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## **ADMINISTRATIVE SUPERVISION OVER THE ACTIVITIES OF THE CITY SELF-GOVERNMENTS OF THE EKATERINOSLAV PROVINCE (1870 – 1913) (part 1)**

It has been stated that in the practice of the Ekaterinoslav provincial presence for the zemstvo and city affairs, there are cases of detection of significant violations in the activities of public administrations of cities. The result was the initiation of criminal cases or the imposition of or disciplinary action against employees and even heads of communal institutions. There were also cases of unjustified prosecution of municipalities, which was accompanied by many years of litigation. It has been determined that the Governor, the Provincial Presence, the Senate in their control and appeal practice sought to ensure the legitimate rights and interests of individuals and urban communities. According to the interested party, the legality of acts of municipal self-government could become the object of judicial control, which was conducted within the judicial process. It has been revealed that one of the most important aspects of state supervision was the budget policy of city self-governments, the ways of income supplement of the city estimates and the expenditure. It has been proved that the vast majority of city public administrations of the Ekaterinoslav Province had cases of cancellation of decisions by the Provincial Presence in their practice. At the same time, the decisions of the supervisory institution during their appeal by local governments found support in the decisions of the Senate. It is shown that due to misinterpretation of the laws, the Presence made wrong decisions. This was the result of insufficient legal training of governors and other members of the Presence, unsatisfactory dissemination of information about the Senate's practice in urban affairs. The scientific novelty of this study is implemented through the use of unpublished archival documents and published sources, which have not yet been introduced into scientific circulation and not used by scientists for historical analysis in order to reveal the essence of administrative supervision over municipal self-governments in the Ekaterinoslav Province (1870-1914).

*Key word: Ekaterinoslav Province; city public administration; self-government; provincial presence for the zemstvo and city affairs; Senate; City Duma; city council; social transformations.*

### **Introduction**

The implementation of modernization reforms, sharp acceleration of the industrial revolution in the 1860s and early 1900s, and urbanization have significantly affected the multifaceted social transformation in sub-Russian Ukraine. An important sign of extraordinary change is the transformation of many provincial cities into significant centers of trade and industrial production, education and culture.

The city occupied a clearly defined place in the tsarist laws. The state was an important player in the struggle for order in urban settlements, took an active part in regulating urban life. European standards of sanitation, health protection, order and hygiene, general primary education

in cities were a real model to follow, which was not shunned by imperial administrators (Brower, 1990: 3, 4).

Tsarism sought to oppose the correct structure of cities to the chaotic processes of urbanization, as well as to harmonize municipal practice with the law. General problems of administrative supervision of the city public administration were studied in the monograph by Victoriya Konstantinova (2010), articles by Oleg Marchenko (2011), Lyubov Shara (2015), Olga Biliavska (2015). At the same time, to continue the study of the role of city self-governance in sub-Russian Ukraine as an important area of urban history, it is fundamentally important to study the role of imperial administrative supervision over the activities of city public administration institutions. In this context, subject of this study is the administrative super-

vision of the activities of city self-governance of the Ekaterinoslav Province (1870 – 1913).

#### Methods and empirical basis of the study

In the methodological design of our study, we tried to combine the empirical potential of legal culture analysis (on the example of considering specific cases of urban administrative reform in 1870) and theoretical approaches to social history and anthropology of the city related to the analysis of urban communities and lifestyles of the population of the Ekaterinoslav Province in the late 19th – early 20th century.

The empirical basis of the study consisted of: 1) important information about the relationship of city administrations with provincial supervisory institutions, found in the materials of the fund of the Economic Department of the Ministry of Internal Affairs, stored in the Russian State Historical Archive in St. Petersburg (fund 1287); 2) certain facts about the state control over the activities of city self-governance – in the funds “Mariupol City Administration, Mariupol, Mariupol County, Ekaterinoslav Province” (Fund f 113) of the State Archives of Donetsk Region and “Luhansk City Administration, Luhansk, Slavic-Serbian County, Ekaterinoslav Province. 1870-1917” (Fund 60) of the State Archives of Luhansk Region; 3) examples of supervision of public administrations of cities, found in the reports of “Ekaterinoslav Provincial Gazette” and other newspapers; 4) statements of specific cases, as well as decisions on them of the Governing Senate in unofficial publications – collections of precedents for appeals and revisions of decisions of the Provincial Presences (Prisutstva) and City Dumas, which helped clarify the essence of administrative supervision of self-governing activities of public administrations of the Ekaterinoslav Province (Kantorovich, 1903; Kolychev, 1911).

#### Research and Discussion

The system of administrative supervision over municipal life in the Russian Empire was formed as a result of the implementation of urban reforms in 1870 and 1892. The City Regulation of 1870 entrusted the governor with the control over the legality of the activities of municipalities (art. 1). For the same purpose, the law provided for the formation of an administrative collegial institution – the provincial presence for city affairs (hereinafter – the Presence). It consisted of a group of officials – the head of the province (chairman), as well as members – the vice-governor, the head of the treasury chamber, the district court prosecutor, the chairman of the magistrates' congress, the chairman of the provincial zemstvo administration and the mayor of the provincial city.

The provisions of the municipal law obliged the Presence to consider all complaints and applications from governmental and zemstvo institutions, as well as from private individuals dissatisfied with the decisions of city public administration (arts. 13, 150). Among other things, the Provincial Presence provided consideration of the contradictions between the imperial administration of the province and the city governments (art. 11). This institution received the right to revoke the decisions of public administration as a result of recognizing them as inconsistent with the law. Its objectivity and impartiality, apparently, had, according to the plan of the creators of the law, to create the disobedience of the majority of members of this board to the governor. By decision of the Presence, officials of the city public administration were liable for crimes according to position, but not through the

courts (arts. 73, 82-85) (*Polnoe sobranie zakonov Rossijskoj imperii (further PSZ), 1874: 823, 824, 830, 831, 839*).

Despite the Presence's abolition of the decisions of city public administrations, the latter were given the right to prove the infallibility of their decisions in the Senate by appealing its regulations (art. 153) (*PSZ, 1874: 839*). Thus, we can say that the Senate crowned the system of administrative supervision over the self-government of the cities of the empire. This order seemed to ensure sufficient independence and activities of communal institutions which were to some extent independent from the state administration.

The city reform of 1892 introduced an administrative collegial institution – the provincial presence for the zemstvo and city affairs (hereinafter – the Presence). The new City Regulation limited the ability of city municipal governments to make independent decisions. The municipal law of 1892 gave the governor the right to control not only the legality, but also the correctness (expediency) of city self-government activities, its compliance with the general state “good and needs” and the interests of the local population (art. 83) (*PSZ, 1895: 445*). Resolutions of city institutions, recognized by the head of the province as inexpedient, after discussion in the Presence together with his preliminary conclusion were to be sent to the Minister of Internal Affairs. It decided on the permission of their implementation or prohibition (arts. 86, 87, 88) (ст. 86, 87, 88) (*PSZ, 1895: 446*). Disputes between the public administrations of large cities and the provincial administration over the appropriateness of self-governing resolutions were finally resolved by the State Council or the Committee of Ministers (*Blinov, Gagen, Gogel, 1911: 178*).

An innovation of the law of 1892 was the norm by which city councils were transformed from public to state institutions. The mayor and members of the board received the status of civil servants. In this connection, officials of the city public administration were subject not only to judicial responsibility, but also to disciplinary sanctions imposed by the provincial presence for the zemstvo and city affairs (arts. 147, 149, 150) (*PSZ, 1895: 455-456*).

From the very beginning of the activity of city self-governments according to the City Regulation of 1870, their effectiveness, and at the same time their observance of the law, worried all levels of the imperial pyramid of power. In particular, the annual official report of Governor of Ekaterinoslav Ivan Durnovo on the situation of the Ekaterinoslav Province in 1872 emphasized that the work of city public administrations with the introduction of the new order became more stable. However, the head of the province noted, especially prominent consequences of the city ordering had not been noticed yet, but improvement of many of its branches had begun. The report included the constant concern of the Dumas and administrations to find new sources of budget profits, to adopt regulations mandatory for city residents, which would contribute to the improvement of cities. Among the undeniable successes, I. Durnovo attributed the strict observance by the city dumas of the range of issues defined by law and the limits of their powers. The governor considered the fact that during 1872 there were only seven cases of transfer of decisions of city dumas on the basis

of art. 151 of the City Regulation for consideration by the Provincial Presence to be the evidence of this<sup>1</sup>.

Later, with the progress of urbanization, the increasing complexity of the tasks solved by the city self-government institutions, the situation changed. The report of the council for 1888 stated that during the year the Provincial Presence annulled five resolutions of the Ekaterinoslav Duma. In two cases, the decision of the supervisory institution was challenged in the Senate (*Otchet Yekaterinoslavskoy gorodskoy upravly ..., 1889*).

Regarding the relations of the imperial administration, the Provincial government on a general imperial scale, despite the introduction of the City Regulation in 1870, did not immediately forget the previous, rather pathetic role of city public institutions and did not learn to look at new self-government bodies as institutions not subordinate to them (*Blinov, 1911: 226; Blinov, Gagen, Gogel, 1911: 170*).

The supervisory authorities sought to reveal the facts of improper performance of duties and even the commission of criminal encroachments by city government officials. In particular, for the first time elected under the new municipal law, the entire Mariupol city council, headed by the mayor by the decision of the Ekaterinoslav Presence in 1874, was prosecuted for non-compliance with a Senate decree on the city's income from fishing land. On November 28, 1874, the Mariupol City Duma adopted the decision appealing the regulation to the Senate (*Yekaterinoslavskie gubernskie vedomosti, 1875*). Only in 1883, the Senate decree was issued to discontinue consideration of the case of former Mariupol local self-government officials against City Mayor Trandafilov and board members Gamper, Popov, Merzhanov, and Shablinsky, accused of misconduct, as announced in the Mariupol City Duma (*Yekaterinoslavskie gubernskie vedomosti, 1883*). As we can see here, the nine-year, unreasonably delayed consideration of the case nullified the effectiveness of protecting city self-government officials from possible arbitrariness of the administration.

We have found the fact of a somewhat unusual course of affairs between the city self-government and the controlling body. The violation was discovered by Luhansk city officials themselves. The deviation from the law was the discrepancy between the notes in the ledger and the availability of cash in the city treasury. By the decision of the Luhansk Duma of May 10, 1901, an audit was appointed with the hiring of competent specialists. Auditing during May – early June 1901 found that a member of the board – head of the city treasury Dobrykin misappropriated the funds entrusted to him at the service – 18509 rubles. As a result of the audit, on June 8, 1901, the Luhansk City Duma decided to inform the governor of Dobrykin's actions and to petition for the initiation of a criminal case against him, which was within the competence of the Presence. In our opinion, the mayor Volodymyr Verbovsky and innocent board members, as civil servants, initiating emergency inspections and decisions, were ahead of the punishment (in terms of collective responsibility) – disciplinary sanctions up to removal from post, provided by the City Regulations<sup>2</sup>. Unfortunately,

we do not know the further course of the case due to the discontinuity of archival information.

A certain modification of the nature of relations between the city self-government and state authorities is demonstrated by the case related to the discovery by the Ekaterinoslav Treasury Chamber in the Mariupol city administration in 1897 of the facts of incorrect issuance of certificates for trade and crafts. The two cases of sale of blank forms of trade documents found violated the instruction of the Ministry of Finance of June 1, 1890, according to which the issuance of trade documents had to be accompanied by the entry of personal information about the owner. The State Chamber did not dare to draw a conclusion whether this was the result of a mistake or an intention<sup>3</sup>. At the same time, due to the carelessness of the Mariupol city council, which manifested itself during the issuance of merchant certificates of the First guild to the trading house "L. Dreyfus and K.", the latter saved money, and the imperial treasury did not receive 1130 rubles. As a result of such statements by the treasury, an official investigation was conducted by the official for special assignments under the governor, which determined the connection between the identified shortcomings and negligence in this area by City Mayor Popov and board members Karamanov and Chentukov<sup>4</sup>. The same investigation established that the accounts assistant of the Mariupol Duma Ivashchenko took from the burgher Melekov 130 rubles as payment for the cost of trade documents. However, the latter did not receive any documents or return his money. Based on the identified shortcomings, the Provincial Presence announced a severe reprimand to the Mariupol city council consisting of City Mayor Ivan Oleksiyovych Popov and members of the board Anton Sofronovych Karamanov and Spiridon Avramovych Chentukov. Mykhailo Maksymovych Ivashchenko, accounts assistant of the board, was sued on charges of embezzlement<sup>5</sup>.

The Mariupol Duma did not fully agree with the determination of the Provincial Presence. On behalf of it, City Mayor I. Popov appealed against the legitimacy of the decision to severely reprimand the entire board. The main argument of the complainant was as follows: only one member of the board – manager of the cash desk should be responsible, due to the fact that he was also responsible for the accounting department, which always concentrated all cases of storage and issuance of trade documents. This procedure had long been established by the instructions of the City Duma. At the same time, Ivan Popov noted that he, as the mayor, always took measures to stop the riots as soon as they became known. Among other things, the complaint stated that there were very few cases of violations, given the huge number of commercial documents (up to 3 thousand units) issued by the board during the year. At the same time, the legitimacy of bringing former accounts assistant of the board Mykhailo Ivashchenko to trial on charges of embezzlement was not questioned.

In considering the case, the Senate noted that the oversight of the proper conduct of trade and crafts by city council is their responsibility as lower government agencies directly subordinate to government, not as executive bodies of city government. In this regard, the Senate rec-

<sup>1</sup> Russian State Historical Archive, Fund 1284, List 69, File 186, P. 7-8.

<sup>2</sup> The State Archive of Luhansk region, Fund 60, List 1, File 3, P. 8, 14.

<sup>3</sup> Ibid, P. 15-17.

<sup>4</sup> Ibid, P. 18.

<sup>5</sup> Ibid, P. 18 (rev.).

ognized the introduction of a severe reprimand by the Ekaterinoslav Presence on the basis of art. 149 of the city provision to the Mariupol city council consisting of the mayor and two members of council as correct and one which did not violate the law and did not go beyond the limits of the power given to it. Popov's complaint was left without consequences by the Senate ruling<sup>6</sup>.

Administrative supervision over city public administrations was carried out to ensure their legitimate rights and interests of individuals. In the "stream" of the Senate's explanations (*Blinov, Gagen, Gogel, 1911: 169-170*), the Novomoskovsk City Duma allowed the merchant Stepan Makhno to build a house in his own yard within the city limits. It was this case that provoked the illegal response of the Provincial Presence, which revoked this permit on the grounds that the said private plot on the approved city plan had been designated for future street construction. On the complaint of the owner of the land plot, on April 27, 1893, the Senate decided to revoke the decision of the Provincial Presence due to restrictions on the rights of the owner, and the city had to buy a private plot to build a street (*Kantorovich, 1903: 256*). Thus, the supervisory authority made a mistake, which was corrected by the Senate decision.

A clear example of a failed attempt to implement administrative oversight functions in relation to public administration institutions is demonstrated by the case of Ekaterinoslav businesswomen Gutlina and Bredkina. At the meeting on October 4, 1893, the Ekaterinoslav City Duma allowed these burghers, at their request, to open inns in their own premises in the following year, 1894 (granted business licenses). Both businesswomen intended to lease these premises, as well as to transfer the acquired right to do business. Some other people had chosen the same ways of generating income. However, Gutlina and Bredkina did not implement their plans due to the lack of people willing to rent their premises<sup>7</sup>. As a result, the inn tax from these persons did not reach the city treasury. Ekaterinoslav city council, taking into account the fact that these entrepreneurs personally participated in the layout of the inn fee, as well as the fact that they did not open the institutions allowed to them, decided to collect from them and others previously determined funds and penalties for late payment<sup>8</sup>.

Gutlina and Bradkina's complaint against this decision of the executive institution of the city self-government was rejected by the Ekaterinoslav City Duma on September 28, 1894. However, the Provincial Presence sided with the complainants and revoked the latter by the decision of December 22, 1894. This decision, authorized by the regulatory institution of public administrations of Ekaterinoslav, was appealed by the Ekaterinoslav mayor to the Senate. The main idea of the petition of the chief municipal of the provincial city was that by law businesswomen had to pay tax for a permit for innkeeping.

The Senate, in turn, by a decision of December 4, 1895, revoked the decision of the Provincial Presence on the grounds that the decisions of the City Duma on petitions for the opening of inns came into force and were "being served". The Presence in this case in accordance with art. 142 of the City Regulations had no right to even

consider the complaint of Ekaterinoslav businesswomen<sup>9</sup>. As we can see, the decision of the Provincial Presence had no legal basis. This could be due to the lack of experience in the application of the new municipal legislation at that time, as well as to the inadequate legal training of the head and members of the local self-government control institution. The resolution of the problem (from the decision of the Presence to the decision of the Senate) lasted from December 22, 1894 to December 4, 1895, i.e. less than one year, in our opinion, quite quickly.

Another example is related to the decision of the meeting of the Slavyanoserbsk commissioners of February 2, 1896, which established the exact of 75 rubles from the Rhine cellar opened by the merchant Kushnaryov to the city treasury as from a restaurant. The Ekaterinoslav Presence, in line with the oversight of the legality of self-governing activities of city public institutions, repealed this resolution. The Slavyanoserbsk starosta appealed against the decision of the provincial supervisory body in the Senate. This official disagreement of the representative of the city self-government remained without consequences. The Senate found the decision of the Presence correct. The Senate decision was based on the fact that the Rhine cellar sold drinks only for takeaway, without the sale of snacks and meals and could not be included in the number of inns, for its opening it was only necessary to purchase the established patent and not to pay additional means as for inn (*Kantorovich, 1903: 608-609*). As we can see, in this case the Provincial Presence successfully implemented its control function.

Sometimes, private individuals, dissatisfied with the decision of the city self-government, immediately challenged its legality in the courts. For example, businessman Solomon Olkhov filed complaints against the same decision of the Luhansk Duma to the District Court and the Trial Chamber one after another. The subject of the appeal was the establishment by the municipal self-government institution of a fee for the use of ice from the Luhan River for the production of its own distilleries and breweries. Both times, within the judicial process, judicial institutions recognized the legitimacy of the actions of the city self-government. The decision of the court chamber became the subject of a new appeal by S. Olkhov in the civil cassation department of the Senate. It was his decision of 15 February 1906 that confirmed the correctness of the Trial Chamber's decision to recognize the right of the city of Luhansk to recover from the applicant a fee for the use of ice from the Luhan River. All the objections made against this in the cassation appeal were recognized as not deserving of attention (*Kolychev, 1911: 368-369*).

Increasing the financial resources for the exercise of self-government powers was one of the most urgent tasks of city public administrations. Sources outside the legal field were sometimes sought to fill the income section of the city budget. For example, in 1894 the Pavlograd City Duma decided to collect money from selling cattle that was brought to the city for sale at fairs and bazaars to the city income. On September 3, 1894, Provincial Presence repealed this resolution, guided by art. 8 of the City Regulation, which stated that squares, streets, alleys, etc. were municipal property, at the same time, remained in common use. The Senate agreed with this decision and, by its decision of November 20, 1895, decided to dismiss the

<sup>6</sup> Russian State Historical Archive, Fund1287, List 41, File 1176, P. 21-21 zv.

<sup>7</sup> Ibid, List 28, File 196, P. 10.

<sup>8</sup> Ibid, P. 10 (rev).

<sup>9</sup> Ibid, P. 13.

complaint of the Pavlograd mayor regarding this case (*Kantorovich, 1903: 500*). In the same year, a similar fate awaited the decision of the Pavlograd City Duma on the establishment of fees for carts of agricultural producers, which were brought to the city for fairs and bazaars (*Kantorovich, 1903: 510*).

Among other things, in the relations of city self-governments there were cases of unconcealed interference of the Provincial Presence in the affairs of self-governments. By its unprecedented decision, the controlling instance exempted from taxation the forest plots of the peasants of the villages Novohryhorovka and Rim, which were located within the land of the city Verkhnodniprovsk, due to insolvency. Of course, such a decision was appealed by the deputy mayor of the Verkhnodniprovsk in the Senate. The Senate resolution of May 10, 1894 annulled the decision of the Ekaterinoslav Presence on the grounds that only the city council had the right to provide benefits to payers of city fees, and the resolution of the Presence was not consistent with the law (*Kantorovich, 1903: 352*).

With the introduction of the City Regulations of 1892, the governor and the provincial Presence controlled the budget policy of city governments in general on the legality and expediency of estimated expenditures, the validity of income expectations. For example, the Governor of Ekaterinoslav D. Martynov refused to approve the budget of the city of Oleksandrivsk for 1895. The governor's conclusion, set out in the reasoning for consideration by the presence, drew attention to violations of budget rules established by the City Regulations of 1892, namely: expenditures exceeded income. The budget deficit was 6738 rubles 75 kop. Among other things, according to the head of the province, the size of the deficit itself should have increased, because Oleksandrivsk members of the town council expected inflated amounts of revenue. Because of this, D. Martynov considered, the excess of expenditures over budget revenues would be an even greater amount, namely – 12,438 rubles 75 kop.

At the same time, the head of the province found other flaws in the draft budget. For example, among the expenditures of Oleksandrivsk, in 1895 500 rubles was provided for the maintenance of the chairman of the orphan's court. However, this position was held part-time by the current mayor, who by law was to be paid only at his main place of service. Then D. Martynov listed the expenses planned for 1895, which were not provided by law or were inappropriate. So, Oleksandrivsk members of the town council appointed the maintenance of 240 rubles for employees for travel, 180 rubles for three appraisers, 250 rubles for the maintenance of two horses and 100 rubles for repair of exit cabs. Incidentally, the head of the province reasoned, the City Regulations did not establish the positions of appraisers, neither the budget nor the resolutions of the Duma showed the purpose for which these positions were introduced, as well as why cabs and horses were kept, and to whom and for what trips, in addition, 240 rubles were appointed. Also the chief of the province noted that contrary to the law, 1,200 rubles were appointed to council for extraordinary expenses and 300 rubles – in the unaccounted order of the mayor.

The estimate also planned to spend 1,500 rubles on repair of a covered shed. In this regard, the Governor reminded that not so long ago, on November 11 last year, the Duma passed a resolution on the demolition of the old shed and the construction of a new shed. Therefore, the

repair seemed unnecessary to him. It was illegal, the head of the province decided, to assign a certain amount to the allocation of apartments to civil servants who came to the city for service purposes. At the same time, the governor did not recognize the legitimacy of assigning pensions to the former Mayor of Oleksandrivsk Pavel Zakharin (1200 rubles) and the secretary of the council and the Duma Athanasius Kushcha (900 rubles)<sup>10</sup>.

In general, in our opinion, the facts from D. Martynov's reference were a reflection of a mixture of claims, which were based on various grounds. Indeed, when forming budget of Oleksandrivsk, a rule regulated by law, which required compliance of expenditure allocations with the calculated revenue estimate, was violated. At the same time, the head of the province noticed the planned expenses, which he, in accordance with the City Regulations, considered to be contrary to the interests of the local population. In particular, the governor was wrong in interpreting the current legislation regarding the possibility of assigning pensions to employees of the city public administration (*PSZ, 1895: 454*).

However, the remarks made by the head of the province by the decision of February 4, 1895 were supported by the local provincial Presence, which in turn corrected the budget of Oleksandrivsk for 1895 and offered the city to implement its version of the city budget. However, the Oleksandrivsk City Duma did not express its disagreement, and the mayor Zakhariy Makhno appealed to the Senate under the authorization of the Duma. The package of documents (complaint, conclusions and explanations of the governor, decision of the Presence) "wandered" for a long time through the imperial bureaucratic corridors: on April 21, 1905 the office of the governor of Ekaterinoslav sent them to the Ministry of Internal Affairs, on May 1, 1895 these papers got into the Ministry of Internal Affairs and were sent to the Senate with report of the Minister.

The Senate's explanation of the case actually accused all authorities involved in drafting the budget and revoking its approval of violating existing rules. Firstly, the Senate found that the governor's comments on the budget developed by the Oleksandrivsk Duma referred it to the category of those that did not meet the national benefits and needs or interests of the local population. It followed that the head of the province had to refer the case to the Presence for a preliminary conclusion and further make proposals to repeal the resolution of the Oleksandrivsk Duma to the Minister of Internal Affairs. For Senate's considerations, decisions of city governments revoked by the Presences on such grounds were considered not in the Senate. Finally, by decree of April 10, 1896, the Senate, in compliance with the formalities, determined the following: to leave the complaint of the mayor of Oleksandrivsk without consideration<sup>11</sup>.

Thus, we can observe that estimated mini-epics in Oleksandrivsk lasted more than a year and any final decision had already lost its relevance. At the same time, it turned out that the above-mentioned Senate resolution "successfully" referred the case to another instance. However, it did not happen as expected. The formal approach to the senators' duties resulted in the consideration of the following complaints related to the previous case. In particular, on November 12 and December 10,

<sup>10</sup> Russian State Historical Archive, List 28, File 199, P. 6.

<sup>11</sup> *Ibid.*, P. 10-11.

1896, the Senate was forced to consider two separate complaints against the decisions of the Ekaterinoslav Presence about the above-mentioned former Oleksandrivsk Mayor P. Zakharin and Secretary of the Board and Duma A. Kushch. The subject of the appeal was the exclusion by the decision of the Presence of ex-officials of the city self-government from the list of city expenses for 1895 of the pensions appointed by the Duma. The new Senate ruling on both complaints clarified that such pensions, as an optional expense of the city budget, could not be prohibited. The legislative basis for this was art. 138 of the City Regulation, which recognized the possibility of such a budget expenditure to meet the mandatory needs entrusted to public administration by the state (*Kantorovich, 1903: 597, 625-626*).

Among other things, in the motivating part of the decree on P. Zakharin's complaint, the Senate noted that the Oleksandrivsk City Duma rightly appointed a cash grant to the former mayor, as a reward for useful 40-year service in the city public administration, in the estimates for 1895 (*Kantorovich, 1903: 597-598*). The Senate decided to cancel the decision of the Presence to prohibit the issuance of these pensions by two decrees (*Kantorovich, 1903: 598, 626*). Consequently, the applicants' claims were upheld and the Presence's decision was found to be erroneous.

Probably, the above-mentioned decrees of the Senate had not yet reached the head of the Ekaterinoslav Province when the Presence under his chairman abolished as illegal the appointment of new pensions, which were reflected in the budget decrees of the city councils of Ekaterinoslav and Mariupol in 1896. In particular, the decision of the Duma on lifelong payment to the former senior assistant to the director of the Ekaterinoslav city council Yanenko (720 rubles a year) for useful more than 20-year service in city public administration was canceled. A similar procedure was applied to the decision of the Mariupol City Duma, which established payments (25 rubles per month and for life) to the priest of the cemetery church maintained at the expense of the city Kotlyarov as a reward for his useful service. In both cases, the Senate decisions of December 10, 1896 and April 15, 1897 revoked the decrees of the Presence (*Kantorovich, 1903: 620, 686*).

### Conclusions

Against the background of rapid commercial and industrial development and urbanization processes, Russian tsarism, having its own understanding of the methods of organizing urban life, sought to oppose the appropriate system of unorganized urbanization processes, as well as to harmonize municipal practice with law. The city reform of 1870, creating institutions of city public administration, at the same time introduced a system of administrative supervision over them, the important components of which were the governors, the Provincial Presence and the Senate. The role of the central level in exercising control over city self-governments was entrusted to the Provincial Presence. The independence of self-governing activities of public utilities was ensured only by the observance of their compliance with the law and the right to appeal against decisions of supervisory authorities. The City Regulation of 1892 expanded the control of state powers, narrowed the non-subordination of administrative and executive institutions of city self-government, but did not completely destroy them.

In the practice of Ekaterinoslav provincial government and the Presence for the zemstvo and city affairs, there are cases of significant violations in the activities of public administrations of cities, which resulted in criminal proceedings, or disciplinary action against employees and even heads of communal institutions. There were also cases of unjustified prosecution of municipalities, which was accompanied by many years of litigation.

The Governor, the Provincial Presence, the Senate in their control and appeal practice sought to ensure the legitimate rights and interests of individuals and urban communities. According to the interested party, the legality of acts of municipal self-government could become the object of judicial control, which was conducted within the judicial process.

One of the most important aspects of state supervision by the state administration was the budget policy of the city self-government, the ways of income supplement of the city estimates and the expenditure.

Our study gives the right to conclude that the vast majority of city public administrations of the Ekaterinoslav Province had in their practice cases of cancellation of decisions by the Provincial Presence. At the same time, the decisions of a supervisory institution were supported by senate resolutions. However, the Presence also sometimes misinterpreted the laws and made wrong decisions on that basis. This can be explained, in our opinion, by the insufficient training of both the heads of the provinces and other members of the Presence, the unsatisfactory dissemination of information about the Senate's practice in urban affairs.

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### **АДМІНІСТРАТИВНИЙ НАГЛЯД ЗА ДІЯЛЬНІСТЮ МІСЬКИХ САМОВРЯДУВАНЬ КАТЕРИНОСЛАВСЬКОЇ ГУБЕРНІЇ (1870 – 1913) (частина 1)**

Встановлено, що у практиці Катеринославського губернського в міських та земських справах присутствія віднаходяться випадки виявлення суттєвих порушень у діяльності громадських управлінь міст. Наслідком було започаткування кримінальних справ або накладання дисциплінарних стягнень на службовців та навіть очільників комунальних установ. Траплялись і випадки необґрунтованого притягнення муніципалів до відповідальності за судом, що супроводжувалось багаторічною судовою тяганиною. Визначено, що губернатор, губернське Присутствіє, Сенат у своїй контрольній й апеляційній практиці прагнули забезпечити законні права та інтереси приватних осіб і міських громад. За заявою зацікавленої сторони законність актів міського самоврядування могла стати об'єктом судового контролю, який здійснювався у межах судового процесу. Розкрито, що одним із найважливіших аспектів державного нагляду була бюджетна політика міських самоврядувань, способи наповнення доходної частини кошторисів міст та предмети видатків. Доведено, що переважна більшість міських громадських управлінь Катеринославської губернії мали у своїй практиці випадки скасування рішень губернським Присутствієм. При цьому ухвали наглядової установи при їх оскарженні самоврядуваннями міст знаходили підтримку в постановках Сенату. Показано, що через помилкове тлумачення законів Присутствіє ухвалювало хибні рішення. Це було результатом недостатньої правової підготовки губернаторів та інших членів Присутствія, незадовільним поширенням відомостей про сенатську практику в міських справах.

Наукова новизна цього дослідження реалізується завдяки використанню неопублікованих архівних документів та опублікованих джерел, які до цього часу не введено до наукового обігу і не застосовано науковцями для історичного аналізу, з метою розкриття сутності адміністративного нагляду за міськими самоврядуваннями в Катеринославській губернії (1870 – 1914 рр.).

**Ключові слова:** Катеринославська губернія; міське громадське управління; самоврядування; губернське в земських і міських справах присутствіє; Сенат; міська дума; міська управа; соціальні трансформації.

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