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THE LAW ON THE STATE COUNCIL OF 1861 IN THE PRINCIPALITY OF SERBIA

Summary: The State Council was a governmental body with a highly dynamic history, whose powers and competences were constantly changing—expanding and contracting in accordance with political circumstances. Its origins can be traced back to the period of the First Serbian Uprising, yet it acquired the character of a formal state institution only with the Sretenje (Candlemas) Constitution of 1835. At that time, it became “the right hand of the Prince” and began to share legislative and executive authority with him. Later, the Council would play a decisive role in altering the course of history and even in the deposition of rulers. The contrast between these two phases of its power was aptly summarized by Slobodan Jovanović in his famous observation: “Under Karađorđević, the Council was everything, and the Prince nothing; under Mihailo, the opposite – the Prince was everything, and the Council nothing.” This decline from the pinnacle of state authority occurred through the constitutional reform of Prince Mihailo, enacted by the Law on the State Council. The key question arises: how did the Prince manage to strip such a powerful institution – one that had built its authority over decades – of all its influence, reducing its members to obedient bureaucrats and destroying its former prestige?

Keywords: State Council, Prince Mihailo, Principality of Serbia, constitutional law, constitutional order

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