

THE LAW OF MARCH, 1903. CONCERNING EMIGRATION. Hungary

Chapter I. About Emigration in General.

section 1.

In point of view of the application of this law he is considered an emigrant who goes to foreign countries with the object of continuously living there for an indefinite time.

section 2.

In regard to emigration, the following restrictions have been established:--

(a) Those who on account of military laws are obliged to present themselves before the authorities, or are subject to military service are allowed to emigrate only with the permission of the respective competent authorities.

(b) Persons who are under preliminary investigation or examination for having committed a crime or offense, against whom either the judicial or police authorities have issued a warrant of arrest, are not permitted to emigrate at all.

(c) Minors can emigrate only if they are able to show the written and officially legalized consent of their father or guardian; and those who have not yet attained their fifteenth year of age, even under those conditions, can emigrate only in company of a responsible adult, and then only on condition that a future home is provided for them at their place of destination.

The following are not allowed to emigrate:--

(d) Those parents who intend to leave children under fifteen years of age at home without providing for their proper care.

(e) Those who have not sufficient funds for the journey to the place of their destination, or to meet the conditions which are established in regard to immigration into the country to which they wish to emigrate.

(f) Those who are promised, by the Government of any foreign country, or by any colonization or similar company, or by a private person seeking to organize colonization, free transportation in whole or in part, or any advance of the cost of the trip.

section 3.

Every immigrant must supply himself with a passport as required by that country which he desires to emigrate.

section 4.

The Ministry furnishes emigrants – if they apply for it – full and reliable information as to all conditions concerning those states or countries to which they have intention of going.

section 5.

The Ministry is empowered to prohibit the emigration to any foreign country where the life, health, morals, or property of the emigrants may be placed in jeopardy; this applies to emigration as a whole or to persons of any particular occupation.

section 6

The Ministry is empowered to restrict emigration in particular direction or directions as may seem best from the standpoint of health, or to protect the interests of the emigrant.

Chapter II. Passenger Traffic, Contractors, and Agents.

section 7.

Any person desiring to engage in the transportation of emigrants must have a license granted by the Minister of the Interior.

section 8.

Licenses are granted to:

(1) Resident contractors, whether individuals or associations, provided the responsible managers are citizens of Hungary;

(2) Non-resident contractors, whether individuals or associations:

(a) Provided they designate a resident citizen of Hungary as their representative in Hungary in all matters concerning emigration, and in the relations of the principals towards the Government authorities; these designated representatives to have full power and responsibility.

(b) Provided they subject themselves to the Hungarian law and to the Hungarian courts of justice in case of controversies arising from said emigrant business.

section 9.

Every applicant for a license must prove ability to transport emigrants safely

and deposit in advance, as security, at least 100,000 crowns.

section 10.

Licenses are only to be granted for business with designated countries, parts of countries or places, and, if a sea journey is involved, only for designated ports.

section 11.

Such license gives the holder the right to extend his business over the entire territory within the scope of the law.

section 12.

The contractor is bound from time to time to submit his tariff of fares to the Minister of the Interior for approval. Higher rates than approved of cannot be charged.

With the exception of an advertisement concerning time-tables, subsistence, and fares it is forbidden to issue proclamations or information concerning emigration, or send any such to individuals.

It is also forbidden for contractors and their agents to attempt to induce emigration verbally, by letter, or to encourage it in any manner, to solicit from door to door, or to ask or accept any reward or service from emigrants, excepting the fare to be paid for the passage.

section 13.

The contractor is allowed, with the permission of the Minister of the Interior to have his business managed by a representative, and also to establish branch offices. The person selected as a representative must, however, be approved by the Minister of the Interior.

section 14.

A license as emigration agent can only be obtained by persons fulfilling the following requirements : --

- (a) He must be a citizen of Hungary;
- (b) He must live within the judicial districts or in one of the districts in which he is doing business;
- (c) He must not be under guardianship or trusteeship, must be solvent, no criminal proceedings in penal law must be pending against him, and he must never have been condemned to imprisonment for crime or offense committed in self-interest (paragraph 38 of the law of 1881). He must not have been guilty of a transgression coming under that law, and his morality and reliability

must be without reproach.

section 15.

With the approval of the Minister of the Interior the contractor may appoint a representative competent to make contracts.

section 16.

The contractor is responsible according to civil law for every action of his representative within the scope of the emigration business.

section 17.

The representative shall not be paid by commissions on the contracts he makes, but by a regular salary in advance.

section 18.

Only persons answering to the conditions required in section 14 regarding representatives may be appointed as such. Officers of State, of justice, magistrates and subordinate officials, clergymen and school teachers, cannot be representatives.

section 19.

The business territory of such a representative shall be bounded only by the limits of a designated judicial district or of several designated judicial districts.

Not more than one representative of the same contractor is allowed to carry on business in any district.

section 20.

The manager is allowed to carry on his business in person only, and is not permitted to conclude contracts for transportation business for any other manager. Neither members of the manager's family nor his employees are permitted to do business on their own account.

The injunction of section 12 refers also to the representative.

The word "manager" here is used in the sense of a proprietor or responsible head of a business

section 21.

The concession (or license) of the manager and that of his representative, as well as the grant of authorization, can be limited or withdrawn at any time by the Minister of the Interior.

The concession shall be withdrawn:

- (a) If the person concerned no longer meets the requirements contained in sections 8, 14, and 18;
- (b) If events occur to show that the manager, his representative, or substitute is unreliable;
- (c) If the deficit arising from legal deduction from the security deposited is not made good within fifteen days.

section 22.

The security deposited by the manager is intended cover all liabilities, as well as all fines and expenses growing out of the business, whether payable to the authorities or to private parties.

The nature of the security, as well as the manner of depositing it, its management and restitution, is to be decided by the Minister of the Interior.

section 23.

The manager, as well as his representative, is required to keep intelligible books, as prescribed by the Minister of the Interior. He must also keep a copying-book for his correspondence.

The management of the deposit and form of contract to be used shall be fixed by decree of the Minister of Interior.

The Minister of the Interior, as well as his authorized substitute and the police authorities, have the right to investigate the management of the business at any time, to make abstracts of the accounts, and to control the proceedings of the manager and his representative generally.

Chapter III. Legal Relations between the Manager and the Emigrant.

section 24.

The contractor can only transport an emigrant upon the authority of a written contract made in advance.

It is forbidden to enter into contract with persons having no passport, and also with persons described in section 2.

section 25.

The contract is to be drawn in the Hungarian language, or in columns both in the Hungarian language and in the mother tongue of the emigrant, in duplicate, one copy of which is given to the emigrant, the other remaining with the

agent.

The contract must contain the following :--

- (1) The full name, age, and place of residence of the emigrant;
- (2) The exact route to be taken, and the place to which transportation is to be contracted for;
- (3) The exact time of starting, and, in case of an ocean voyage, the name of the vessel as well as the day fixed for the sailing;
- (4) If a railway journey, the class must be stated, if by ship, the place must be designated, which the emigrant, his family, and his luggage are to occupy;
- (5) The exact fare, in figures and words;
- (6) The requirements of this law regarding the duties of the contractor and the manner of settling possible complaints.

section 26.

The contractor is bound to the emigrant:

- (1) To send the emigrant with his luggage to the place stated in the contract and for the fare stated, which, under no consideration, must be increased;
- (2) To provide sufficient wholesome clean board and lodging for the entire journey, in case the emigrant has not stipulated to provide for himself during his journey on land;
- (3) To provide medical treatment free of charge, and, in case of death during the voyage, free burial;
- (4) To insure the luggage against damage and loss, the head of the family against accident, according to the rates approved by the Minister of the Interior. The amount of the insurance premium may be stipulated in the contract as additional to the fare;
- (5) If the trip is postponed or interrupted, without apparent fault on the part of the emigrant, to give him entire board and lodging without any extra charge, and to send him and his luggage on to his place of destination as rapidly as possible.

section 27.

If the delay lasts longer than a week, the emigrant may cancel the contract

and demand the return of the fare already paid, and, in case of having suffered loss thereby, may claim damages according to general laws.

section 28.

The fare can also be demanded in case of the death of the emigrant, or a member of his family who accompanies him dying before beginning the sea voyage, or being prevented from leaving by illness or other circumstances for which it can be proved he is not responsible. Half of the fare can be demanded if the emigrant cancels the contract for any reason whatever before starting on his journey.

section 29.

Agreements which violate sections 12, 26, 37, and 28 are invalid.

section 30.

The contractor is obliged to bring back, without extra charge, such persons as, notwithstanding the prohibition contained in section 24, are sent on without a passport, if these persons had no right to emigrate according to section 2.

section 31.

During the sea voyage, the contractor must see that the vessel in which the emigrants sail is kept in good order, on the designated course, is furnished properly, well appointed and provided with sufficient provisions. The same obligation is incumbent upon the master of the vessel.

section 32.

Before leaving, the vessel is examined by the proper authorities, to ascertain whether all the requirements of the previous sections are provided for.

Every vessel is examined and emigrants and crew inspected by the proper medical authorities.

section 33.

Within the meaning of this law, sea-going vessels are considered fit for emigrant transportation which sail to non-European ports, and carry at least twenty-five passengers, not including those in separate compartments.

The Minister of the Interior is authorized to make full arrangements in accord with the Minister of Commerce, respecting the quality of such vessels, their accommodations and appointments in regard to the supply of provisions, their official examinations and control, also regarding the medical examination of travelers and crew, the prohibition of the embarking of sick people, and the preservation of health and morality among the emigrants.

Chapter IV. Emigration Fund.

section 34.

For the relief of members of the families of emigrants who remain behind in poverty, for obtaining information for them as to those who have already emigrated, for providing employment, for founding asylums for them, and lastly, for covering partly or entirely the expenses of the destitute who desire to return to their native country, special funds are to be raised as follows :--

- (a) From appropriation from the Government budget;
- (b) From all unexpended balances received from issuing passports after deduction of stamp duty and fees;
- (c) From the fees fixed by law which are to be paid by the transportation agents obtaining licenses;
- (d) From annual dues to be fixed by contract, payable by all banking institutions, which may be entrusted with the management of the funds of emigrants and with their return passage money.

article 35.

The emigration funds shall be under the management of the Minister of the Interior, who shall render account of them in his annual report.

article 36.

The Ministry is instructed to provide for the proper administration of the deposits, and to ensure the safe delivery of money sent back by emigrants by means of the Royal Hungarian Postsparkasse, or a reliable Hungarian bank.

Chapter V. Officials

article 37.

For the proper treatment of questions regarding emigration, and to aid the Minister of the Interior in the performance of these duties, a Council of Emigration shall be organized.

article 38.

The Minister of the Interior shall be president of this Council, and, in case of his being prevented, the first assistant of the Minister shall take his place.

The members of this Council shall consist of one appointee of the Prime Minister, one member each from the police and sanitary upper divisions of the Ministry of the Interior, Justice, Ecclesiastic Affairs and Public Instruction, of Commerce, Agriculture, and the Department of National Defense. Then of ten members named by Minister of the Interior from the chambers of commerce and agricultural societies, or those engaged in agriculture, manufactures, or commerce.

article 39.

The Minister of the Interior decides as to the organization and order of business of the Council of Emigration.

article 40.

To supervise the operation of this law and for the direct inspection of the entire emigration business, the Minister of the Interior is authorized to appoint a Commissioner of Emigration possessing the rank of a Government official (Staatsbeamter), and assistants according to need.

article 41.

The Commissioner of Emigration has power to be present at the examination of vessels employed in emigration traffic and even to make independent examination. He is to report to the Minister of the Interior any deficiencies or irregularities, and, in special cases, to inform the local authorities.

The masters of vessels employed in emigrant traffic are obliged, if the Commissioner so desires, to furnish a true statement of the condition of the ship and its route, and to allow at any time inspection of the ship and the ship's papers.

article 42.

The Commissioner of Emigration is the immediate subordinate of the Minister of the Interior, and his compensation, as well as that of those assigned to him as assistants, shall be placed in the annual budget. Any special services are regulated by the Minister of the Interior.

Chapter VI. Articles in Penal Code

article 43.

Any contractor or contractor's agent who violates the stipulations of sections 12, 13, 14, 23, 24, 26, and 31, or who does not observe the decrees issued by the Minister of the Interior, according to this law, in case such action on his part does not include a graver offense, commits a misdemeanour, and is to be punished by imprisonment not exceeding two months, as well as by a fine not exceeding 600 crowns.

In case this misdemeanour is committed by the agent, but with the knowledge of the contractor, or if the latter has neglected the inspection demanded by the circumstances, the contractor is liable to punishment together with the agent.

Every shipmaster is also guilty of a misdemeanour, and punished by the same penalty, if he does not fulfill his duty as indicated in section 31 or in the second paragraph of section 33, whether this, happens in his own country or abroad.

article 44.

Any agent who does not comply with the provisions of sections 13, 19, and 24, as well as those regulations regarding the management of business which may be issued by the Minister of the Interior under this law, commits a misdemeanour, and is to be punished by imprisonment for not more than one month, and also by a fine not exceeding 600 crowns.

article 45.

Any one who engages in the transportation of emigrants, either as principal of agent, without having the license required in sections 7 and 15, is guilty of a misdemeanour, and is to be punished by imprisonment not exceeding two months, and a fine not exceeding 600 crowns.

Letters, circulars, printed matter, and passage tickets sent out by contractors and agents without a license may be seized and confiscated by the proper authorities in the post-office.

article 46.

Any one who encourages emigration at a public meeting by speeches, or by distributing printed matter or pamphlets, or by exhibiting these publicly, shall be punished with imprisonment for not more than two months, and by a fine not exceeding 600 crowns.

article 47.

Any one is guilty of a misdemeanour, and is to be punished by a fine amounting to not more than 200 crowns, who publishes, by means of press advertisements, the business of traffic managers and agents, who have not permission of the Minister of the Interior to do business

article 48.

Over all violations of this law, so far as not committed by the press, the criminal court has original and appellate jurisdiction.

(a) In small and large villages, in towns with regularly designated magistrates and with independent municipal organizations, the authorities

mentioned in section 13 of the article of Law No. 20, of the year 1901, of the primary and appellate courts.

(b) In the capital and residence town of Budapest, and in the districts of Neupest and Rakospalota, the head of the prefectory of the district shall have original jurisdiction. On appeal, the local governor of the district or his deputy, with appeal to the Minister of the Interior in the third instance.

Chapter VII. Final Articles

article 49.

For the purpose of founding an emigration fund according to section 34, 80,000 crowns are appropriated for the year 1903.

article 50.

At the moment of this law becoming operative, the law of the year 1881, as well as all decrees relative to emigration, are annulled.

article 51.

The Minister of the Interior is authorized to fix the date when this law is to take effect, as well as when its administration shall begin.

Budapest, November 5th, of the year 1902.

(Signed) Koloman Szell.



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