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FACULTY OF LAW AND  
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CENTRUL EUROPEAN DE STUDII  
ȘI CERCETĂRI JURIDICE

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# The acquisition and loss of citizenship in feudal Hungary

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According to constitutional law the legal status of nobility could be acquired in an original or a derivative manner<sup>1</sup>. Ceremonious naturalisation was one of the original manners of acquisition, the one through which a foreigner could acquire Hungarian citizenship. The person who wanted to be naturalised had to render and prove outstanding services for the nation and the king. „Thus became the title of nobility the reward for the patriotic services of the fathers or the individual acquiring a title of nobility (*laurae virtus*), which can be acquired by any citizen if he excels in the interest of the fatherland and the king or the Hungarian Holy Crown<sup>2</sup>“. This constituted the moral and, at the same time, the legal basis of the acquisition of nobility, i.e. citizenship.

A question may arise as to the reason for which not every Hungarian was a nobleman and not everyone could be a citizen according to public law. Why could one Hungarian exercise more rights than the other? Why were certain persons excluded from the exercise of political power? According to the simplifying explanation of Werböczy, those became servants who failed to go to war.

Originally, naturalisation was a royal prerogative, but before making a decision the monarch had to consult with the council of the country.<sup>3</sup> During the period of the elected kings we can chiefly find statutory prohibitions, and, as a consequence, the first enacted rules of naturalization during the reign of the Habsburgs date from 1542, when the monarch, at the suggestion of the Diet, raised Márton (Musika) Laskai, castellan of the fortress of Esztergom, to nobility for his feats of arms through the granting of land.<sup>4</sup> Along with the Hungarian citizenship acquired through ceremonious naturalisation, those naturalised also acquired

<sup>1</sup> A. Balogh, *A magyar államjog alaptanai [The fundamental doctrines of Hungarian constitutional law]*. Franklin, Budapest, 1901. p. 74.

<sup>2</sup> C. Ferdinándy, *Magyarország közjoga (Alkotmányjog) [The public law of Hungary (Constitutional law)]*. Politzer és fia kiadása [Published by Politzer and son], Budapest, 1902. p. 205; Komjáthy, Anselm: *Magyar magán jogtan [Hungarian private law]*. Jelesb e nemű munkák után a legújabb törvényekhez, s curiai döntvényekhez alkalmazva [Based on the earlier works on this subject, applied to the latest acts and high court rulings]. Kiadás helyett [Instead of publication]: Emich Gusztáv tulajdona [property of Gusztáv Emich], Pest, 1846. p. 9-10.

<sup>3</sup> Articles 11 and 26 of the Golden Bull refers to this fact, which the monarchs kept ignoring. Ferdinándy, 1902, p. 230.

<sup>4</sup> A. Csizmadia, *A magyar állampolgársági jog fejlődése [The development of Hungarian citizenship law]*. Állam- és Közigazgatás [State and public administration], 1969. vol. XIX. no. 12. 1969. p. 1075. The statute of Bratislava concerning the naturalisation of Márton Laskai: 1542:50. tc. Besnyő, Károly (ed.): *A magyar állampolgárság (Megszerzése és elvesztése a gyakorlatban) [The Hungarian citizenship (Its acquisition and loss in practice)]*. Közgazdasági és Jogi Kiadó, Budapest, 1982. p. 25. Homoki-Nagy Mária held the same view. Homoki-Nagy, Mária: *A magyar magánjog történetének vázlata 1848-ig [The outlines of the history of Hungarian private law until 1848]*. JATE Press, Szeged, 2005. p. 16. M. Homoki-Nagy, *A rendi Magyarország magánjoga [The private law of feudal Hungary]*. In: Mezey, Barna (ed.): *Magyar jogtörténet [The history of Hungarian law]*. Osiris, Budapest, 2007. p. 91. Czövek also described this case. I. Czövek, *Magyar hazai polgári magános törvényről írt tanítások [Doctrines on Hungarian private law]*. Published by: Nemes Petrózai Trattnern János Tamás, Pest, 1822. p. 156.; G. Béli, *Magyar jogtörténet A tradicionális jog [The history of Hungarian law. Traditional law.]*. Dialóg Campus, Budapest-Pécs, 2000. p. 37. A. Csizmadia, (ed.): *Magyar állam- és jogtörténet. [The history of the Hungarian state and law]*. Tankönyvkiadó, Budapest, 1978. p. 242. On the other hand, according to Ferdinándy the first naturalisation was carried out at the Diet of Pest in the year 1299 in the case of Albertino Morosini, the uncle of the king. Ferdinándy, 1902. p. 230.

a right of attendance and voting in the Upper House of the Diet. However, it may also have happened that naturalisation in large numbers was approved by the Diet, which the estates of the realm protested against<sup>5</sup>. The aim of the estates of the realm was to achieve what the king did not admit anyone among the Hungarian nobility without their consent. On the other hand, the monarchs cited that naturalisation, i.e. the conferment of Hungarian titles of nobility, was a royal prerogative. The result of this process was that the king could only confer Hungarian titles of nobility with the consent of the estates, and when the Diet was not in session, he had to request the approval of his Hungarian councillors<sup>6</sup>. The naturalised persons were put under an obligation to take an oath, in which he had to promise that he would obey the laws of the country, „that he would protect the freedom of the country to the best of his abilities, would not do anything to the contrary, would not alienate any fortress or any part of the country but that he would endeavour to reconquer those already alienated”<sup>7</sup>.

The codification [of the rules of naturalisation] also did not reduce the danger of naturalisation only those loyal to the Court. In any case, the dominance of the Upper House increased compared to the House of the Estates of the Realm<sup>8</sup>. The nobility feared that by the more and more frequent ceremonious naturalisations „the royal power would break their rank with the help of the oligarchs and court aristocrats loyal to the king and play the latter against them”<sup>9</sup>.

Hungarian citizenship was conferred by the king, and an indispensable condition of that was that the Diet had to enact it. This way the legislative power controlled the acquisition of Hungarian citizenship. Traditionally this proceeding was defined as ceremonious naturalisation in the specialist literature<sup>10</sup>.

A diploma was always issued of the taking of the oath (*diploma indigenatus*). One had to pay a procedural fee for this, the amount of which was 2000 gold forints from the period of Maria Theresa (1741:41. tc. [Act 41 of 1741]). The Diet could in whole or in part grant an exemption from the payment of this *taxa* based on the merits of the person concerned. If it was not paid, the naturalisation became void.<sup>11</sup> The amount had to be paid off as an official

<sup>5</sup> Csizmadia, 1969. p. 1075. Naturalisation in large numbers mainly started after the reconquest of Buda. This is why the estates declared that the naturalised persons had to pay 1000 coined gold forints into the treasury. Balogh discussed the granting of the prerogatives included in the privileges. Balogh, 1901. p. 75, A. Timon, *Magyar alkotmány- és jogtörténet a nyugati államok jogfejlődésére [The history of the Hungarian constitution and law in view of the development of the law of Western countries]*. Révai és Salamon Könyvnyomdája, Budapest, 1902. p. 537.

<sup>6</sup> A. Csizmadia, (ed.): *Hajnóczy József közjogi-politikai munkái [The works of József Hajnóczy on public law and politics]*. Akadémiai Kiadó, Budapest, 1958. p. 124. Related laws: 1550:77. tc, 1630:30. tc, 1687:26. tc. and 1741:41. tc. According to Hajnóczy there were some acts (e.g. 1550:77. tc, 1630:30. tc, 1687:27. tc. and 1723:123-129. tc. [Act 77 of 1550, Act 30 of 1630, Act 27 of 1687, Acts 123-129 of 1723]) based on which through naturalisation foreigners „only” became Hungarians but could not acquire a status of nobility at the same time. Ibid. 1958. p. 124. Bónis, György: *Hajnóczy József [Hajnóczy József]*. Akadémiai Kiadó, Budapest, 1954. p. 268.

<sup>7</sup> Csizmadia, 1969. p. 1076.; E. Récsi, *Magyarország közjoga a mint 1848-ig s 1848-ban fenállott [The public law of Hungary up until and in 1848]*. Published by: Pfeifer Ferdinánd, Buda-Pest, 1861. p. 280; I. Korbuly, *Magyarország közjoga illetőleg a magyar államjog rendszere kapcsolatban az ország közigazgatási szervezetével [The public law of Hungary and the system of Hungarian state law in relation to the administrative organisation of the country]*. Az Eggenberger-féle Akad. Könyvkereskedés kiadása, Budapest, 1874. p. 224.

<sup>8</sup> The Diet adopted further preventive measures. (1723:55. tc, 1741:15. tc, 1715:23. tc. and 1723:64. tc.) Grünwald, Béla: *A régi Magyarország [Hungary of old]*. Franklin, Budapest, 1888. p. 408-409.

<sup>9</sup> A. Kaas, *Az alkotmányfejlődés tényezői [The factors of the development of the constitution]*. Magyar Királyi Egyetemi Nyomda, Budapest, 1926. p. 31, Besnyő, 1982. p. 26.

<sup>10</sup> I. Kiss, *Magyar közjog (Magyar államjog) [Hungarian public law (Hungarian state law)]*. Érsek-Lyceumi Könyvnyomda. Eger, 1886. p. 146, Csizmadia, 1958. p. 34.

<sup>11</sup> There was a duty different from the above-mentioned amounts determined for those from the clergy. The beneficiaries of the clergy of higher rank had to pay 1000 gold forints, whereas those of lower rank had to pay 200 gold forints (1741:17. tc. and 1827:37. tc. [Act 17 of 1741 and 37 of 1827]). Csizmadia, 1969. p. 1076, Balogh, 1901. p. 75, Kiss, 1886. p. 147, Récsi, 1861. p. 280-281, Korbuly, 1874. p. 246, Timon, 1902. p. 537.

fee.<sup>12</sup> The chancery issued a *diploma indigenatus*, which was entered in the book of the king (*liber regius*)<sup>13</sup>. The diploma made out this way had to be collected<sup>14</sup>.

This was the way the political rights and privileges of the nobility could be acquired. After this, the naturalised persons could take part in the governance of the country<sup>15</sup>. Naturalisation was the reward for one's services<sup>16</sup>.

Through naturalisation the foreigner gained a legal status in Hungary corresponding to that of his original rank. This meant that if originally he was a baron, a count or a prince, he could hold this title and enjoyed the rights concomitant with the acquisition of the *indigenatus* status, which could also include the membership in the Upper House<sup>17</sup>. Those naturalised of the lesser nobility (gentry) were mainly interested in the opportunity to hold public office<sup>18</sup>.

The enactment was also called „ratification”. This was indispensable to the acquisition of citizenship, which was the last phase of naturalisation<sup>19</sup>. The diploma did not only contain the text of the naturalisation but also confirmed the fact that the grantee paid the procedural fee into the royal treasury<sup>20</sup>.

The oath of allegiance had to be taken before the Diet or, when the latter not in session, this obligation had to be fulfilled in the chancery. The oath was taken in the frame of

<sup>12</sup> J. Czebe, *A magyar községi illetőségi jog és a magyar állampolgársági jog szabályai [The rules of the Hungarian municipal rights of citizenship and the Hungarian citizenship law]. (Tekintettel a kifejlesztett joggyakorlatra s kiegészítve az elszakított területeken érvényben lévő állampolgársági rendelkezésekkel [With a view to the established judicial practice, supplemented by the provisions on citizenship in force on the disannexed territories])* Grill Károly Könyvkiadóvállalata, Budapest, 1938. p. 7.

<sup>13</sup> I. Hajnik, *Az örökös főispánság a magyar alkotmánytörténetben. [Hereditary lord-lieutenancy in the history the Hungarian constitution]*. Published by: MTA Történettudományi Osztály [Hungarian Academy of Sciences, Department of History], Budapest, 1888. p. 5-6.

<sup>14</sup> Balogh, 1901. p. 75. Related laws: 1604:19. tc. and 1687:26. tc. Csizmadia, 1958. p. 34. Acsády mentions a diploma of naturalisation. Acsády, Sándor: *Magános magyar törvény kérdések- és feleletekben [Questions and answers of Hungarian private law]*. Kiadás helyett [Instead of publication]: The property of Kilian György, Pest, 1842. p. 13.

<sup>15</sup> F. Ferenczy, *Magyar állampolgársági jog [Hungarian citizenship law]*. Kner Izidor Könyvnyomató, Gyoma, 1930. p. 19, Balogh, 1901. p. 75, Kiss, 1886. p. 147. Acts: 1687:26. tc, 1741:17. and 41. tc. [Act 26 of 1687 and Acts 17 and 41 of 1741] Királyfi, Árpád: *A magyar állampolgárság kizárólagossága [The exclusivity of Hungarian citizenship]*. In: Angyal Pál et. al.: *Ünnepi dolgozatok Concha Győző egyetemi tanársága negyvenéves emlékére [Festive essays in memory of the forty years of professorship of Concha Győző]*. Franklin, Budapest, 1912. p. 176-255. p. 191, Csizmadia, 1958. p. 34.

<sup>16</sup> B. Ökrös, *Általános magyar polgári magánjog az 1848. évi törvényhozás és az országbírói tanácsok módosításai nyomán [General Hungarian private law based on the amendments of the 1848 Diet and the council of the chief justices]*. Published by Heckenast Gusztáv, Pest, 1863. p. 44.

<sup>17</sup> Balogh, 1901. p. 75. The membership of the Upper House was only granted to the person concerned if this right of his was explicitly stated in an act. Ferdinándy, 1902. p. 231, Kiss, 1886. p. 147, Csizmadia, 1958. p. 228. The following was explicitly indicated in the enactment: „with no right of attendance and voting at the Diet” or „with a right of attendance and voting at the Diet”. Kallós, Lajos: *A magyar polgári jog alapelvei vagy a magyarhoni polgári jogtudomány alapjait képező elvek és szabályok értelmezése és világosítása [The principles of Hungarian civil law or the interpretation and clarification of the principles and rules forming the basis of the civil jurisprudence of Hungary]*. Published by Telegdi K. Lajos, Debreczen, 1865. p. 53, Récsi, 1861. p. 281, Timon, 1902. p. 537-538. If any condition to naturalisation was not fulfilled, then the applicant could not enjoy the benefits concomitant of naturalisation. Homoki-Nagy, 2005. p. 17. Matzen presented the history of Indigenatrecht. According to him the Indigenatrecht was equivalent to Staatsangehörigkeit. Matzen, Henning: *Das Indigenatrecht im Wiener Frieden. Universitätsbuchdruckerei J. H. Schultz, Kopenhagen, 1906. p. 13, Heilfron, Edward: Lehrbuch des Staats- und Verwaltungsrechts. J. Bensheimer, Mannheim-Berlin-Leipzig, 1914. p. 10.*

<sup>18</sup> Besnyő, 1982. p. 26.

<sup>19</sup> Ferdinándy, 1902. p. 231, Timon, 1902. p. 537. Act 77 of 1550 dealt with the procedure related to the oath. Csizmadia, 1958. p. 254.

<sup>20</sup> Homoki-Nagy, 2005. p. 17.

an official ceremony<sup>21</sup>. The text of the oath was recorded word for word and the exact date and place of the ceremony was also indicated<sup>22</sup>. The oath was intended to ensure exclusive allegiance to the Hungarian state<sup>23</sup>.

According to Királyfi, the wording of the oath of allegiance was similar to certain parts of the royal oath, which he explained with the fact that the Hungarian king was also the monarch of other countries at the same time. A naturalised person could also hold another citizenship. This was the reason for the recording of the analogous part of the oath of allegiance<sup>24</sup>.

Gróf Károly Neffzer [Count Károly Neffzer] wished to prove his Hungarian citizenship with the king's letter of invitation. It was not clear when his ascendant was naturalised. The letter of ennoblement issued in 1715, only the name of János Jakab Neffzer and that of his brother, Farkas Konrád Neffzer was included. Consequently, it was established that once the ceremonious naturalisation concerned the other line of the family<sup>25</sup>. In the case of Gróf Erő Kinszky [Count Ernő Kinszky] the ministry proved the contrary<sup>26</sup>.

A Hungarian title of nobility could also be obtained through marriage. If a foreign woman married a noble man, in addition to Hungarian citizenship, she also acquired the status of his husband. This was referred to as shared nobility.<sup>27</sup>

A person could become a Hungarian citizen through ceremonious naturalisation and thereby he could exercise civil and political rights. Thereby he could become a member of the Hungarian Holy Crown (*Membrum sacrae Coronae*).<sup>28</sup>

There were different provisions in force in Transylvania as a result of the various regional customary laws of the area. The most important rules were contained in the so-called *Approbaták* (*Approbatæ* [the statute-book of Transylvania, promulgated in 1653]). Here naturalisation also had to be requested from the Diet. The taking of an oath and the enactment of the fact of naturalisation was also worded as a prerequisite. Initially, the amount of the fee for naturalisation was determined in 1000 gold forints. After he had fulfilled all the conditions listed, the citizen received a diploma of naturalisation from the prince of Transylvania<sup>29</sup>. In Transylvania, the enjoyment of the right of citizenship depended on the three nations (the Hungarian, the Saxon and the Székely [Hungarian of eastern Transylvania]) and the four accepted religions (the Roman Catholic, Greek Catholic, Calvinist, Lutheran and Unitarian religions)<sup>30</sup>. Within the citizens of Transylvania before 1848 Wenzel made a distinction between

<sup>21</sup> Kiss, 1886. p. 147. Récsi called this the „letter of clemency by the Royal Majesty”. Récsi, 1861. p. 280.

<sup>22</sup> Korbuly, 1874. p. 226. Csizmadia, 1958. p. 34.

<sup>23</sup> The oath ran as follows: „Teneantur juramentum praestare, quod regni legibus in omnibus parebunt, libertatesque ejusdem regni defendunt pro virili, neque contra eas quicquam admittent, nullas arces, nullamve regni partem a regno alienabunt, sed alienata etiam omni studio recuperaturi sint.” Királyfi: 1912. p. 191. Timon thought that the point of the oath of allegiance was that the applicant confirmed his allegiance to the Holy Crown. Timon, 1902. p. 537.

<sup>24</sup> Királyfi, 1912. p. 191-192.

<sup>25</sup> Magyar Országos Levéltár [National Archives of Hungary] (hereinafter: MOL) K 150. I. 10. 1884. 2558. number in the records (hereinafter: jksz.) 2558. base number (hereinafter: apsz.)

<sup>26</sup> The direct ascendant of Gróf Ernő Kinszky (Ferenc Nándor Kinszky) was naturalised by Act 124 of 1723. MOL K 150. I. 10. 1884. 80838. jksz. 69955. apsz.

<sup>27</sup> Béli, 2000. p. 38.

<sup>28</sup> Homoki-Nagy, 2005. p. 17.

<sup>29</sup> A p. III. r. 41. Reciprocity between Hungary and Transylvania in respect of citizenship was established by 1791:16. erd. tc. Csizmadia, 1969. p. 1077. The residents of Transylvania had equal citizens' rights without any distinction as to nationality, language or religion. Récsi, 1861. p. 285, Korbuly, 1874. p. 222. Acts related to the naturalisations in Transylvania: 1847:22-29. erd. tc, 1792:3. tc, 1791:2, 62. erd. tc, 1753/55:5. erd. tc, 1752:2. erd. tc, 1751:6. tc, 1748:1. erd. tc.

<sup>30</sup> Récsi, 1861. p. 284. Csizmadia also confirmed that there had been special rules concerning naturalisation in Transylvania, which were appropriately enforced. Csizmadia. 1962. p. 73.

those „from the Union of the three nations” and those „not from the Union of the three nations”<sup>31</sup>.

The person who was naturalised in a ceremonious form could, in addition to his Hungarian citizenship, also retain his original citizenship and was not obliged to settle down in Hungary<sup>32</sup>. The cause for the application for naturalisation was often the fact that the new *indigena* wished to obtain titular possessions in our country. In most cases, the king's aim was to ensure the majority of aristocrats loyal to the monarch in the Upper House<sup>33</sup>.

It was a different issue if the foreigner only wanted to settle down in the country. For such cases there was no traceable statutory regulation. Settling down did not fall under the control of the legislative power and could be carried out without any great difficulties. Its rules were established by the regional customary laws.

There were two kinds of implicit naturalisation. The one was the case when a foreign woman married a Hungarian man and, as a result, acquired the status of her husband, which she could also retain in the event she became a widow<sup>34</sup>. The other type was defined by István Kiss as „common simple naturalisation,” by which he understood the citizenship acquired through settling down. The other kind of naturalisation, which could be acquired through actual settling down, was called implicit or common naturalisation<sup>35</sup>.

The not noble citizens were also the residents of the country but did not take part in the exercise of state power. This did not apply to the clergy and the bourgeoisie. They had no political rights but they were clearly distinguished from foreigners, as they enjoyed several rights that were not ensured for foreigners. „Each not noble individual who was living on Hungarian soil as permanently settled was a citizen”<sup>36</sup>. The person who acquired citizenship in this manner became a Hungarian citizen, but did not acquire a title<sup>37</sup>.

The rules of admission among the citizens were not determined by an act but by local regulations, the so-called *statutes*<sup>38</sup>. Act. 13 (before the coronation) of 1608 constituted an exception, as it provided that Hungarians born in free cities or privileged market-towns could buy a house and enjoy the same privileges and freedom as citizens. This act did not deal with the acquisition of citizenship; therefore the conditions that were required for the obtainment of citizenship could only be determined generally<sup>39</sup>. The person in question had to prove his good behaviour in the past and his legitimate birth. There were cities where one had to prove the marriage (e.g. Kassa or Kolozsvár), whereas elsewhere one had to prove that one was the member of a guild or that one had real property. It was impossible to lay down uniform conditions, which was the consequence of the existence of regional customary laws. There were some cities that did not allow the nobles to acquire civil rights (e.g. Kassa or Göncz). They could also limit the Jews' acquiring citizenship (e.g.: Sopron or Székesfehérvár)<sup>40</sup>. One's profession

<sup>31</sup> G. Wenzel, *A magyar magánjog rendszere [The system of Hungarian private law]*. Vol. 1. Nyomtatott a Magyar Királyi Egyetemi Könyvnyomdájában, Budapest, 1879. p. 156.

<sup>32</sup> Balogh, 1901. p. 75.

<sup>33</sup> Ferdinándy, 1902. p. 231, Kiss, 1886. p. 147-148, Récsi, 1861. p. 281.

<sup>34</sup> Kiss, 1886. p. 148, Korbuly, 1874, p. 222.

<sup>35</sup> Kiss, 1886. p. 148, Királyfi, 1912, p. 191, Récsi, 1861. p. 281.

<sup>36</sup> Ferenczy, 1930. p. 20.

<sup>37</sup> Balogh, 1901. p. 75. This meant that they were ranked among the free residents of the country (e.g. the villeins). Kiss, 1886. p. 147.

<sup>38</sup> Csizmadia, 1958. p. 34.

<sup>39</sup> 1608. k. e. 13. tc. Csizmadia, 1969. p. 1077.

<sup>40</sup> Csizmadia, 1969. p. 1077. Before 1867 the Jews were not regarded as citizens. Ferdinándy, 1902. p. 232, Récsi, 1861. p. 279. Herczegh differentiated between citizens and residents (*accolae*). Herczegh, Mihály: *Magyar jogtörténet kapcsolatosan az európai jogtörténettel [The history of Hungarian law in relation to the history of European law]*. Politzer Zsigmond és fia kiadása [Published by Politzer Zsigmond and son], Budapest, 1902. p. 170.

could also be an obstacle to the acquisition of citizenship. In mining towns goldsmiths could only obtain citizenship with a royal permission. Naturalisation could also be affected by religion. The principle *nemo potest insimul duas habere patrias* was generally observed and meant that a person who retained his former citizenship could not acquire the citizenship of a city. The practice that only such persons were naturalised who could support themselves was established by the 18<sup>th</sup> century<sup>41</sup>. Uneducated persons could also be debarred from this right in certain cities (e.g. Kassa). It was essential that the person in question had legal capacity. Contrary to the above, Czebe summarised the conditions of implicit naturalisation in general. A citizen of a city could be a person who was engaged in a trade, contributed to the rates and taxes and was living in the city for ten years continuously<sup>42</sup>.

The intention to settle down could, *inter alia*, be expressed in the following manners: if a foreign woman married a Hungarian man or if a foreign person submitted himself to the power of a landlord. With the exception of mining functions, public offices could only be held by Hungarian citizens.<sup>43</sup> Those settled down were also expected to contribute to the rates and taxes.

The so-called regional (collective) nobilities (the Székelys, Heyducks, lazyges and Cumar etc.) and the inhabitants having the rights of citizen of the royal free cities also came under this category, „and the latter guarded jealously their privileges in the same way as the former and formed a similarly closed community“<sup>44</sup>. The freemen (*cezuálisták*), who were the citizens of the cities and villages under the authority of landlords, had to be included in this category, as well as copy-holders, villeins and servants.<sup>45</sup>

One method of binding villeins to the soil was settlement, which served the interests of the landlord. In the case of villeins this was the equivalent of settling down<sup>46</sup>. The naturalisation of villeins were also not regulated in any acts<sup>47</sup>.

All implicitly naturalised persons had to fulfil the obligations accompanying the acquisition of Hungarian citizenship in this form. After naturalisation the person naturalised was considered a Hungarian subject but he did not become part of the political nation, i.e. did not become a member of the Holy Crown<sup>48</sup>.

In the case of villeins, the obtainment of citizenship was not subject to any predetermined condition. In practice its condition was an oral or written agreement concluded with the landlord and the actual settling down of the villein. The settlement of villeins in large numbers was the most significant in the period after the Ottoman occupation of Hungary.<sup>49</sup> The Court of Vienna also encouraged these settlements, which contributed to the changes in the relations between the nationalities. Those settling down in Hungary in large numbers could acquire Hungarian citizenship in the same way as anyone else<sup>50</sup>.

<sup>41</sup> Act 12 of 1729 declared that vagabonds could not be accepted to the „circle of citizens“, among the citizens of a city (ne vagabundi ad concivilitatem recipiantur). Csizmadia, 1969. p. 1077, Besnyő, 1982. p. 26-27.

<sup>42</sup> Czebe, 1930. p. 7.

<sup>43</sup> Ferdinándy, 1902. p. 232, Kiss, 1886. p. 144.

<sup>44</sup> Ferenczy, 1930. p. 20.

<sup>45</sup> Ferdinándy, 1902. p. 232.

<sup>46</sup> Besnyő, 1982. p. 27.

<sup>47</sup> Csizmadia, 1958. p. 34.

<sup>48</sup> Ferdinándy, 1902. p. 232.

<sup>49</sup> Csizmadia Andor quotes by way of example the settlement of Swabians in Károlyi Sándor's estate in Szatmár county. Csizmadia, 1969. p. 1078. Similar processes took place in the area of the Temesi Bánság at the beginning of the 18th century. Szentkláray, Jenő: Mercy Claudius Florimund kormányzata a Temesi bánságban [The government of Mercy Claudius Florimund in the Temesi bánság]. Athenaeum, Budapest, 1909. p. 49.

<sup>50</sup> Csizmadia, 1969. p. 1078.