

DEVELOPMENT OF MUNICIPAL SELF-GOVERNMENT OF CHERNIVTSI IN THE LATE 18TH – EARLY 20TH CENTURIES

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Abstract: *The article deals with local self-government in Chernivtsi. At the time of joining Austria, Chernivtsi was a small settlement, the centre of the region. The decisive role in the fate of the city was played by the Austrian administration, which made the city the capital of Bukovina. This fact contributed to the rapid development of the city. In 1786, Chernivtsi was granted the first Charter governing the city administration. An important step in the development of local self-government took place in 1832 when Chernivtsi received the Magdeburg rights. However, the city government remained still limited in its powers.*

The status of Chernivtsi has significantly increased after the separation of Bukovina from Galicia. The city received a separate Charter in 1864, which substantially expanded the community's self-governing rights. The disadvantage of such status was the restriction imposed on the general population to participate in the elections for the city's local administration.

Chernivtsi developed as a multinational city. The Jewish, German, Ukrainian, Romanian and Polish communities were the largest ones. Following the general processes of democratisation in the empire and Bukovina, in particular, that took place in the early 20th century, the matter of updating the status of Chernivtsi arose. The Bukovina Diet adopted a draft project in 1912 according to which all voters were divided into national curiae. However, it was not authorised by the emperor before the outbreak of World War I.

Keywords: *Municipal self-government, Chernivtsi, Bukovina, Austria-Hungary, city council, city Charter, burgomaster.*

Rezumat: *Dezvoltarea autonomiei municipale a Cernăuțiului la finele secolului al XVIII-lea – începutul secolului XX. La momentul aderării la Austria, orașul Cernăuți era o mică așezare, centru al ținutului omonim. Administrația austriacă a jucat un rol decisiv în soarta orașului, transformând urbea în capitala Bucovinei. Acest fapt a contribuit la dezvoltarea rapidă a orașului. În anul 1786 Cernăuțiul a primit primul Statut, care a stabilit normele de administrare a orașului. Un pas important în dezvoltarea autonomiei locale a*

fost făcut în anul 1832, când oraşului Cernăuţi i s-au aplicat normele dreptului de Magdeburg. Cu toate acestea, autonomia urbană a continuat să fie destul de restrânsă.

Statutul Cernăuţiului s-a îmbunătăţit semnificativ după separarea Bucovinei de Galiţia. Oraşul a dobândit un Statut distinct în anul 1864, act care a extins puternic drepturile autonome ale comunităţii. Punctul slab al acestui statut a constat în restricţionarea dreptului întregii populaţii de a participa la alegerile organismelor municipale.

Oraşul Cernăuţi s-a dezvoltat ca oraş multinaţional. Cele mai mari comunităţi au fost de evrei, germani, ucraineni, români şi polonezi. În contextul general al fenomenului de democratizare în imperiu şi, în special, în Bucovina, la începutul secolului XX-lea, s-a manifestat necesitatea adaptării statutului oraşului Cernăuţi la noul cadru democratic. În anul 1912 Dieta Bucovinei a aprobat un proiect conform căruia toţi alegătorii au fost împărţiţi în curii naţionale. Totuşi, până la izbucnirea Primului Război Mondial, proiectul de lege nu a fost autorizat de împărat.

Résumé: Le développement de l'administration autonome municipale de Tchernivtsi à la fin du XVIII-e - le début du XX-e siècles. L'article ci-joint souligne qu'au moment du rattachement à l'Autriche, la ville de Tchernivtsi était une petite localité, centre de la contée homonyme. L'administration autrichienne joua un rôle décisif dans la destinée de la ville, celle-ci transforma la ville dans la capitale de la Bucovine. Cela contribua à l'évolution rapide de la ville. L'année 1786, Tchernivtsi reçut le premier Statut, qui détermina la gestion de la ville. La concession à la ville en 1832 des normes de droit de Magdeburg marqua un pas important dans le développement de l'administration autonome locale, bien qu'à cette époque-là elle demeurât très limitée.

L'importance de Tchernivtsi augmenta considérablement après la séparation de la Bucovine de la Galicie. En 1864, la ville obtint un statut particulier qui élargit fortement les droits d'administration autonome des citoyens. Pourtant, le défaut du statut consista dans la restriction du droit de la population toute entière des participer aux élections des organismes locaux.

Tchernivtsi se développa comme une ville multinationale. Les communautés juive, allemande, ukrainienne, roumaine et polonaise furent les plus importantes. Au début du XX-e siècle, dans le cadre du processus général de la démocratisation de l'Empire autrichien et en Bucovine, en particulier, apparut la nécessité d'adapter le statut de la ville de Tchernivtsi au nouveau cadre démocratique. La Diète bucovinienne adopta en 1912 un projet selon lequel on partagea tous les électeurs en curies nationales. Pourtant, jusqu'au début de la Première guerre mondiale, l'empereur n'approuva pas le projet de loi.

INTRODUCTION

The history of the city of Chernivtsi during the Austrian period has never been deprived of attention. There is still a lot of literature on the city, which continues to grow. It particularly speaks about the city as a multinational centre of public

relations and mutual cultural enrichment, about the development of the city and its architecture etc.¹ The collective work of the international team of historians such as Harald Heppner, Oleksandr Masan, Oleksandr Dobrzhanskyi, Mihai-Stefan Ceaușu, Kurt Rein, David Shaari, Kazimierz Feleszko, Stefan Purici, edited by Harald Heppner and published in 2000 is characteristic in this regard.² It analyses individual pages of the past and present of the capital of Bukovina, the history of Ukrainians, Romanians, Germans, Jews, and Poles in the city, the development of infrastructure and architecture, and the importance of the city for the history of Bukovina and so on. It can be said without exaggeration that such a description pattern of history and modern times of Chernivtsi has become almost traditional.

Surprisingly, but historians have not often written about the formation and development of Chernivtsi self-government during the Austrian period. One of the first matters was raised by Franz Wickenhauser³ and Johann Polek⁴, who drew the attention to the first steps in the formation of the city self-government in Chernivtsi in the late 18th – to the early 19th century. Raimund Kaindl made a significant contribution to the study of this matter in his *History of Chernivtsi*⁵, a work dedicated to the 500th anniversary of the first documented mention of the city where he analysed the creation of the first city Charter, the Magdeburg Law that granted Magdeburg rights to the city. Isiu Gronich⁶, Constantin Loghin⁷,

¹ Irma Bornemann, Paula Tiefenthaler, Rudolf Wagner (Hrsg.), *Czernowitz: Eine Stadt im Wandel der Zeit mit besonderer Berücksichtigung ihres deutschen kulturellen Lebens*, München-Stuttgart, Verlag "Der Südostdeutsche", 1988; Helmut Braun (Hrsg.), *Czernowitz: Die Geschichte einer untergegangenen Kulturmetropole*, Berlin, Ch. Links Verlag, 2005; Марія Никирса, *Чернівці. Документальні нариси з історії вулиць і площ* [Chernivtsi. Documentary Essays on the History of Streets and Squares], Чернівці, Золоті литаври, 2008; Ion Lihaciu, *Czernowitz 1848-1918. Das kulturelle Leben einer Provinzmetropole*, Kaiserslautern, 2012; Gregor Gatscher-Riedl, *K. u. K Sehnsuchtsort Czernowitz – "Klein-Wien" am Ostrand der Monarchie*, Berndorf: Kral-Verlag, 2017.

² Harald Heppner (Hrsg.), *Czernowitz. Die Geschichte einer ungewöhnlichen Stadt*, Köln, Weimar, Wien: Böhlau Verlag, 2000.

³ Franz Wickenhauser, *Bochotin oder Geschichte der Stadt Czernăuz und ihrer Umgebung*, Wien, 1874.

⁴ Johann Polek, *Historische Skizze von Czernowitz*, in *Czernowitz. Statistische Bericht über die wichtigsten demographischen Verhältnisse*, Wien, 1888, S. 1-8.

⁵ Raimund Kaindl *Geschichte von Czernowitz von den ältesten Zeiten bis zur Gegenwart*, Czernowitz, 1908.

⁶ Isiu Gronich, *Un album al Cernăuțului*, Cernăuți, Tipografia Luceafărul, 1925.

⁷ Constantin Loghin, *Cernăuții*, Cernăuți, Tipografia Mitropolitului Silvestru, 1936.

Oleksandr Masan, Ihor Chekhovskiy⁸, Mykhailo Nykyforak⁹, Vasyl Botushanskyi¹⁰ wrote about some aspects of the city administration. Nevertheless, the Chernivtsi administration was mentioned in their works only casually due to the connection with other historical narratives. Meanwhile, many interesting pages deserve close attention in the history of the Chernivtsi city self-government development during the Austrian period, such as the Bukovinian “Ausgleich” (Accord) of 1910, which has gained considerable attention over the past decades.

It is also important to note that the changes in the city self-government of Chernivtsi were carried out in the general direction of municipal reforms that took place in many European countries and the US at that time¹¹. Against this background, it becomes possible to better determine both general patterns and the features of the municipal self-government formation in Chernivtsi.

The topicality of the article is connected both with the general trends at the European Union level, in deepening the level of local self-government and giving communities as much authority as possible in terms of solving local issues, and with the introduction of the administrative-territorial reform in Ukraine (and in particular in the Chernivtsi oblast).¹² To implement successful changes in the

⁸ Олександр Масан, Ігор Чеховський, *Чернівці: 1408-1998: нариси з історії міста*, [Chernivtsi: 1408-1998: Essays on the History of the City] Чернівці, Місто, 1998.

⁹ Михайло Никифорак, *Буковина в державно-правовій системі Австрії (1774-1918 рр.)* [Bukovina in State and Law System of Austria], Чернівці, Рута, 2004.

¹⁰ Василь Ботушанський, *Місто в період австрійського правління* [City During the Austrian Rule], in В. М. Ботушанський (ред.), *Чернівці. Історія і сучасність. Ювілейне видання до 600 – річчя першої писемної згадки про місто* [Chernivtsi. History and Present Time. Special Edition to 600th Anniversary of the First Written Mention of City], Чернівці, Зелена Буковина, 2009, с. 79-154.

¹¹ Martin J. Schiesl, *The Politics of Efficiency: Municipal Administration and Reform in America, 1880-1920*, Berkeley: University of California Press, 1977, 259 p.; Jacob C. Ruppenthal, *Election Reforms: The Trend toward Democracy*, in “*Annals of the American Academy of Political and Social Science*”, Vol. 28, Municipal Problems (Nov., 1906), pp. 53-83; Clinton R. Woodruff, *The Movement for Municipal Reform*, in “*The North American Review*”, Vol. 167, No. 503 (Oct., 1898), pp. 410-417; Theodore R. Weeks *Nationality and municipality: reforming city government in the Kingdom of Poland, 1904-1915*, in “*Russian History*”, 1994, No. 1, p. 23-47; Timothy B. Smith, *In defense of privilege: the city of London and the challenge of municipal reform, 1875-1890*, in “*Journal of social history*”, Vol.27, Issue 1, Fall 1993, p. 59-83.

¹² Закон України “Про добровільне об’єднання територіальних громад” [Law of Ukraine “On the Voluntary Association of Territorial Communities”], <https://zakon.rada.gov.ua/laws/main/157-VIII>.

modern local administration, the study of the achievements, shortcomings and long-term consequences of the functioning of the municipal authorities during the Austrian times is necessary both for scientific and practical terms.

The objective of the article is to analyse the formation of Chernivtsi self-government, the development of the main principles of municipal governance, the proposals of some public figures of that Bukovina time on the reorganisation of the city Charter and the electoral law for elections to the City Council in 1909-1914.

FORMATION OF CHERNIVTSI SELF-GOVERNMENT IN 1775-1849

At the time of joining Northern Moldavia to Austria, Chernivtsi was the centre of the *province* (district), a small settlement that was repeatedly devastated during various wars. According to the census of 1774, carried out during the Russian-Turkish war by the Russian military administration, there were 388 households.¹³ Almost the same number (366) of households was in Suceava, the former capital of the Moldavian Principality.¹⁴ If we take into account that, at that time, an average of five people lived in a household, then there were about two thousand inhabitants in Chernivtsi at that time.

The decisive role in the future of the city was played by the Austrian authorities, which officially named the annexed territory Bukovina and made Chernivtsi the administrative centre of the region, set up military units, and then the district government.

However, this issue had been discussed for several years. Gabriel von Spleny, the first military leader of the region, considered it necessary to raise Sadagura and make it the centre of the military district between the Dniester and Siret, while Suceava would become the centre of the military district between Siret and Transylvania.¹⁵ However, this idea never came true. Karl von Enzenberg, his successor, thought that Suceava should be the centre of the region. Finally, the Royal Military Council in Vienna decided to leave the military administration in Chernivtsi in 1778.¹⁶ This decision, of course, has contributed to the rapid growth

¹³ *Молдавия в эпоху феодализма* [Moldova in the Era of Feudalism], Кишинев, Штиинца, 1975, Т. VII, Ч. 1, *Переписи населения Молдавии 1772-1773 и 1774 гг.* [Moldova Population Census of 1772-1773 and 1774], с. 370-374.

¹⁴ *Ibid.*, p. 343.

¹⁵ Gabriel Spleny, *Beschreibung des Bukoviner Districts*, in *Bucovina în primele descrieri geografice, istorice, economice și demografice*, Cernăuți, 2019, p. 106.

¹⁶ В. Ботушанський, *Місто в період австрійського правління...*с. 83.

of the number of residents, the development of the city and put on the agenda the formation of the city government.

Spleny noted that Chernivtsi had neither special privileges nor other attributes of ordinary municipal administration at the time of annexation to Austria¹⁷. During the first years after the annexation, previously appointed Moldovan officials were in charge of the administration of Chernivtsi, but under the supervision of Austrian officers. However, in 1775, Gabriel Spleny proposed to establish a magistrate in Chernivtsi. Spleny's successor, General Karl Enzenberg, took the same initiative several times. However, the case had dragged on for more than a decade. Only on February 8, 1786, Chernivtsi received the city Charter, signed by the leaders of the military administration. According to this Charter, the city was governed by a public (city) court, which consisted of a city judge and four assistant deputies. They were elected for a term of 3 years. Also, a syndic position with knowledge of the law and local language, a clerk, a police officer, a magistrate's clerk, four court clerks, and two overnight security guards positions were provided for the city administration.¹⁸

All residents of the city, according to the Charter, formed a single community, but only residents of the Christian faith had active and passive suffrage.

The biggest drawback of the first city Charter of Chernivtsi was that the municipal administration was completely subordinated first to the regional military leadership, and then to Galicia viceroyalty and local district government. It is worth noting that in August 1786, Emperor Joseph II signed the imperial patent on the accession of Bukovina to Galicia as a separate district.¹⁹

The limited powers of the magistrate were demonstrated by the fact that it had the right to decide on the costs of no more than 10 florins. If the amount was higher, permission from the district' administration was needed. Without the permission of the district' administration, it was impossible to start any construction in the town. In practice, the district' administration considered the magistrate as one of its divisions.

¹⁷ Gabriel Spleny, p. 52; Al. Bocăneț, *Istoria orașului Cernăuți pe timpul Moldovei* [History of Chernivtsi city during Moldova], Studiu introductiv: prof. univ. dr. Ștefan Purici, Notă asupra ediției și indice de nume: Rodica Iațencu, Cernăuți, Editura „Zelena Bukovyna”, 2010.

¹⁸ Raimund Kaindl, *Geschichte...*, S. 103-104.

¹⁹ Johann Polek, *Die Vereinigung der Bukowina mit Galizien im Jahre 1786*, Czernowitz, 1900, S. 52.

According to the Austrian classification of that time, the Chernivtsi administration belonged to the so-called unregulated magistrates. In 1792, at the insistence of the Galician viceroyalty, such magistrates were to be called "community courts," the burgomaster was called "the judge of the community," and the adviser was called the "lay assessor of the community."²⁰ This name also emphasised that the municipal government had no autonomous rights. The same year, changes regarding elections to the community court were introduced. They became two-stage. Only the Chernivtsi residents of the Christian faith participated in the election campaign. First, they elected the so-called burgher committee, which consisted of at least 12 people, and then that committee elected the president of the court and the lay assessors of the community.

However, the development of Chernivtsi required an improved local administration system. It is important to know that in the early 19th century, a considerable number of Chernivtsi residents understood the need for change. During the visit of the Austrian emperor Franz Joseph I to Chernivtsi in 1823, a delegation of Chernivtsi residents asked him to approve the regulated magistrate, that is, to enforce the Magdeburg Law.²¹ The residents of Chernivtsi appealed to various authorities several times on the issue of local self-governance improvement.

Finally, on September 2, 1832, Chernivtsi was granted the Magdeburg Rights²². This privilege was an important step in the development of local self-government. After that, the importance of the burgomaster, magistrate and petty-bourgeois committee significantly increased, and the opportunities to solve urgent city problems expanded. However, the autonomous rights of Chernivtsi should not be exaggerated. The dependence on the district government was quite substantial. As R. Kindle wrote: "...too much influence of the district and regional authorities and the small importance of the petty-bourgeois committee remained in the future a brake on the development of the city".²³

The area belonging to Chernivtsi was finally prepared in the middle of the 19th century. First, they dealt with the suburban villages of Rosha, Gorecha, Kalichanka and Klokuchka. In 1847, by a decree of the Galician viceroyalty, all four

²⁰ Raimund Kaindl, *Geschichte...*, S. 107.

²¹ О.Масан, І. Чеховський..., с. 23.

²² Raimund Kaindl, *Geschichte...* S. 110.

²³ *Ibid.*, S. 118.

urban villages became suburbs, and their inhabitants were granted the same petty-bourgeois right as the residents of Chernivtsi.²⁴

The revolution of 1848-1849 became a new milestone date for Chernivtsi. In the Constitution of March 4, 1849, signed by Emperor Franz Joseph under the pressure of revolutionary events, Bukovina was separated from Galicia and proclaimed a separate crown land of the Empire, with the status of a duchy. Chernivtsi became the capital of one of the 15 lands of Cisleithania, which significantly increased the status of the city.

The same Constitution proclaimed several innovations in the local governance of the Empire. In particular, paragraph 33 guaranteed the right to elect community representatives to self-government bodies, independently accept new community members and manage community activities, openly carry out financial activities, hold public meetings of their representatives etc.²⁵ These provisions were developed in a separate temporary community act of March 17, 1849. The introductory part of this law, in particular, specified that "the basis of a free state is free communities."²⁶ A wide range of powers, which were divided into natural and delegated ones, was granted to the communities. However, this law was not put into effect, because on December 31, 1851, the Constitution of 1849 was abolished. The empire established a neo-absolutist order.

THE 1864 CHERNIVTSI CHARTER: STRENGTHS AND WEAKNESSES

Further changes took place in Austria after the publication of the October Diploma of 1860 and the February Patent of 1861, which restored the constitutional system in the state. On March 5, 1862, a law was passed that laid down the basic rules for governing local communities.²⁷ It defined the powers of local communities. According to this law, the communities were responsible for the security of individuals and property, the development of local roads, bridges, supervision of standards of weights and measures, health care, supervision of official order, supervision of morals, caring for the needy, supervision of construction and fire safety, founding and maintaining public schools, resolving disputes between

²⁴ Johann Polek, *Historische Skizze...*, S. 2.

²⁵ *Allgemeines Reichs-Gesetz-und Regierungs blatt für das Kaiserthum Österreich. Jahrgang 1849*, Wien, 1850, S. 154.

²⁶ *Ibid.*, S. 203.

²⁷ *Reichs-Gesetz-Blatt für das Kaiserthum Österreich. Jahrgang 1862*, IX. Stück, Wien, 1862, S. 36-41.

members of the community in connection with the election of community representatives, voluntary public auctions of movable property etc.

The law stated that any property had to be registered in the communities.

Article 22 of the law of 1862 on local communities stipulated that the capital cities of the crown lands, as well as other important cities and resorts, would receive separate charters based on regional laws that must be approved by the emperor.²⁸

Based on the general imperial law on local communities and public self-government on November 14, 1863, the “Public Order for the Dukedom of Bukovina” was approved.²⁹ It stated that every community with its own governing bodies in a city, town or village is considered a local community. It was stressed that several communities could unite, but only voluntarily.

The imperial law of March 5, 1862, and the regional law of November 14, 1863, became the legal basis for the development of local self-government in Bukovina. Based on these laws, the Bukovina Diet adopted a law approved by Emperor Franz Joseph on March 8, 1864, which granted Chernivtsi a separate public Charter.³⁰ Since that time, Chernivtsi appeared in statistical and other documents as a city with a separate Charter. There were 33 cities with separate charters in the early 20th century in Austria.³¹ It was only Chernivtsi in Bukovina, while in Galicia –Lviv and Krakow.

The Charter of Chernivtsi consisted of three sections and had 109 articles. The first section, called “On the territory of the municipal community and members of the community”, stated that the community of Chernivtsi consisted of Chernivtsi and the suburbs – Roshia, Klokuchka, Kalichanka and Gorecha³².

The community made a distinction between community members and outsiders. Members of the community were divided into those who belong to the community and the bourgeois. The first were the indigenous inhabitants of Chernivtsi. The bourgeois status was granted to those who took an oath. This right was granted only to men who had their own household, were eligible for voting and suffrage, and paid a direct tax of at least 20 guilders annually for three years.

²⁸ *Ibid.*, S. 41.

²⁹ *Gesetz und Verordnungs Blatt für das Herzogtum Bukowina. Jahrgang 1863*, VII. Stück, S. 21-54.

³⁰ *Gesetz und Verordnungs Blatt für das Herzogtum Bukowina. Jahrgang 1864*, II. Stück, S. 3-33.

³¹ Werner Ogris, *Elemente europäischer Rechtskultur: rechtshistorische Aufsätze aus den Jahren 1961-2003*, Wien, Böhlau Verlag, 2003, S. 698.

³² *Gesetz und Verordnungs Blatt für das Herzogtum Bukowina, Jahrgang 1864*, II. Stück, S. 5.

The second section of the Charter explained the management of the community.³³ A community council and magistrate governed the city community. The community council was the administrative and supervisory body, and the magistrate was the administrative and executive body. Both the community council and the magistrate were led by the burgomaster (mayor).

Male members of the Chernivtsi community elected the community council. The bourgeois and honorary citizens had the right to participate in the elections, as well as everyone who paid at least 5 guilders, for house or land in the town centre and 3 guilders in the suburbs, and at least 10 guilders of direct taxes in the town centre, and 6 guilders in the suburbs.

Officers in military service, women, persons under guardianship, hired workers, assistants of artisans, people of no regular income, those who did not pay the due tax etc. were deprived of the right to vote. Those held responsible for criminal offences and vagrancy also lost their right to vote.

All male members of the community who were 24 years old had the right to vote. Officials and community servants were deprived of such rights, except for those who were deprived of eligibility to vote, persons found guilty of immorality, and exempted from service for disciplinary offences.

Generally speaking, it can be stated that the suffrage under this Charter was traditional for Austria and the vast majority of residents of Chernivtsi was deprived of the opportunity to influence in any way the election of the leadership of the city. For example, in 1897, only 2.2 thousand people had the right to vote (5%) of 60 thousand inhabitants (including 45 thousand above 24 years of age).³⁴

The Chernivtsi community was divided into three constituencies. The first constituency was the central part of Chernivtsi. Forty-five members of the community council were elected there. The suburb of Rosha was the second constituency. Three members of the community council were elected there. The suburbs of Kalichanka, Klokuchka and Gorecha made the third constituency. Two members of the community council were elected there.

It is easy to see a large disparity between Chernivtsi and the suburbs in the number of community council members. In 1869, 33,884 people lived in Chernivtsi. Of them, 23,360 (69%) people lived in the centre and 10,524 (31%) – in the suburbs.³⁵ At the same time, 90% of deputies were elected in the city centre

³³ *Ibid.*, S. 6-20.

³⁴ Василь Ботушанський, *Місто в період австрійського правління...*, с. 88.

³⁵ *Orts-Repertorium des Herzogtums Bukowina*, Czernowitz, 1872, S. 3.

and only 10% in the suburbs. This situation took place due to the number of taxpayers: the poorer Chernivtsi citizens lived in the suburbs (unlike today, where the wealthier Chernivtsi citizens live), of which few paid taxes more than 3 or 6 guilders, respectively.

In the first constituency, voters were divided into three electoral curiae. The voters of each curia ensured the payment of a third of the direct taxes. Fifteen deputies were elected from each curia. The second and third districts were not divided into electoral curiae.

Each voter had to vote in person. To do this, the voter had to arrive at the appointed time at the appropriate place of the election commission, where he was recorded in the register of voters. Each voter wrote as many names on the card among those elected to the community council in his curia or constituency.

A person elected to the community council had no right to refuse the choice without a good reason. In case of refusal, the city council had the right to impose a fine of one hundred guilders.

The community council was elected for four years. Half of the members of the community council were re-elected every two years. This half was re-elected by lot the first time. The community council elected a burgomaster from its members. At least three quarters from the members of the city council were to participate in the elections. Whoever obtained the absolute number of votes was considered elected. The burgomaster was elected for four years, and the vice-burgomaster for two years. The emperor approved the election of the burgomaster. Members of the community council worked voluntarily, the burgomaster and vice-burgomaster received salaries.

As already noted, the magistrate was the administrative and executive body of the community. The magistrate consisted of the burgomaster, vice-burgomaster, four city councillors, as well as a certain number of officials and staff.

The third section of the charter described the competence of the urban community and its self-government bodies³⁶.

As in the laws on local self-government of 1862 and 1863, the sphere of authorities of the municipal community was divided into independent and transferred. The independent sphere included urban utilities management, supervision of security of person and property, maintenance of roads, squares, bridges, safety of road traffic and waterways, the monitoring of trade, standards of weights and measures, health care, supervision of servants and workers, supervise

³⁶ *Gesetz und Verordnungs Blatt für das Herzogtum Bukowina. Jahrgang 1864*, II. Stück, S. 20-33.

the construction, fire protection, the development of primary (popular) and secondary schools, arrangement of disputes on the election of the members of the community representatives, the police, the maintenance of charitable institutions, of the bourgeois hospital etc.³⁷

The transferred sphere included supervision over the observance of general imperial and regional laws and the affairs of political management.³⁸

The community (city) council was responsible for protecting the interests of the community. It had to take care of the movable and immovable property of the community, form the revenue and expenditure parts of the city budget, take care of covering the shortfalls, and publish the budget. The community council had the power to impose additional taxes on direct and income taxes.

The community sphere of authorities also included the election of the burgomaster, his deputy and city councillors, the provision of property rights, granting the right to the middle class and the title of honorary citizen, the determination of the number of officials and public servants and their salaries, the submission of petitions on behalf of the community. The community council had the right to establish its execution orders, and their violators were to be fined up to 25 guilders or arrested for up to 5 days.³⁹

The meetings of the community council had to be conducted by the burgomaster or his deputy. They were supposed to be conducted in public, but in some cases, by the decision of the burgomaster or by the proposal of five council members, they could be held behind closed doors.

Regarding the magistrate, it was specified that it had to comply with all decisions of the community council. The magistrate was responsible for preparing the draft budget of the city and submitting it to the community council for consideration three months before the beginning of the administrative year. The magistrate oversaw the community funds, charitable institutions, controlled the trade and the implementation of instructions for its conduct, monitored the receipt of community income, maintained the police.⁴⁰

The magistrate consisted of several departments, in particular economics, trade and industry, police department, which were divided into smaller divisions. The general trend was the increase in the number of departments and divisions.

³⁷ *Ibid.*, S. 20-21.

³⁸ *Ibid.*, S. 21-22.

³⁹ *Ibid.*, S. 24-25.

⁴⁰ *Ibid.*, S. 29-30.

All magistrate officers were paid according to rank. In the late 19th century, the staff list looked like this. The highest first rank went to the Director of the magistrate with a salary of 2600 FL a year. The councillors of the magistrate, the councillor for construction, with a salary of 1800 FL, and an accounting adviser with a salary of 1400 FL belonged to the second rank. The third rank included magistrate secretaries and civil engineers with a salary of 1400 FL and a municipal doctor with a salary of 1200 FL. The fourth rank – police inspector (salary 1200 FL), construction assistant, magistrate's commissioners, city cashier (salary 1100 FL) and the first municipal doctor (salary 1000 FL). The fifth rank included the positions of draftsman (900 FL), municipal doctors and a doctor for the poor, forester (600 FL), the sixth rank included two officials – 900 FL, one official – 800 FL, a cashier's controller and an account officer with an annual salary of 800 FL, fire safety commander – 700 FL, municipal veterinarian – 600 FL. Seventh rank – magistrate assistants, magistrate clerks with an annual salary of 600 FL and the eighth rank – accounting interns with an annual salary of 500 FL.⁴¹

City self-government bodies were under the control of higher authorities. In particular, the regional Diet, through its executive body, looked after the city estate and the community property to be in good condition. The Diet executive body had the right to demand a report from the city authorities on the state of affairs and send its commissioners to study these issues. Some issues, such as the sale of real estate worth more than 10 thousand guilders, obtaining a loan if it exceeded the city revenues, could be solved only by permission of the Bukovina Diet.

The regional authorities had to ensure that the municipal authorities did not go beyond their powers and did not violate existing laws. The regional government had the right to amend the Charter.

The government had the right to dissolve the city council. In the event of the city council dissolution, new elections were to be held within six weeks. A temporary magistrate was appointed, together with five city councillors led by the Chairman.⁴²

Thus, the Charter of 1864 significantly expanded the rights of the local government of Chernivtsi. This self-government worked on a democratic basis, but

⁴¹ *Листування з міністерством внутрішніх справ про зміну штатного розпису магістрату* [Correspondence with the Ministry of the Interior on Changing the Magistrate Staffing], in “Державний архів Чернівецької області (ДАЧО)” [State Archives of Chernivtsi Oblast (SACO)], ф. 39, Чернівецький міський магістрат, оп. 1, спр. 1858, п. 1-7.

⁴² *Gesetz und Verordnungs Blatt für das Herzogtum Bukowina. Jahrgang 1864*, II. Stück, S. 35.

the electoral system was based on the amount of taxes paid, as well as on certain privileged social groups. This limited large layers of the poorer population of Chernivtsi to access to local self-government.

The city council and the city magistrate led by the burgomaster had extended powers, but some matters were under the control of the Bukovina Diet, the regional President and the regional government.

Nevertheless, the Charter opened wide opportunities for the implementation of municipal self-government and provided the solution to economic and social development issues. The fact that in the late 19th – early 20th century the city quickly grew, developed infrastructure and intensive construction of administrative and residential buildings could be the confirmation of those opportunities. During 1869-1910, the population of Chernivtsi grew from 33,884 to 85,458 people, that is, more than 2.5 times.⁴³ In 1895, the first phase of water supply and sewerage was functional in the city, the next year – a power plant and electric street lighting, and in 1897, the first tram line was launched. Many elegant buildings were built in the city, including a theatre, a railway station, the house of justice, the house of the regional government etc. Anton Kochanowski was one of the most famous leaders of the city as mayor from 1866 to 1874 and from 1887 to 1905. He received many awards, including the title of Baron and the title of Honorary Mayor for his services to the city and the state.

There were also many issues in the development of the municipal economy. The most painful among them was the lack of funds, the gradual growth of the city budget deficit. Therefore, in 1907, the total annual income of Chernivtsi amounted to more than 2 million 150 thousand crowns, and expenses exceeded more than 2 million 300 thousand crowns.⁴⁴ That is, the deficit was more than 150 thousand crowns. Besides this, the city government was to take out significant loans, which placed a heavy burden on the citizens of Chernivtsi.

IN SEARCH OF SOLUTIONS: MODERNIZATION OF MUNICIPAL SELF-GOVERNMENT IN CHERNIVTSI IN THE LATE 19TH – EARLY 20TH CENTURY

The amendments to the Charter of Chernivtsi was made only twice until the late 19th century. The first time the Charter was amended in 1868, due to the adopted

⁴³ *Orts-Repertorium des Herzogtums Bukowina. Auf Grundlage der Volkszählung vom 31. Dezember 1869 bearbeitet*, Czernowitz, 1869, S. 3; *Mitteilungen des statistischen Landesamtes des Herzogtums Bukowina*, Czernowitz, 1913. Heft XVII, S. 56-57.

⁴⁴ Raimund Kaindl, *Geschichte...* S. 163, 165.

law of September 20, 1868, which stipulated that strangers (community outsiders) began to be called partners of the community (Gemeindegenossen). They were granted eligibility to vote and suffrage in elections to the community council on the same principles as the community members.

Depending on tax payment or existing privileges, they were included in one of the three electoral curiae in the centre of Chernivtsi.⁴⁵

The second amendment took place following the law of March 1, 1874, which introduced the position of second vice-burgomaster.⁴⁶ One could only become a member of the magistrate when he replaced the burgomaster.

However, the situation changed in the early 20th century. Austria was experiencing a period of deep democratisation of state structures. The issue of reforming the electoral law to the Austrian Parliament, the introduction of general, equal and direct elections and vote by secret ballot was discussed quite vigorously. The Emperor approved this law on December 1, 1906. He assigned a defined number of seats in Parliament to each nationality. Some innovations were successfully implemented in the crown lands of Austria-Hungary. Some Diets cancelled stage elections and made them direct. The other ones introduced additional curiae where all voters of low-income backgrounds participated in the voting. In particular, in 1898, reforms were carried out by Lower Austria and Carinthia, 1901 – Czech Republic, 1902 – Upper Austria, 1904 – Styria.

However, the most radical changes were carried out by the Trieste and Moravian Diets. The former added to the existing curiae a new one, where the voters were only those who did not vote in the other curia. In November 1905, the Moravian Diet arranged a general electoral curia and introduced a national register for Czechs and Germans.⁴⁷

Bukovina did not lag behind other lands. Some reforms have been carried out in the land, in particular, the electoral law on elections to the Bukovina Diet was

⁴⁵ *Gesetz und Verordnungs Blatt für das Herzogtum Bukowina. Jahrgang 1868*, XII. Stück, S. 31-32.

⁴⁶ *Gesetz und Verordnungs Blatt für das Herzogtum Bukowina. Jahrgang 1874*, V. Stück, S. 9-12.

⁴⁷ Ульяна Уская, *Законы о "национальном уравнении" в Моравии 1905 г., на Буковине 1910 г. и в Галиции 1914 г.: сравнительная характеристика* ["The National Equalization" Laws in Moravia (1905), Bukovina (1910) and Galicia (1914): Comparative Characteristics], in "Codrul Cosminului", XXII, 2016, No. 2, p. 329-334.

changed based on the national register.⁴⁸ The new community Charter and the new electoral law for community self-government, adopted in 1909, were of great importance for the management of rural and urban communities. According to these laws, the system of local government was significantly democratised.

All that has fostered the debate on the need to amend the Charter of Chernivtsi. Ukrainians and Romanians were especially active in this endeavour. The majority of Chernivtsi residents of these ethnic groups belonged to the poor layers of the population and therefore had little representation in the community council of Chernivtsi. Meanwhile, the number of Ukrainians, Romanians and Poles among the inhabitants of Chernivtsi gradually grew. The population of Chernivtsi in 1900 was 67,622 inhabitants, among them, Germans and Jews – 34,441 people, Ukrainians – 13,030, Romanians – 9400, and 8896 Poles⁴⁹. Thus, Germans and Jews made up 50.9% of the population, Ukrainians – 19.2%, Romanians – 13.9%, and Poles – 13.1%.

For a long time, Ukrainians had no representation at all in the City Council and then had two council members. It was not until 1909 that Ukrainians won four seats (8%) for their representatives. Romanians won five seats (10%) that year.⁵⁰ Such low representation did not influence the decision-making process and caused discontent, which was repeatedly stated by the Ukrainian and Romanian representatives.

Therefore, Ukrainians, Romanians and some representatives of other ethnic groups, demanded to change the Charter of Chernivtsi, introducing the proportional system of elections to the City Council, or national curiae, like the electoral law to the Bukovina Diet, as well as to introduce universal suffrage. That issue was discussed a lot in the newspapers during the city Council elections of 1909.

At the Bukovina Diet meeting on October 15, 1909, a Romanian member of the Diet, Aurel Onciul, made an urgent proposal to draft a new electoral law and a new Charter of Chernivtsi and present them at the next Diet meeting. The Diet supported this proposal and instructed the standing commission responsible for the development of the reform of the electoral law to the Bukovina Diet, to prepare the necessary documents to consider this issue to the next meeting that was to begin on December 29.⁵¹ The city administration did not object to the changes but demanded coordination of offered reforms with it.

⁴⁸ *Ibid.*

⁴⁹ *Gemeinde Lexikon der Bukowina. Bearbeitet auf Grund der Ergebnisse der Volkszählung vom 31. Dezember 1900*, Wien, 1907, S. 1.

⁵⁰ *Die Konstituierung frage*, in "Bukowiner Post", 1909, 2. März.

⁵¹ *Bukowiner Landtag*, in "Czernowitzer Allgemeine Zeitung", 1909, 17. Oktober.

At the end of 1909, five versions of the new election law for the Chernivtsi city council were proposed for consideration by the Bukovina Diet. The Josef Wiedmann's draft, which proposed the introduction of universal, equal suffrage and secret voting was among those versions.⁵² However, it was said in Vienna that the Emperor would not approve the proposed project. The draft by Heinrich Kiesler provided for the division of the city into polling stations with a significant benefit for the downtown.⁵³ However, that draft was not supported by Ukrainian, Romanian and Polish members of the Diet. The third one, the so-called Diet draft, was developed by Aurel Onciul. Its main principle was proportional suffrage, participation of all men who reached 24 years of age in the election, arrangement of 4 constituencies, division of all voters into three curiae. The first curia included 3/12, the second – 4/12 and the third – 5/12 part of all voters. Each Curia had to elect 20 members of the council.

Nevertheless, this project did not receive the proper support. The fourth draft was proposed by the city council. The proposed draft left everything as before, only the tax qualification was reduced and an additional fourth general curia was introduced.⁵⁴ And, finally, the fifth draft, the so-called compromise variant, was also proposed by Aurel Onciul. This project was based on the national register and in general, it repeated the electoral law to the Bukovina Diet taking into account local features.⁵⁵

The first version of the compromise draft presented by Aurel Onciul provided that the city council would consist of 67 deputies. Of these, Germans and Jews in the city centre would have 27 deputies, Ukrainians, Romanians and Poles – 6 deputies each group. In the suburbs, Germans and Jews would have 13 deputies, and Ukrainians, Romanians and Poles – 3 for each national group. Thus, Germans and Jews would have 40 members of the council, while Ukrainians, Romanians and Poles – 9 deputies each.⁵⁶ However, during the discussions, each of the Nations sought to increase its representation. It was decided to increase the representation of the Germans and the Jews to 42, Ukrainians – 10, Romanians – 9 and Poles – 9 seats.

⁵² *Зміна громадського статуту і громадського виборчого закону в Чернівцях* [Changing the Public Charter and Public Election Law in Chernivtsi], in “Буковина”, 1909, 28 грудня.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Kompromissvorschlag für die Czernowitzer Gemeindewahlordnung*, in “Bukowiner Post”, 1909, 25 Dezember.

⁵⁶ *Die Gemeindewahlreform*, in “Czernowitzer Allgemeine Zeitung”, 1910, 5. Januar.

However, discussions continued after that. The final version after the proposals of Alexander Hurmuzaki and Benno Straucher stated that 42 seats belonged to Germans and Jews and for Romanians, Ukrainians and Poles – 10 seats for each group. The total number of city council members (deputies) was 72. This decision was made on February 1, 1910.⁵⁷

The decision of the Diet did not satisfy some Ukrainian politicians, as well as the representatives of the Chernivtsi City Council – Germans and Jews. They were active in Vienna, so that the bill did not receive Imperial approval, criticised the state of affairs in the city council.

In particular, on May 22, 1910, the Ukrainian political society Ruska Rada convened an assembly in the Ukrainian People's House, where they discussed the weaknesses in the Chernivtsi administration. Ostap Luzkyj, secretary of the society, made a great speech. He accused the city council of wasting large sums of money on unnecessary things; the city did not keep records of real estate and land, the budget for the next year was not published on time, too much money was allocated for the maintenance of the administrative structures etc.⁵⁸

After those events, the draft city statute and election law were returned to the city council for revision.

It is necessary to pay tribute to deputies of Diet, they didn't delay reconsideration of the city Charter for a long time, made the necessary amendments and on October 18, 1912, Bukovina Diet ratified a new Charter of Chernivtsi⁵⁹ and a separate new electoral law on municipal self-government in Chernivtsi.⁶⁰ Thirty-one deputies voted for this bill, and nine were against it. The Jewish and German deputies opposed it because they were dissatisfied with certain provisions of the Charter, as well as a decrease in their influence on the magistrate.⁶¹

The Charter said that suffrage was extended to all segments of the city population, but property curiae (electoral districts) were preserved. There were 4 in the downtown, and 2 – in the suburbs. The community council would establish an executive committee (magistrate), which included the burgomaster, four vice-burgomasters and nine councillors. Each of the major nationalities had to have one

⁵⁷ *Cernăuți in 2 Februarie 1910*, in "Patria", 1910, 6 Februarie.

⁵⁸ *Віче чернівецьких русинів* [Chernivtsi Rusyn Meeting], in "Народний голос" (Чернівці), 1910, 25 травня.

⁵⁹ *Stenographische Protokolle des Bukowiner Landtages der zweiten Session der elften Wahlperiode. 1912*, Czernowitz, 1912, Beilage 266, S. 2-37.

⁶⁰ *Ibid*, S. 38-56.

⁶¹ *Die Gemeindewahlreform für Czernowitz*, in "Czernowitzer Tagblatt", 1912, 23 Oktober.

vice-burgomaster. As for the councillors, six of them represented the German-Jewish curia, and the rest of the national curiae had one representative each in the magistrate. Proportional suffrage was introduced in national curiae and constituencies.⁶² That is, the members of the Diet tried to adopt the most democratic law possible and therefore considered it necessary to take into account both the social aspects of the voters and the relative proportion of ethnic groups in the total number of voters.

It is worth noting that a significant part of the city council deputies opposed the amendments to the Charter. A sharp debate broke out around the issue of updating the Charter at a meeting of the city council on October 22, 1912, after which 25 deputies protested against the steps of the Bukovina Diet.⁶³ Perhaps that influenced the central government because until the beginning of World War I, the new Charter of Chernivtsi was not approved by the Emperor.

CONCLUSIONS

The history of Chernivtsi self-government development from the late 18th to early 20th century shows that during the mentioned period many gradual changes took place. The major discourse focused on the expansion of the powers of municipal authorities, attracting the general population to those processes, reducing all kinds of restrictions for voters, a phenomenon that was characteristic to the entire Austrian part of the Empire.

We can distinguish several periods in the development of Chernivtsi local self-government. The first – the period from the accession of the region to Austria and early 1860s, was marked by the elimination of the Moldovan medieval principles of the local administration organisation and the gradual transition to European forms of municipal administration, the introduction of the Magdeburg Law, the arrangement of the city territory, and establishment of bourgeois rights.

The second period – from 1860s to 1909 – was marked by the adoption of a new City Charter approved by the Emperor. The Charter opened wide opportunities for the development of the municipal governance based on the democratic principles, though the legal advantage of the wealthy city inhabitants and separate privileged groups of inhabitants of the city over the less wealthy ones was maintained. At that

⁶² *Stenographische Protokolle des Bukowiner Landtages der zweiten Session der elften Wahlperiode. 1912*, Czernowitz, 1912, Beilage 266, S. 7-11.

⁶³ *Aus dem Rathause*, in "Czernowitzer Tagblatt", 1912, 24 Oktober.

time, Chernivtsi achieved significant success in the development of infrastructure, the development of the central part of the city, and the formation of European standards in the functioning of the municipal services.

The development of the city as a multinational centre put on the agenda the needs of each national group. Therefore, in 1909, a new period of the city self-government development began when national curiae were proposed to be introduced in the election of the city council. The bill adopted by the Bukovina Diet in 1912, in general, opened up good prospects for municipal self-government development and the expanding of the city autonomy. However, it was not approved by the emperor until the outbreak of World War I, which halted the gradual development of self-government in Chernivtsi.