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The Policy for Aliens at the Hungarian Royal Gendarmerie**A Magyar Királyi Csendőrség idegenrendészeti feladatai****Abstract**

Decades after the creation of the Hungarian Royal Gendarmerie, this body not only carried out its tasks of maintaining public order but it played an increasing role in border protection and policy for aliens activities as well. In the country areas the gendarmerie was the first and foremost executor of examinations for aliens both in the period of dualism and between the two world wars. This body flexibly adapted to the ever changing legal regulations and to the transition from the concept relying on the freedom of movement of the Monarchy era to the present day detailed system of law of aliens which was shaped after WW1. Before WW1 the definition of policy for aliens implied the control of foreign citizens near the borders of the country and as well as the control of those Hungarian citizens who temporarily or definitively left their original place of residence and counted as „aliens” elsewhere; this latter role was important in keeping public order. For that reason the same professional method developed to control and examine national and foreign citizens. Between the two world wars the laws of aliens gained sharper contours in terms of foreign citizens, so the main in-depth task of the gendarmepatrol officer was at that time to check the lawful stay and employment of foreign aliens. The examination methods devised and accomplished by the Hungarian Royal Gendarmerie at the time proved effective in operating a system of filters in the policy for aliens and set the bases of the present day law enforcement methods which fit the European border security systems.

Absztrakt

A Magyar Királyi Csendőrség létrehozását követő évtizedekben a testület nemcsak közbiztonsági feladatait hajtotta végre eredményesen, de egyre növekvő mértékben vette ki részét a határrendészeti és idegenrendészeti teendőkből is. A csendőrség mind a dualizmus időszakában, mind a két világháború között a külföldiek ellenőrzésének elsődleges végrehajtójává vált a vidéki területeken. A szervezet rugalmasan alkalmazkodott a változó jogszabályi környezethez éppúgy, mint a monarchia szabad mozgáson alapuló felfogásából az első világháborút követő részletes, mai értelemben vett idegenrendészeti szabályrendszerbe történő átmenethez. Az első világháború előtti értelmezés szerint az idegenren-

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dészet egyrészt a határszéli szolgálati teendők részét képezte a határon már átlépett külföldiek ellenőrzése vonatkozásában, másrészt a közbiztonsági szolgálat fontos része volt, hiszen az „idegen” fogalma alatt nemcsak a külföldieket értették, de azokat a magyar állampolgárokat is, akiknek illetőségi helyük másutt volt. A külföldi és belföldi idegenek ellenőrzésére éppen ezért azonos módszertan alakult ki. A két világháború között pontosabb körvonalakat kaptak a külföldiekre vonatkozó rendészeti szabályok, így a jogszerű tartózkodás és a munkavállalás ellenőrzése vált a csendőriző elsődleges mélységi ellenőrzési feladatává. A Magyar Királyi Csendőrség által ekkor kidolgozott és tökéletesített ellenőrzési eljárások hatékonyan biztosították az idegenrendészeti szűrőrendszer működését és az európai határbiztonsági rendszerbe illeszkedő mai rendvédelmi testületek ellenőrzési metódusainak alapjait fektették le.

THE DEFINITION OF POLICY FOR ALIENS IN THE PERIOD OF THE DUALISM

According to the notions of the time, the policy for aliens used to mean, on the one hand the actions related to aliens already having crossed the borders of the country and on the other hand it was an important part of enforcing the laws on public order. Under the name of „aliens” we find both the foreign citizens and those Hungarian citizens who moved places. That was the reason why law enforcing bodies developed a similar examination technique for any aliens.

Those areas of the policy for aliens which were related to services near or quite in the border zone became integrated in a complex system which, together with other state organs secured the assertion of Hungary's interests. Border protection was not one of the interests common with the Monarchy, as the issue was left to the competence of the civilian administration of the individual member state.¹ During the years following the Compromise (1867 between Austria and Hungary) the borders of the Hungarian Monarchy were protected by the border-based segments of the Hungarian Royal Excise Authority (Magyar Királyi Pénzügyőrség). The control of the flow of passengers was carried out by special groups of the enforcement organs of the nearest town, whereas the cargos were examined by the local customs officers in charge. The functions regarding the order of the borders were carried out by the bureaus of justices of peace in the individual districts created for that particular purpose. The border zone was protected only at the customs service zones which were outside the border zones defended by military units, thus the function was served jointly by the central state power (the excise authority and the customs offices) and the local governing authorities.

The finance ministry had the lead role until the gendarmerie became integrated in the border guarding official organs.² The involvement of the organization with the border protection responsibilities was the result of the growing risks appearing in the public order. The

¹ PARÁDI-SUBA-VEDÓ 2011: 52.

² Parádi 1994. ; Parádi 1995: 82.

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first step was the directive on border protection of 1891, which entailed the protection of the Romanian-Hungarian borderline to the border-gendarmerie while giving a detailed list of duties. The directive banned the excise organ from the border protection tasks and their competence was restricted to the control of the excise rules. But the system of law enforcement at the borders was still too complicated for taking measures effectively, so a decision was made to bring to life a special unit, the Hungarian Royal Border Police in 1903 (Magyar Királyi Határrendőrség). The new body was not in charge of border guarding in the literal sense – as it did not have enough personnel – but in surveillance and investigation. The gendarmerie attached to the system with border patrolling, ensuring police strength occasionally and supporting investigations as well.³

In 1912 the system of border protection was re-organized along experience from abroad, so all patrolling duties (then called “external”) got to the gendarmerie. Also the local gendarmerie forces overtook the examination of passports at several border points and they were given authority to issue travel documents. Among the challenges faced by the gendarmerie serving in the border zone we see the control of rules regulating the aliens’ declarations of residence, prevention of human trafficking and white slave trafficking and emigration control.

All in all, the one-step model of integrating the gendarmerie into the body of the border guard turned out to be a two-step model, on the one hand with the formation of the excise corps and on the other with the creation of border-zone gendarmerie offices. Both system levels developed a multiline structure within the scope of their own duties, in other words, they operated their system of patrolling along in-depth varying-length lines from the borderline. For the first time we witness the possibility of establishing a functioning order – in today’s terminology – “net migration screening”, which can be successfully operated with a low number of personnel. Two thirds of the strength of the excise office, the border side gendarmerie and the border police were serving on the Hungarian-Romanian border, one third on the Hungarian-Serbian border, which shows the risk rating of the individual border segments.⁴

It was the duty of the gendarmerie to control passengers in the so called local border traffic system where the aim of the patrol was to prevent the misuse of travelling documents. A different set of rules was applied for “double land owners” whose propriety was cut by the borderline. The owners and farmers of these lands were allowed to cross the border wherever they needed and they could take their animals or crops with them, but they could exit the property only possessing a passport.⁵ We can see that in the period discussed serious preparation was necessary to be able to control the foreign citizens moving around without the suitable travel documents.

³ CSAPÓ 1999: 122-124.

⁴ PARÁDI-SUBA-VEDÓ 2011: 62-70.

⁵ PARÁDI 2007.

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The Hungarian border protection model can be classified into the western European system in its essence, as during peacetime the borders were guarded by policing organs opposed to the eastern system, where the army was in charge of the borders both in peace and wartime.⁶ The specific character of the Hungarian model lied in the existence of national border zone formations of the policing organs which carried out their duties in harmony with their basic activities. The leading role of the Hungarian Royal Border Police was to synchronize and unify those activities.⁷ The gendarmerie completed the system of tasks of all the organs and as the operative executive force it supported the authorities. For example, the people intercepted by the gendarmerie patrol without documents but not having been accused of smuggling were taken to the border police office but criminals under warrants were taken to the district court. It was the duty of the border gendarmerie offices to take over the smugglers without being in the possession of a passport, from the customs and finance guard offices every 24 hours and transport them to the border police offices. The gendarme only intercepted the offenders, but it was the specific competent authority that carried out the procedure.

The system, though underwent countless restructurings, was suitable to filter from the legal traffic those people who, either through their activity, or with objects in their possession, posed as threats to the Hungarian state. The policy for aliens in the narrowest sense was restricted to the above. The identification of the suspected offenders and finding out to which country they belonged was first and foremost considered a public safety interest. The supervision of those foreign nationals who were staying inside the country was lying on the same principles. Any harmful alien was supposed to be taken to its place of origin. The local residence was a basic notion of reference in the Hungarian administration; today we compare it to the permanent place of residence. The Hungarian citizen who made a living from offenses or crimes or beggary was sent back to his place of origin where he could be rehabilitated. The foreign citizens were transferred back to their countries of origin, thus expulsion originally can be viewed as a public safety measure.

The detailed notification requirement from foreign citizens has expanded throughout the country since 1912. It was the task of the administrative body to supervise and register the alien citizens; the gendarme only supported the action. The gendarmerie office was not involved in checking and registering the aliens, still the responsibility of supervising the process was incumbent upon it.⁸

During patrolling the gendarme had to check alien activity as a basic task. It was an important rule that no one could be stopped for the sole examination of their passport without a well-grounded reason. But in case of suspicion of any kind, the patrol was obliged to carry out an identity check. For example if the person resembled a wanted person, or turned away from the gendarme when he approached or the person was wearing forbid-

⁶ Parádi 1982.

⁷ PARÁDI 2013: 45.

⁸ Szabó 1924.

den, hate provoking badge, etc.⁹ There existed various types of identity documents and booklets. What made the examination even more difficult was the non-personalized passport or travel document. They were issued for the head of the family and they were valid for the family members as well. It was prescribed only from 1899 that the document has to contain the names, and the degree of kinship of the family members. Photographs were not compulsory assets, what made the document examination a very serious task.¹⁰

One of the main challenges of the forces was to explore the whereabouts of those foreign citizens who meant a threat to the public silence and safety by their offensive behavior and not by their unlawful residence. Among the international malefactors were listed the refugee and established alien criminals, the foreign tramps, the professional beggars, the travelling criminals and the perpetrators of internationally pursued crimes. The reconnaissance of the fugitive and established criminals or travelling offenders was important for public safety reasons, but white slave trafficking was handled with exceptional importance beside international roguery and fraud.

The control of the national aliens meant the enforcement of laws regarding the peddler salespeople and the travelling craftsmen and also over watching the tramps and the fund-raisers. The laws contained passages on foreign aliens exclusively, as peddling was, for example, allowed for the Hungarian nationals only.¹¹

It was a characteristic of the period that beside the alien people intending to enter the country, the service in the border zone treated with special attention the examination of the Hungarian citizens opting to leave the country. As the emigrants counted as internal aliens before crossing the border, their supervision was treated like that of the external aliens' in professional literature. A special permit was needed for emigration. The Hungarian government did not want to hinder emigration, but certain restraining orders were introduced.¹² The gendarmerie took part in the examination of the passport of those citizens who gained the permit for emigration and the licenses issued by the ministry of the interior to the people who undertook the transportation of the emigrants. The recruitment, the summoning and the unpermitted transportation of the emigrants were criminal offenses.¹³

The system of checking and registering aliens became more and more complex due to the administrative and law enforcing professional needs and later on due to the war preparations. The examination activities of the gendarmerie were hardened by the slow flow of information. However, the ever developing need for controlling alien citizens and the alien policing itself brought along methods of checking which live on even today in the Schengen border controlling practice.

⁹ A csendőr kézikönyve 1894: 41-46.

¹⁰ PARÁDI 2000.

¹¹ Szalay 1928.

¹² Bencsik 2007.

¹³ K. Nagy 1909.

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POLICY FOR ALIENS BETWEEN THE TWO WORLD WARS

The notification and registration of foreign citizens was regulated by the migration act of 1903¹⁴ even in the 1920s and in the enforcement of law, the newly formed gendarmerie, besides organs of the local governments played a growing part. The system of controlling the aliens was almost similar to the one before the war. The commander of the unit had the aliens that had come to his notice visited by the nearest patrolling unit and had their identities and purpose of their residence found out. He could see the law enforcement organs of the foreigner's former place of residence in Hungary or gendarmerie about the same purpose. The foreign citizen only had to appear in front of the local authorities if he applied for a residence permit, in other cases like notification, he had to use specific written forms, handed in indirectly. Therefore the gendarme patrol could not tell for sure whether the legal requirements were met or not. Special attention was given to those foreign aliens who had the permission to reside or settle. They were regularly supervised by the High Sheriff and the assigned law enforcement unit as well. Raids were held at the railway stations, restaurants and hotels where all the foreign citizens were identified.¹⁵

The practical implementation of aliens control became modernized with the 1925 new acts. A foreign citizen was allowed to spend two months in Hungary which could be extended before due date in the possession of a residence permit. For gainful employment there was need for a so called treasury permit or a subsequently requested work permit.¹⁶ After the act came into effect everyone was regarded as foreigner who was not, under the prevailing regulations a Hungarian citizen. To the people whose origins were on territories belonging to the neighboring countries, formerly parts of Hungary, the same rules applied as to foreign citizens and by coherent examinations they were urged to settle the question of their citizenship.

As a rule that person obtained a residence permit who did not intend to create a settling address in our country. Issuing residence permits for employment purposes was exclusively the competence of the ministry of the interior. Those foreigners who wanted to settle were given a permission to reside valid for a year, but it could be extended. The new regulations created a clearer and more proper system of licensing in which the tasks of the gendarmerie were better defined. Checking the duration of stay, the notification obligations and the adequate use of the various licenses whereas checking the employment of foreign citizens achieved great emphasis. Besides protecting public safety it served the protection of the domestic work market as well. After 1st August 1925 the arriving foreign citizens could take up employment only in the possession of a work permit. These people could be employed only in the specific work domain, in the specific location, by a certain employer, for the duration and on the conditions fixed in the permit. Whichever circumstance changed, a new work permit had to be applied for. The servants, governesses and their

¹⁴ 1903./V. tc. Külföldieknek a magyar korona országai területén való lakhatásáról

¹⁵ Kelemen 1924.

¹⁶ Deák 1928.

employers tried to evade the law by reporting the employee as a relative or on probation. The people producing other document than the work permit in which no entry proved the lawful employment were suspected of work having been forbidden to them. To support the supervisions, the professional literature of the age constantly dealt with the questions of policy for aliens, moreover, with present day terminology, they regularly made „risk analyses” for the gendarmerie. For example, the likelihood of unlicensed employment was stronger if the person questioned was temporarily employed in his country of origin or his Hungarian hosts worked under the same conditions. Without a work permit employment was considered an offence and the responsibility went with both the employer and the employee. The gendarme produced an offence statement and also an administrative statement in which he called the attention of the authorities to the circumstances (for instance if the domestic work market was in danger in the respective field).¹⁷

The professional literature classifies the foreign showmen and artists into a special category together with the so called “Bulgarian gardeners”, the Bosnian and Secler vendors, the travelling tinkers and knife grinders. Special methods were used to filter the various risk categories. Seasonal farm workers (the Bulgarian gardeners) were checked twice a year, together with all the other workers in the second half of April and in September in harmony with the agricultural tasks.

In 1930 a special authority was brought to life under the acronym of KEOKH (the national authority for the control of foreign aliens – Külföldieket Ellenőrző Országos Központi Hatóság). Foreign citizens were supervised by the chief sheriff and the KEOKH based on data and registration documents, and in the countryside the gendarmerie was in charge.

The gendarme was able to prepare for the examination of the foreign alien if he was in the possession of a residence permit or notification, he could also gain information about the language needed for communication or provide an interpreter and he could keep the alien under observation or enquire about him. Other regulations applied to aliens identified on their way or outside residential areas. At the beginning of the thirties several adventurers and world travelers appeared on the roads bringing new challenges for the gendarmerie, thus encouraging them to work out a new set of control methods. During the process of identification the gendarmes were not allowed to speak Hungarian in the presence of the foreign alien, as the person brought under control often concealed his knowledge of Hungarian. Even if the gendarme spoke the language of the alien, he had to address him first in Hungarian and then in his language for assessing the possibility of his knowing Hungarian.¹⁸ When dealing with foreign citizens a special problem was the lack of world language knowledge. The most widely known language was German among the crew, and nearly nobody spoke French, English or Italian. To ensure the minimal level of verbal communication the idea of double sided booklets emerged for the gendarme to be able to stand at the

¹⁷ Kovács-Buna 1935.

¹⁸ Kovács-Buna 1933.

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foreign person's disposal.¹⁹ The lack of language knowledge did not lead to the fail of the procedure. The gendarme addressed the person and added the phrase "on behalf of the law" in Hungarian, then – if he was familiar with the language spoken by the other person – in the other language as well. If he could not speak other languages, the imperative in the Hungarian language was enough and in case of failure he was entitled to take further measures and use force.²⁰

With the increasing traffic it was not only the language knowledge that created problems during the so called „in depth” control of alien citizens. The control of the travel documents required a more thorough preparation. According to the „risk analyses” of the age, the true world traveler has valid travel documents, is financially secure, he stays at paid types of accommodation in cities, he moves daytime and walks only if he wants to have a closer look at something. Opposed to him, the foreign tramp enters the country not through entrance places but through crossing points where the lack of financial resources is not conspicuous, his destination in most cases is one of the Balkan states, he evades the big settlements, travels on foot and looks for free accommodation. The professional literature speaks about these “pseudo-world-travelers” as people who present self-made albums with their photos and various notes on their journey. They tried to get hold of authorities’ notes and seals as “souvenirs”. Whenever their identities are checked they produce the seals and claim that they had already undergone examinations. The gendarme had to pay attention to those seals and photographs, as photos of bridges, airports and railways brought the suspicion of espionage. To filter out the unwanted alien who was a threat to the public order and a social burden, was of outstanding importance which was the reason for the gendarme to act very circumspectly in identifying the alien foreigner and his circumstances when carrying out a check.²¹

The general practice meant starting with the inspection of the passport cover, as from the color the country of origin could be deduced. Then came the inspection of the photograph and the seals on the photographs, then the identity check. The gendarme had to ask the foreigner about the name and personal data and the foreigner had to verbally pronounce his answers. If the passport showed “scratching or corrections”, the owner had to be taken to the border police office for an identification. After establishing the name and the personal identity and after the screening in the investigation manual, finding out when and where had the alien citizen crossed the border they had to find out whether he did not exceed the limit on the duration of stay. The last page of the passport was worth a check as the embassies and consulates made notes on whether the person had got financial aid from them. Such a note could alert the gendarme that the foreign person was not in the possession of financial means and he could be expelled in the end. To examine the foreign passports – as there were no sample passports at disposal – the gendarme borrowed the

¹⁹ Milvius 1931.

²⁰ A csendőrségi SZUT magyarázata 1909: 23.

²¹ Deák 1928.

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passport of a reliable alien citizen and had it translated by a reliable, skilled interpreter and produced a reference booklet for passport identification for future use. The registration card on entrance and exit was an equivalent of notification of the authorities and the gendarme examined it as well.

The control of the luggage was also advised, as the “pseudo travelers” supported themselves from handouts (for example selling postcards). If evidence proved offence, an offence procedure followed. If the gendarme found such a traveler “in-depth” (it means in the middle of the country) or caught someone on violating the frontier but the person could not be suspected of abusing excise laws, that person was accused of vagrancy and the gendarmerie handed him over to the administrative authority or the police sheriff’s office. The person was suspected of dangerous sloth.²²

During the examinations the gendarme had to find out whether the person had not been expelled from Hungary and was denied re-entrance. In certain cases of crimes – just like nowadays – the court could oblige the foreign alien to leave the territory of the country or the domestic alien to leave a certain settlement.

We can see from the facts presented above that there was need for serious preparation and professional experience to carry out procedures regarding foreign aliens. Despite the developing checking methods even in the 1930s the alien policy did not become individual subject on the course held for office commanders or patrol commanders.²³

SUMMARY

The development of the tasks of alien policy can be traced along the service orders as well. At the creation of the body in 1881 it was only the isolated pubs with bad reputation and the foreign citizens dwelling there that were brought under inspection, after the turn of the century several rules had to be learnt concerning the examination of passports and filtering the tramps, and spies or criminals had to be dealt with. Later we find the differentiation of offices at the borderline and the “in-depth” posts situated along transit and smuggling routes. The offices at the borderline got the most alien policy tasks. These tasks consisted of notifications, supervision of registrations, of checking suspicious individuals unable to certify their stay, and of preventing white slave trade and pandering. At the railway stations and steamboat ports there were controls on public order and sanitation law abiding, passport checks, and also hotels, pubs, inns, coffee houses and other public places were brought under observation. The gendarmerie carried out its tasks not only autonomously, but upon the request of the police as well. The offenders also were transferred to the police or other authorities, so the gendarmerie was merely an executive force.

The gendarmerie had to check the notification upon arrival and departure of foreign aliens at private properties. The gendarme was allowed to enter a privately owned home only

²² Csendőr lexikon 1931.

²³ Kovács-Buna 1935.

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if there was suspicion of an offense or crime. Different alien policy rules applied to the people employed at factories or to tourists visiting resorts, which rules also needed to be enforced. A special duty was to secretly observe the rail and boat travelers in order to prevent white slave trading. The monitoring had to be carried out while protecting the personal freedom and the fair name of the young women who might have been smuggled into white slavery with the mask of emigration. Between the two world wars the alien policy task got re-evaluated and the originally identical legislation for the foreign aliens and domestic aliens split. The focus was shifted on the non-Hungarian citizens.

To sum it up, the controlling techniques created and accomplished by the Hungarian Royal Gendarmerie were effective filters in the dualist era and afterwards. In many respects the present day European system of border security is based on the model provided here and the practical implementation hardly differs from the methods used by the gendarmerie.

Key words: gendarmerie, migration, alien policy, in-depth control

Kulcsszavak: csendőrség, migráció, idegenrendészet, mélységi ellenőrzés

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