

THE ORGANIZATION OF RURAL COMMUNES IN THE ADMINISTRATIVE LAW OF 1929

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Abstract:

According to the Law for the Organization of Local Public Administration of 1929, August 3rd, rural communes were large administrative units, with a minimum of 10,000 inhabitants. They consisted of one or more villages that were considered sectors of the commune. Both the commune and its sectors had legal personality. Villages were considered small or large depending on the number of their inhabitants, the threshold of this division being the number of 600 inhabitants. All the villages of the commune, as well as the commune itself, were headed by elected mayors.

Keywords: *administrative law, rural commune, village*

1. Introduction

The Law for the Organization of the Local Public Administration of 1929 was promulgated on July 29th 1929 and it was published in the “Official Gazette” of Romania, no. 170, of August 3rd 1929. This law was voted by the Assembly of Deputies on July 22nd, with 271 votes in favour and 7 votes against, and by the Senate on July 25th, with 159 votes in favour and 4 votes against. The position of President of the Chamber of Deputies was held at that time by Ștefan Ciceo Pop, and that of President of the Senate by Traian Bratu. On behalf of King Mihai I, a minor at that time, there signed Prince Nicolae, Patriarch Miron Cristea and Gheorghe Buzdugan, President of the High Court of Cassation and Justice. The position of Minister of Interior was held by Al. Vaida Voevod, and that of Minister of Justice by Grigore Iunian [1]. The law had 572 articles and was organized under eight titles.

In our study, we will focus on the provisions regarding rural communes, that are to be found in the beginning of the law, articles 1-70.

2. The organization of rural communes

Article 1 of the Law on the organization of local administration of 1929 stipulated that, from an administrative point of view, the territory of the country was organized into counties, and that these were divided into communes. Each of these two fundamental administrative units had their own subdivisions: the counties were subdivided into the so called “plăși”, and the communes had one or more villages, considered by law, as sectors of the commune (art. 6). Counties, communes and sectors had legal personality [2].

Ever since 1864 [3], the communes were classified into urban and rural. Rural communes had to have a population of 10,000 inhabitants (art. 5). There could be exceptions from this number of inhabitants, if either certain villages were too far away from each other or one or more villages were able to provide the necessary financial means for their communal administration. Nevertheless, in order to do so, it was necessary for them to have the decision of the county council, approved by the directorate of the ministry (art. 21). Considering this provision of the number of inhabitants, it is noteworthy that none of the previous administrative laws had stipulated the existence of such large rural communes. The law of 1864 provided that the number of inhabitants should be 500 [4], the laws of 1887 [5] and of 1904 [6] stipulated that each commune should have at least 200 taxpayers, and the law of 1925 did not contain any provisions on the number of inhabitants of a commune, specifying only that they were made up of one or more villages [7].

Another new clarification included in this law was that the villages were considered to be small or large depending on the number of their inhabitants, the limit of this division being the threshold of 600 citizens [8]. It should be noted that the previous administrative laws had used the names of villages and hamlets, and that the law of rural communes of 1904 had established that a hamlet's number of inhabitants was less than 100 [9]. Moreover, the law of 1929 specified that those rural villages and communes located at a distance of no more than 3 kilometers from municipalities or cities, and in the case of Bucharest those mentioned in a special law, were declared suburban communes (art. 7) [10]. Villages and communes could officially bear only one name, and its change could be made with the approval of the Council of Ministers, “after

the report of the Ministry of Interior and with the approval of the guardianship authority” (art. 9).

Chapter II of the second title referred to getting or losing membership of a commune and contained provisions for both rural and urban communes. Like previous administrative laws, the law from 1929 contained the obligation of every citizen of the country to be a member of a commune and to participate in its fiscal and economic tasks [11].

The quality of a member of a rural commune was acquired by right by all the inhabitants of the villages living in the commune. Romanian citizens could move freely from one commune to another without “prior consent”, but with the obligation to make this approach known to the local authorities. Foreigners were obliged to complete the formalities of the special law when they wanted to settle in a commune [12]. Temporary housing, defined as “temporary or short-term”, was subject only to order and security measures.

All the inhabitants of a commune would receive an identity card in which there were mentioned the domicile and the physical characteristics of each citizen. This card also included the voter card, valid for 5 years, with a photo that was obligatory for the inhabitants of the cities and optional for those of the villages (art. 17) [13].

The territory of rural communes was subdivided between the villages of the commune following the vote of the communal council and approved by the delegation of the county council. Communal territory could be modified only with the approval of the local councils, also approved by the superior forums.

Part I of Chapter IV (Organization of Communes), of the Second Title of the Law (i.e. The Commune), was specially reserved for the Rural Commune. Section I of this part of the law referred to the obligation for the municipal administration to take into account all aspects of local interest and to collaborate with the ministries for the proper functioning of local activity. Article 22 of the law outlined 15 directions of rural interest, as follows:

1. The administration of communal property.
 2. The stimulation of agricultural productivity, of industrial and commercial activities.
- This orientation was promoted by means of founding several societies destined to

“shopping and local products”, the establishment of model farms and experimental lands, the establishment of warehouses for agricultural tools and machines, warehouses for storing seeds and agricultural fertilizers, the organization of animals and agricultural or industrial products fairs (called “Exhibitions”), through efforts to improve animal breeds, which resulted in the “acquisition of breeding bulls and stallions to be made available to local households”, by setting up prizes to stimulate farmers and craftsmen.

3. Ensuring public education mainly through the maintenance of the existing schools and the construction of new ones. The law brought to the attention of local rural authorities the organization of courses for adults, the foundation of libraries and bookstores.

4. The concern for public health by means of maintaining and developing health institutions and the fight against epidemics.

5. Taking care of the disabled and the concern for charity organizations, for orphanages and asylums.

6. Combating epizootics, the presence of veterinarians and the establishment of slaughterhouses.

7. Ensuring the protection of agricultural fields, combating insects and pests.

8. Stimulating employees by organizing the job market, by complying with the legislation and ensuring decent living spaces.

9. The support of the rural population in resolving their legal interests by setting up counseling and notary offices.

10. The organization of the popular credit society.

11. Carrying out works for irrigation, sanitation and afforestation.

12. Carrying out urban works, such as systematization, paving streets and paving roads with cobble stones, water supply, ensuring public lighting, sewerage, the arrangement of public gardens.

13. Supplying localities with food and seed material, building warehouses, bakeries and shops.

14. The concern for tax collection and a good financial management of the villages.

15. Raising the awareness of central authorities with respect to local interests.

In order to achieve all these objectives, the law provided for the possibility of communes to associate.

The governing bodies of the commune were: the Communal Council, that had a deliberative role, the mayor and the Delegation of the communal council, the last two playing the executive role. The election and constitution of these bodies was different in communes made up of several villages and in the communes consisting of only one village.

The communal council from the communes with several villages was elected by universal suffrage. The council had to include the representatives of the minorities and the mayors of all the villages in the commune. The number of councilors varied according to the number of inhabitants, the proportion being 1 councilor per 1000 inhabitants. The minimum number of councilors had to be 6. If this threshold was not reached, the number of councilors was supplemented. The mandate of the communal council was 5 years. The mandate of the councilors was free.

The communal council elected the mayor and the council delegates. The council also appointed the notary, the cashier and the other communal officials, establishing at the same time their remuneration.

Among the attributions of the communal council, there were also: voting the communal budget; setting taxes, contributions and benefits in kind for residents; coordination of the activity of the executive bodies; establishing the regulations for carrying out communal services and the activities of institutions; management of communal property, loans and legal interests; control of the management of the mayor and the villages; promoting interests before higher forums and so forth.

The councils of rural communes made up of several villages, as well as their delegates, were set up and functioned like those of urban communes. The newly elected councilors took the oath before the prefect or the delegated praetor; they could not begin their office before taking the oath.

The mayor of the commune was elected by the communal council, with the majority of the cast votes. The election meeting was chaired by the mayor of the village where the commune's residence was located, and in his absence, the meeting was chaired by the oldest councilor. The election of the two members of the council

delegation was carried out in the same way. Like other previous administrative laws [14], the mayor and the council delegates were appointed as a result of the indirect vote of citizens. The elected ones could not be related to each other up to the fourth degree kinship. The election was made for the entire term of office of the communal council [15]. The Council could form various commissions from its members for the good coordination of the activity, including a special annual commission appointed with the supervision and verification of the budget and of the communal house.

The communal council met in monthly sessions or whenever necessary, based on written invitations. The presence of the majority of council members was needed. The communal doctor was summoned to all meetings and other specialists could be invited occasionally. The decisions were adopted by absolute majority, and in case of parity the proposal was rejected. Whenever the vote of persons was in question, it was secret.

Special attention was paid to the Delegation of the Communal Council (art. 34 - 35), which exercised an executive role, dealing with all the daily trials of the commune. It consisted of the mayor and two council-elected members. The village mayors, who had the right to deliberative vote, had to attend the meetings in which issues of interest to the villages from the commune were discussed. Among the attributes, there were new ones, non-existent in previous administrative laws, such as those on “issuance of identity cards ... and certification of signatures ”, as well as the establishment of Civil Registry offices in small villages [16].

The mayor of the commune had full responsibility of the administration and of the economic, social and cultural activity of the commune. He was the chairman of the Communal Council and of the Council Delegation. He had to publish all government laws and decisions and he could be substituted by the mayor of the village of residence, who was also his “first assistant”. The text of the law insisted on the role of the mayor in maintaining order, with the mayor’s right to take all the necessary measures until the “arrival of the police authorities”, including the detention or the “arrest of the guilty” [17].

Rural communes consisting of only one village were organized and functioned, generally, according to the principles set for the rural communes made up of several villages. The number of councilors varied between 8 and 16, depending on the number

of the inhabitants in the village [18]. The mayor, the deputy mayor and the cashier were elected by public vote, in the same way as the communal councils were elected. Mayors, just like the village mayors elected by public vote, could be removed from office only through administrative means (art. 42).

Section II stipulated the organization of the rural commune, namely of the villages' administration. The villages were considered sectors of a commune, a term used for the first time in the Romanian rural administration.

Small villages were administered by a village assembly or a village council, and large villages were compulsorily administered by a village council, bodies that were elected (art. 43).

The law regulated the possibility for the villages to associate to form a certain "administrative unit" (art. 44). All the villages involved in a project should express their consent, the further step being the approval of the county council. The villages that could not support their expenses could associate for the payment of the administrative, technical, sanitary personnel, "and especially for the remuneration of a village secretary" [19].

The principle of association for the payment of civil servants was old in the communal administration, ever since 1864, but it referred to the association of communes [20]. The provision regarding the association of villages within a commune was new and somewhat unnatural, as, by association, villages constituted an administrative unit within the commune.

The village assembly was made up of heads of the families that were over 25 years old and "fully enjoyed civil and political rights" (art. 47). They had the obligation to register in a special list similar to that of communal voters, list that was updated annually. At their first meeting, the heads of the families took the oath of allegiance to the king and to the Constitution [21]. If taking the oath, due to the solemnity of the moment and to the content, was meant to increase the responsibility of the inhabitants, not taking this oath invalidated the right to be a member of the village assembly. The involvement of the villagers in a deliberative body of the locality in which they lived was meant to sensitize their pride and dignity and to demonstrate their importance in the management of the locality.

Active soldiers, gendarmes and policemen working in the commune, as well as monks, sellers of alcoholic beverages and convicts who had lost their civil and political rights, could not become members of the Village Assembly (art. 48).

The attributions of the Village Assemblies were generally similar to the communal ones, aiming at the good organization of the entire economic and social life of the locality, the defense of the patrimony, order maintenance. There were also some specific adaptations. The village mayor was elected in the villages where the village assembly functioned by the vote of the heads of the families, whereas in the villages where the village council functioned, by universal suffrage. He could not refuse this position unless he had reached the age of 60, in case of incapacity due to illness, or if he had already exercised some services for the village during the entire period he had been elected. Both the village assembly and the village council were entitled to accept the resignation of a mayor, for the above-mentioned exceptions.

The mayor played the role of the executor of the village assembly. Among the responsibilities, one can mention: compiling the budget, monthly verification of financial management, compiling the register of members of the village community and heads of the households, the ensuring of all conditions for good agricultural activity, as well as of the health and order in the locality.

Among the village clerks, the law mentioned the existence of a secretary, of guards and of the cashiers. The village secretary was appointed by the village council and confirmed by the county council delegation. The secretary had to be a high school graduate with a diploma. In special cases and only with the approval of the Ministry of Interior, the graduates of lower schools could also be admitted as a secretary, after passing an exam and for a determined period. When several villages joined for the payment of a secretary, there was formed a commission from the mayor and two delegates from each village, commission that proposed three candidates, from which the county delegation would choose the secretary.

The guards were elected for a year. The cashiers had to be primary school graduates. If this condition could not be met, educated candidates were provisionally admitted, only after an examination and with the approval of the Ministry of Interior. The mayor, the cashier and the guards could be elected, only with their consent. The village

assembly, with the approval of the communal delegation could appoint other administrative officials.

In small villages, there could function village councils as well. The proposal had to come from 20 heads of the households and to be announced to the village assembly, which would meet a month after the news was announced. The decision was taken with the participation of two-thirds of the members of the assembly and was approved by the absolute majority of the participants. If five heads of the families formulated a notification for the abolition of the village assembly, the county council would investigate the situation and could decide to repeat the vote [22].

Although councils could be set up as deliberative bodies in small villages as well, their power was still relative. Some of the important decisions of these councils, however, had to be submitted to the approval of the village members. This category included: the approval of the budget, the establishment of new taxes, contracting loans, carrying out expensive works, the reception of new members in the village community or the affiliation to another commune. In small villages, the mayor was elected by “public suffrage” for five years as well (art. 62).

Village assembly could be re-established at the proposal of the council or of 20% of the heads of families of the village, on condition that the council’s term of office had expired and if the assembly had already had a period of existence equal to that of the council.

For large villages, the existence of the village council was mandatory.

In large villages, the executive bodies of the local administration were, according to this law, the mayor, the mayor’s office, the Delegation of the village council and the village cashier (art. 65). The council delegation was elected by the council, the mayor and the assistant mayor were elected by public vote, whereas the cashier was appointed by the council for two years and had to be approved by public vote.

The cashier collected both local and communal or state taxes, under the supervision of the mayor, of the delegation and of the village council. The village and the commune had the responsibility of solidarity towards the collector’s management (art. 69).

The secretary of the village was appointed by the council and confirmed by the chairman of the county council delegation and had to meet the above-mentioned conditions imposed to the secretaries in the small villages.

3. Conclusions

The law of 1929 for the organization of local public administration paid special attention to the rural commune and brought a series of innovations, the most visible ones being the formation of large communes and the classification of villages into large and small. Communes made up of one village or of several villages, large and small villages were organized on the same fundamental administrative principles, but, however, there were several institutional, organizational and functional nuances, that made the administrative organization of the Romanian rural world more difficult. The “gigantic” rural communes constituted based on this law had a complex structure, subject to a procedure that allowed the emergence of villages administration inside communal administration. The commune had as many mayors and councils or public assemblies as there were localities in the respective commune.

One could obviously identify a positive aspect, in the sense that this law led to an increased democracy, as it gave each village and head of a household the opportunity to get directly and personally involved in making decisions in the locality where everyone lived. On the other hand, one could notice the obligation for the function of mayor for small villages to be exercised (except in special situations).

The law brought several innovations associated to modernity itself, among which we mention the issuance of identity cards, the presence of the photo and of the signature on these documents. The adoption of the law during the parliamentary legislature of the National Peasant Party determined the introduction of principles specific to the peasant doctrine, namely those focused on the theory according to which economic development had the agricultural farm as an emerging element.

The law of 1929 must be considered an important law in the evolution of local public administration that brought a number of innovations, some of which have been later validated and developed, whereas others did not withstand the test of time (such as the existence of “giant” communes). To conclude, this law can be considered a

referential one and its value of experiment is appreciated as it offered a certain expertise to the Romanian administrative practice. In contemporary studies, it is interpreted as a good intention to decentralize administration [23], attempt that failed because, although it had projected large communes in order to easier ensure financial resources [24], it also led to an accentuated increase of the bureaucratic apparatus [25].

References:

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- [8] Art. 6, *Law for the Organization of Local Administration*, in "Official Gazette" of Romania, no. 170, August 3rd, 1929, p. 2 (6186).
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- [11] See art. 3 of the Law of 1864 (*Legea comunală/ The Communal Law*, (decree[d] on 31st March 1864, prom[ulgated] on 1st April 1864, in B. Boerescu, *Supplement to Codicile Române/ Romanian Codices*, Bucharest, [1880], p. 50-61).
- [12] For example, *Legea pentru organizarea comunelor rurale/ The Law for Rural Communes Organization of 1904* stipulated in article 5 that foreigners willing to settle in a rural commune should have got the approval of the commune council, approval that was given on conditions that „the foreigner proved, with a certificate issued by the authorities of the place where he had previously lived, that he had had a proper conduct; that he had complied with the recruitment law obligations, if an adult, that he hadn't been convicted for murder or other crimes and that he had a job, or a capital of 1,000 lei” (*Legea pentru organizarea comunelor rurale/ The Law for Rural Communes Organization of 1904*, in "Official Gazette" of Romania, no. 26, 1/14 May 1904, p. 985 – 1009).
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