

Administrative Reforms in the Hungarian Municipalities after the Austro-Hungarian Compromise: The Introduction of the Office of Lord Lieutenant and the Applicable Rules in Hungary*

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Abstract

The period following the Austro-Hungarian Compromise of 1867 is crucial in the history of Hungarian public administration, as it was the time when Act XLII of 1870, the first comprehensive act regulating the medium-level territorial administrative units in Hungary was passed. The aim of the Act was to enforce the will of the central government in the counties and towns of municipal rights, one way of which was through the office of the főispán (hereinafter: lord-lieutenant). The Hungarian government restored the office of lord-lieutenant in 2023. The aim of this paper is to present the historical background of this newly restored legal institution, focusing on municipal administration, with a special emphasis on the history of the regulation of the powers of the lord-lieutenant, which may provide useful information for understanding the historical background of the “old-new” administrative office and for analyzing the relationship between the medium-level administrative units and the central government.

Keywords: lord-lieutenant in Hungary; administration in the Dualistic Era; history of public administration; municipalities; towns.

1. Introduction

In the Hungarian administrative system, we encounter an “old-new” institution after 2023, as the position of “főispán” (lord-lieutenant) has been reinstated. Until 2022, the position leading the government offices of the capital city and the counties was called “kormány megbízott” (government commissioner), which was replaced by the position of lord-lieutenant. Looking back at Hungarian constitutional history, particularly the period following the Austro-Hungarian Compromise of 1867, we see that the government appointed lord-lieutenants to lead the intermediate-level administrative bodies, known as “törvényhatóságok” (municipalities), based on Act XLII of 1870. This was the first Hungarian administrative law in the modern sense, comprehensively regulating the organization and functioning of the municipalities. In the 19th century, the lord-lieutenant represented the interests of the government at the local level. I consider it necessary to present the antecedents of the administrative reforms in relation to the position of the lord-lieutenant, without which the later reforms and the political views associated with them would be impossible to understand. The development of the relationship between the monarch and the government on the one hand, and between the municipal authorities and the government on the other hand in the parliamentary system should be clearly seen. The civil government had to integrate into the municipal governments, and one effective means was the regulation of the position of

the lord-lieutenant in the 1870 Administrative Law. The appointment of the lord-lieutenants was the first significant act of the public administration reforms. This high officer of the town played the role of intermediary between the municipality and the central government. The lord-lieutenant’s chief task was the maintenance of the constitutional system of the dualistic era and adapting it to the local level. This also had to be implemented in practice in order for the system of public law created after the Austro-Hungarian Compromise to be able to operate efficiently and survive. In the present essay, I aim to present the antecedents of the introduction of the office of lord-lieutenant and key parts of the regulatory history following the Compromise, showing what tasks the government assigned to lord-lieutenants in the 19th-century Hungarian administrative system.

The aim of the paper is to focus on the antecedents of the introduction of the office of lord-lieutenant, regulated by Act XLII of 1870, as well as the powers associated with that office, as one of the most significant legal institutions in the history of Hungarian public administration during the Dualistic Era. An analysis of the secondary literature both from earlier (e.g. Andor Csizmadia, Imre Korbuly, Artúr Balogh) and more recently (e.g. József Ruszoly, István Kajtár, István Stipta, Tamás Antal) is essential for understanding the introduction of the office of lord-lieutenant. The chosen approach is mainly that of constitutional and administrative history, but the relevant public history literature (e.g. Béla Sarlós) was also considered

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in the course of the study. Due to the historical approach to the topic, it is important to mention that the real depth and originality of research into legal history lies in the analysis of primary sources. For a comprehensive presentation of the introduction of the office of lord-lieutenant, it is therefore necessary to consult the parliamentary journals (e.g. Iván Nagy (ed.): *Az 1869-dik évi ápril. 20-dikára hirdetett országgyűlés képviselőházának naplója* [The documents of the National Assembly summoned for 20 April 1869]. Pest, 1870), as well as the archival sources of the Ministry of the Interior (e.g. Hungarian National Archives, Ministry of the Interior, Presidential Records K. 148). A dogmatic analysis of these primary and secondary sources is essential for legal history research, which contributes to a complex and novel approach to the subject. The teleological method of interpretation helps to find answers to the research questions, taking into account the legislative intent, especially with regard to the antecedents of the office of the lord-lieutenant, which was regulated in the 19th century Hungarian administration, and how the associated scope of powers was regulated in Hungary.

In the introduction, it is also important to discuss the use of legal terminology in Hungarian and English. The *főispán* (in Latin: *supremus comes*) was the head of the noble counties (from the 13th century until 1848), and later on the jurisdictions (counties and towns of jurisdictional rights) pursuant to Act XLII of 1870. When referring to the Hungarian term *főispán* in this study, I will use the English term *lord-lieutenant*, which best corresponds to the legal terminology of the time. Following the reinstatement of the institution of the *főispán* in 2023 in Hungarian public administration, the current official translation became “capital and county government commissioner”. The only advantage of the above, approved English terminology over the old, historic term is that it refers to the function of the *főispán*, as the head of the administration and a local commissioner of the central government.

2. The antecedents of the regulation of the office of lord-lieutenant between 1843 and 1867

Measures had been taken by legislators already in the first half of the 19th century, during the Reform Era in Hungary, to build up a territorial and local organization of the state under central subordination.

In the Reform Era, the reform of the free royal towns (towns with royal privileges) became an increasingly urgent problem because of their representation in the Parliament (the *Diet*), and as a result, a bill was introduced in the parliamentary session of 1843/44 to settle the issue. The bill was submitted by Móric Szentkirályi (sub-lieutenant and parliamentary representative of the Pest-Pilis-Solt-Kiskun county). The Upper House of the bicameral Hungarian Parliament did not support the bill, among other reasons because of the regulation of the governmental supervision through the superintendent, who was an important precursor of the later office of the lord-lieutenant. The towns did not want to accept that the government would

have influence on the governance of the towns through the superintendent. The towns’ aspiration was to free themselves from the tutelage of the central government and allow them “to live Hungarian lives within the framework of their own self-government”.¹ The powers of the superintendent would have been similar to those of the municipal lord-lieutenant introduced during the Dualistic Era, as he would have presided over the general assembly and the renewal meeting, could have held negligent officials accountable, and could have subsequently investigated the legality of the local elections. The bill eventually was not sent to the monarch for his assent because of the ineffectiveness of a series of exchanges of messages. This attempt to regulate the organization of the towns was finally unsuccessful, as the members of Parliament only reached the “threshold” of a solution.² The parliamentary debate was nevertheless of great significance, as it brought to the surface the problems of town organization, which foreshadowed the need to settle the situation of free royal towns in Hungary, as comprehensive legislation was lacking.

At the next Diet convened in Pozsony (1847), the question of reforming the free royal towns was raised again. Originally, the members of Parliament wanted to adopt a more detailed bill, which included the following: the rules of settling, the right of governing by decrees, the powers and division of the towns, the granting of the right of citizenship, the election of members of Parliament and their right to vote, the regulation of the town police and the tribunal, the renewal of offices, the conduct of parliamentary elections and, finally, settling the question of the superintendent. However, such a detailed bill, comprising 170 articles, could not be debated in the spring of 1848 during the bourgeois transformation, so a bill was drafted consisting of 30 articles, addressing only the most pressing issues.

Which of the provisions of the bill are relevant to the subject of this study? The members of Parliament wanted to introduce the office of lord-mayor instead of the superintendent. However, the office with this changed name would have had more or less the same duties as proposed to be conferred by the bill of 1843. The monarch would have appointed a lord-mayor as the chief officer of one or more towns, who would have been directly under the control of the Council of the Governor (the Hungarian dicastery, the “government”). He would have supervised the administration of the towns, presided over the general assembly and the council, had the power to inspect the administration of the offices and had the right of appointment at elections. The structure of these powers bears obvious similarities to those of the lord-lieutenant as laid down in the Administrative Act of 1870. It can therefore be said that the introduction of the office of lord-lieutenant was not without precedent in the Dualistic Era.

The Hungarian Revolution of 1848 and the subsequent War of Independence did not allow the Diet to pass a detailed law on municipal administration. Act XXIII of 1848 regulated the free royal towns on a transitional basis and only as a piece of framework legislation. This meant that the next legislative ses-

¹ CSIZMADIA, A., *A magyar városi jog. Reformtörékvések a magyar városi közigazgatásban*. Kolozsvár, 1941, p. 153. See more: STIPTA, I., the Main Tendencies of Hungarian Legal Histography in the 20th Century and its Present Situation. In: *Journal on European History of Law*, vol. 5, Nr. 2, 2014, p. 76.

² RUSZOLY, J., *A szegedi népképviselői közgyűlés 1848-1871*. Szeged, 1984, p. 8.

sion was to have been responsible for drafting a detailed administrative law, but this did not happen during the Neoabsolutist Era. The law only provided that the towns, as autonomous municipalities, could conduct public affairs under the supervision of the law, independently of any other municipality. It did not, however, specify how the institution of supervision was actually to be implemented in practice. The law was barely put into practice, because the fall of the War of Independence swept away even this minor new administrative reform.³

The Neoabsolutist Era that followed the fall of the Hungarian War of Independence in 1849 largely dismantled the foundations of the civil administration that had been in the process of being built up, but it should be noted that some of its elements were used by the later reorganizing municipal administration.

Alfred Candidus Ferdinand, Prince of Windisch-Grätz, Imperial and Royal General, commander-in-chief of the imperial troops during the Hungarian War of Independence of 1848/49, did not abolish the previous administrative organization (the towns and counties) but reorganized their management. He broke with the reforms of 1848 and sought to restore the state organization of the pre-1848 period. However, Haynau had already abolished civil administration by introducing a military administration.

Relevant to the chosen topic, Károly Geringer restored civilian government and extended the system of hereditary provincial administration to Hungary. The country was divided into five Crown Provinces (in the New Year's Eve Pact of 1851) and Hungary itself into five districts, with Sopron, Pozsony, Kassa, Nagyvárád and Buda as their seats. The administrative center of the five Hungarian districts was Buda, where the Council of the Governor (*"Helytartóság"*) was set up under the leadership of Károly Geringer. The districts were headed by lord-lieutenants. Within the districts were the counties, with a county governor (*"megyefőnök"*) appointed to lead each. The counties were further subdivided into districts, each headed by a sheriff (*"szolgabíra"*). The overall administration was supervised by the Ministry of the Interior in Vienna. Already with the October

Diploma (1860), the "revival" of Hungarian self-government began.⁴ The basis for this was the 1848 legislation, but unfortunately, due to the delay in the creation of the Compromise, the reform of the towns could not take place as quickly as the system of public administration would have required. Under the provisory rule of Antal Schmerling (1860-1865), appointed bodies were re-established and the towns were placed under the supervision of the Council of the Governor.⁵

3. The office of the lord-lieutenant after the Compromise of 1867

The creation of a new administrative act became increasingly urgent due to the framework of Act XXIII of 1848 and the state structure of the Compromise implemented by Act XII of 1867. The codification of public administration was facilitated by the separation of executive and judicial powers in Act IV of 1869, which dealt with the judiciary. The consequence of the separation of powers was that the powers of the middle-level administrative units changed significantly.⁶ However, the legislation had to be designed in such a way that the towns could not use their powers against the government, and the government could ensure the public law solutions of the dualistic state organization at the local level. This requirement was realized through the Act XLII of 1870, which meant a diminution of the rights of local governments. However, the towns strengthened their role as protectors of the constitution.⁷ In fact, since "their functioning and rights were regulated together with the counties, and they were granted the same political and constitutional protection rights as the counties".⁸

To understand the state system of dualism, it is essential to examine and analyse the political situation in which the administrative reform was implemented. The development of the relationship between the monarch and the government on the one hand, and between the municipal authorities and the government on the other hand in the parliamentary system should be clearly seen. The modernization of the local government system was essential, but it had to be integrated into the system of dualism.⁹ The foundations were laid on which the develop-

³ CSIZMADIA, A. – KARCSAY, S. *Magyarország közigazgatása*. Budapest, 1946, p. 25; MEZNERICS, I. – TORDAY, L., *A magyar közigazgatás szervei 1867-1937*. Budapest, 1937, p. 57-58.

⁴ KAJTÁR, I., A városi önkormányzat közigazgatásának társadalmi, politikai és személyi környezete az Októberi Diploma időszakában. In: ÁDÁM, A. – BENEDEK, F. – SZITA, J. (eds.), *Jogtörténeti tanulmányok. Emlékkönyv Csizmadia Andor hetvenedik születésnapjára*. Pécs, 1980, p. 169-181.

⁵ KAJTÁR, I., *A magyar városi önkormányzatok (1848-1918)*. Budapest, 1992, p. 59-61; STIPTA, I., A főispáni hatáskör törvényi szabályozása. (1870, 1886). In: MÁTHÉ, G. – ZLINSZKY, J. (eds.), *Degré Alajos emlékkönyv*. Budapest, 1995, p. 70-113; DEÁK, Á., Ismertelen konzervatív kiegyezés tervezet – 1864. In: *Történelmi Szemle*, vol. 63, Nr. 2, 2021, p. 14; PAPP, L., The concept of autonomous local governments and their different forms of appearances in the traditions of our national public law. In: *Journal on European History of Law*, vol. 3, Nr. 1, 2012, p. 62-65.

⁶ MÁTHÉ, G., A bírói hatalom gyakorlásáról az 1869. évi IV. törvény megalkotása. In: BARNÁ, A. (ed.), *A bírói hatalom gyakorlásáról szóló 1869. évi IV. törvény cikk megalkotásának 150. évfordulója*. Budapest, 2019, p. 37-49; PÉTERVÁRI, M., Az igazságszolgáltatás és a közigazgatás elválasztása járási szinten. In: HOMOKI-NAGY, M. (ed.), *FORVM: Acta Juridica et Politica*, 2018, p. 241-253. See more the specialized codification processes after the Austrian and Hungarian Compromise: SZIVÓS K., Das freie Vorbringen und seine Begrenzung nach der Kodifikation des ungarischen Zivilprozessrechts. In: *Journal on European History of Law*, vol. 13, Nr. 2, 2022, p. 114-115; BALOGH, J., How to make a Civil Code: Plans and Drafts of General Rules in 19th-century Hungarian Private law. In: *Journal on European History of Law*, vol. 11, Nr. 2, 2020, p. 97-103.

⁷ KAJTÁR, I., 1992, p. 68; KORBULY, I., *Magyarország közigazgatási szerveivel kapcsolatban az ország közigazgatási szervezetével*. Budapest, 1877, p. 384-387; ANTAL, T., A debreceni népképviseleti közgyűlés (1848-1867). Az 1848:XXIII. tc. végrehajtása Debrecenben. In: Homoki-Nagy, M. (ed.), *Acta Juridica et Politica*. Tomus LXVII. Fasc. 1. Szeged, 2005, p. 1-80; ANTAL, T., A szabad királyi városokról szóló javaslatok az utolsó rendi országgyűlésen és az 1848:XXIII. tc. keletkezése. In: BALOGH, E. - HOMOKI-NAGY, M. (ed.), *Ünnepi kötet Dr. Blazovich László egyetemi tanár 70. születésnapjára*. Szeged, 2013, p. 21-40.

⁸ KOZÁRI, M., *A dualista rendszer*. Budapest, 2005, p. 213.

⁹ KAJTÁR, I., *A 19. századi modern magyar állam- és jogrendszer alapjai. Európa-Haladás-Magyarország*. Budapest-Pécs, 2003, p. 207.

ment of civil public administration could be started. A kind of continuity of law appeared in the fact that the Compromise implied a continuation of traditional law, which meant the rules of 1848. However, this was not the only result of the changes, because the civil government was wedged into the municipal authorities.¹⁰

In March 1867, Parliament passed a resolution authorizing the government to reorganize, among other things, the free royal towns. In the counties, Ferenc Deák (Minister of Justice in the first responsible Hungarian government) and the government wanted to regulate the right to appoint lord-lieutenants to ensure the smooth functioning of the medium level of public administration.¹¹

The government, through central and local bodies structured in accordance with civic principles, soon came into conflict with those in the counties who wanted to continue to assert their old rights. It was therefore necessary to settle this public law problem. In a decree issued on 10 April 1867, Count Gyula Andrassy (the first Hungarian Prime Minister of the Austro-Hungarian Dual Monarchy) called for the joint enforcement of the interests of the municipalities and the government. The centralist principles of government activity remained unchanged. The state system of dualism had to be maintained and local conditions adapted to it. Local bodies could only function if they were in harmony with the dualistic system as a whole.

4. The parliamentary debate on the office of the lord-lieutenant

The most important task of the government was to safeguard the system of dualism, which was implemented by the members of Parliament through the provisions of Act XLII of 1870.¹² "Public administration was now primarily charged not with the task of defending the relative autonomy, independence and parliamentary system of dualist Hungary in the way it could, by means of the legal possibilities provided for in the first Act on Municipalities, but with the task of managing the daily life and work of the municipalities as a medium-level administra-

tive authority and of exercising supervision over the towns and villages under its jurisdiction, which were subject to it."¹³ The legislature abolished the designation of free royal town and created the category of town of municipal rights.

This law was the first legislation to regulate the system of public administration in a comprehensive manner, which, with minor modifications, remained underlying throughout the entire system of dualism.¹⁴ The status of the capital city, however, was regulated in Act XXXVI of 1872.¹⁵

The bill of public administration was submitted to Parliament on 28 April 1870.¹⁶ The explanatory memorandum was submitted to the members of Parliament only a few days later, on 16 May.¹⁷ The aim was to create an efficient and accurate public administration. The explanatory memorandum emphasized the need to bring the municipal government into harmony with the responsible parliamentary system, because it was not possible to assume responsibility in a political system where the towns were not obliged to implement government decrees. The solution to this was to define the exact structure of the committee, reorganize the administration, regulate the right of sending petitions, define the responsibilities of the officials, and fix the right of control of the lord-lieutenant. The right of petitioning did not correspond to the right of *vis inertiae* associated with the counties in the Feudalistic Era.¹⁸ The explanatory memorandum highlighted the precise definition of the powers of the lord-lieutenant and the mayor as a guarantee of good public administration. The municipalities were allowed to act autonomously in their internal affairs, but certain decisions could only be implemented after ministerial approval. The "moderating" influence of the government was considered essential. Since some of the free royal towns were given the same legal status as counties, the law also appointed a lord-lieutenant to head the municipalities.¹⁹

The Lower House then put the bill on its agenda and sent it to the committees for their opinion. On 25 June 1870, rapporteur Béla Perczel gave a report on the bill at the Lower House, and on that day the general debate on the bill began.²⁰ It lasted

¹⁰ MEZEY, B., Államosítás és autonómia. Centralizáció és önkormányzatiság a XIX. század második felében. In: GERGELY, J. (ed.), *Autonómiák Magyarországon 1848-1998*. Budapest, 2004, p. 14-16.

¹¹ SÁRLÓS, B., *Közigazgatás és hatalompolitika a dualizmus rendszerében*. Budapest, 1976, p. 15-19; CIEGER, A., A közigazgatás autonómiájának nézőpontjai 1848-1918. In: GERGELY, J. (ed.), *Autonómiák Magyarországon 1848-2000*. Budapest, 2005, p. 25-46.

¹² SÁRLÓS, B., A közigazgatás polgári jellegéről. In: PÖLÖSKÉI, F. – RÁNKI, GY. (ed.) *A magyarországi polgári államrendszerek*. Budapest, 1981, p. 294; SÁRLÓS, B., 1976, p. 39, 41.

¹³ SÁRLÓS, B., 1981, p. 294.

¹⁴ RUSZOLY, J., Az állami közigazgatási és igazságszolgáltatási szervek Szegeden. In: GAÁL, E. (ed.) *Szeged története 1849-1919*. 3. 2. Szeged, 1991, p. 639.

¹⁵ See more: SCHWEITZER, G., Der Rechtsstatus und die Selbstverwaltung der Hauptstadt Budapest in der bürgerlichen Ära. In: *Journal on European History of Law*, vol. 14, Nr. 2, 2023, p. 92-94.

¹⁶ NAGY, I. (ed.) *Az 1869-dik évi április 20-dikára hirdetett országgyűlés képviselőházának naplója*. Pest, 1870, (hereinafter: KN.), vol. 8, p. 220-268; CSIZMADIA, A., *A magyar közigazgatás fejlődése a XVIII. századtól a tanácsrendszer létrejöttéig*. Budapest, 1976, p. 119; STIPTA, I., Parlamenti viták a területi önkormányzatokról (1870-1886). In: MEZEY, B. (ed.), *Hatalommegosztás és jogállamiság*. Budapest, 1998, p. 77-93.

¹⁷ CSIZMADIA, A., *A magyar városi jog. Reformtörekvések a magyar városi közigazgatásban*. Kolozsvár, 1941, p. 172.

¹⁸ MEZEY, B., Államosítás és autonómia. Centralizáció és önkormányzatiság a XIX. század második felében. In: Gergely, J. (ed.), *Autonómiák Magyarországon 1848-1998*. Budapest, 2004, p. 22; STIPTA, I., Közjogi viták a vármegyék rendeletfélretételi (*vis inertiae*) jogáról. In: *Miskolci Jogi Szemle*, vol. 15, Nr. 1, 2020, p. 270-276. SZABÓ, I., A *vis inertiae* és a polgári átalakulás. In: BÓDINÉ, B. K. - GOSZTONYI, G. (ed.), *Jogtörténeti Parerga III. Ünnepi tanulmányok Mezey Barna 70. születésnapja tiszteletére*. Budapest, 2023, p. 79-89.

¹⁹ *Képviselőházi Irományok*. Pest, 1870. V-VI. kötet (Hereinafter: KI.) vol. 5, p. 188-200, Nr. 485; PÉTERVÁRI, M., *A járárok kialakítása Magyarországon az 1870:XLII. tc. alapján*. Szeged, 2021, p. 55-56., PÉTERVÁRI, M., One Empire and Two Ways of Public Administration: The Second Level Administrative Division in Austria-Hungary. In: *Journal European History of Law*, vol. 9, Nr. 2, 2018, p. 297-304.

²⁰ CSIZMADIA, A., 1941, p. 173-174.

for a long time, about 14 parliamentary days.²¹ The main grievance of the towns was the introduction of the office of lord-lieutenant and the forced association with the counties.²² Numerous petitions were presented by the members of Parliament in this matter.²³ In the following, I will provide a summary of the most important parliamentary speeches in connection with the office of the lord-lieutenant.

Representative Lajos Mocsáry considered the powers of the lord-lieutenant as a restriction of the right of self-government mentioned earlier.²⁴ A similar opinion was expressed by László Tisza, member of Parliament, who argued that it was against all requirements of true self-government to introduce the office of lord-lieutenant.²⁵ Gyula Kautz, who objected to the combination of the offices of municipal and county lord-lieutenants, said that a “state governmental element” was being placed at the head of the towns. He proposed to omit the possibility for the county lord-lieutenant to hold the office of lord-lieutenant of also a town of municipal rights in the given county. Instead, he considered it acceptable for several towns to have a single lord-lieutenant. He also disagreed with the designation of the office, and proposed the term “lord-mayor” instead of “lord-lieutenant.” This would have implied also in the name that the office of county and town lord-lieutenant are different, at least in terms of person.²⁶

Baron Lajos Simonyi compared the institution of the lord-lieutenant to the system of administrators (in the Habsburg period, these were the deputy lord-lieutenants appointed by the monarch), because these appointees of the monarch were also a restriction on self-government. In his opinion, this is what the institution of the lord-lieutenant, which is to be introduced, would also lead to in the towns.²⁷

There was yet another very important question arising that concerned the status of lord-lieutenants, namely their membership of the Upper House of Parliament. The monarch had the power to appoint the lord-lieutenants, by which they were automatically given a seat in the Upper House. This appointment could, however, at any time be revoked by the monarch, who could also dismiss the lord-lieutenant, thereby ending their participation in the legislature. According to József Vidliczkay, this was not the case in any other country in Europe.²⁸ The membership of lord-lieutenants in the Upper House would only be proclaimed by Act VII of 1885 on the Reform of the Upper House.

Not everyone in Deák’s party, i.e. the governing party, agreed with the regulation of the office of the lord-lieutenant. This can be read from the motion of József Justh, member of Parliament, in which he considered that the right of appointment of the lord-lieutenants should be restricted.²⁹

Ferenc Pulszky, member of Parliament, on the other hand, considered the office itself harmful. The precise definition of the powers of the lord-lieutenant, which had already been laid down in Act 46 of 1723, could also be seen as a guarantee of self-government. The institution of the lord-lieutenant had to be accepted because it was the only way for the government to control public administration activities. The lord-lieutenant was the intermediary of the central administration. According to Károly Kerkápoly, member of Parliament, the government should be allowed to have a body at local level. He therefore considered it unacceptable that “the link between the central government and the towns should be amiss when settling this issue”.³⁰ A similar opinion was held by Béla Perczel, who said that it was inconceivable “that a responsible parliamentary government could be established without an organ in every place of the country.”³¹

In the final vote, 150 members supported the government’s plan, while initially 145 and later 101 opposed it. The vote took place on 26 July 1870, resulting in the bill being passed by the Lower House. It was then forwarded for debate in the Upper House, which returned it to the Lower House on 31 July 1870 without any changes. The final version was sanctioned by the King on the following day. The Act was promulgated in the Lower House on 2 August 1870 and in the Upper House on 3 August 1870.

One can agree with Aurél Hencz’s observation that the new act of public administration was overall a step forward, even if it was a partial step backwards from the provisions of the 1848 law on free royal towns. The Act of 1870 already reflected the public law system of the Compromise. Virilism was introduced, i.e. citizens who paid the most taxes were automatically entitled to participate in local public affairs at the meetings of the legislative committee, the body of the intermediate administrative units. The lord-lieutenant was introduced as a representative of the centralist aspirations of the government, enabling the central government to impose its will.³² The government did its utmost to steer municipal self-government in such a way as to keep the resistance of the municipalities in check. It was not

²¹ NAGY, F., *A magyar városi jog*. Budapest, 1912, p. 13.

²² KORBULY, I., 1877, p. 387-396; KOLOSSA, T., A dualizmus rendszerének kialakulása és megszilárdítása (1867-1875). In: HANÁK, P. (ed.), *Magyarország története 1849-1919. Az abszolutizmus és a dualizmus kora*. vol. 4, Budapest, 1972, p. 154; GRATZ, G., *A dualizmus kora. Magyarország története 1867-1918*. vol. 1, Budapest, 1934, p. 93.

²³ CSIZMADIA, A., 1941, p. 173.

²⁴ KN. vol. 9, p. 116.

²⁵ KN. vol. 9, p. 269-270.

²⁶ KN. vol. 9, p. 262-265; VARSÁNYI, A., A hódmezővásárhelyi főispánság története (1873-1950). In: ROTÁR, K. (ed.), *Tanulmányok Csongrád Megye történetéből*. vol. 40, Szeged, 2023, p. 42-43.

²⁷ KN. vol. 9, p. 267-269.

²⁸ KN. vol. 9, p. 269-270.

²⁹ KN. vol. 9, p. 14, 221.

³⁰ KN. vol. 9, p. 95.

³¹ KN. vol. 9, p. 270.

³² HENCZ, A., 1973, p. 112-113.

possible to grant them the rights they had previously held in the Feudalistic Era, because that would have prevented the government from functioning. It was necessary to adopt the provisions of the law accordingly, to influence local politics and, through this, to bring about a reorganization of the public administration.

5. The appointment of lord-lieutenants

The administrative reform of 1870 increased the influence of the government, while weakening the autonomy of the municipalities. "The tendency to reduce the powers of the autonomous municipalities was already apparent in the 1870 Act on Municipalities. The centralization efforts of the government were necessitated not only by the policy and public law construction of dualism," but also by the developing economic system.³³ Distrust of the Compromise was the reason for the incorporation of legal safeguards in the text of the Act to protect parliamentarism.

The reform of public administration seemed inevitable. The government wanted to introduce a liberal public administration system, since the country was governed by the laws of 1848. Discussing the development of public administration at the time, Béla Sarlós claimed that "in terms of legislative provision, the Hungarian public administration of 1867-1870 was one of the most advanced systems on our continent".³⁴ The first step of this administrative reform was the appointment of the lord-lieutenants, because the reorganization of the public administration had to be carried out under their leadership.³⁵

Act XLII of 1870 placed lord-lieutenants at the head of the municipalities, despite the opposition's protests. The capital city was governed by the lord mayor created by Act XXXVI of 1872.³⁶ Act XLII of 1870 somewhat alleviated this situation, as the offices of county and town lord-lieutenants could not be combined. However, this was already made possible by Act XXI of 1886.³⁷

With reference to the principle of equality, both the counties and the royal towns were "granted a lord-lieutenant" by the government. Lord-lieutenants were appointed by the monarch, and they could not be called officials, or at least not elected ones in any case. The law specified that the mayor was to be the principal officer of the towns. Therefore, I think it is more appropriate to use the term "dignitary" than "official" in relation to the position of lord-lieutenant.

Béla Sarlós, on the other hand, referred to the first officer of the municipality as "representative of the government".³⁸ One can agree with the second statement, but not with the first. All the more so, since the law provided otherwise.

The archival materials of the Ministry of Interior include the minutes of the Council of Ministers held on 24 September 1870. Pál Rajner, Minister of the Interior at the time (from 21 October 1869 to 10 February 1871), proposed that it should be determined for which towns lord-lieutenants are to be appointed. The Minister of the Interior presented his proposal in this respect, which also took budgetary considerations into account, since, under his proposal, one lord-lieutenant could be appointed to head several towns. It was specified in detail in which towns to establish "stations" (to quote the wording of the minutes) for the lord-lieutenants. One town had only one lord-lieutenant's office; however, under the provisions of the Administrative Act of 1870, there could be several towns under one lord-lieutenant. This also means that they determined in 1870 which towns became "towns of municipal rights." This list was not included in Act XLII of 1870, and in fact, it fundamentally cannot be found in the Hungarian literature either. This deficiency was remedied by the legislator when Act XXI of 1886 (the second public administration act) was adopted. The public administration of Budapest, a town of municipal rights, was regulated by a separate law (Act XXXVI of 1872), headed not by a lord-lieutenant but by a lord-mayor. This latter act already included a list of the names of the towns of municipal rights. According to archival sources, in 1870, still 23 groups of towns were established. The Council of Ministers supported the proposal of the Minister of the Interior to create 23 lord-lieutenants' stations, i.e. offices to head these 23 groups of towns, and also to grant the lord-lieutenants an annual salary of 3,000 forints.³⁹

This grouping went through further changes and mergers, which meant that several more towns were brought under the control of a single lord-lieutenant. A document in the files of the Minister of the Interior clearly shows how the groups of towns (15 in total) under the territorial jurisdiction of the lord-lieutenant was defined. Geographical proximity was the decisive factor in determining which towns were to be placed under the same lord-lieutenant's control.⁴⁰

The archives of the Ministry of the Interior also contain a document which shows who became the lord-lieutenants of the towns of municipal rights. The letter of the Minister of the

³³ Ibid. p. 112-113.

³⁴ SARLÓS, B., 1981, p. 288.

³⁵ PÉTERVÁRI, M., A szolgabírák hatáskörének bemutatása az 1870: XLIII. tc. rendelkezései alapján. In: *Pro Publico Bono*, vol. 3, 2020, p. 240.

³⁶ TARJÁNYI, S., *A fővárosi törvény és módosításai*. Budapest, 1972, p. 7-22; SARLÓS, B., 1976, p. 26, 80-83. MEZNERICS, I. – TORDAY, L., 1937, p. 61; CSIKY, K.; *Magyar közigazgatási jog kézikönyve joghallgatók és szigorlók használatára*. Budapest, 1899, p. 93, 122; RUSZOLY, J., *Tíz tanulmány a jog- és alkotmánytörténet köréből*. Szeged, 1995, p. 186; STIPTA, I., *Intézménytörténeti adalékok az 1870:XLII. tc. végrehajtásához*. In: TÓTH, K. (ed.), *Emlékkönyv Dr. Cséka Ervin születésének 70. és oktatói munkásságának 25. évfordulójára*. In: *Acta Universitatis Szegediensis de Attila József Nominatae, Acta Juridica et Politica*, Tom. 41., Szeged, 1992, p. 481. VÖRÖS, K., *Hétköznapok a polgári Magyarországon*. In: *Társadalom- és művelődéstörténeti tanulmányok* 22. Budapest, 1997, p. 143-147.

³⁷ RUSZOLY, J. *Alkotmánytörténeti tanulmányok* 3. Szeged, 1993, p. 136.

³⁸ SARLÓS, B., 1976, p. 43.

³⁹ Magyar Nemzeti Levéltár Országos Levéltára (National Archives of Hungary, herein after: MNL OL BM) Ministry of Interior K 01481870. III. no. 2444.

⁴⁰ MNL OL BM K 01481870. III. no. 3517.

Interior to King Franz Joseph József of Hungary concerning the appointment of the lord-lieutenants, contains the following: “In accordance with Section 52 of Act XLII of 1870, lord-lieutenants are to be graciously appointed by Your Majesty, upon my proposal, to head the towns of municipal rights.”⁴¹ The document dated 17 July 1871 shows that allocations for the 15 lord-lieutenants’ stations had already been created in the budget. The document also includes the text of the appointment, which was signed by the King Franz Joseph of Hungary. Pursuant to the terms of Act III of 1848 (on the independent responsible Hungarian ministerial system), the King was not responsible under public law, and his appointments were therefore only valid if countersigned by a minister based in Pest, thus assuming responsibility. The document bears the signature of Vilmos Tóth, Minister of the Interior (in office from 10 February 1871 to 5 March 1873). We can find here the final list of the lords-lieutenants and the names of the towns belonging to each of them.⁴² The presentation of the archival sources is only complete if the above information is also presented here. Kornél Balogh (former lord-lieutenant of Győr County): Esztergom, Győr and Komárom; Ferenc Dáni (former member of Parliament): Arad, Szeged and Kecskemét; Sámuel Fülöp (deputy mayor of Kolozsvár): Kolos, Kolozsvár, Szamosújvár, Szék and Zilah; Sándor Goldbrunner (mayor of Selmeczbánya and Béalábánya): Bakabánya, Körmöczbánya, Selmecz- and Újbánya; János Kuba (Member of Parliament, Mayor of Szabadka): Szabadka and Trencsén; Bazil Lazarovits (Royal Councillor): Temesvár and Versecz; Mihály Lázár (Member of Parliament): Bereczk, Csikszereda, Illyefalva, Kézdivásárhely, Oláhfalva, Sepsi-Szentgyörgy and Székelyudvarhely; Ignác Nagy (Member of Parliament): Felsőbánya, Nagybánya and Szatmárnémeti; József Neszter (former governor of Pozsony County): Bazin, Modor, Nagyszombat, Pozsony and Szentgyörgy; András Patay (deputy lieutenant of Szabolcs County): Debrecen and Nagyvárad; Lajos Plachy (Member of Parliament): Besztercebánya, Breznóbánya, Korpona, Ligetbánya and Zólyom; Dániel Török (Mayor of Gyulafehérvár, Member of Parliament): Abrudbánya, Hátszeg, Károlyfehérvár, Vajdahunyad and Vízakna; Gergely Thúry (Member of Parliament): Erzsébetváros, Fogaras, Marosvásárhely and Sászrégen; Rezső Zichy (military officer, President of the Deák Party of Abaúj County): Bártfa, Eperjes, Kassa and Szeben; and finally József Zuber (deputy lieutenant of Fejér County): Pécs and Székesfehérvár.⁴³

The names of the appointed lord-lieutenants were communicated to the 56 towns concerned on 30 July. The government thus began the reorganization of the towns.

6. The powers of the lord-lieutenants under the Administrative Act of 1870

The lord-lieutenant was a representative of the executive branch, who controlled the functioning of the municipal government and had broad supervisory powers.⁴⁴ He guarded the administrative interests of the state, in particular:

- a) at least once a year, he examined the proceedings of the municipal officials, and, if necessary, reviewed government decrees and other petitions received by the mayor;
- b) he could order investigations against negligent or culpable officers or officials, suspend them if he considered it necessary, but could only prevent the mayor from exercising his office with the consent of the Minister of the Interior;
- c) he could substitute suspended officials, except the mayor, and may, if necessary, provide for the filling of vacancies by substitution;
- d) he addressed petitions to the Government if a government decree to be implemented was not implemented by the mayor, which petition also had to be accompanied by a declaration by the mayor;
- e) at the time of the election of a new mayor, he appointed a deputy for the office of notary and prosecutor to the appointing board, whose chairman also determined the members of the board to be appointed;
- f) he appointed the archivist for life, and also the honorary officers;
- g) finally, he exercised the rights and fulfilled the duties conferred upon him by law.⁴⁵

Lord-lieutenants were given all the powers to ensure government control in the towns through which they guarded the interests of the state administration.⁴⁶ The powers of lord-lieutenants were, in my opinion, defined in such a way that they could influence the life of towns. They were to have a say in all matters considered important to the government. The most important of these was what was called the “exceptional power.”

The law specifically stated that in case the general assembly or the mayor did not execute a decree of the government which should have been immediately implemented, it was executed by the lord-lieutenant on the basis of ministerial authority, and in this respect he had the authority over such officials as he needed (exceptional power).⁴⁷ The officials had to comply immediately and without reservation with the requirements of the lord-lieutenant, for which they could not be held accountable by the general assembly. A disobedient official could be

⁴¹ MNL OL BM K 0148 1870. III. no. 3517.

⁴² MNL OL BM K 0148 1870 III, no. 3517, Resolution no. 1700 of 1871.

⁴³ MNL OL BM K 0148 1870. III. no. 3517.

⁴⁴ KMETY, K., *A magyar közigazgatási jog kézikönyve*. Budapest, 1897, p. 120. CSIZMADIA, A., 1979, p. 15.

⁴⁵ NAGY, E., *Magyarország közigazgatási jogja (Államjog)*. Budapest, 1907, p. 373-375; KORBULY, I., 1877, p. 447-448. SÁRLOS, B., 1976, p. 85-86, RUSZOLY, J., 1991, p. 640. MÍRÓ, Gy. A dualista politikai rendszer és működése. In: VELIKY, J. - GUNST, P. (eds.), *Polgárosodás és szabadság (Magyarország a XIX. században)*. Budapest, 1999, p. 187; STIPTA, I., 1992, p. 485-489. KOZÁRI, M., 2005, p. 203; CSIZMADIA, A., 1976, p. 124; STIPTA, I., *Törekvések a vármegyék politikai átalakítására. Tervezetek, javaslatok, törvények*. Budapest, 1995, p. 299-312; FÁJI FAY, I., A főispán szerepe a városigazgatásban. In: MÁRTONFFY, K., *A mai magyar város*. Budapest, 1938, p. 201-213.

⁴⁶ BÁNKINÉ MOLNÁR, E. A törvényhatósági törvény fogadtatása a Jászkon területben. In: Á. VARGA, L. (ed.), *Vera (nem csak) a városban. Tanulmányok a 65 éves Bácskai Vera tiszteletére*. Debrecen, 1995, p. 298.

⁴⁷ IRINYI, K., A politikai közgondolkodás és mentalitás Debrecenben (1867-1918), In: GUNST, P. (ed.) *Debrecen története 1849-1919*, vol. 3, Debrecen, 1997, p. 287; BONCZ, F., *A magyar közigazgatási törvénytudomány kézikönyve. A törvényhozás legújabb állása szerint*. Budapest, 1876, p. 128.

deprived of his title, suspended or removed from office by the chief magistrate, with a replacement appointed in his stead. The official so appointed could keep his post until the next renewal, and was equal in status to the other officials.⁴⁸ The lord-lieutenant was the chairman of the municipal committee (the general assembly).

This was the power of the lord-lieutenant which best reflects the government's aim to prevent the towns from opposing its ambitions and policies and to prevent the effective functioning of the parliamentary system. The lord-lieutenants were therefore expected to represent the executive power firmly and vigorously, and to be scrupulously watchful over the interests of the administration.

7. Conclusion

After the Compromise of 1867, the reform process could finally commence, the result of which included changes in several areas of the state organization, and one necessary part of which was the transformation of public administration entailing such significant measures as, for example, the reorganization of the justice system. The organization of public administration had to be introduced into the public law construct that was created by Act XII of 1867. One of the most significant innovations of the government was the introduction of the office of lord-lieutenant in 1870, and it was also the case in 2023. The historical background to this old-new institution helps us to understand the government's objectives and administrative reforms.

The conditions for the development of the bourgeois society were created in the years after the Compromise of 1867. The government undertook the task of the transformation of the public administration system still preserving many holdovers from the earlier decades. The new laws, including Act XLII of

1870, created the foundations for a modern, liberal state organization. Simultaneously with the reforms of the justice system, the reorganization of public administration could also be started.

The bills and laws emerging from the Reform Era had an effect of the eventual content of the municipalities act. This way we can clearly see that the establishment of the bourgeois public administration was not without any antecedents. There were intentions to settle the issue of supervision also earlier. Act XXIII of 1848 served as a point of departure from where the reform of public administration and the passing of the municipalities act could commence.

The appointment of the lord-lieutenants was the first significant act of the public administration reforms. All towns strongly protested against the introduction of this office. They could see and sense its disadvantages due to the activities of the earlier county lord-lieutenants. The high officer of the town played the role of intermediary between the municipality and the central government. His chief task was the maintenance of the constitutional system of the Dualistic Era and adapting it to the local level. This also had to be implemented in practice in order for the constitutional system to be able to operate efficiently and survive.

The Compromise brought about fundamental changes also in public administration, changing its entire system. The objective of the government in public administration was to protect the dualistic state organization by way of provisions of law. It is my opinion that it did so by way of the municipal authorities act. In addition to maintaining their role of safeguarding the constitution, the most important role of municipalities, as medium-level units of public administration, was to manage the everyday life of the towns, in which lord-lieutenants played a key role.

48 SÁRLÓS, B., 1976, p. 53., 85-86.