



УНИВЕРЗИТЕТ У НОВОМ САДУ
ПРАВНИ ФАКУЛТЕТ У НОВОМ САДУ



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ÁLLAM- ÉS JOGTUDOMÁNYI KAR

**Хармонизација српског и мађарског права са правом
Европске уније**

**A szerb és a magyar jog harmonizációja az
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**Harmonisation of Serbian and Hungarian Law
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Executive Organs in Hungarian Cities in the First Decades of the 20th Century

Abstract: *The author presents the most important executive organs of the historical cities of municipal rank in Hungary: the council and its specialised departments, the mayor, the city clerk, the police court magistrate and the prefect as the delegate of the state government. One can read details on the scope of authority of the administrative organs mentioned based on a regional research: according to the institutions of the operational rules of the municipalities of Subotica, Szeged and Hódmezővásárhely at the end of the First World War.*

Keywords: *Public administration; legal history; Hungary; city mayor; city council; prefect.*

Introduction

The executive organs of cities of municipal rank were the council, the mayor and several clerks in Hungary in the first half of the 20th century according to the customs of past centuries. The legal regulation based on the acts of 1870 and 1886 on municipalities (XLII of 1870, XXI of 1886) also on the reforms of Act XXX of 1929 and local statutes of the cities under discussion here. The main features and the special literature have been summarised by the author in previous studies.¹ The findings of the present article are collected from the historical data of Szeged, Subotica (Sabadka) and Hódmezővásárhely – significant cities of municipal rank in the region.²

¹ Tamás ANTAL: *Reforms of the Municipal Public Administration in Hungary between the World Wars*. In: *Harmonisation of Serbian and Hungarian Law with the European Union Law / A szerb és a magyar jog harmonizációja az Európai Unió jogával*. Volume 1, Editor in chief: Dr. Ranko Keča. Novi Sad, 2013, pp. 617–627; Tamás ANTAL: *Municipal Boards as Historical General Assemblies for Local Representation in Hungary (1919–1939)*. In: *Harmonisation of Serbian and Hungarian Law with the European Union Law / A szerb és a magyar jog harmonizációja az Európai Unió jogával*. Volume 3, Editor in chief: Dr. Ranko Keča. Novi Sad, 2015, pp. 527–536.

² ANTAL Tamás: *Hódmezővásárhely törvényhatósága (1919–1944). Fejezetek a magyar városigazgatás történetéből* [Municipality of Hódmezővásárhely: Chapters from the History of

1. The city council and the departments

The city council (*városi tanács*) was the main executive organ of the city municipality both on behalf of state administration and the local government, and at the same time an independent administrative authority in all the matters which were referred into its scope of authority by acts or ordinances, and which were not reserved either for the general assembly or for any other authority.

According to the resolutions of the general assembly, it led and managed the city's economic matters, managed the city's assets and income and its records, saw to the proper handling of the funds and financial reserves under the supervision of the municipality and prepared certain matters for discussion by the general assembly (*közgyűlés*). Its key tasks included admission to and dismissal from the official list of citizens of the city, keeping record of schoolable persons, the control of the associations in the territory of the municipality,³ and first instance official cases of agriculture and rural policing. It proceeded on second instance in compensation cases of servants, hospitals, misdemeanor, industry and animal health. It issued various official certificates, dealt with the poor, was responsible for maintaining the roads, for organizing censuses, for any work and transport to be performed for the city. It was also responsible for not exceeding the budget; it had to manage in a manner which constantly ensured the liquidity of the municipality.

The chairman of the council was the prefect (*főispán*) or the mayor (*polgármester*) in case the prefect was prevented from attending, and in purely local matters to be submitted to the general assembly. Regular meetings were usually held ones or two times a week; for instance in Hódmezővásárhely on every Wednesday and Saturday. In addition to the already mentioned, its members were the city clerk (*főjegyző*), the chief police commissioner (*rendőrőrkapitány*) until 1921, the chief official legal counsel (*tiszti főügyész*) and the councillors (*tanácsnokok*).

From 1886, the council performed its duties by means of a rapporteur system.⁴ Meritorious matters not reserved for other authorities, matters concerning municipal assets and management, the preparation of matters to be submitted to the general assembly and matters requiring agreement on principle were dealt with

Hungarian City Administration] = Dél-alföldi évszázadok 27. Szeged, 2010; RUSZOLY József: *Szeged szabad királyi város törvényhatósága, 1872–1944* [Municipality of Szeged Free Royal City] = Tanulmányok Csongrád megye történetéből XXXV. Szeged, 2004; MAGYAR László: *A városi-gazgatás évszázadai* [Centuries of the Public Administration in Town]. In: Szabadka (1428–1918), Ed.: MAGYAR László, SZABÓ József. = Bácsország könyvek 1. Szabadka, 1996, pp. 65–106, 117–132.

³ A m. kir. belügyministernek 1873. ápr. 29-én 1394. sz. a. kelt [...] rendelete az egyesületek ellenőrzése tárgyában. [Minister of the Interior Decree No. 1394 of 29 April 1873 (...) on the Control of associations] In: Magyarországi Rendeletek Tára [Official Collection of Hungarian Regulations] =MRT 1873. Budapest, 1873, pp. 131–134.

⁴ RUSZOLY 2004, pp. 67–68; KRUSZLICH István Gábor: *Várospolitikai, közigazgatás*. [City Policy, Public Administration] In: Hódmezővásárhely története II, Part 1, Editor-in-chief: SZABÓ Ferenc. Hódmezővásárhely, 1993, p. 391.

at *council meetings*. In minor matters not needing a decision on the merits, the competent council member proceeded on behalf of the council, in concert with the mayor, *outside a council meeting*. First the rapporteur's opinion was heard, then a majority decision was made. The council resolutions could be appealed against to the administrative committee or the general assembly, or possibly to the competent minister, depending on the subject. The council was assisted in its work by the city clerk's office, particularly by the city clerk and the second city clerks.

Various *departments (ügyosztályok)*, headed by the councillors, were responsible for preparing the matters which were referred into the council's scope of authority and had to be arranged by discussion, and also for administering matters outside the council meeting. These were the following ones in the council of *Hódmezővásárhely* at the end of World War I: 1. Domestic, economic and public construction dep.; 2. Financial and remuneration dep.; 3. Engineering and construction dep.; 4. Legal dep.; 5. Public education dep.; 6. Military and public charity dep.; 7. Tax dep.; and 8. Policing department.⁵ At the same time the structure in *Szeged* was as it follows: 1. Economic dep.; 2. Policing dep.; 3. Financial and statistical dep.; 4. Public education dep.; 5. Military and construction dep.; and 6. Tax department.⁶ Analogous units of *Subotica* were: 1. Military dep.; 2. Education and public welfare dep.; 3. Public law and administration dep.; 4. Private law dep.; 5. Economic dep.; 6. Financial dep.; 7. City controller's office; 8. City cashier's office; 9. Tax dep.; 10. Policing and public health dep.; and 11. Engineering department.⁷

The city council as a corporate body was abolished by Act XXX of 1929, in consequence of which an institution dating back to hundreds of years in the history of Hungarian cities disappeared.⁸ Its duties were taken over by the *mayor as a personal authority*. Thereafter the departments worked as part of his office – essentially in an unchanged structure.

2. Two traditional organs: the mayor and the city clerk

The *mayor (polgármester)* was the number one elected official of the city municipality. He was elected by the general assembly of the municipal board with

⁵ ANTAL 2010, pp. 78–81; MAKÓ Imre: *Hódmezővásárhely város levéltára 1691–1950*. [The Archives of the City of Hódmezővásárhely] = A Csongrád Megyei Levéltár kiadványai. Segédletek IV, Szeged, 1994, pp. 100–104.

⁶ RUSZOLY 2004, pp. 69–74.

⁷ MAGYAR 1996, pp. 97–98.

⁸ For the antecedents see BLAZOVICH László: *Városok az Alföldön a 14–16. században*. [Cities in the Great Plain in the 14th–16th Century] = Dél-alföldi évszázadok 17. Szeged, 2002, pp. 117–144. Cf.: *Közigazgatási és egyéb hatalmi szervek*. [Administrative and Other Organs of Power] In: Szeged története 4, Ed.: SERFÖZŐ Lajos. The chapter was written by FÖLDVÁRINÉ KOCSIS Luca. Szeged, 1994, pp. 278–289.

a secret ballot for six, from 1929 for ten years.⁹ His equivalent in the county municipalities was the sub-prefect (*alispán*).

In his scope of authority, he executed government regulations, enforced the prefect's instructions, signed the documents issued on behalf of the municipality, gave orders to the city officials and the supporting personnel, could apply disciplinary penalty and take supervisory measures. He made a detailed quarterly report about the state of the municipality and his own activity to the prefect and the municipal board, he arranged for the exact preparation of the general assembly through the council (and that of the petit assembly after 1929). In case the prefect was prevented from attending, he presided over the general assembly of the municipal board, as well as the administrative committee, the reviewing committee and – with the exception of the appointing committee – all the committees which were normally chaired by the prefect. He was the chairman of the central committee¹⁰ and the epidemic committee¹¹ in his own right. He received the decrees, reports, letters and petitions addressed to the public, the administrative committee and the council. He had to hold an inspection in every branch of administration and in the funds at least twice a year. He attended to the requests for citizenship.¹² The mayor determined the work schedule in specialized offices (*ügyosztályok*) and assigned the councillors to each department. He supervised the correct implementation of public health rules in the entire territory of the municipality. He checked tax registration and was also responsible for fishing¹³ and hunting¹⁴ matters, public roads and duties,¹⁵ and the possible ordering out of armed forces. In addition, he controlled the filing and issuing offices.

From 1929, in his absence or in case he was prevented from acting, his powers were exercised by the permanent *deputy mayor*, who was elected by the municipal board from among the city clerk and the councillors.

About the important duty of the executive organs Károly Biró, mayor of Subotica, said the following words after his re-election by the municipal board in

⁹ See for instance: ANTAL 2010, pp. 44, 87–88; HALÁSZ Tibor: *Szabadka 1916-ban a közgyűlési jegyzőkönyvek tükrében*. [Subotica in 1916 by the Minutes of Its General Assembly] In: *Ex Pannonia*, Vol. 20, Subotica, 2016, pp. 13–28, especially: pp. 21–23.

¹⁰ Articles 7–12, 22–25 of Act V of 1848 and Article 18 of Act XXXIII of 1874 on the Amendment and Supplement of the Act V of 1848 and Transylvanian Act II of 1848. The latter acts and decrees on parliamentary elections also regulated the legal status of the central committee.

¹¹ Article 164 of Act XIV of 1876 on Public Health.

¹² A m. kir. belügyminiszternek 584. sz. a [...] intézett körrendelete a magyar állampolgárság megszerzéséről és elvesztéséről szóló 1879. évi L. t.-cikk végrehajtása tárgyában. [Minister of the Interior Circular No. 584 (...) on the implementation of Act L of 1879 on Acquiring and Losing Citizenship] MRT 1880. Budapest, 1880, pp. 3–11.; VARGA Norbert: *A magyar állampolgársági jog a 19. században* [Hungarian Citizenship Law in the 19th Century]. /Értekezések a jogtudomány köréből/ Budapest, 2012, pp. 157–160, 204–208.

¹³ Act XIX of 1888 on Fishing.

¹⁴ Act XXIII of 1883 on Weapon Tax and Hunting Tax.

¹⁵ Act I of 1890 on Public Roads and Public Duties.

October 1916: “every clerk, especially an administrative clerk, has the task and duty at first to help people needing assistance to answer their everyday problems and to furnish information and give directions to ordinary citizens not being able to know their way around the host of acts and regulations if they require help – with tolerance and appreciation.”¹⁶

The *city clerk* (*városi főjegyző*) was also one of the elected officials of the municipality. Besides his duties ensuing from council membership, he also prepared the biannual reports on the activities of the administrative committee, and in case the mayor was prevented from attending, he was the rapporteur of matters belonging to the scope of authority of municipal administration in the administrative committee. He supervised the proper keeping of the filing, indexing and registering books and also the office order, work according to the rule, the proper execution of office copying and deliveries in the *city clerk's office* and in his own department as well as the council's (later mayor's) cabinet. He also exercised supervision over the *publishing office* (*kiadó hivatal*). He kept a register about the committees delegated by the general assembly and made a report on them to the mayor.

He also participated in the general assembly meetings, he signed the resolutions made there and the minutes, he saw to addressing the latter ones to the Minister of the Interior. Similarly, the city clerk was responsible for the minutes of the confirming and reviewing committees, the administrative committee, the interim specialized committees and the several delegations. An important task of his was to formulate the resolutions of the main organs of the municipality, the memoranda and the petitions, and also to prepare the documents to be issued on behalf of the city's municipality. The city clerk kept a record of the effective municipal decisions and ordinances, including the rules of organization and operation. If he was also elected deputy mayor before 1929, he had the right to substitute the number one official of the city. The mayor could assign certain matters or matter types to the city clerk on account of the greater number of matters in his competence.

The 1929 reforms did not affect the earlier provisions concerning the city clerk for the most part, consequently the provisions of the 1886 Act on Municipalities were essentially maintained, with the integration of the city clerk's office into the mayor's cabinet because of the abolishment of the city council.¹⁷

3. The government's commissary: the prefect

The prefect (*főispán*) was the local (regional) representative of the national executive power; this activity in the counties can essentially be traced from the time of the foundation of the state. However, in the administrative system of the bourgeois era – despite all the protests – a similar one-person organ was organized

¹⁶ HALÁSZ 2016, p. 23.

¹⁷ Article 69 of Act XXI of 1886 on Municipalities; Article 44 of Act XXX of 1929 on the Reorganization of Public Administration.

in the cities of municipal rank,¹⁸ who was appointed by the King (by the Governor in the Horthy era) and was subordinated directly to the Minister of the Interior. Thus the prefect working in the city was also a state officer representing the central government – the council of ministers or the competent ministers – therefore the ordinances on municipal organization usually did not concern him. Frequently one prefect was nominated to two cities at the same time.¹⁹ The 1929 reforms left his previous powers for the most part intact, and even extended them latently.

His task in the widest sense was to control the municipal government in the territory of the city and to guard the interests of state administration mediated by the municipality. The prefect was obliged to annually examine the official procedures and case management of the city officials, he could order an investigation against a negligent or guilty official and suspend him from his office for this period, and he could also appoint a temporary substitute for him – with the exception of the mayor. He could submit a justified memorandum to the government if the mayor did not consider a government decree legally enforceable. Upon the request of the sectoral minister or in his own scope of authority, he could issue instructions, as part of his controlling and supervising activity, to the mayor – or through him to the municipal media – and he could also call on them to report directly. If the mayor had scruples, he could make a submission to the Minister of the Interior within 24 hours (guarantee complaint). On the other hand, the prefect was also entitled to submit a general assembly resolution which violated any law, decree or national interest for revision to the competent minister. He could also initiate administrative court proceedings against the resolution of the municipal board, petit assembly and administrative committee if it infringed the law.²⁰ The prefect could directly order the officials who were needed to execute higher law.

If the city found the government's or the prefect's procedure injurious, it could seek legal remedy in the House of Representatives of the Parliament (in the National Assembly between 1920 and 1926).

Although the prefect was not an elected organ, he was a key figure in the life of the municipality in other matters, too.²¹ For example, he controlled the financial

¹⁸ VARGA Norbert: *A főispáni tisztség bevezetése Debrecen és Szeged szabad királyi városokban a köztörvényhatósági törvény alapján.* [The Introduction of the Prefect's Office in the Free Royal Cities of Debrecen and Szeged Pursuant to the Act on Municipalities] In: Ünnepi tanulmányok Máthé Gábor 65. születésnapja tiszteletére, Ed.: MEZEY Barna, RÉVÉSZ T. Mihály. Budapest, 2006, pp. 606–624; STIPTA István: *A főispáni hatáskör törvényi szabályozása (1870, 1886).* [Statutory Regulation of the Prefect's Powers (1870, 1886)] In: Degré Alajos emlékkönyv, Ed.: MÁTHÉ Gábor, ZLINSZKY János. Budapest, 1995, pp. 299–312.

¹⁹ VARSÁNYI Attila: *A hódmezővásárhelyi főispánság története (1873–1950).* [A History of the Prefects of Hódmezővásárhely, 1873–1950] = Tanulmányok Csongrád megye történetéből XL. Szeged, 2013, pp. 15–17.

²⁰ Articles 84, 86, 93, 94 of Act XXVI of 1896 on the Hungarian Administrative Jurisdiction.

²¹ FÁY István: *A főispán szerepe a városigazgatásban.* [The Prefect's Role in City Administration] In: A mai magyar város, Ed.: MÁRTONFFY Károly. Budapest, 1938, pp. 210–213.

management,²² presided over the administrative committee, the general assembly of the city and from 1929 the petit assembly as well – he himself appointed part of the members of the latter one – and the permanent and reviewing committees. He could initiate disciplinary investigation against the city veterinarian,²³ he had the right of appeal against decisions made in disciplinary cases²⁴ and public health cases;²⁵ he could order the substitution of suspended municipal officials,²⁶ and he also had the right of disposal in cases of the refusal of distraint for non-payment of taxes.²⁷

He received his salary from the state budget,²⁸ but at the same time the prefect's supporting personnel was appointed by the municipality, and similarly it was the municipality which bore the costs of the prefect's office. As a state officer, the prefect was essentially the local representative-enforcer of current governmental interests, this way he put the lid on the autonomy of the concrete city of municipal rank.

4. A special organ: the police magistrates' court

Police magistrates' court judgement (*községi bíráskodás*) in minor civil cases was made by the police court magistrate, *in concreto* an underling city official elected by the municipal board.²⁹ Administratively he was subordinated to the general assembly and the mayor. His work was assisted by an amanuensis, who also acted as an executor. This institution was modelled after the French version for the justice of the peace.³⁰

²² Articles 16, 22 of Act XXVIII of 1889 on the Changes in the Structure of Financial Administration.

²³ Article 20 of Act XVII of 1900 on the Nationalization of Veterinary Public Service.

²⁴ Articles 10, 11 of Act XXIII of 1886 on the Disciplinary Procedures against Administrative Officials and the Members of the Supporting and Handling Personnel.

²⁵ Article 158 of Act XIV of 1876 on Public Health.

²⁶ Article 4 of Act XXIII of 1886 on the Disciplinary Procedures against Administrative Officials and the Members of the Supporting and Handling Personnel.

²⁷ Articles 80–82 of Act XI of 1909 on Administering Public Taxes, Article 87 of Act VII of 1923 on Administering Public Taxes.

²⁸ Article 21 of Act IV of 1893 on the Regulation of Remuneration for State Officials, Non-Commissioned Officers and Servants [...]; Article 2 of Act VII of 1900 on the Supplement of Certain Provisions of Act IV of 1893. Cf.: MAKAY Dezső: *Főispán*. [Prefect] In: Magyar jogi lexikon hat kötetben, Ed.: MÁRKUS Dezső. Budapest, 1900, III. pp. 691–692.

²⁹ ANTAL Tamás: *A magánjogi községi bíráskodás Magyarországon, különös tekintettel Hódmezővásárhelyre (1877–1944)*. [Private Law Police Magistrates' Court Judgement in Hungary, with Special Regard to Hódmezővásárhely (1877–1944)] In: A Hódmezővásárhelyi Szeremlei Társaság évkönyve 2011, Ed.: KOVÁCS István, PRESZTÓCZKI Zoltán. Hódmezővásárhely, 2012, pp. 25–40.

³⁰ RUSZOLY József: *Európai jog- és alkotmánytörténelem* [European Legal and Constitutional History] = Opera Jurisprudentiae I. Szeged, 2011, pp. 438–439.

Mainly the following civil cases belonged to the scope of police magistrates' court judgement: actions commenced for monetary claims not exceeding 50 forints (100 pengős from 1927), actions for movable assets or performance of work if the sum in dispute did not exceed 50 forints (100 pengős), and claims arising from interest, life annuities and obligation of support up to 50 forints (100 pengős) provided that the obligation was founded on a court decision, an agreement, a notarial document, or otherwise if the debtor did not dispute it. In addition, it also had field policing and game-damage cases with a smaller sum in dispute, actions concerning the handing over of immovable property and taking back leases, as well as libel suits and market court cases. No procedure could be taken in other cases, not even with voluntary submission. The rules of the Code of Civil Procedure on district court procedures had to be applied in the suit, with small modifications.³¹

5. Other offices

Other executive organs of the municipality included first of all the official legal counsel's bureau (*tiszti ügyészi hivatal*), which was officially responsible for the private law matters of the city, and also the municipal engineering office (*mérnöki hivatal*), the registry bureau (*anyakönyvi hivatal*), the controller's office (*számvevői hivatal*), the city cashier's office (*pénztári hivatal*) and the tax office (*adóhivatal*),³² the filing office (*iktató hivatal*), the publisher's office (*kiadó hivatal*), the delivery office (*kézbesítő hivatal*), the city clerk's office (*jegyzői hivatal*) mentioned and the archives (*levéltár*). Until 1921, the police headquarters (*rendőrfőkapitányi hivatal*) also worked as a local organ. Orphan- and guardianship over persons living in the city was taken care of by the permanent board of guardians (*árvaszék*).³³

³¹ Act XXII of 1877 on Minor Lawsuits, Articles 755–766 of Act I of 1911 on the Code of Civil Procedure; a m. kir. belügyminiszternek és a m. kir. igazságügyminiszternek 1914. évi 197.100. B. M. számú rendelete a községi polgári bíraskodásra vonatkozó eljárási szabályok tárgyában. [Minister of the Interior and Minister of Justice Decree No. 197.100/1914 on the Rules of procedure applying to police magistrates' court judgement] MRT 1914. Budapest, 1914, pp. 2688–2720; a m. kir. belügyminiszternek és a m. kir. igazságügyminiszternek 1914. évi 197.200. B. M. számú rendelete a községi polgári bírósági ügyvitel szabályainak megállapítása tárgyában. [Minister of the Interior and Minister of Justice Decree No. 197.200/1914 on the Rules of administration applying to police magistrates' court judgement] MRT 1914. Budapest, 1914, pp. 2721–2732.

³² The scope of authority of the tax office was considerably extended by the tax reform of 1926. See the official compilation of statutory regulations on the administration of public taxes (year 1927, No. 600) and the decree of the Minister of Finances on its implementation (year 1927, No. 60.000/VIIa). MRT 1927. Budapest, 1927, pp. 2530–2989.

³³ See for more information in Tamás ANTAL: *A Hundred Years of Public Law in Hungary (1890–1990): Studies on the Modern Hungarian Constitution and Legal History*. (Preface by Dr. Srđan Sarkič, University of Novi Sad.) Novi Sad, 2012, pp. 96–106.

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Végrehajtó szervek a magyar városokban a 20. század első évtizedeiben

Összefoglaló: *E tanulmányban a szerző az egykori törvényhatósági jogú városok belső szervezetéből a végrehajtó jellegű orgánumokkal: a város tanáccsal és annak ügyosztályaival, továbbá a polgármester, a főjegyző és a községi bíró, valamint a főispán jogállásával foglalkozik. Elsősorban a vizsgált korszak közigazgatási feladatait s az azokkal kapcsolatos hatáskör-telepítést mutatja be regionális kutatások nyomán: Szabadka, Szeged és Hódmezővásárhely szabályrendeletei s jogintézményei alapján. Mindezzel kapcsolódik a 2013-ban és 2015-ben ugyanitt közzétett írásaihoz.*

Kulcsszavak: *közigazgatás; jogtörténet; Magyarország; polgármester; városi tanács; főispán.*

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Извршни органи у мађарским градовима у првим декадама двадесетог века

Сажетак: Аутор приказује најзначајније извршне органе историјских градова општинског ранга у Мађарској: веће и његове специјализоване дејармане, градоначелника, градског службеника, полицијски судски мајстори и префекта као делегата државне власти. У раду се могу прочитати подаци о ширини надлежности поменутих административних органа, заснованих на регионалном изражавању: према одредбама оперативних правила општинских јединица Субоцице, Сеџедина и Hódmezővásárhely с краја Првог светског рата.

Кључне речи: јавна администрација, управна историја, Мађарска, градоначелник, градско веће, префект.