the earlier text this reads "six".

<sup>39</sup> In the earlier text this reads "five".

(*buyuruldus*) outlining their duties shall be sent to the kaymakams who shall hand them over to the new members.

### Chapter Three

#### THE ELECTORAL SYSTEM IN THE LIVA

Article 73. In all livas an electoral commission shall be formed, comprising the mutasarrif of the liva, the kadi, the muhasebeçi, the mufti located in the capital of the liva, the religious elders of the non-Moslem population and the secretary of the liva. For four members, two Moslems and two non-Moslems,<sup>40</sup> who shall be nominated in the liva, the commission must nominate three times as many candidates, both from amongst the population in the capital of the liva and from the kazas which are contained in the liva in question. Candidates for the Board of the Regional Civil Court shall also be nominated according to this rule. On the basis of the rule on elections for the kazas, the electoral lists are sent from the liva to the kazas where the district administrative council and the District Civil Court have their sessions and they elect candidates for membership of the liva administrative council and for the jury of the Regional Civil Court. Twice as many individuals shall be elected as shall ultimately be appointed. The names of the nominated candidates shall be entered on the electoral lists which all the electors shall stamp with their official seals and return to the liva.

Article 74. When the electoral lists come from the kazas to the administrative authorities in the liva, members of the electoral commission shall convene a meeting and they shall, with the help of the secretary, examine the district electoral lists and separate out the third of nominated candidates of every religious denomination who won the least number of votes in the kazas. Since the number of remaining candidates will be twice that which the authorities ultimately select, a special list (*mazbata*) shall be drawn up for them and sent to the vali. Each kaza is counted as one vote and the candidate who obtains the vote of most kazas has the majority.

Article 75. When the results of the elections in the kazas come to the capital of the vilayet, the vali shall, from amongst the elected individuals, appoint as members of the administrative council and civil court those whom he considers most suitable. When selecting and appointing the candidates the vali is not bound to turn to the central administrative council of the vilayet for help. On the contrary, it leaves this task to him.

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<sup>40</sup> The earlier text reads, "three Moslems and three non-Moslems".

Article 76. The valis shall each write a buyuruldu (letter of authorisation) explaining the duties of the elected and appointed members of the administrative council and of the jury of the Civil Court. These letters shall be sent to the mutasarrifs of the livas who shall pass them on to those newly appointed.

#### Chapter Four

#### THE ELECTORAL SYSTEM FOR THE CENTRAL ADMINISTRATIVE AUTHORITY OF THE VILAYET

Article 77. In the capital of the vilayet an electoral council shall be formed under the presidency of the vali and composed of ex officio members of the administrative council, the inspector of judges, (mufetiş-i hukam), the defterdar, the mektupçu, the state prosecutor, the mufti and judge (hakim) in the capital of the vilayet and the spiritual heads of the non-Moslem population. It shall elect, from the population of the capital of the vilayet, from towns which are the capitals of the livas and from the still smaller towns which are the capitals of the kazas<sup>41</sup> and from amongst individuals who are citizens of the Sublime Porte, who pay at least 500 Groschen annually as direct tax, who are law-abiding and literate people esteemed in the vilayet – (from these people the council shall elect) three times as many candidates as the number of members in the council and these names shall be sent to the livas. When the mazbatas of individuals elected in the livas arrive in the capital of the vilayet in accordance with the electoral system for members of the council and jurors in the liva and the kaza, the valis shall then send a list of the names of members of the vilayet council, selected by them in accordance with the established principles, to the Sublime Porte. Their selection shall be endorsed by the Grand Vizier.

Article 78. One month before the session of the general council of the vilayet, which according to the law is held annually in the capital of the vilayet, four members of each kaza shall meet in the capital of the liva and elect three delegates for the general council who are qualified to be members of this council. The delegates shall be elected from amongst the inhabitants of the capital of the liva as well as from the capitals of the kazas. They shall be sent to the capital of the liva on the order of the mutasarrif of the liva. The representatives of the kaza, who elect members to the general council, shall point out in advance to the elected members the requirements of the kazas which can be discussed at the general council and which concern the maintainance of roads and bridges, the

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<sup>41</sup> There is a mistake in the original which reads "liva".

development of trade and other things relevant to every kaza. It is in this way that these requirements are presented to the vali of the vilayet.

#### A SPECIAL ARTICLE

Half the members of the administrative council and the Board of Judges shall be replaced every two years. These members may be re-elected; the only condition is that elections are held for one half of the members. However, members of the general council of the vilayet who were elected the previous year may be re-elected, the condition being that elections are held for all members every year.

In articles 10, 11 and 12 it was laid down that there should be one administrative officer for foreign affairs, one for agriculture and one for public works. The aim of this, however, was to centralise the administration so that foreign affairs became the domain of the vali's chief aid, whereas the administration of agriculture and public works were combined; therefore, the person who happened to be the vali's chief aid would be responsible for foreign affairs but agriculture and public works would be administered by a separate official.<sup>42</sup>

#### Re z i m e

#### UREDBA O ORGANIZACIJI VILAJETA 1867. GODINE

Ovdje se objavljuje Uredba o organizaciji vilajeta u Osmanskom Carstvu koja je definitivno donesena 1867. godine.

Prva verzija Uredbe donesena je 1865. godine i prevedena na srpskohrvatski jezik u Bosanskom Vjestniku br. 4-10 od 28. aprila do 11. juna 1866. godine. Prva verzija uredbe zadržala je gotovo sve stručne nazive za određene službenike koji su vrijedili do organizacije sistema vilajeta u Carstvu. Uredba o organizaciji vilajeta iz 1867. godine je izvršila temeljite promjene u pogledu naziva, nadležnosti i institucija vlasti i vrijedila je za cijelo Carstvo kao jedinstvena uredba.

Značaj ove Uredbe je veoma velik za proučavanje organizacije vlasti u pokrajinama, jer je ova organizacija ostala do kraja osmanske vlasti u Bosni i Hercegovini, sa neznatnim izmjenama u pogledu nekih institucija.

<sup>42</sup> This article is in the original text of the decree.

Uredba je prilagođena našem savremenom jeziku pa i administrativnoj terminologiji i zvanično se objavljuje prvi put kod nas na srpsko-hrvatskom jeziku. Sama Uredba podijeljena je prema teritorijalnim i upravnim organima vlasti, pa tako počinje sa vilajetom, a završava se sa selom. Pošto se ovom uredbom uvodi obavezni izborni sistem za sve organe vlasti to je i način izbora definiran za svaki organ pojedinačno počev od vilajeta i vrhovne vlasti do seoskih muhtarata i seoskih vijeća. Ovom Uredbom organizacija vlasti je definitivno dobila modernu fizionomiju i raščistila sa svim klasičnim institucijama osmanskog feudalizma. Obrisu ove organizacije i danas se osjećaju u organizaciji vlasti u Republici Turskoj.

### S u m m a r y

#### THE DECREE ON THE ORGANISATION OF VILAYETS OF 1867.

The present paper contains *The Decree on the Organisation of Vilayets in the Ottoman Empire*, which was definitely passed in 1867.

The first version of the decree was passed in 1865 and, translated into Serbo-Croatian, appeared in *Bosanski Vjestnik*, Nos. 4–10, 28<sup>th</sup> April – 11<sup>th</sup> June 1866. The first version of the decree retained nearly all the titles of administrative officials which had been valid before the organisation of the vilayet system in the Empire. *The Decree on the Organisation of Vilayets* from 1867. brought radical changes with regard to the titles, competences and institutions of the authorities, and it was valid for the whole Empire.

The decree is of great importance for the study of administrative organisation in the provinces, because such organisation was retained in Bosnia and Herzegovina up to the end of the Ottoman Rule, with insignificant changes with regard to some institutions.

The decree is adapted to our contemporary language and administrative terminology, and this is its first official publishing in Serbo-Croatian. The decree itself is divided according to territorial and administrative organs of authority, so that it begins with the vilayet and concludes with the village. Since by this decree an obligatory electoral system for all organs of authority was introduced, the election procedure is defined for each organ separately, from vilayet and supreme authority to village headmen and village councils. By this decree the organisation of authority has definitively got modern physiognomy and cleared away all traditional institutions of Ottoman feudalism. The outlines of such organisation are today still visible in the organisation of authority in the Republic of Turkey.