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The emergence of bourgeois public administration in hungarian cities (1843-1867)

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The transformation of public administration was among the most important tasks after the Compromise of 1867. The legislators introduced measures for the establishment of the regional and local subsystems of the centrally subordinated state organisation. In terms of their antecedents, there was a significant difference between the organisation of municipalities before 1848 and in the dualistic era.

The rights of municipalities were fundamentally determined in their letters patent issued in the feudal period, which included their privileges, immunities and obligations. Municipal organisations prior to 1848 were characterised by the following: a) they participated in legislation by way of their envoys; b) by virtue of their local authority, they were the only entities entitled to enforce laws and governmental decrees within their territory; c) they administered their internal affairs themselves, by way of their own officials; d) they elected their own officials; e) they were entitled to make new statutes within their territories; f) they had their own, authenticated seal and archives, as well as their own treasury to cover the costs of public administration.

Before the acts of 1848, the envoys of the counties each had a vote in the national assembly (diet), while those of the free royal cities had a single combined vote. It was due to this significant superiority that the old counties were called „the guards and the bastions of the constitution”, since they were able to exercise, by way of their envoys, considerable influence over policymaking on the national level.¹ Municipalities „prior to 1848 were not so much the partners of the autonomous counties, but rather tools in the hands of the monarch²”.

Prior to 1848, free royal cities were directly under the supervision of the Council of Governor General, to which they submitted their minutes and their budget for approval. Municipalities were in a true state of guardianship, unlike counties.³ In addition, the supervision of the Hungarian Chamber was also exercised with respect to economic and especially financial measures.

¹ E. Nagy, *Magyarország közjoga (Államjog)* [Public law in Hungary (State law)]. Budapest 1907. p. 364; Z. FÓNAGY, *Modernizáció és polgárosodás. Magyarország története 1849-1914-ig* [Modernisation and bourgeois development. The history of Hungary between 1849 and 1914]. Debrecen, 2001. p. 75; F. Sik, *A vármegyei önkormányzat szerepe a dualizmus idején* [The rule of the county level government in the dualistic era]. In: A. Csizmadia, *Jogtörténeti tanulmányok II. A dualizmus korának állam- és jogtörténeti kérdései* [Studies in legal history II. Questions of state and legal history of the dualistic era]. Budapest, 1968. p. 139-150.

² A. Gergely, *Területi autonómiák – lokális önkormányzatok a XIX. századi Magyarországon* [Regional autonomies and local authorities in 19th-century Hungary]. In: Jenő Gergely (ed.): *Autonómiák Magyarországon 1848-1998* [Autonomies in Hungary 1848-1998]. Budapest, 2004. p. 45.

³ On the history of Debrecen in the Reform Age: G. Komoróczy, *A reformkori Debrecen* [Debrecen in the Reform Age]. Hajdú-Bihar Megyei Levéltár Közleményei, no. 6. Debrecen, 1974. p. 187-341.

The organisation of municipalities was characterised by the following. The most important corporate body was the council. The body of magistrates was in charge of tasks of public administration and justice; what is more, they elected the most important officials of the city, such as the chief justice, the mayor and the captain. The other corporate body was the „elected community”, the size of which was adjusted to the population, and which participated in the elections of officials and the administration of economic issues. They had to be consulted on all major financial and economic questions⁴. From among these two bodies, the council was the superior one.

There were also offices in this period for which they required professional qualifications. These offices included those of the town-clerk, the municipal attorney, chief engineer and the chief surgeon. The foundations on which specialised administration was to develop can already be observed at this time.

The power struggles between various bodies, as well as the deficiencies inherent in the regulations of public administration, resulted in a situation in which it would have been necessary to rationalise the organisation and procedures of cities as soon as possible. However, this was hindered by the dicasterial system. The reform of free royal cities seemed politically too risky. In addition, the leading layers of the municipal population was not keen on reform either. „To some extent they could have been justified in thinking that in the feudal diet the discussion of the municipal issues would take place ‘about them – without them’” which claim was supported by the fact that the free royal cities only had a single vote in the Lower House. It would have been necessary to reinterpret the relationship between the municipalities and the central government. The result of this was the continuation of the earlier legal practice, so much so that the municipal council as the most important corporate body survived also into the dualistic era. The definition of the scope of authority of certain municipal officials (mayor, town clerk) fundamentally relied on feudal elements.

In the reform age, an increasingly pressing problem was municipal reform, as a result of which in the 1843/44 session of the diet the issue was already raised in the form of a bill. The organisation of cities had to be regulated in such a way that they should receive protection against the „usurpation of power exercised by the counties⁵”. The proposed law was introduced by Móric Szentkirályi, and included the following important provisions: Municipal statutes would be submitted to the Council of Governor General. The bill provided a precise definition and the scope of municipal ordinances. This meant supervision with respect to cities⁷. A significant part of municipal citizens would have enjoyed civil rights. The bill also precisely defined the conditions of settlement in a city, as well as contained provisions on

⁴ J. Ruzsoly, *A szegedi népképviselői közgyűlés 1848-1871 [The representative assembly of Szeged 1848-1871]*. Szeged, 1984. p. 7. On the history of municipal government in the reform age. I. Kajtár, *A városigazgatás demokratizmusa Pécsen 1780-1848 [The democratic nature of municipal government in Pécs 1780-1848]*. In: László Sándor (ed.): *Tanulmányok Pécs város történetéből [Studies on the history of Pécs]*. Pécs, 1982. p. 105-111.

⁵ I. Kajtár, *A magyar városi önkormányzatok (1848-1918) [Hungarian municipal governments (1848-1918)]*. Budapest 1992. p. 35.

⁶ A. Csizmadia, *A magyar városi jog. Reformtörekvések a magyar városi közigazgatásban [Hungarian municipal law. Reformist endeavours in Hungarian municipal public administration]*, Kolozsvár, 1941. p. 135.

⁷ *Idem*, p. 142-145. Supervisory rights were also given to royal commissioners, whose function became important when in 1733 the municipal commission was formed within the Hungarian Chamber, which was in charge of controlling the financial management of the cities. The right of political supervision belonged to the Council of Governor General since 1723. Komoróczy, 1974. p. 251, Tamás Antal is also of a similar opinion. T. Antal, *A debreceni népképviselői közgyűlés (1848-1867). Az 1848. XXIII. tc. végrehajtása Debrecenben [The representative assembly of Debrecen 1848-1867. The enforcement of Act XXIII of 1848 in Debrecen]*. Acta Juridica et Politica Tomus LXVII. Fasc. 1. Szeged, 2005. p. 5.

aliens in the city. It defined the scope of authority of municipal bodies, in terms of criminal, private and administrative law⁸. The bill regulated the municipal assembly's scope of tasks in a wide sense. For the provisions of certain tasks, committees could have been set up. In the administration of municipal affairs, the bill intended to establish the institution of minor assemblies, which would have included municipal officials and representatives as well. It also intended to establish independent civil guards, as well as discontinue the institution of governmental commissioners by way of giving supervision to the Council of Governor General.

The Upper House did not support the bill due to the wide scope of civil rights it would have granted and due to the changes in the governmental supervision. For the granting of civil rights, they wanted to have a high rating on the basis of property, and they proposed that the institution of inspector general be introduced. The cities refused to accept that the government would have influence on the running of the cities. The efforts of free royal cities were aimed at freeing themselves from the guardianship of the government and to achieve the „living of Hungarian life within the frameworks of their own self-government“⁹. They wished to extend the scope of provisions adopted by the local authorities to be submitted for approval, which measures would have meant a limitation of the autonomy of the free royal cities.

The powers of the inspector general would have been similar to those of the municipal Lord Lieutenant, introduced in the dualistic era, since he would have chaired over the general assembly and the meetings for the re-election of officials, he would have had the authority to call to accounts negligent officials, as well as to retroactively examine the legality of elections.

Finally, due to the failure to achieve results by way of several rounds of messages sent back and forth between the two Houses, the bill was not submitted to the monarch for the royal assent. The most important difference of opinion between the two houses concerned the granting of the civil rights, the introduction of the institution of the inspector general, the approval of municipal ordinances and the regulations concerning the powers of cities. It was not only the Upper House that did not like the liberal-minded bill, but the government neither, since the cities were making every effort to free themselves from the supervision of the government¹⁰. The final regulation of the organisation of cities proved to be a failure, since the parliamentary envoys only got to the „threshold“ of the solution¹¹. No agreement was reached, because the cities were striving to break out from the dependency¹². The significance of the parliamentary debate was still very high, since they brought to the surface the problems concerning municipal structures, which foreshadowed the subsequent realisation that the status of free royal cities would have to be settled.

One can fully agree with the finding of István Kajtár that „in the regulation of municipal government by way of laws, legal solutions were influenced by very specific, power-related political considerations“¹³. In my opinion, this was also characteristic of the later parliamentary

⁸ Csizmadia, 1941. p. 143-146.

⁹ *Idem*, p. 153.

¹⁰ L. Komlósy, Envoy from Debrecen, submitted a petition signed by 3000 „Civis“ citizens against the emancipation of Jews. Csizmadia, 1941. p. 159-160. The members of the Upper House insisted by all means on the strong supervisory right of the government. I. Kajtár, *A burzsoá városigazgatás jogi rendjének kialakulása Európában és Magyarországon [The emergence of the legal system of bourgeois municipal government in Europe and in Hungary]*. In: Barna Mezey (ed.): *Jogtörténeti előadások I [Lectures of legal history]*. Budapest, 1990. p. 91. See also: I. Kajtár, *Szemere Bertalan és a városok reformja [Bertalan Szemere and municipal reform]*. In: József Ruszoly (ed.): *Szemere Bertalan és kora [Bertalan Szemere and his age]*. I. Miskolc, 1991. p. 192.

¹¹ J. Ruszoly, *A szegedi népképviselői közgyűlés 1848-1871 [The representative assembly of Szeged 1848-1871]*. Szeged, 1984. p. 8.

¹² I. Szabó, *Debrecen 1848-1849-ben [Debrecen in 1848-1849]*. Debrecen, 1928. p. 9.

¹³ Kajtár, 1992. p. 44.

debate of the bills concerning free royal cities as well, which manifested itself most prominently in connection with the act on public municipal authorities.

The most important corporate body of cities was the joint meeting of the senate and the grand council, called the general assembly (*generalis congregatio*). The corporate meeting of senators was the senate, or minor council, while the third forum was the grand council (*communitas* or *electa iurata communitas*). Of course, there were also officials in the cities, who were in charge of the enforcement. The fact should not be neglected that in this period public administration and justice were not separated, which means that course of justice were also operating in the free royal cities¹⁴.

At the next session of the national assembly summoned in Pozsony (1847), the issue of the reform of free royal cities was raised once again. The notion of introducing the practice of virilism was already raised here, which was only accepted by the legislators in 1870. An even more neuralgic point was the regulation of the issue of governmental supervision. Originally, the representatives wanted to pass a much more detailed bill, which included provisions on settling down, the regulation of the right of issuing municipal ordinances, the powers and classifications of cities, the granting of civil rights, the election and voting rights of representatives, regulations on municipal police and courts of justice, the procedures for the re-election of officials and for conducting the parliamentary elections, as well as settling the issue of the institute of the inspectorate general. Such a detailed bill, including as many as 170 articles, however, could not be discussed in the spring of 1848, and therefore shorter bill consisting of only 30 articles was created, which included provisions concerning the most important issues only¹⁵.

In place of the inspector general they wished to introduce the office of lord mayor. This office, however, would have largely been different in its name only, having very similar tasks and powers as in the bill of 1843. It would have been the right of the monarch to appoint the lord mayor over one or several cities, who would have been under the direct control of the Council of Governor General. The lord mayor would have supervised the system of municipal public authority, chaired the general assembly and the council, would have had authority to review the administrative practices of the various offices, as well as the right to appoint officials in the re-election process. The way the scope of powers of the lord mayor is settled shows very obvious similarities with the powers of the lord lieutenant, as set forth in the 1870 act on public administration. This is why we can say that the introduction of the office of municipal lord lieutenant in the dualistic era was not without antecedents, and in the implementation and regulation of this the relationship between the government and the cities played an extremely important role.

The laws of 1848 extended the exercise of political rights to all citizens. These laws had a major impact on the organisation and the legal relations of the municipal authorities, and caused important changes in them. This is particularly true in the light of the fact that in free royal cities the municipal and local authority rights were extended to the entire municipal population, without any differences. The work started by the Diet in the 1843/44 session could only be completed in 1848. In Act XXIII of 1848 they could not take over everything from the earlier bill, and several characteristic features of municipal life remained unchanged.¹⁶

¹⁴ Komoróczy, 1974 p. 197-226. On mayors of Szeged in the reform age, see: Vass, 1985, p. 531. Cf. J. Reizner, *Szeged története. A XVIII. század végétől az 1879. évi árvízig [The history of Szeged. From the end of the 18th century to the flood of 1879.]* Vol. II. Szeged, 1899, p. 81.

¹⁵ Csizmadia, 1941 p. 170.

¹⁶ I. Kajtár, *1848-1849 és a XIX. századi modernizációnk [1848-1949 and our 19th-century modernisation]*. Jogtudományi Közlöny, May 1999, p. 196.

Municipalities were placed in three groups on the basis of the size of their population: small, medium-sized and large cities¹⁷. The law also contained provisions on the re-election of officials, and determined the group of offices subject to election: the mayor, the chief justice, the captain-general, the lieutenant captain, the councillors, the town clerk, the municipal attorney, the keeper of the records, the land magistrates, the municipal accountant, the surgeon general and the municipal chief engineer. However, the law contained no provisions concerning the term of these officers' mandate, nor did it regulate the scope of the council's and the general assembly's powers. Neither did it contain provisions concerning the organisation of the body of representatives and the election of its members. The major advantage of this framework type of legislation over the municipal authorities act was that the organisation of cities were defined independently of the counties. We can agree with the conclusion drawn by Andor Csizmadia that Act XXIII of 1848 „did not lump cities together with counties, as later public administration acts do, as it recognised that cities and counties often have very functions¹⁸. Aurél Hencz also mentions as one of the most important advantage of the act that it did not mix the status of counties and cities, as did the later public administration acts (e.g. Act XLII of 1870). The rules of public administration of 1848 left the earlier territorial units of public administration in place, and the territorial divisions that came into being as a result of the traditions of public law remained in effect. The laws fundamentally settled the relationship between the cities, counties and the responsible government in a satisfactory way¹⁹. The new political situation precluded the earlier, feudal type of the operation of local authorities; it was necessary to adopt to the endeavours of the government: „accordingly, the political type of the feudal, privilege-based autonomies vanished in the smelt works of the bourgeois transformation, at the boundary of the new society²⁰”.

During the time of the revolution and the war of independence, parliament removed its seat to Debrecen, which determined the local municipal policy²¹. In accordance with the needs of the revolution, various committees were established. The greatest significance of Act XXIII of 1848 was that it based the organisation of cities on the principle of popular representation. In Debrecen the old general assembly soon gave its place over to the new body of representatives, which created the judicial and administrative councils, thus separating the areas of justice and public administration. They set up the office of the land magistrate, and then the elections were held²². The procedure that took place in Szeged was also similar. The council and the

¹⁷ B. Sarlós, *A közigazgatás polgári jellegéről [On the bourgeois nature of public administration]*. In: Ferenc Póloskel, György Ránki (eds.) *A magyarországi polgári államrendszerek [Bourgeois political systems in Hungary]*. Budapest, 1981. p. 276. Csizmadia, 1941. p. 170., A. Hencz, *Területrendezési törekvések Magyarországon. Az államigazgatási jogi szabályozás aspektusából [Efforts for settlement planning in Hungary. From the aspect of legal regulations of public administration]*. Budapest, 1973. p. 78.

¹⁸ Csizmadia, 1941. p. 171.

¹⁹ Hencz, 1973. p. 78-80.

²⁰ B. Mezey, *Államosítás és autonómia. Centralizáció és önkormányzatiság a XIX. század második felében. [Nationalisation and autonomy. Centralisation and local autonomy in the second half of the 19th century]*. In: Jenő, Gergely (ed.): *Autonómiák Magyarországon 1848-1998 [Autonomies in Hungary 1848-1998]*. Budapest, 2004. p. 13-14.

²¹ More on the organisation of the war of independence from Debrecen, the tasks of public administration and the operation of the national assembly: Szabó, 1948. p. 609.

²² *Idem*, 14-23. Tamás Antal provides a more detailed discussion of the re-election of the officers and the process of electing representatives in Debrecen. T. Antal, 2005. p. 14-22, T. Antal, *Debrecen szabad királyi város közgyűlése 1849-ben és 1861-ben. [Assembly of royal free borough of Szeged in 1849 and 1861]*. In: Radics, Kálmán (ed.): *A Hajdú-Bihar Megyei Levéltár Évkönyve [Yearbook of Hajdú-Bihar County Archives]* XXVII. Debrecen, p. 139-150., T. Antal, *A debreceni közigazgatás és a népképviselői közgyűlés 1848-ban. [Administration of Debrecen and representative assembly in 1848]*. In: K. Radics, (ed.) *A Hajdú-Bihar Megyei Levéltár Évkönyve [Yearbook of Hajdú-Bihar County Archives]* XXVI. Debrecen, p. 61-63.

general assembly were in charge of administering the city. The latter was called the body of representatives, because in addition to the officials, the majority of its members were persons elected on the basis of the principle of popular representation²³.

The introduction of the system of parliamentary government (Act III of 1848) necessitated the maintenance of municipal authorities. It has become necessary to bring these in harmony with the institution of the responsible government, which could only be realised in its entirety after the legislation of 1848 in Act XLII of 1870.²⁴

The enforcement of Act XXIII of 1848 raised several problems. This was only a framework type of legislation, which gave opportunities to the emergence of particularities²⁵. In the opinion of Béla Sarlós, the act was „of bourgeois nature in all of its provisions²⁶”. The significance of new laws in 1848 concerning local authorities was that they „created the foundations of a bourgeois public administration, and in the free royal cities as well as in towns of settled (organised) councils, they introduced an entirely bourgeois type of public administration²⁷”. According to István Kajtár, in 1848 it was only the foundations of modern municipal administration that were laid. He justified this statement by reference to the fact that the establishment of the system of bourgeois local government raised a host of practical and legal problems. The reform of the cities remained not only of „framework type”, but also incomplete. A lot of earlier, feudal institutions survived. In his opinion, „in 1848-49 we can only reckon with a bourgeois type of municipal administration that was under construction since with the mere declaration of the foundations and the outlining of the frameworks the clearly bourgeois legal system of municipal administration could not have taken a firm shape yet²⁸”. This conclusion is also supported by the fact that the municipal authorities act already contained detailed provisions concerning the organisation of cities, thereby filling in the gaps left in 1848.

The revolution prevented the legislators in 1848 to flesh out the individual provisions with detailed content. The act was hardly translated into practice at all, since after the fall of the war of independence, the new achievements of public administration were also swept away²⁹. The government commissioners, by way of limiting the rights of self government, also hindered the enforcement of this act³⁰.

The government commissioners were representatives of the central power, who supervised administration of cities with a certain regularity³¹. This institution was a layer between the government and the local authorities, which carried out its tasks in accordance

²³ Ruzsoly, 1984. p. 8-11, 14, 17-38., J. Ruzsoly, *A Város és polgára. Válogatott írások Szegedről. [The city and its citizen. Selected writings on Szeged]* Szeged, 1999. p. 7.

²⁴ More on the emergence of the bourgeois state organisation: A. Gergely, *Az 1848-as magyar polgári államszervezet [The bourgeois state organisation of 1848]*. In: Ferenc Pölöskei, György Ránki (eds.): *A magyarországi polgári államrendszerek [Bourgeois political systems in Hungary]* Budapest, 1981. p. 50-80.

²⁵ I. Gazdag, *Debreceni várospolitikai 1825-1848. Országgyűlési utasítások, tudósítások [Municipal policy in Debrecen 1825-1848. Decrees and reports from Parliament]*. Hajdú-Bihar Megyei Levéltár Közleményei, no. 20. Debrecen, 1989. p. 155-158.

²⁶ Sarlós, 1981. p. 276.

²⁷ Idem, 276. *Közigazgatás és hatalompolitika a dualizmus rendszerében [Public administration and power politics in the dualistic system]*. Budapest, 1976. p. 78.

²⁸ Kajtár, 1992. p. 53.

²⁹ A. Ciszmadia, S. Karcsay, *Magyarország közigazgatása [Public administration in Hungary]*. Budapest 1946. p. 25; I. Meznerics, L. Torday, *A magyar közigazgatás szervei 1867-1937 [The organs of Hungarian public administration]*. Budapest, 1937. p. 57-58.

³⁰ A. Gergely, 1981. p. 50-80.

³¹ Ruzsoly, 1984. p. 11.

with the objectives of the government³². The minister of the interior used this possibility because the question of providing superintendence was not properly regulated. Often a commissioner of regional scope of authority was subsequently given nationwide powers (e.g. Count Kázmér Batthyány)³³. The centralisation efforts of the government were manifested in the creation of the institute of government commissioners, whose chief task was to solve problems arising due to the deficiencies of the system of public administration. In the interest of the above, government commissioners were given broad powers.³⁴ As a result, the cities regarded the activities of government commissioners with quite a bit of resentment, similar to the later introduced lord-lieutenancy.

After the fall of the war of independence, the organisation of cities was regulated in a peculiar way, which was in line with the arrangements and purposes of neoabsolutism. The Hapsburg Empire aimed at creating a centralised system of public administration. With the advancing of Windischgrätz, royal commissioners appeared in the cities. They did not eliminate the earlier bodies of public administration, but did reorganise the way they operated. They counted on the support of the elite loyal to the dynasty. This system partly meant a step back from the provisions of Act XXIII of 1848, since they instituted appointment-based organs in place of elected bodies. This period was characterised by a large degree of centralisation and legal overregulation. The scope of powers of cities was significantly curtailed in comparison with earlier times, while the powers of the supervising authorities were broadened.

In Haynau's period of military rule, the country was placed under military administration with the system of civilian public administration abolished and the country divided into five military regions. In his ordinance, minister of the interior Bach urged the introduction of the statute of 1849, and he also wanted to effect several statutes to be issued for the most important cities. The provisional rules introduced in 1849 placed the free royal cities under the supervision of the lord-lieutenant, which meant a step back from the earlier system in the administration of cities. In his general order of 1850, Geringer established administrative regions with Pozsony (today's Bratislava), Kassa (Kosice), Sopron and Nagyvárad (Oradea) as their seats. On the top of the Hungarian public administration was the lieutenant-governor. The majority of free royal cities were governed by the county chiefs, while those listed above were under the supervision of the regional lord lieutenants.³⁵ The appointed official was responsible for mediating the will of the central administration toward several counties, as well as ensured that it was enforced. Its powers included the appointment and dismissal of municipal officials, exercising disciplinary rights, suspending unreliable officials, supervising the work of the officials in the district, promulgating the provisions of the government, as well as adopting decisions concerning complaints submitted against organs of public administration.³⁶ The regions were subdivided into counties, each of which was headed by a county chief. At the lowest level of public administration were the districts, with the district commissioners having the title of magistrates of administration³⁷.

³² S. Szócs, *Szemere Bertalan szerepe a kormánybiztosi intézmény megteremtésében (1848. április-szeptember) [The role of Bertalan Szemere in the establishment of the institution of government commissioners (April-September 1848)]*. In: József Ruzsoly (ed.): *Szemere Bertalan és kora [Bertalan Szemere and his age]*. I. Miskolc, 1991. p. 224.

³³ Kajtár, 1992. p. 51.

³⁴ Gergely A., 1981. p. 72.

³⁵ Kajtár, 1992. p. 56.

³⁶ J. Szita, *A közigazgatás tevékenysége és szervezete a neoabszolutizmus első felében (1849-1854) [The activity and the organisation of public administration in the first half of the neoabsolutist era]*. In: Barna Mezey (ed.): *Jogtörténeti előadások I [Lectures of legal history]*. Budapest, 1990. p. 115.

³⁷ O. Sashegyi, *A neoabszolutizmus rendszere 1849-1867 [The system of neoabsolutism 1849-1867]*. In: Ferenc Nádor, György Ránki (eds.): *A magyarországi polgári államrendszerek [Bourgeois political systems in Hungary]*. Budapest, 1981. p. 92.

Neoabsolutism by and large eliminated the foundations of the bourgeois public administration, still in its early state of development, but it should be noted that some of its elements were later utilised by the re-organising municipal administration. With the creation of financial administration, the development of specialised public administrative functions started. Separate rules applied to state officials. The body of civil servants was established on the basis of the Austrian model. Foreign administrative officials were brought to the country who were familiar with the new rules and were able to „think in the way of the empire”. The objective was to create a layer of administrative officials representing the Austrian way of thinking, in the interest of which they have defined new rules of qualification³⁸. A part of municipal administration became more specialised and more organised³⁹.

Geringer wanted to establish a committee whose task was to settle the status of cities. A provisional draft (Provisorische Instruction zur Regelung des Gemeinwesens in den königlichen Freistädten und in den übrigen Gemeinden mit geregelten Magistraten in Kronlande Ungarn) was prepared in 1851, and was entered into effect. They introduced the principle of virilism, which was aimed at protecting the interest of the wealthy layers. This change also remained in bourgeois system of public administration, and became an important factor in the formation of the general assembly⁴⁰.

Cities were divided into two groups. The first one included the five seats of the abovementioned regions, with all other cities in the second group. The seats were removed from the supervision of the district and county authorities and placed directly under the supervision of the regional lord lieutenant. Mayors were appointed to lead each city⁴¹.

The „resurrection” of Hungarian local authorities already started with the issuance of the October Diploma in 1860. The foundation was this was provided by the regulations of 1848, but due to the protraction of the process of the compromise the reform of the cities could not take place as quickly as would have been necessitated by the system of public administration.

During the provisional government of Schmerling, they once again created bodies consisting of appointed members, and placed the cities under the supervision of the Council of Governor General⁴². The provisional rules, restoring in effect the system of public administration of the 1850s, entered into effect on 5 November 1861. The significance of the acts of 1848 is also shown by the fact that Hungarian constitutionality was restored after 1861, which also included the modernisation of 1848. It was subsequently that the political negotiations started as a result of which the public law construct of the compromise was achieved⁴³.

In the neoabsolutist era, the city of Debrecen was deprived of most of its rights of self-government and government commissioners were appointed to run the city. The „Civis City” was made part of the Nagyvárad region, and then became a centre itself. With the exception of the council, which was placed under the control of the lord lieutenant, the corporate bodies of the city were abolished. The justice system and the financial management of the city were

³⁸ *Idem*, p. 94-95.

³⁹ Kajtár, 1990/a. p. 93.

⁴⁰ Sashegyi, 1981 p. 84. Hencz Aurél also discusses the introduction of raw virilism and its significance. *Idem*, 1973 p. 86. This regulation applied in all cities. Kajtár, 1990/a. p. 93.

⁴¹ Hencz, 1973. p. 86-87.

⁴² On the transformation of the counties in this period, see: I. Stipta, *Törekvések a vármegyék politikai átalakítására. Tervezetek, javaslatok, törvények [Efforts for the political transformation of counties: Drafts, proposals, laws]*. Budapest, 1995. p. 70-113.

⁴³ J. Galántai, *A dualista államrendszer kialakításának egyes kérdései [Certain issues of the formation of the dualistic system of government]*. In: Ferenc Póloskei, György Ránki (eds.): *A magyarországi polgári államrendszerek [Bourgeois political systems in Hungary]*. Budapest, 1981. p. 144.

reorganised⁴⁴. The city of Szeged was also made part of the Nagyvárad region, which was under the supervision of the chief commissioner. Some citizens of Szeged wanted their city also to receive privileges similar to those of Debrecen; however, their wish was not granted. The blueprint for the modernisation of public administration in Szeged was drawn up by Antal Gartner (clerk at the Council of Governor General), on the basis of which the organisational units of the council were created.⁴⁵ After 1861 it was also the general assembly and the council that provided for the most important tasks. The general assembly based on popular representation was abolished, and councillors received their position by way of appointment. Some free royal cities (including Szeged and Debrecen) created bye-laws (standing orders), the provisions of which were taken into consideration in the reorganisation efforts of 1872. This was the period when the cities attempted to counter the absolutistic control exercised over them. Legislation always paid attention to the existing political situation. These power relations were closely linked to the compromise of 1867. One could also observe the enforcement of certain power-related, political licenses.

The creation of the new public administration act was a pressing issue due to the framework nature of Act XXIII of 1848, as well as the state organisation of the compromise. The legislative provisions had to be drafted in such a way that the cities should not be able to use their licenses against the government. This requirement was realised by way of Act XLII of 1870, which meant a curtailment of the rights of local authorities. The cities, however, reinforced their role as constitutional defenders.

Prior to the Act of 1870 (on municipal administration) there were a few legal institutions that had an effect on the public administration of the dualistic era. The earlier system of public administration could not be ignored; in fact, the provisions laid down in the acts of 1848 served as the point of departure from which the reform of public administration and the process leading to the adoption of the municipal administration act could be started.

⁴⁴ J. Jr. Barta, *Debrecen az abszolútizmus korában (1849-1867)* [Debrecen in the Absolutist era]. In: *Gunst Péter (ed.): Debrecen története 1849-1919* [The history of Debrecen 1849-1919]. 3. Debrecen, 1997. p. 11-39.

⁴⁵ J. Ruzsoly, *Az önkényuralom korában (1849-1860)* [In the neoabsolutist era (1849-1860)]. In: *Endre Gaál (ed.): Szeged története 1849-1919* [The history of Szeged]. 3. 1. Szeged, 1991. p. 21.