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UDC.35.08(497.6)“18/19”

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## **PROBLEMS OF THE CIVIL SERVANTS SYSTEM IN OSIJEK AT THE TURN OF THE 19TH TO THE 20TH CENTURY**

### **Abstract**

The author in the paper present a review and description of legal regulations regarding position of the city officials and civil servants in the Osijek city administration in the period 1881-1918. Problems of the civil servants system in the city community of Osijek will be seen in relation to three groups of questions: the classification of civil servants, the payment system and the progress system. In the introduction the author gives legal definition and meaning of the terms official and civil servant. In the central part of the paper the author gives an overview and analysis normative regulation of the position of city officials and servants, ie status and wages. Legislation regulations that regulated the status and position of officials and civil servants, especially the rulebook from 1918, started a process that resulted in a growing need for expertise, in addition to experience. The author concludes that the beginnings of professional management can already be noted in the research period as people with appropriate qualifications have been employed and that accomplished organizational solutions meant progress compared to previous organization.

**Key words:** *city officials, civil servants, civil servants system, normative regulation, professional management.*

## Introduction

The status of employees in the municipal service from 1881 until 1918 was governed by the 1882 and 1895 town Statutes and by various regulations (ordinances) in accordance with the Statutes ordering their position, i.e. status and salary. The issues related to the officials system in town municipality will be dealt with in relation to three question groups: classification of officials, salary system and promotion system. Classification system is defined by Pusić as a group of categories to which the classification of officials is done. The classification system is an element of the officials system that comprises the above-mentioned three question groups. It should include names and definitions of specific classes (categories); a class system that links classes into a consistent and complete entity together with classification rules. The way in which the classes are determined is, according to Pusić, classified into two categories: classification of posts and classification of officials. In the classification of officials the class comprises all officials with the same specific personal features (mostly qualification and years of service), whereas in the classification system of posts the class comprises all posts with equal or similar obligations and other features.<sup>1</sup>

Furthermore, Pusić state that the promotion is a regular raising of officials to a higher position in service i.e. a gradual upgrading to the position that requires more responsibility in the scale of posts and achieving a more favourable position in personal classification and an adequate salary bracket. There are, according to Pusić, two main groups of a promotion system: an open system (an official upgrades first of all on the basis of his capability assessment for a position with a higher level of responsibility) and an automatic system (an official upgrades according to specific objective criteria, for example years of service).<sup>2</sup>

As regards the payment system, the salary in broader sense of payment or remuneration can be unitary or composed, depending on whether it is composed of one amount that is set according to a specific criterion or several pecuniary amounts as well as of other material benefits set according to different criteria.<sup>3</sup>

Through analysis of the relevant valid normative acts and archive sources in the paper will be presented review and description of legal regulations regarding position of the city officials and civil servants in the Osijek city administration in the period 1881-1918. Problems of the civil servants system in the city community of Osijek will be seen in relation to three groups of questions: the classification of civil servants, the payment system and the progress system. The scientific approach to the problem is based primarily on the application of the legal-historical method, while in

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<sup>1</sup> Pusić, E., *Nauka o upravi*, Školska knjiga, Zagreb, 2002, pp. 214-215.

<sup>2</sup> *Ibid.* pp.223-225.

<sup>3</sup> *Ibid.* pp. 219.

the interpretation and analysis of the relevant normative texts, are used the usual methods of interpretation of legal rules.

### **1. The status of municipal officials and clerks under the Statute on Ordering Township Municipalities of 1881**

Municipal officials and clerks could attend to their duty as municipal authorities in permanent and temporary positions and their rights and duties were laid down both by statutes passed by a town council and by general laws.<sup>4</sup> The position of an official implied a higher rank than the position of a clerk i.e. the basic difference was in their level of qualification, thus clerks had lower level of qualification than officials. Broadly speaking, higher-ranking municipal officials and clerks were nominated by a town council whereas clerks were appointed by a town prefect who notified the town council. The categories and ranks of officials, their salaries were determined by the Statute on Municipal officials and clerks. The municipal self-governing board was authorized to resolve all the disputes deriving from rank disagreements. For each clerk the records were kept by the head of the personnel department. The records apart from identification data with a photo that was changed every ten years comprised obligatory data referring to qualification, professional promotion, conduct and work assessment, movement within the service etc.

It was laid down by the Statute on Ordering Township Municipalities of 1881 that the town municipality consisted of town prefects and necessary notary, professional and adjunct personnel. As regards their term of employment, it was provided that municipal clerks and officials were appointed for life. The statute provided also that municipal officials had to be trained for their service and meet the same requirements as those set for royal officials. This meant that a notary (conceptual) official had to finish legal education and pass state exams. The municipal officials and clerks were entitled to a permanent salary and the right to "provision", that their families were also entitled to in case of their death. They were liable for damage that a party suffers resulting from their fault, infringement or negligence of duty. The town prefect had a disciplinary power over them and the conditions prescribed for dismissal or suspension from duty for royal (state) officials, applied to them, as well. It could be concluded from the aforementioned context that municipal officials were treated as taking the position of state officials.

Pursuant to Article 52 of the Statute on Ordering the Township Municipalities of 1881 providing that the Statute of the Township Municipality determines organisation, status and a salary scheme for town municipality officials, on 7 October 1882 the Osijek town assembly drafted a bill of the Statute on its organisation and

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<sup>4</sup> The Statute on Ordering the Township Municipalities of 1881 in the Kingdom of Croatia and Slavonia of 28 January 1881; the Statute on Ordering the Township Municipalities of 21 June 1895.

operation as well as the Status and salary scheme applying to municipality personnel (Art. 36 of the Statute).<sup>5</sup> Thereupon, the town municipality of Osijek received an official letter from Vice-Roy (17 December 1882) suggesting that the recommended Status and salary scheme applying to municipal personnel should be adapted to Article 52 of the Statute on Ordering the Township Municipalities of 28 January 1881. Namely, the letter indicated the following basic objections to status: a special tax collector rapporteur department was not recognized as necessary and at the same time a discrepancy between treasurer's salary amounting to 1650 forints (possible supplement of 150 forints, and thus a total of 1800 forints) and the inspector's salary amounting to 800 forints was not explained. The town council was therefore suggested that in the course of implementation of the final statute, the tax collector rapporteur department should be brought together with another department in order to reduce costs and make the salaries of treasurers and inspectors equal as services that are deemed equally important and liable. Additionally, after the amended Statute foundation is adopted, it should be passed to the Land government for final approval.<sup>6</sup> In principle, the Statute Foundation of Interior Structure and Council and Town Municipality Operation, the Status and Salary Scheme of Municipal Personnel were approved by the official letter by the Vice-Roy on 17 December 1882 but it was not approved before the explanation arrived in a report of 30 June 1883. The Land government, a department for internal affairs had finally approved the aforementioned Statute, the Status and the Salary Scheme instructing that in the Status and salary scheme a word „tax collector“ should be introduced instead of the improper title “tax rapporteur“, and also that tax collector's salary amounting to 1500 forints and inspector's salary amounting to 800 forints should be deemed as temporary established since they were to be finally systematized as soon as these official posts become vacant (13 July 1884).<sup>7</sup> Eventually, the Land government, the Department for internal affairs approved the Statute, Status and the salary scheme on 13 December 1884. Apart from minor amendments, this status and salary scheme<sup>8</sup> were valid until 1895 when new

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<sup>5</sup> On the status and payment scheme of the municipality personnel see: State Archives in Osijek – Town municipality (further in the text: HR – DAOS, GPO) HR\_DAOS-6, GPO, box no. 1280.

<sup>6</sup> HR-DAOS-6, GPO, box no. 1280, file no.41893. An additional letter of the King's chief of the department of 12 April 1883 gives the reasons why the provision that a tax collector is at the same time “tax rapporteur” is not justified: One person cannot hold the office of an executive and supervising body at the same time, see: HR-DAOS-6, GPO, box no. 1280, file no. 1842.

<sup>7</sup> HR-DAOS-6, GPO, box no.1280, file no. 26656.

<sup>8</sup> Here is an example: ”Pursuant to Art. 63, para.2 of The Statute on Ordering the Township Municipalities of 28 January 1881 the decision of the town council of 23 March 1886 no. 23 is granted; the status and payment scheme of Osijek municipality officials is changed; thus

Statute and salary scheme applying to officials and clerks was passed at the meeting of the Town Council on 19 December 1895.<sup>9</sup>

Accordingly, in 1882 the town government was structured as follows: two senators, one town captain, senior notary, vice-captain, vice-notary, archivist, archivist adjunct, charge d'affaires, charge d'affaires adjunct, five scribes, one military adjunct, tax collector, tax collector adjunct, surveyor, surveyor adjunct, treasurer, tax rapporteur, inspector, two officials, one town doctor, two physicians, four midwives, one veterinarian, two market commissioners, one head custodian, two deliverers. Consequently, forty two persons were employed whose salaries varied from 1650 forints for two senators, one town captain, one senior notary to 120-400 forints for gauging staff, custodians.

## **2. The status of municipal officials and clerks under the Statute on Ordering the Township Municipalities of 1895**

Municipal officials were accepted to town government for life, on the basis of public vacancy notice. They were selected by a town council at the proposal of a special committee for the election of candidates. This committee examined all applications and finally comprised a threesome suggestion by majority of votes. The town council was obliged to opt for one of the proposed candidates but the way the municipal clerks were appointed, was governed by the town statute. Thus the provisions of the Osijek town statute of 1895 determined that town clerks were appointed and dismissed by the mayor.

Town officials and clerks were entitled to a permanent salary according to the provisions of the town statute as well as to a pension that families could use in case of their death pursuant to the provisions of the Law on Retirement and Aid Applying to State Officials and Clerks in the Kingdoms of Croatia and Slavonia<sup>10</sup> of 10 March 1892. The town government officials had to dispose of adequate qualification for their work and they had to meet the same requirements for their service as the requirements set for royal officials; in course of their services they could not hold the office of the representative of Croatian parliament (Sabor) in the Kingdom of Croatia, Slavonia and Dalmatia.<sup>11</sup> This regulation did not apply to mayor. Furthermore, the provisions of the Statute on Ordering the Township Municipalities of 1881 determined that town

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instead of two doctors with salaries amounting to 300 Forint a year, the payment is arranged at three doctors with the salary amounting to 300 Forint", see: HR-DAOS-6, GPO, box.no.5911.

<sup>9</sup> HR-DAOS-6, GPO, Files, box. No. 5902.

<sup>10</sup> Official Journal, 1892, No. 27.

<sup>11</sup> Art. 56 of the Statute on Ordering the Township Municipalities of 21 June 1895, see: Smrekar, M., Priručnik za političku upravnu službu u kraljevinah Hrvatskoj i Slavoniji, Knjiga Prva -Knjiga treća, Zagreb, 1899./1902., p. 500.

officials and clerks were liable for damage caused by their negligent conduct, infringement or disregard of their duty.

The Statute of 1895 provided the following status and the salary scheme for the staff of the town municipality: 1. senior notary personnel: 3 councillors, 1 municipal captain, municipal secretary, municipal notary; 2. professional personnel: a) building section – senior engineer, engineer, engineer adjunct, b) medical care – town doctor, 2 district doctors, veterinarian, market commissioner, c) treasury department – 1 treasurer and 1 tax collector, 1 treasurer adjunct and 1 tax collector adjunct, 2 officials, 2 tax enforcement officials, d) accounting - municipal accountant, accounting review official and accounting official, e) gauging section – gauger; 3. Auxiliary personnel department: 1 scribing official, 2 officials, 6 trainees; 4. Trainees: 4 treasury – accounting junior trainees, 5. Custodian personnel: 3 custodians, 6. Law enforcement personnel: a law enforcement inspector, constables; 7) skilled personnel: 1 gauger, 6x troopers, 4 midwives, 2 weighbridge scales wardens, a town levy administrator.<sup>12</sup>

This Statute, just like the Status and salary scheme of 1882, was subject to numerous amendments determining the number of officials and clerks and their salaries. The first amendment of the Statute was made in 1905. This regulation for officials and clerks of the royal borough of Osijek was different from the previous one and regulated besides the issues of status and payment of the clerks and officials, the issues of employment and retirement of town officials, creation of new official positions, the increase in payment (remuneration), bonuses etc. In addition, it is the evidence of the increase both in the number of personnel and officials and their salaries. The status and the number of town officials were established in the Annex A as the constituent part of this regulation and the Town Statute. The Town Council could, with the consent of the Land Government, create new vacancies for officials or increase the number officials in certain status. According to the Annex A, chief of bureaus and clerks of the municipality of the royal borough of Osijek could be in the following official capacity: notaries office personnel (4 councillors, 1 town captain, 2 secretaries, 1 notary), professional personnel ( 1 town doctor, 2 district doctors, 1 senior engineer, 1 engineer adjunct, 1 veterinarian, treasurer and tax collector ( 1 treasurer, 1 treasurer adjunct, 1 treasurer official, 1 tax collector, 1 tax accountant, 5-7 tax officials, 1 town levy administrator, accounting personnel ( 3 notary officials, 6 notary trainees), auxiliary personnel (1 law enforcement inspector, 1 market inspector, 1 gauger, 1 building official, 2 tax enforcement officials), custodian personnel (3 permanent custodians, 3 auxiliary custodians, 4 troopers). The officials of the royal borough of Osijek were paid according to salary brackets, in Annex B as a constituent part of this regulation and the town Statute. The Annex B defines 5 salary brackets,

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<sup>12</sup> HR-DAOS-6, GPO, box. 5911.

whereby the first comprises councillors, the captain and a senior engineer whereas permanently employed custodians, auxiliary custodians and troopers are the last.<sup>13</sup>

The passing of a new Regulation for chiefs of bureau and officials of the royal borough of Osijek adopted at the sessions of the Town Council on 26 February 1912 and 30 October 1912 by the municipality of the royal borough of Osijek was the next significant change.<sup>14</sup> As soon as this new Regulation entered into force, other regulations and conclusions of the town council referring to salaries of the chiefs of bureau and officials were abolished. Article 56 of the Statute on Ordering Township Municipalities of 21 June 1895 applied to the issues of employment and retirement of town chiefs of bureau and officials. The status and the number of town chiefs of bureau and officials were established by Annex B (number of chiefs of bureau) and by Annex D (remuneration of custodian personnel) that are constituent parts of this Regulation and Town Statute. The creation of vacant official positions and an increase in the number of officials and clerks in particular statuses can be decided upon by town council with the consent of the Land Government. The chiefs of bureau of the royal borough of Osijek were allocated official positions determined in Annex A (official positions of chiefs of bureau of the royal town of Osijek) and rent remuneration. When it comes to allocating a chief of bureau into specific classes and degrees, it was determined that the clerk positions of specific categories were to be fulfilled according to law. However, the promotion from lower into higher degree of the same bracket, i.e. from the highest degree of lower bracket into the lowest degree of the higher bracket, was done automatically by the end of every four year term. The automatic promotion was performed by a town municipality without further inquiry and notification on behalf of the town council at the end of the anticipated number of years, and it could be suspended only by a valid decision stating a disciplinary measure for a certain number of years as stated in the decision stating a disciplinary measure (in this case the town municipality would inform the town council). For example, a town doctor would automatically change the status from the third degree of the salary bracket 8 only to the second degree of the salary bracket 7; an accountant, a treasurer, a tax collector and a town levy administrator change the status during their appointment into the first degree of the salary bracket nine; an accounting reviewer, a tax accountant and a treasury accountant change the status during their appointment into the first degree of the salary bracket ten.

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<sup>13</sup> The Status of the municipality chief of bureaus of the royal borough of Osijek (Annex A) and Payment scheme for the municipality chief of bureaus of the royal borough of Osijek (Annex B) mentioned above constitute a part of the Amendment Foundations of the Municipality Statute of the royal borough of Osijek on its internal organisation and operation of 18 December 1905.

<sup>14</sup> HR-DAOS-6, GPO, Minutes of the Town Council Meeting, Book no. 1063.

The first age related benefit for custodial personnel commences on the first day of the next month after the completion of the third year of their service. In addition, the age related benefits could be suspended and altered. The accounting, treasure and tax officials fall into one category in which a town prefect determines where, when and what kind of office an individual would hold. When vacancies were taken in the accounting, treasury and tax profession, advantage should be given to the candidates who apart from necessary qualifications, hold qualification in mercantile bookkeeping and mercantile tasks; eventually, accounting and tax adjuncts did not fall into any salary bracket since their salaries were fixed at 1200 K a year exclusive of the rent benefit (Art. 1-4).<sup>15</sup> Moreover, as soon as the new Regulation entered into force, all regular payments, five-year benefits, personal rent benefits included in pensions of officials were cancelled, which was provided by the Regulation of 1905.

After having adopted the new Regulation for chiefs of bureau and officials of the royal borough of Osijek along with the status and payment scheme, the town council at its meetings in the period of one year adopted four annexes proposed by the municipality creating thus vacancies and introducing changes so that a new vacancy was created instead of one position. In this regard a) the municipality concluded at the meeting of 23 June 1913 that the position of part-time town officials (working at a daily remuneration) dealing with treasury issues was abolished and created for this position a new vacancy of a town treasury official with the lowest remuneration according to the salary scheme<sup>16</sup> ; b) the Osijek town council concluded at its meeting held on 6 April 1914 on introducing a new position of economic rapporteur with one year testing period with the payment support of 3600 K a year; in case of full-time

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<sup>15</sup> The Regulation for the chiefs of bureau and officials of the royal borough of Osijek, see: HR-DAOS-6, GPO, Case files, box. No. 5911. According to Annex A the brackets from VII to XII are set, each of which comprises 4 degrees (1-4).

According to Annex B:

a) the brackets VII and VIII apply to 4 city councils, a mayor and a senior engineer; b) the brackets VII/2 and VIII apply to a town doctor; c) the brackets VIII and IX/1 apply to a bookkeeper, a tax collector, a treasurer and a town levy administrator; d) the bracket IX applies to 2 secretaries and an engineer; e) the brackets IX and X/1 apply to an accounting reviewer, a tax accountant and a treasury accountant; f) the brackets IX and X apply to 3 district doctors; g) the bracket X applies to 2 notaries, an engineer adjunct, a head of the adjunct offices; the brackets X and XI apply to 5 accounting, treasury and tax officials, 3 building officials, a veterinarian, a notary official; i) the brackets XI apply to 6 accounting, treasury and tax officials; the brackets XI and XII apply to a gauger, 3 mercantile supervisor, 7 notary adjuncts; k) bracket XII applies to 2 tax enforcement officials.

Pursuant to Annex E (officials of the royal borough of Osijek) as of 1 January 1912 there are 51 officials holding their offices entitled to salaries in the municipality, see: HR-DAOS-6, GPO, Case files, box. No. 5911.

<sup>16</sup> HR-DAOS-6, GPO, Minutes of the Town Council, book no. 1064.



position the person was entitled to remuneration at the salary bracket IX set for the officials of the municipality of the royal borough of Osijek and the rent benefit amounting to 1020 K a year<sup>17</sup>; c) at the same meeting of 6 April 1914 and recorded as no. 113 of the Agenda, the town council decided to establish a new (the eighth) position of town military department trainee with the salary allocated to salary bracket XII i.e. XI set for the officials of the municipality of the royal borough of Osijek and the rent benefit amounting to 660 K a year<sup>18</sup>; and finally d) the town council concluded at its meeting of 15 October 1913 as no. 319 of the Agenda to introduce the position of the accounting treasury official with the annual remuneration of 1600 K and rent benefit of 720 K and benefits according to the payment scheme XI/3<sup>19</sup>, instead of the town levy reviewer without qualifications.

Before the fall of the Monarchy in 1918 the new Regulation applying to the officials of the royal borough of Osijek was passed and it remained in force for the next 6 years, which is much longer than the previous regulations, which had been changed and amended more frequently. Article 56 of the Law on Town Municipalities applied when it came to employment and retirement issues of town officials whereas the creation (reorganisation) of new vacancies and the increasing number of officials depended on the Town council with the consent of the Land government. The officials of the town of Osijek fell into salary brackets i.e. mainly in 3 degrees within each bracket. There were the following official categories defined by the level of education and qualification: a) notary personnel (councillor, town captain, secretary, notary, notary adjunct), b) building personnel with a high education degree (building and technical advisor, senior engineer, engineer, adjunct engineer) and building personnel with completed secondary education (building senior official, builder, building official, adjunct builder), c) medical personnel (town doctor, district physician, veterinarian i.e. senior veterinarian), d) accounting-treasury-tax personnel and town levy administration (accounting advisor i.e. senior advisor, tax collector i.e. tax advisor, treasurer, town levy administrator, accounting reviewer, treasury accountant, tax accountant, town levy vice-administrator, tax adjunct, accounting senior official, treasury senior official, tax senior official, accounting official, treasury official, tax official, accounting assistant, treasury assistant, tax assistant), e) economic inspector, f) market and gauging personnel and tax enforcement officials (tax enforcement official, market inspector, gauger for marking barrels) and scribing personnel (head of the auxiliary office, scribe, senior official, scribing official, scribing adjunct). Temporary notary personnel, temporary engineering personnel, temporary building assistant, temporary district physician and veterinarian, temporary accounting assistant, temporary treasury assistant, temporary tax assistant, temporary building

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<sup>17</sup> HR-DAOS-6, GPO, Minutes of the Town Council, book no. 1065.

<sup>18</sup> *Ibid.*

<sup>19</sup> HR-DAOS-6, GPO, Minutes of the Town Council, book no. 1064.

inspector, temporary tax collector, temporary market inspector, temporary gauger for marking barrels and temporary scribing assistant did not fall into any salary brackets and their salaries were determined as a lump sum.

Officials of a certain personnel category were promoted automatically by age promotion or promotion to a higher official position or salary bracket. The first employment of an official in a town service had to be temporary and on trial lasting generally for one year whereby officials were not allocated to any position of an official. At that time a temporary official was entitled to a salary and rent falling into the bracket that he would fall into in the definite full-time status. Only after the employment status was definite, the bracket and degree would apply and the promotion would be automatic. Tax and building chiefs of bureau could reach the definite status only after having passed the obligatory skill practicing exams. The officials were promoted by the town municipality without consent of the town council, which had to be notified thereof. The office of a councillor or a head of town office could be held only by a qualified person with a nine-year experience in state or municipal services.<sup>20</sup>

### **Conclusion remarks**

The analysis of the above-mentioned Statute (Ordinance) applying to officials of the royal borough of Osijek, indicates that the system of classification of officials i.e. career promotion system was implemented in the municipality of Osijek. The payment system, the payments of municipal officials and clerks comprised a salary and a rent benefit. Both the system of the classification of officials and the automatic promotion system were implemented in the municipality of Osijek.

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<sup>20</sup> HR-DAOS-6, GPO, Minutes of the Town Council, book no. 1069.

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A) of 1912/ 1918

The Payment scheme for the municipality chief of bureaus of the royal borough of  
Osijek (Annex B) of 1912

