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Settlement of Jurisdictional Disputes in the Civilian Era in Hungary (1907–1949)

Competency Court (a forum which functioned in Hungary between 1907 and 1949) is a public court of law. Functionally it arranges the responsibilities among the government bodies to avoid the arbitrary practice of authorities. As such, it is closely related to administrative jurisdiction and administrative courts. Adjudication on jurisdiction is consequently a form of public law jurisdiction, the constitutional guarantee for the separation of powers, so it can be presented in Hungary only after the realisation of the system of separated powers.

1. Legal historical background

Before 1848 the branches of power had not been separated, thus it was both unnecessary and impossible to legally protect their separation, namely, to prevent either authority from growing above the others. Before 1848 there might have occurred some "jurisdictional confrontation" merely between the local and the central governments. In any such case, the decision mainly considered the objective to protect the autonomy of local governments, so the arrangement of the competencies fell within the cognizance of the county general meetings *(congregatio generalis)*. The king acted only in case no jurisdictional confrontation occurred between the regional court and the local governments (counties or free royal towns).[1] We cannot call it jurisdiction on competency in the modern sense, as the judge of the legal dispute could be qualified as a judicial body considering neither the institution, nor the procedure. Two aspects, however, classifies it as the predecessor of competency jurisdiction: the concept of competencies appeared as early as in 1715 (Act No. 28 of 1715) and the protection of the concept "every dispute requires a judge" (Act No. 17 of 1715).[2] Section 3 of the latter regulation ordered that

> *"In every other case, however, namely considering the differences of the cases occurred and not requiring lawful jurisdiction, it will remain under the competency of the royal power to delegate judges suitable for the quality and merit of such cases."*

Modern Hungarian judicial organisation system was founded in 1869. Soon after the Austro–Hungarian compromise, as part of the judicial reform, the Ministry of Justice headed by Boldizsár Horvát introduced the Act which finalised the conditions of the qualification of judges and the basic regulations of practicing the profession (Act No. 4 of 1869). As a result, the separation of powers was completed with the independent judiciary power.

As opposed to the precious feudalistic age, the courts of the dualistic period were governmental bodies, which the legislator framed with guarantees. The courts were immovable and unified organisations, their hierarchy, competency, jurisdiction and supervision were regulated by the law.[3]

Regulations expressed the separation of administration and jurisdiction. Competency jurisdiction also appeared in the same law, as the division, which can be found in Act No. 4 of 1869, was incomplete. (That was the source of its nickname "the court of conciliation" used in public speech and journalism.) In practice, several cases belonging to jurisdictional scope remained in the competency of administration, such as, for instance, cases of servants, infringement jurisdiction, patrons' cases. Consequently, it was necessary that § 25 of the above-mentioned law would regulate judgements on jurisdictional debates. The law provisionally authorised the government, or "ministry", to decide in competency confrontations, "until further legislative action".

As a Hungarian particularity, legal institutions that were meant to function temporarily became constant,[4] as it happened in the case of the competency of the government: this "provisional" practice remained in action for nearly 40 years.[5]

But, as this task hugely overburdened the council of ministers on the one hand, while on the other hand the resolving was inconsistent with the constitutional requirements, the issue of dissolving this competency repeatedly occurred.[6] Assigning the ministries with such a competency offends the concept of the separation of powers. (It was further offended by not making public the competency decisions of the council of ministers, claiming that government decisions were secret.[7]) Also, it results in an excessive governmental power while the government, as a state authority, was not limited by the guarantees of independence, which overturns the balance of powers. Furthermore, there was no regulation at all on substantial law, so the council of ministers was entitled to act at their discretion, even arbitrarily.[8]

However, legislation could have had the opportunity to terminate this power of the government. The issue emerged twice, in 1879 and in 1883, when first in connection with the forestry law, then with the founding of financial administrative courts, but it remained unchanged. Yet, in 1896, when the Act on Administrative Court was passed, section 131 contained a special court for competency confrontations, although the provision in section 159 still preserved the competency judgement for the government. Gyula Wlassics, [9] professor of law and minister of justice, published a draft on the arrangement of competency courts as early as in 1880, when he himself considered it the right solution. Later, however, he changed his opinion, and preferred competency located at jurisdiction.[10]

According to contemporary views, the government acted in a surprisingly objective and responsible way,

> *"it never abused its unlimited power, even though there were no procedural guarantees.* […] *During discussions, the ministers respected the legal sources with the most rigorous objectivity, and since the minister of justice presented the cases in the council of ministers, the main concern of all the ministers of justice was to observe the law in the most legitimate way."*[11]

As a result, this competency of the government was questioned only theoretically, and legislation kept preserving it. Among the arguments for the preservation there were historical (a), practical (b), and political (c) arguments. Ad (a): the protection of competencies had been the privilege of the executive power (of the king, later of the government); ad (b): what functioned well, had to be left alone; ad (c): the political objective was above all to separate administration and jurisdiction; besides it was marginal that competency jurisdiction should have been organised. Several professionals protested for the competency decisions to be handed over to judges,[12] but the legislation failed to amend the prevailing system three times.[13]

In order to settle the situation, the politicians' first proposal was to introduce a body similar to the state council, as the idea occurred in the first drafts of baron Gyula Wlassics around 1880. In his later draft (1895), he further developed his proposal, and definitely encouraged the location of legibility disputes to the judiciary body.

Gyula Wlassics (1852–1937)[15]

Wlassics – that time professor and member of parliament – unified the professional and political requirements, which effort was appreciated by professionals: he supposed that his bill would be discussed right after the bill on administrative jurisdiction.[14] In spite of its brevity (the bill consisted of only 27 sections), it wished to regulate three crucial domains, by which the later functioning of the competency court has to be evaluated: the domains of the legal scope, the organisation, and the procedure.

With regards to the organisation, he remarked that the solution most European countries chose by assuring the competency of decision for the head of state (king), would not find followers, similarly to the one which refers the decision of competency disputes to the regular courts or a state council that would be settled later. As early as in 1895, he considered as the optimal solution a miscellaneous body consisting of members of the Curia and the Administrative Court, based on the concept of parity. In terms of procedure, he recommended the ex officio procedure, having moved off from the earlier notion of procedure on motion, the so-called competency complaint. Even more so, because this practice was formulated in the practice of the government between 1869 and 1908.

The bill by Wlassics classified two sets of cases under the power of competency jurisdiction: those (positive or negative) competency disputes in which administrative authorities oppose regular or administrative courts[16] on the one hand, while on the other hand, disputes which occur between administrative courts and regular courts.

2. Organising the Competency Court

It was, however, Act No. 61 of 1907 which finally resolved the issue by diverting from the actual practice and organising the Competency Court. In terms of its original competency, this court was entitled to decide in jurisdictional debates between regular courts and the Administrative Court, and also between one of these and the administrative authorities. The act was formed according to the amendment of the bill by Gyula Wlassics, and it was announced in the *Budapest Journal (Budapesti Közlöny)* on 31 December 1907. The court started its practice on 1 May 1908 within the meaning of the provision of execution (1201/1908. M. E.). Its first chairman was Adolf Oberschall,[17] who had a crucial part in the thoroughly detailed formulation of the court's order of business. The first hearing was held on 5 October in the same year, chaired by Antal Günther.

With the introduction of the Competency Court, the previous practice changed radically. The act decreed the establishment of a special jurisdiction to solve competency confrontations. According to the concept, competency jurisdiction is not an action in the general sense of jurisdiction, namely that it does not set legal disputes in order to settle the offended set of rights, but a decision of objective nature: according to this understanding, competency jurisdiction is meant to explain the law concerning competency, the overall protection of the competency rules of the state,[18] and not a dispute about subjective rights. As a result of this objective character, there is no limitation in its jurisdiction.

"The essence of the question is which authority is entitled by the legal sources to proceed in either one or the other field of law, and if there might be a confrontation between the authorities about the competency, it is indifferent in which legal branch the confrontation happened."[19]

The jurisdictional form guaranteed the full impartiality, independence, and the relevant professional eligibility of the judging forum, even if, in the early 20th century, the professionals of law required the involvement of the professionals of administration in jurisdiction.[20] The nearly 40 years' practice of the Competency Court proves that the heads of the courts kept the guarantees of professionalism in mind without a cogent regulation. It became a permanent practice of the courts by means of customary law that the council involved judges from the branch of the disputed case. The special knowledge was represented by the members of the National Agrarian Court and the Military Supreme Court who were elected members of the Competency Court.[21]

3. Settling jurisdictional disputes

Regarding the organisation of the Competency Court, it was first formed as a miscellaneous court, assembled of the chairmen and members of the Curia and the Administrative Court selected on the concept of parity. It was chaired alternatingly in three-year courses by the chairmen of the Curia and the Administrative Court, eight members were the judges of the Curia, the other eight were the judges of the Administrative Court.[22] The judges were balloted for a period of three years at a full section by both the Curia and the Administrative Court. Both the civil and the criminal sections of the Curia, and the general administrative and financial sections of the Administrative Court were represented in the Competency Court.

Two basic concepts prevailed in this assembly: impartiality and professionalism. The guarantee for impartiality were the facts that the Competency Court was a judiciary body fortified with the guarantee of judicial independence, its authorised judges were protected with several regulations on conflicts-of-interest, who were elected for the position. Besides, the guarantee of professionalism was assured by the miscellaneous court, the presence of members of special courts in the procedure, and the fact that in factual cases the certain judicial councils acted in the composition that suited the case most. The form of the court assured the complete impartiality and independence of the judging forum, and also the necessary professionalism even in the period when theoretical professionals often clamoured for the involvement of administrative lawyers. The nearly forty-year practice of the Competency Court proves that the chairmen observed the guarantees of professionalism even without a cogent regulation, as it became a constant routine that in the council there were judges with expertise in the discipline of the case. Special expertise was represented by the judges of the National Agrarian Court and the Military Supreme Court as elected judges of the Competency Court.[23] In the particular cases the Competency Court decreed as a seven-member council, making an unappealable, obligatory decree. The reason for the seven members originated in the number of the judicial councils of the Curia.[24] The procedure was decided on at a complete session, which was approved by the ministry in its decree No. 1935/1908. M. E. The procedure was later amended in the decree No. 2299/1915. M. E., then in the decree No. 2700/1931. M. E. The court acted under the direct supervision of the prime minister.

Ironically, throughout the history of the Competency Court, the most cardinal issue was the one of its competencies. The law listed the following cases in detail (Act No. 61 of 1907, § 7):

1. if both the general court and the administrative court or the administrative authority, or, in other cases, if both the administrative court and the administrative authority, either of whose competency the procedure involves, have decided that the procedure does not belong under their competency, decision in their final judgement that the procedure does not fall within their competency (negative competency confrontation);
2. if the general court and the administrative court or the administrative authority decided in their final judgement about the same case that the procedure falls within their competency (positive competency confrontation);
3. if the general court – either appealable or non-appealable – and the administrative court decided in the same case;
4. if the general court in a non-appealable judgment, and the administrative court – either in an appealable or non-appealable judgement – has decided in the merit of the same case;
5. if either of the above-mentioned judiciary or administrative authority has stated its competence according to point 2, while the other authority has decided in the merit of the same case according to point 3 or 4.

Owing to this taxonomy, in practice the court refused the motions about competency confrontations and disputes which cannot be classified in it. Thus, for instance, the court decided on the lack of competency confrontation in the case of a presumed competency confrontation between a specific judgment and the regulation about the general rule.

Such a taxonomic list of legibility meant the obstacle of judgement, which inspired the extension of competencies in 1928. Even the more so, because the chief task of the competency court was the general, objective protection of the jurisdictional regulations of the state, to guard over the regulation of § 1 of Act No. 4 of 1968, namely that both the judiciary and the administrative system of authorities may act within the limits of their own competence, as regulated. In this sense, even though the specific cases were judged with conceptual consistence, the court always carefully observed the specific legal issue, and consequently

it was the duty of the competency judiciary to judge the competency confrontations between the special courts or between the special courts and the general courts. This latter task, however, could not be fulfilled with the extensive interpretation of the competency rules of the competency court,[25] which called for the 1928 amendment. The regulations were formed as the following:

a) According to the regulations, the procedure of the Competency Court could take place when the specific rule enabled it specifically. Such cases were the regulations that created the certain special courts, such as, for instance, economic courts as ordered in provision 8759/1920. M. E., which regulated the organisation of the special courts, or Act No. 30 of 1921 on judging on worker's insurance, which explicitly based the power of jurisdictional disputes between these special courts and the general courts, administrative courts, or administrative authorities on the competency courts.

But, as we have already mentioned, Act No. 4 of 1869 did not completely divide administration and justice, in the next few decades (in fact up to this date), judiciary administration and – even though it causes less problems in terms of jurisdictional disputes – court acting as an administrative authority. In this aspect, the Competency Court declared that administrative bodies are not to be identified according to their name (e.g., village judge), neither of the scope (e.g., the police trial judge's function in the case of a sheriff), but according to the legal nature of the body, or, as the regulation put it, their subjective feature. The specific result of the rule was that there was no obstacle for the decision in a jurisdictional dispute between a village leader (judge) and the court.[26]

b) If there was no such specific legal regulation, this hiatus could result in disputes. Before 1928, apart from the two examples mentioned before, in most cases no rule regulated the case when a jurisdictional dispute emerged between certain special courts, so these disputes could not be settled legally. In 1907, legislators entrusted it on the future practice of the Competency Court, actually on custom, as the argumentation of the law stated that it was impossible to itemise the special courts. Thus, the legislator tacitly implied that the concept of the general court should be interpreted extensively, in general as "court", also including the special courts. However, the Competency Court finalised as early as in 1913 in its executive decision, that the concept of general court could not be interpreted in such an extensive way, and consequently, it was unable to decide in jurisdictional disputes concerning special courts.[27]

Even though it refused to handle special courts as general courts, the Competency Court pushed the interpretation of the concepts of general court to the limit. It stated the procedural competence of the special councils of the Curia (such as the minor disciplinary council or the attorneys' council) by applying the formal interpretation of the general court, neglecting the content, based on the concept of *argumentum a maiore ad minus*.[28]

The classification of legal status of the royal prosecution created a similarly debated case, as jurisdictional disputes between the prosecution and the administrative authorities were often judged by the Competency Court. This reflects the characteristic interpretation of the law, as the court treated the royal prosecution as a kind of administrative authority, given that it was an independent public authority according to Act No. 33 of 1871, which was under the direct supervision since 1891. By referring to this law, the court refused to judge in cases between the prosecution and administrative bodies.

The assessment of the judiciary bodies acting in cases related to housing was very exciting. According to the judgment of the Competency Court, the council of house-renting or the single judge in housing cases was a body fitted into the normal judicial organisation, because its chairperson was appointed either from the local court, or from among the judges of the local court by the chairman of the court (the 1921 and 1923 decrees). On the other hand, even though its members were court judges, the appeal council on housing cases was an administrative body because it acted upon the commission of the administrative body who appointed them (namely the minister of welfare and labour; decree in 1926).

Similarly, the Competency Court categorised the elected court of workers' insurance – which acted as the predecessor of the court of workers' insurance – as an administrative body to dissolve the jurisdictional conflict emerged between this court and the general court. (In this 1909 decree the court ascertained its view that in the terminology of the regulation the term administrative court covers Royal Administrative Court.)[29] Later legal custom, however, altered it: with regard to the Patent Court in 1923, even though its units were named as Patent Authority and Patent Council in the 1895 law, and later the 1920 law,[30] the latter containing the organisational amendments and the notification and judiciary departments, the Competency Court declared a character of special court, and thus, being unauthorised to do so, it did not decide the dispute.[31]

c) Complaints of competence was an entitlement which could not be limited in time, assured by the legislator and contemporary custom by detecting and judging competency disputed *ex officio*. In case, however, we take the temporal absoluteness a ground rule, it may conflict the concept of *res iudicata*, as the substantial power means that the merited decision cannot be appealed by legal remedy. When, previous the foundation of the Competency Court, it was the duty of the Government to solve competency conflicts, it either the Government, or the acting Ministry of Justice) often did so in its legibility decision by repealing a final judgement later, referring to lack of competence. Before 1907, the need for an unlimited jurisdictional adjudication was stronger than substantive power. But the practice of the Competency Court ceased to carry on this process by preferring *res iudicata*. Both the acts of 1907 and 1928 regulated *expressis verbi* that in case the general court or the Administrative Court (also extending the rule to the special court in 1928) has decided in a case in merit, there should be no appeal after its coming into force with reference to belonging to the competence of administration. After the final judgement

of the court, no administrative body could bring a case into its competency and could not act in it. It is interesting, though, that in spite of the explicit regulation, the Competency Court had to make decisions of such content every other year.[32] This regulation, however, did not settle the case when, after the final judgment of the regular courts, a competency dispute emerged in which the administrative court should have state its competency. So, if the Administrative Court had stated about a case that it had belonged to its competence after the final judgement of a general court, the dispute could have been referred to the Competency Court.

This rule, however, concerned only the final judgements of merit, and there were no limitations in the cases of negative competency judgements. So, if any court decided on the lack of competence in its final judgement, the case was to be decided on at the administrative bodies.

The law also regulated that after the final judgements of the general court and the administrative court, no further procedure is justified on the basis that the case belonged within the competence of the administrative authority, and in such cases the final judgement of the court is authoritative as opposed to the administrative authority. The law made the protection of the *res iudicata* a basic concept, the opposite of which would have been the concept of the unlimited competency complaint. (The latter appeared in the custom of the Government.[33])

Since the Act No. 4 of 1869 was not consistent in separating administration and judging, a series of legal disputes could emerge in which the court had to decide between the competence of an administrative body and the court. In such cases the complaint was issued *ex officio*, obligingly.

The picture was further shaded by the fact that several regulations granted competencies to special organisations and special courts. This made it clear very soon, in the first years of the court that there is another segment of jurisdictional disputes in which there is no common superior body above the organisations disputing about procedure law: these were the legibility disputes between the numerous special courts founded by the regulations, and the general courts.

Consequently, Act 43 of 1928 and its implementing decree No.1120/1929. M. E. extended the power of the Competency Court to the decision of such competency conflicts that emerged between either the general court or the special court on the one hand, or between the administrative authorities on the other hand, and also to those cases which emerged between general and special courts, and finally the ones between two special courts. The law also regulated that the implementing decrees by the Competency Court would also be obligatory for the courts and the administrative bodies.[34]

To illustrate the previously mentioned cases, let us examine some specific examples of the vast case law collection of the Competency Court. According the general wording of the law, a conflict of competency is involved if 1) the bodies defined by the law 2) in the same case 3) have made conflicting decisions concerning competency. Consequently, the basic intention of the legislator was that the conflicts between the court had to be settled in all circumstances. In cases of legal bodies without a common superior, the dispute is settled at the Competency Court, based on its general competence. But in cases when the competency dispute is to be settled by the directives and power of a specific rule, or the decision about the acting body was made possibly outside the Competency Court – by the compromise of the authorities (bodies) in the conflict, for instance. (Such a case was the one of the obligations to harmonise between the supreme judicial bodies prescribed by the 1912 military criminal procedure law in the competency dispute between the military penal authority and the civil penal authority as, which was taken over by the competency authority of the Competency Court from 1928, by which the issue of competency was actually placed in the hands of the forum entitled to act with judicial independence.)

One crucial element of the competency entitlement of the Competency Court was that besides the sameness of the parties, the case had to be the same also in terms of substance, namely that the legal case that emerged between the parties had to be substantialised in the same aspect. In that sense the sameness of the case was not realised even in the cases involving the same parties if, in the administrative procedure, the subject of the case was an offence (the removal of a boundary marker), while in the court procedure, the case was of private property as a claim of private law.[35] The decision was similar when, in a case of opening a window, the court proceeded in a case of neighbours' rights, while the administrative body proceeded in terms of building regulations, both in their own competence.[36] The simple numerical difference of the claims did not exclude the sameness of case, and consequently the procedure of the Competency Court.[37]

For the statement of the competence of the Competency Court it was also necessary to state its competence (or the lack of competence) by at least two bodies, directly or indirectly in a resolution (by justifiably referring the case back to administration), while the competence of either bodies involves the procedure. At the same time, it was not a necessary requirement that the judgement of the case should be referred to another body with competence. A claim originated in service may be the subject of a court procedure as a private law claim, it may be a claim of as servant's wages, which belongs within the servants' authority, but it may also be the claim of a craftsman's apprentice. In this issue, in case of a conflict, the Competency Court's decision was based on the subject of the case, actually the feature and the substantial elements of the claim. But the Competency Court did not state a competency conflict in the case either, when it proceeded and decided in different aspects of the same case, but in its own legal competence.

The legislator regulated the procedure of the Competency Court, also the process of the hearings by applying the rules of the procedure of the administrative court. The precondition was to divide administration and justice, as an essential requirement of every constitutional state. If the state does not fulfil this requirement properly (as it happened in

Hungary), the numerous conflicts will undermine legal certainty, resulting in unpredictable law enforcement.

The necessity of judgments on jurisdiction – without guarantees – may emerge as a result of abuses by the authorities or courts.

Entrusting this guarantee of the division of power by deploying competencies to a miscellaneous court of high prestige assures independence and impartiality, which is essential for a procedure of objective kind that in specific processes interprets the law independently from substantive law or demands. Even though there was a theoretical and practical demand to involve professionals from administration, the activity of the court proved that in fact it is not necessary for the decision about competence.

For an established decision the judges do not need to know the taxonomy or the substantial character of the case, but the elements of its content, for which the most suitable forum is the judiciary.

For positive or negative competency disputes the law orders the same procedure to apply.

Furthermore, the legislator purported the complete equality of the involved administrative and/or judicial bodies. At the same time, it reduced the role of the private parties – concerning the objective character of judging – to the minimum, leaving room for the *ex officio* procedure.

The ground for the procedure was not the right to complain (even though the draft by Wlassics preferred it), but the requirement to submit, which was also more economical and more efficient from the aspect of the procedure. The body which made the decision that caused the competency conflict was obliged to submit the case within 15 days.

The already emerged competency disputes had to be arranged, and furthermore, as soon as possible (this way the procedure rules did not allow the postponement or delay of the hearing), because the legal uncertainty caused by the dispute can only be terminated this way. So, it was not a reason to terminate the procedure in competency cases, for instance, if the party deceased.

The most important moral of the competency disputes is still the fact that it is primarily the legislator who has to avoid jurisdictional confrontations by the most consequent arrangement of competencies. In case the regulations creating competencies are still incomplete – in the case of substantial law there must be a forum which can state the authorised body in each case on an objective ground, independently from the claim to be asserted, and at the same to capable of excluding, forbidding any other body from acting in the case. This is one of the most important guarantees of the constitutional operation of justice.

4. Epilogue

The Act No. 2 of 1949 declared the termination of the Competency Court, and at the same time it ordered to establish the Competency Arbitration Committee. The law came into force on 1 September 1949 by the implementing government decree No. 4080/1949. In the cases which had been within the competence of the Competency Court before, the Competency Arbitration Committee was to act, chaired by the minister of justice. One member of the committee was appointed by the interior minister, the other member was a judge from the council chairs and members of the Curia appointed by the chairperson of the Curia. The members acted for three years. The Competency Arbitration Committee held its inaugural session on 21 October 1949 in the building of the Ministry of Justice. The decree No. 207/1952 (8 Dec) declared, and then the decree No. 102/1952 (8 Oct) repeated that in the specific competency disputes between the certain committees, the chairperson of the Central Arbitration Committee was to decide, while in the competency disputes between the committee and the civil court the Competency Arbitration Committee was to decide.

The decree No. 1/1954 (26 March) by the Ministry of Justice finally declared the termination of the Competency Arbitration Committee based on Act No. 2 of 1954. By this act a crucial element of Hungarian public law jurisdiction was lost after nearly fifty years of operation.

Notes and references

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[2] Feketekuti Mankovics, László: *A hatásköri bíráskodás [Adjudication on Competency]*. Budapest, 1940. Attila nyomda, 137.

[3] With regard to the independent judicial power, the monograph of Gábor Máthé: *A magyar burzsoá igazságszolgáltatási szervezet 1867–1875 [Formation of the Hungarian Bourgeois Judicial Organization 1867–1875]* (Budapest, 1982. Akadémiai Kiadó) and István Stipta: *A magyar bírósági rendszer története [History of the Hungarian Court System]* (Debrecen, 1998. Multiplex Media) are fundamental, and – as a result of the ever increasing research in the history of the courts – several studies have recently been published which discuss the process from different aspects.

[4] Wlassics, Gyula: A tízéves hatásköri bíróság [Ten Years Old Competency Court]. *Jogállam [Rule of Law]*, No. 5–6, 1918. 7.

[5] Gyula Wlassics referred to this in his inaugural speech at the Administrative Court. See: Az új korszak [The New Era]. *Budapesti Hírlap [Budapest News]*, No. 121 of 3. 5. 1906. 7–8.; Bódiné Beliznai, Kinga: Wlassics Gyula a közigazgatási bíróság élén (1906–1933) [Julius Wlassics, President of the Administrative Court (1906–1933)]. *Miskolci Jogi Szemle [Law Review of Miskolc]*, No. 2, 2017. 108.

[6] Wlassics 1918. 8–10.; Magyary, Géza: Báró Wlassics Gyula egy új tanulmánya [A New Study by Baron Julius Wlassics]. *Budapesti Szemle [Budapest Review]*, No. 501, 1918. 459.; Koncz, Ibolya Katalin: A Hatásköri Bíróság Magyarországon [The Competency Court in Hungary]. *Jogtörténeti Szemle [Revew of Legal History]*, No. 1–2, 2017. 98.

[7] Wlassics 1918. p. 11.

[8] Feketekuti Mankovics 1940. 138.; Wlassics 1918. 8–10.; Térfi, Gyula: A hatásköri bíróságról szóló törvényjavaslat [The Bill on the Court of Jurisdiction]. *Jogtudományi Közlöny [Jurisprudential Bulletin],* No. 44, 1907. 368.

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[10] Schweitzer, Gábor: The presidents of the Hungarian Royal Administrative Court (1897–1949). *Przeglad Prawa Konstytucyjnego*, No. 6, 2015. 53–63. *https://doi.org/10.15804/ppk.2015.06.03*; Stipta, István: A magyar pénzügyi közigazgatási bíróság jellege és hatásköre. Az 1883. évi LXIII. tc. tartalma és jelentősége [Nature and Competency of the Hungarian Financial Administrative Court. The Content and Significance of Act LXIII of 1883]. *Publicationes Universitatis Miskolciensis Sectio Juridica et Politica*. Miskolc, 2011. 89–106.; Bódiné Beliznai 2017. 115.
[11] Wlassics 1918. 10–11.
[12] Besides (and following) Wlassics (e.g., 1880), Gusztáv Beksics, for example.
[13] Also in 1879, 1883 and 1896, as indicated earlier in this paper.
[14] Kmety, Károly: A hatásköri összeütközések bírósága [Court of Jurisdictional Confrontations]. *Jogtudományi Közlöny [Jurisprudential Bulletin],* No. 15, 1895. 25–26.
[15] *https://birosag.hu/sites/default/files/users/wlassics.jpg.*
[16] The reason for the plural is that there were originally plans to organise lower administrative courts. In the 1895 draft of Wlassics, the Competency Court was composed of judges of the Royal Curia and the 'Higher' Administrative Court.
[17] Life and career sketch Bódiné Beliznai, Kinga: „Modern fej és hihetetlenül nagy, korszerű tudás": Oberschall Adolf életútja (1839–1908) ["A modern head and an incredibly great, modern knowledge": the career of Adolf Oberschall (1839–1908)]. In Bódiné Beliznai, Kinga (ed.): *A Kúria és elnökei [The Curia and its Presidents].* Vol. III. Bibliotheca Curiae. Budapest, 2015. HVG-ORAC Lap- és Könyvkiadó Kft. 11–45.
[18] Feketekuti Mankovics 1940. 152.
[19] Ministerial explanatory memorandum to Act No. 61 of 1907.
[20] Illyefalvi Vitéz Géza: *Hatásköri bíráskodás és a magyar hatásköri bíróság szervezete [Adjudication on Jurisdiction and the Organisation of the Hungarian Competency Court]*. Budapest, 1909. Athenaeum, 27–29. This has been bridged by the actual organisation, and science has found that "a large proportion of administrative judges start their careers in the administration". Feketekuti Mankovics 1940. 146.
[21] Ibid. 152.
[22] Act No. 61 of 1907, §§ 2–3; Márkus, Desider: Ungarisches Verwaltungsrecht. In Huber, Max – Jellinek, Georg – Laband, Paul – Piloty, Robert (Hg.): *Das öffentliche Recht der Gegenwart*. Tübingen, 1912. J. C. B. Mohr, 57.
[23] Feketekuti Mankovics 1940. 152.
[24] Ministerial explanatory memorandum to § 4 of Act No. 61 of 1907
[25] This has been stated by the court with jurisdiction in several decisions in which the complaint was dismissed for lack of jurisdiction, for example in its judgments No. 1922. Hb 62. concerning conflicts between the Patent Court and other judicial or administrative bodies. Feketekuti Mankovics 1940. 152.
[26] 16 November 1908, Judgment No. Hb. 42; 15 December 1911, Judgment No. Hb. 105. See also Feketekuti Mankovics 1940. 162.
[27] Feketekuti Mankovics 1940. 160.
[28] 16 April 1917, Judgement No. 1916 Hb. 59. See Ibid. 160., 165.
[29] 4 October 1909, Judgement No. Hb. 55. See Ibid. 166–168.
[30] For more on the judicial nature of patent authorities, see Papp, László: *A szabadalmi jogvédelem történeti perspektívái [Historical Perspectives of Patent Protection]*. Budapest, 2015. Gondolat Kiadó, 52–85.
[31] 16 April 1923, Judgement No. 1922. Hb. 62. See Feketekuti Mankovics 1940. 168–170.
[32] Ibid. 158.
[33] Ibid. 157.
[34] Ibid. 142.
[35] 21 October 1912, Judgement No. 1912. Hb. 43. See Ibid. 173.
[36] 4 October 1909, Judgement No. 1909. Hb. 50. See Ibid. 173., 174.
[37] 14 February 1910, Judgement No. 1909 Hb. 136. See Ibid. 174.

Bódi Beliznai, Kinga

Animal Ornaments of the Court Buildings

1. The lion

1. 1. The lion as a symbol of power

Animals and their associated images have been part of human culture since ancient times. Representation of animals are common in literature and art, so it is not surprising that depictions of animals appear as decorative elements in courthouses and their surroundings all over the world. The mystical bond between animals and mankind is the reason why there are notable animals that have been recognized for centuries as symbols of human judgement and justice in the history of legal culture.

In expressing the relationship between animals and humans, the qualities of animals are often used as a metaphor for people, and certain human characteristics can be illustrated by metaphors referring to animal behaviour.[1] Machiavelli formulated this in *The Prince* in the following manner: "A prince, therefore, being compelled knowingly to adopt the beast, ought to choose the fox and the lion; because the lion cannot defend himself against snares and the fox cannot defend himself against wolves. Therefore, it is necessary to be a fox to discover the snares and a lion to terrify the wolves. Those who rely simply on the lion do not understand what they are about."[2]

Known as a symbol of power and rulership in ancient cultures, the lion has been closely associated with the court judgements since the Middle Ages.

The lion symbolizes valour, majesty, and protective power, as well as wisdom and animal strength. Among the virtues it is the attribute of justice, firmness, fortitude, and temperance, while among the vices it is the attribute of pride. A man wearing a lion's skin or holding it in his hand, a reference to Hercules (Heracles), is an epitome of excellence and heroic virtue.[3]

These characteristics have made it – alongside the eagle – one of the most used heraldic animals. The winged,