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## Magistrates of Zamość in 1917–1928

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*Zamojscy sędziowie pokoju w latach 1917–1928*

### ABSTRACT

The article presents the process of building Polish judiciary system of the lowest instance (magistrate courts in Zamość), but also the problems encountered in the staffing of magistrates in the first years of the reborn Polish State. The model of magistrate court, which appeared on 1 September 1917 with the launch of the royal-Polish judiciary system, survived until the court reform in 1929. During this period, the principle of appointing magistrates was maintained, although the March Constitution of 1921 indicated the principle of their election by the population. Initially, the positions of the magistrates of Zamość were held by people who had gained experience in the Russian magistrate judiciary in the Kingdom of Poland, as well as those who had returned from a civil war in Russia. Such staffing was a consequence of the existence of a small group of local lawyers, which, as a result of the Russian national policy pursued by the partitioner, lacked people prepared for judicial work. With time, when the staffing situation improved, inter alia, after the appearance of the first assessed court trainees, the position of magistrate became the first level for further legal career. In the analysed period, 6 Zamość magistrates became district judges in the courts of Lublin courts of appeal. Some of them remained for a short time as magistrates (especially deputies), waiting for a vacancy in the district court. The following presidents of the District Court in Zamość also began their careers as magistrates: Romuald Jaśkiewicz and Władysław Kozłowski. After leaving the service, two magistrates of Zamość were nominated for the positions of notaries, which was (in terms of income) an award of distinction from the Ministry of Justice.

**Key words:** Common courts, magistrate's court, magistrates, regional court, regional court judges, Zamość, Second Polish Republic

In May 1915, when the war front started approaching Lublin and Chełm Governorates, the commander of the 3rd Russian army issued an evacuation

order of the Russian civilian authorities operating in the area<sup>1</sup>. That was the reason why the president of the magistrate convention of the 2nd jurisdiction area of the Lublin Governorate and the magistrate of the city, both being members of the civilian service, left the city of Zamość. Minimal structures within the area of the Russian Empire were kept after the evacuation only by the magistrate convention in the form of the chancellery and the president of the convention in Chernihiv<sup>2</sup>.

In order to maintain peace in the cities of Lublin Governorate abandoned by Russian authorities, the local population organised guards and citizens courts. In Zamość, a magistrate court was established, which judged collegiately, i.e. a magistrate as the president of the jury and two jurors. The persons constituting the staff carried out their duties with honour, whereas the verdicts were issued 'in the name of law'. A magistrate was appointed by the Central Citizen Committee in Warsaw at the recommendation of the local lawyer representatives of Polish origin<sup>3</sup>.

In September 1915, Romuald Jaśkiewicz, an experienced lawyer, was the magistrate in charge of the citizens' magistrate court in Zamość (since 28 June 1883); he was known for his activity in education and culture for the local community. His house in Zamość was a meeting place for representatives of the Polish intelligentsia, as well as the activists of the National Democratic Party, with whom he was politically associated<sup>4</sup>.

After the Austro-Hungarian forces entered Zamość, the occupation authority was quickly established. The local magistrate and its operation were retained but it was incorporated into Austrian occupation judicial system. New courts, including the magistrate court, issued judgements 'in the name of the validity of law and conscience'. The magistrate in Zamość was meant to be appointed by the Commander of Zamość

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<sup>1</sup> The legal basis for the evacuation was the regulation of the Council of Ministers of 20 August/2 September 1914 regulating the evacuation of state property, government institutions, officials and their families in case of a war threat – 'Собрание Указаний и Распоряжений Правительства издаваемое при Правительствующим Сенате' 1914, no. 242, otdiel I, p. 2325.

<sup>2</sup> Archiwum Państwowe w Lublinie [hereinafter: APL], Prokurator Sądu Okręgowego w Lublinie, ref. no. 89, Adresy ewakuowanych zjazdów sędziów pokoju z 5 października 1915 r. zestawione w Wydziale Porządkowym II Departamentu Ministerstwa Sprawiedliwości, nfol.; A. Bereza, *Zamojski zjazd sędziów pokoju w latach 1876–1915*, 'Zamojskie Studia i Materiały' 2000, 1, p. 23.

<sup>3</sup> W.S. [Wacław Salkowski], *Historja Polskich Sądów Obywatelskich w Lublinie*, 'Biuletyn Towarzystwa Prawniczego w Lublinie' 1916, 1, p. 12.

<sup>4</sup> APL, Sąd Apelacyjny w Lublinie 1917–1951 [hereinafter: SAL], Spis zdawczo-odbiorczy [hereinafter: SZO] no. 1, ref. no. 77, sheet 54, 80; 'Памятная книжка Варшавского судебного округа на 1915 год', Варшава 1915, p. 76; G. Sowińska, *Romuald Daniel Jaśkiewicz 1857–1930*, 'Rocznik Zamojski' 1992, 3, p. 235.

District, an administrative unit established for the purposes of the Austrian occupation authorities. In October 1915, Romuald Jaśkiewicz accepted a nomination for the position of the magistrate while stating that he would not accept payment on account of the title<sup>5</sup>. Appeals against the decisions of the magistrate court in Zamość, as in the case of other magistrate courts in Zamość District, were recognised by the civilian division of the military court in the Regional Office which was replaced on 1 August 1916 by an independent District Court in Zamość<sup>6</sup>.

Significant changes in the Polish question within territories occupied by the Central Powers were announced by the Act of 5 November 1916, in which the establishment of the Kingdom of Poland was proclaimed<sup>7</sup>. Introduction of Polish statehood in the scope designated by the Central Powers was entrusted to The Provisional Council of State of the Kingdom of Poland established by German and Austro-Hungarian occupation authorities. Their activities involved i.a. taking over the judicial system and management thereof by Polish authorities in areas of the occupied Kingdom of Poland. It resulted in acts adopted by the Provisional Council of State during the meetings in July 1917, which constituted a basis of the organisation and operation of royal Polish judicial system. They were introduced by the regulation of military General Governors in areas under their authority<sup>8</sup>.

On 1 September 1917, royal Polish courts were officially open, and took over the tasks of occupation courts and gained some properties of military courts within the area occupied by Austria-Hungary<sup>9</sup>. New structure of the judicial system involved magistrate courts, courts of appeal and the Supreme Court<sup>10</sup>.

<sup>5</sup> APL, SAL, SZO no. 1, ref. no. 77, sheet 54.

<sup>6</sup> W.M., *Pięćciolecie sądownictwa Polskiego (1917–1922)*, 'Głos Lubelski' 1 September 1922, no. 239; *Sądownictwo cywilne w okupacji austrijacko-węgierskiej 1915–1917*, Lublin 1918, pp. 9–11, 24, 31; R. Maleszyk, *Funkcjonowanie austriackich sądów wojskowych na Lubelszczyźnie w latach 1915–1918*, 'Annales Universitatis Mariae Curie-Skłodowska' 2013, 68, 1–2, Section F, pp. 57–58, 61.

<sup>7</sup> 'Verordnungsblatt für das Generalgouvernement Warschau' 1916, 55.

<sup>8</sup> 'Dziennik Urzędowy Departamentu Sprawiedliwości Tymczasowej Rady Stanu Królestwa Polskiego' [hereinafter: Dz. Urz. DS TRS] 1917, no. 1, section II, p. 41 and section III, pp. 60–61; no. 3, section II, pp. 98–101; 'Dziennik Rozporządzeń Generał-Gubernatora Warszawskiego' 1917, no. 84, item 351; 'Dziennik Rozporządzeń c. i k. Zarządu Wojskowego w Polsce', part XIV, of 27 August 1917, no. 71; 'Kalendarz Prawniczy na rok 1918', study by J. Fidler, Warszawa 1918, pp. 3–8; 'Ziemia Lubelska' 1917, no. 430, p. 2 and no. 432, p. 2.

<sup>9</sup> Dz. Urz. DS TRS 1917, no. 3, section II, pp. 100–101.

<sup>10</sup> Art. 4 Przepisów tymczasowych o urządzeniu sądownictwa w Królestwie Polskim (Dz. Urz. DS TRS 1917, no. 1, section I, item 1, p. 3).

The existing offices and division of the magistrate courts into jurisdiction areas were maintained whereas the existing magistrates who were not appointed to other positions until 1 September 1917 continued to perform their duties as royal Polish officials<sup>11</sup>. Romuald Jaśkiewicz, a royal Polish magistrate in Zamość, was one of them. Apart from a group of magistrates temporarily fulfilling their duties, new magistrates appointed by the Crown Marshal at the request of the Head of the Justice Department of the Provisional Council of State<sup>12</sup>. After the dissolution of the Provisional Council of State, the appointment powers of the magistrates were given to the Minister of Justice, supervising the department established in January 1918<sup>13</sup>.

The magistrate court which 'conducted activity in the name of the Polish Crown' still issued judgements in mixed composition, i.e. the magistrate as the president of the jury and two jurors<sup>14</sup>. The insignia of a magistrate was a green sash (worn under a jacket) over the left arm with an emblem of the royal Polish courts. The emblem of the courts was a white eagle on a wreath of golden oak leaves on an amaranthine background and placed on a Roman plaque with an inscription '*Sądy Królewsko-Polskie (Royal Polish Courts)*'<sup>15</sup>.

Its court of appeal was the District Court in Lublin and – since 1 June 1918 – District Court in Zamość, established by the rescript of the Regency Council<sup>16</sup>. Its establishment was the result of the efforts of social organisations of Zamość and city authorities. A local royal Polish

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<sup>11</sup> Dylokacja sądów Królewsko-Polskich (Dz. Urz. DS TRS 1917, no. 1, section III, p. 60); Zarządzenie Marszałka Koronnego Tymczasowej Rady Stanu Królestwa Polskiego w przedmiocie tymczasowego sprawowania obowiązków służbowych w sądownictwie Królewsko-Polskim przez dotychczasowych urzędników wymiaru sprawiedliwości, and Zarządzenie Dyrektora Departamentu Sprawiedliwości w przedmiocie tymczasowego sprawowania obowiązków służbowych w Sądownictwie Królewsko-Polskim przez dotychczasowych urzędników wymiaru sprawiedliwości (Dz. Urz. DS TRS 1917, no. 1, p. 61 and no. 3, p. 198).

<sup>12</sup> Art. 20 Przepisów tymczasowych o urządzeniu sądownictwa w Królestwie Polskim (Dz. Urz. DS TRS 1917, no. 1, section I, item 1, p. 6).

<sup>13</sup> Art. 33 Dekretu Rady Regencyjnej o tymczasowej organizacji Władz Naczelnych w Królestwie Polskim ('Dziennik Praw' 1918, no. 1, item 1).

<sup>14</sup> Art. 5 Przepisów tymczasowych o urządzeniu sądownictwa w Królestwie Polskim (Dz. Urz. DS TRS 1917, no. 1, section I, item 1, p. 3).

<sup>15</sup> Zarządzenie Dyrektora Departamentu Sprawiedliwości w przedmiocie odznak dla Królewsko-Polskich urzędników wymiaru sprawiedliwości (Dz. Urz. DS TRS 1917, no. 5, item 16, pp. 240–241); 'Gazeta Sądowa Warszawska' 1917, no. 42, p. 431; J. Litwin, *Strój urzędowy (szarfa i toga) w sądownictwie polskim 1917–1965*, 'Czasopismo Prawno-Historyczne' 1966, 18, 1, p. 216; J. Gudowski, *Toga i biret – historia i współczesność urzędowego stroju sędziego*, in: *Ars et usus. Księga pamiątkowa ku czci Sędziego Stanisława Rudnickiego*, Warszawa 2005, pp. 153–154.

<sup>16</sup> 'Dziennik Praw' 1918, no. 5, item 11 and 12.

magistrate, Romuald Jaśkiewicz, who was appointed the president of the District Court in Zamość, participated in passing resolutions by the City Council of Zamość and the District Rescue Committee which involved the demand for the establishment of the District Court in Zamość. Thanks to his efforts, the renovation of the Zamoysky Palace was carried out and its rooms were adapted for the needs of the judicial system. He remained the president until he was retired on 31 March 1930, after which he was appointed a notary in Ostrowiec. He departed to take the position but after a few weeks, on 15 May 1930, he died of heart failure there<sup>17</sup>.

On 1 June 1918, there were two magistrate courts in Zamość. The jurisdiction of the first encompassed the municipal district, whereas the second – the rural district<sup>18</sup>. The composition of the magistrate court in the municipal district comprised a judge whose staff included a secretary, a clerk and a janitor, whereas the magistrate court in the rural district had an additional position of a mortgage secretary for matters involving district mortgages<sup>19</sup>. These were supervised by people appointed by the Minister of Justice, Dr. Zygmunt Kostkiewicz (in the municipal district) and Adam Ignacy Sajkiewicz (in the rural district), however, the former could not perform his duties on a regular basis due to health problems<sup>20</sup>. A. I. Sajkiewicz was a representative of a landowning family, cultivating national traditions and exceptionally active in social matters. He graduated from the University in Dorpat and had experience in former Russian magistrate activities as in years 1912–1914 he was an appointed municipal judge of the 2nd jurisdiction area in Krasnystaw District in Żółkiewka. He was an active member of various landowner organisations (e.g. Zamość branch of the Landowner Union, or in the council of the Landowner Association of Mutual Credit), a department of a district assembly and a co-organiser of the Kresy Guard in Zamość<sup>21</sup>.

<sup>17</sup> APL, SAL, SZO no. 1, ref. no. 77, sheet 22–24, 30, 72–73–75, 81; 'Kronika Powiatu Zamojskiego' 1918, no. 3–4, p. 34; no. 5–6, p. 87; A. Kędziora, *Encyklopedia Miasta Zamościa*, Chełm 2000, pp. 136–137; 'Słowo Zamojskie' 1930, no. 20, p. 4 and no. 21, p. 1; 'Ruch Służbowy. Dodatek do Dziennika Urzędowego Ministerstwa Sprawiedliwości' 1930, no. 8, p. 101; G. Sowińska, *op. cit.*, pp. 235–238.

<sup>18</sup> Art. 3 Przepisów wykonawczych do Reskryptu Rady Regencyjnej Królestwa Polskiego w przedmiocie utworzenia Królewsko-Polskiego Sądu Okręgowego w Zamościu ('Dziennik Praw' 1918, no. 5, item 12).

<sup>19</sup> 'Dziennik Urzędowy Królewsko-Polskiego Ministerstwa Sprawiedliwości' [hereinafter: Dz. Urz. KP MS] 1918, no. 11, item 1, p. 353.

<sup>20</sup> Dz. Urz. KP MS 1918, no. 10, p. 365 and no. 12, p. 387; 'Dziennik Urzędowy Ministerstwa Sprawiedliwości' [hereinafter: Dz. Urz. MS] 1920, no. 4, p. 88.

<sup>21</sup> 'Памятная книжка Варшавского судебного округа на 1914 год', Варшава 1914, p. 85; APL, Prokurator Sądu Okręgowego w Lublinie ref. no. 199, Gubernator Lubelski do Prokurator Sądu Okręgowego w Lublinie of 28 May 1915, nfol.

In October 1918, in face of defeat of the Central Powers and dissolution of Austro-Hungarian monarchy, the military garrison in Zamość experienced a significant drop in discipline. Entire military units deserted, their soldiers returning to their homes. It was accompanied by rapid degradation of Austrian occupation authorities. On 1 November 1918, the power in Zamość was gradually being taken over by Polish corps from a nearby military garrison, supported by members of the Polish Military Organisation. On the next day the entire city was under Polish control<sup>22</sup>. An important role in these events was played by the magistrate named A. I. Sajkiewicz, who was appointed a starost of Zamość by the Regency Council. He held the position only for a few days, namely, until 11 November, when the power in the Zamość District was taken over by Stanisław Dziuba, commissar of the Provisional People's Government of the Republic of Poland<sup>23</sup>. Meanwhile, the military authority in Warsaw and then the civilian authority of the Regency Council were taken over by Józef Piłsudski. On 22 November 1918, he issued a decree on the supreme representative authority of the Republic of Poland as an interim Chief of State. On 29 November 1918 (day on which the Journal of Laws was issued), all courts operating in areas recognising the supervision of the Polish authorities started issuing judgements 'in the name of the Republic of Poland'<sup>24</sup>.

Magistrate courts were still in operation in Zamość, and their existing division into districts was retained based on decree of 7 February 1919 on court dislocation<sup>25</sup>. In reality, they issued judgements 'In the name of the Republic of Poland', which was also represented by the new inscription 'Courts of the Republic of Poland' placed on the emblem on the judge's sash which was already in use<sup>26</sup>. Magistrates were also

<sup>22</sup> P. Wróbel, *Listopadowe dni – 1918. Kalendarium narodzin II Rzeczypospolitej*, Warszawa 2018, pp. 21–22, 26; R. Maleszyk, *Organizacja austriackich władz wojskowych na Zamojszczyźnie w latach 1915–1918*, 'Archiwariusz Zamojski' 2014, 13, pp. 48–49, 53–54.

<sup>23</sup> K. Radziejewski, *Pożegnanie pułkownika Fiszera z Zamościem*, 'Archiwariusz Zamojski' 2007, 6, pp. 89–90; P. Wróbel, *op. cit.*, p. 35; A. Kędziora, *op. cit.*, p. 246; 'Kronika Powiatu Zamojskiego' 1918, no. 23–24, p. 47.

<sup>24</sup> Dekret z 22 listopada 1918 r. o najwyższej władzy reprezentacyjnej Republiki Polskiej ('Dziennik Praw Państwa Polskiego' 1918, no. 17, item 41).

<sup>25</sup> Art. 1 Dekretu z 7 lutego 1919 r. w przedmiocie dyzlokacji sądów ('Dziennik Praw Państwa Polskiego' 1919, no. 14, item 170).

<sup>26</sup> This rather common practice of Lublin courts of appeal was accepted by the Supreme Court in Uchwała Zgromadzenia Ogólnego Sądu Najwyższego z 15 października 1919 r. ('Zbiór Orzeczeń Zgromadzenia Ogólnego Sądu Najwyższego r. 1918, 1919, 1920 and 1921', Warszawa [no date publication], pp. 114–116). It was formally done on the basis of art. 74 of Ustawa z 17 marca 1921 r. Konstytucja Rzeczypospolitej Polskiej ('Dziennik Ustaw Rzeczypospolitej Polskiej' [hereinafter: Dz. U. RP] no. 44, item 267).

changed because in the last months of 1919 Dr Zygmunt Kostkiewicz was dismissed from office because he was unable to work for over a year whereas A. I. Sajkiewicz resigned at his own request<sup>27</sup>. Their positions were taken by: Zygmunt Zawadzki in the rural district since 24 November 1919, previously a magistrate in Udrycze, and Stanisław Bielenia in the municipal district since 26 April 1920, assistant prosecutor of the District Court in Zamość (holding his position since the establishment of the district court)<sup>28</sup>. Magistrate Stanisław Bielenia issued judgements only until 5 January 1921 when he was appointed a judge of the District Court in Zamość. However, he intended to move out of Zamość which is visible in his previous attempts at getting transferred to Warsaw. On 16 October 1922, he was dismissed from judicial service at his own request and then accepted into Warsaw bar<sup>29</sup>. His successor on the position of the magistrate in the municipal district, vacant from January 1921, was Jan Hoffman, who graduated from the University of Kiev and possessed experience in former Russian magistrate structures. In years 1912–1915 he held the position of a municipal judge in Kryłów (4th jurisdiction area of Hrubieszów District), appointed by the Minister of Justice who could have been influenced by the circumstance that he was a son of a former magistrate in Hrubieszów<sup>30</sup>.

Establishing the magistrate courts and changing their offices and borders of the districts and jurisdiction areas were the responsibility of the Minister of Justice who carried it out via regulations<sup>31</sup>. On 1 January 1922, significant changes were introduced in magistrates in Zamość and their districts. Magistrate court for the rural district was abolished while the area

<sup>27</sup> Dz. Urz. MS 1920, no. 1, p. 15 and no. 4, p. 88.

<sup>28</sup> Archiwum Akt Nowych w Warszawie [hereinafter: AAN], Ministerstwo Sprawiedliwości [hereinafter: MS], SZO 13/612, Akta osobowe Zygmunta Zawadzkiego, sheet 5; Dz. Urz. MS 1920, no. 1, p. 14 and no. 4, p. 88; 1921, no. 1, p. 17.

<sup>29</sup> APL, SAL, SZO no. 1, ref. no. 80, sheet 10, 17–18, 28, 30; Dz. Urz. MS 1921, no. 5, p. 93; 'Kalendarz Sądowy na rok 1927', study by Z. Krzysztoporski, J. Kirkczenko, M. Kraczkiewicz (1927), study by J. Kirkczenko, M. Kraczkiewicz (1928–1933) [hereinafter: KS 1927], p. 235.

<sup>30</sup> APL, Kancelaria Gubernatora Lubelskiego, ref. no. 1912: 17 p. III, Prezes Zjazdu Sędziów Pokoju II okręgu pokojowego guberni lubelskiej do Gubernatora Lubelskiego of 10 September 1912 and Naczelnik powiatu hrubieszowskiego do Gubernatora Lubelskiego of 29 October 1912, nfol; Prokurator Sądu Okręgowego w Lublinie, ref. no. 197, Kopia pisma dyrektora II Departamentu Ministerstwa Sprawiedliwości D.A. Żiwkowicza z 6 IX 1912 r., nfol; 'Памятная книжка Варшавского судебного округа на 1915 год', p. 82; A. Bereza, *Sądownictwo pokojowe w guberni lubelskiej na tle Królestwa polskiego (1876–1915)*, Lublin 2004, p. 146.

<sup>31</sup> Art. 3 Dekretu z 7 lutego 1919 r. w przedmiocie dyzlokacji sądów ('Dziennik Praw Państwa Polskiego' 1919, no. 14, item 170).

of jurisdiction of a magistrate was extended to municipalities: Nowa Osada (Zamość), Łabunie i Mokre and the institution was renamed to Magistrate of the 1st jurisdiction area in Zamość. At the same time the jurisdiction of the magistrate court in Stary Zamość was made to include Wysokie municipality and the office was moved to Zamość as the 2nd Magistrate court in Zamość<sup>32</sup>. As a result of the reorganisation, the appointed magistrates in the 1st jurisdiction area in Zamość on 20 December 1921 were judges Jan Hoffman and Zygmunt Zawadzki, whereas the position of the magistrate in the 2nd jurisdiction area was taken by Kazimierz Krzywiński, the existing magistrate in Stary Zamość<sup>33</sup>. The borders of the jurisdiction areas were changed again on 1 March 1923 when Nowa Osada municipality (Zamość) was moved to the jurisdiction of the Magistrate court of 2nd jurisdiction area in Zamość, while Nelisz municipality was removed from it and included into the jurisdiction of the Magistrate court in Szczepieszyn<sup>34</sup>.

Being a magistrate did not require higher legal education, however, he had to display the practical knowledge of the applicable laws. Appointment of such people took place only in the first years of Polish judicial system when sufficient number of personnel were not available yet. Magistrate Kazimierz Krzywiński had secondary education but he served for a dozen or so years in former Russian magistrate structures, i.a. as a secretary of the municipal court in Międzylesie and Jabłonno, sub-secretary of the magistrate convention of the 1st jurisdiction area of Warsaw Governorate, judicial officer in Radzymin, and, after the evacuation from the Kingdom of Poland since 1916, as a national magistrate in Bishkek in Kyrgyzstan. He returned to Poland only in July 1921, and then he was appointed magistrate in Stary Zamość<sup>35</sup>. Magistrate Zygmunt Zawadzki completed secondary education in Lipawa but in his case the judicial activity only involved the time before he was appointed as magistrate in Zamość because between 1 September and 23 November 1919 he issued judgements as magistrate in Udrycze<sup>36</sup>.

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<sup>32</sup> Rozporządzenie Ministra Sprawiedliwości z 29 X 1921 r. w przedmiocie dyzlokacji sądów pokoju w powiecie zamojskim w okręgu sądu okręgowego w Zamościu ('Monitor Polski' 1921, no. 260, item 323).

<sup>33</sup> APL, SAL, SZO no. 1, ref. no. 104, sheet 2v, 5; Dz. Urz. MS 1922, no. 4, p. 50; AAN, MS, SZO 13/612, Akta osobowe Zygmunta Zawadzkiego, sheet 47.

<sup>34</sup> § 2-4 Rozporządzenia Ministra Sprawiedliwości z 5 grudnia 1922 r. w przedmiocie dyzlokacji sądów pokoju w powiecie zamojskim w okręgu sądu okręgowego w Zamościu ('Monitor Polski' 1922, no. 293, item 214).

<sup>35</sup> APL, SAL, SZO no. 1, ref. no. 104, sheet 2; Dz. Urz. MS 1921, no. 21, p. 360.

<sup>36</sup> AAN, MS, SZO 13/612, Akta osobowe Zygmunta Zawadzkiego, sheet 3, 5.



Since 7 May 1921 there has been a change in operation of magistrate courts in Zamość because in district cities and cities with population over 10,000 magistrates began issuing judgements as a single person<sup>37</sup>. This meant removal of jurors from magistrate courts in Zamość. Therefore, because of the significant workload and complexity of the cases characteristic for urban relationships it was justified to staff these courts with magistrates who had legal education and professional training appropriate for the position.

Jan Hoffman held the position of the magistrate until his retirement on 1 November 1922, Zygmunt Zawadzki – until 24 November 1924 and afterwards he took the position of a notary in Hrubieszów (appointed to the position on 5 November)<sup>38</sup>, whereas Kazimierz Krzywiński – until his death on 17 July 1924<sup>39</sup>.

In spite of the instructions of the Ministry of Justice which required the magistrates in Zamość to have legal education, on 1 November 1922 magistrate in Biłgoraj, Franciszek Franczak, was transferred to the vacant position of a magistrate of the 1st jurisdiction area in Zamość. In that case it was because of his many years of experience in former Russian magistrate structures (in years 1904–1915 he was a writer in the municipal court of the 3rd jurisdiction area in Płońsk county) and court judgement work as a magistrate in Radzyń and, since January 1922, in Biłgoraj. He remained on the position until 20 April 1925 when he was transferred at his own request to the same position of the 4th jurisdiction area of the city of Łódź and then to the 1st jurisdiction area in Kazimierza Wielka, which was a part of the Kielce area. On 28 October 1929 he was retired at his request<sup>40</sup>.

Since 1923, deputy magistrates were present in the Zamość jurisdiction area. They assisted professional magistrates due to the large inflow

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<sup>37</sup> Art. 1 Ustawy z dnia 18 marca 1921 r. w przedmiocie niektórych zmian w przepisach tymczasowych o urządzeniu sądownictwa w b. Królestwie Polskiem (Dz. U. RP 1921, no. 30, item 172). Since 1 January 1928 jurors were abolished in remaining magistrate courts and all magistrates started issuing judgements as a single person. Art. 1 and 10 Rozporządzenia Prezydenta Rzeczypospolitej z dnia 19 grudnia 1927 r. zmieniające niektóre przepisy o urządzeniu sądownictwa i o postępowaniu karnem w okręgach sądów apelacyjnych: w Warszawie, Lublinie i Wilnie (Dz. U. RP 1927, no. 114, item 971).

<sup>38</sup> Dz. Urz. MS 1922, no. 23, p. 433; 1924, no. 24, p. 597; 'Kalendarz Policji Państwowej. Informator powszechny Rzeczypospolitej Polskiej 1922', Warszawa 1922, p. 373; AAN, MS, SZO 13/612, Akta osobowe Zygmunta Zawadzkiego, k. 5–6.

<sup>39</sup> APL, SAL, SZO no. 1, ref. no. 104, sheet 9; Dz. Urz. MS 1924, no. 18, pp. 478–479.

<sup>40</sup> 'Памятная книжка Варшавского судебного округа на 1914 год', p. 118; Dz. Urz. MS 1922, no. 4, p. 48 and 52; no. 21, p. 398 and no. 23, p. 433; 1925, no. 12, p. 245; KS 1927, p. 143; 'Ruch Służbowy. Dodatek do Dziennika Urzędowego Ministerstwa Sprawiedliwości' 1929, no. 24, p. 216.

of cases for magistrates in Zamość, issued judgements in cases when the position of the magistrate was vacant and sometimes also substituted adjudicating boards of the District Court in Zamość. In April 1923, deputy magistrates in Zamość were Antoni Xiężopolski and Adolf Ksawery Bloch. The latter was appointed on 17 April 1923 and remains on the position for less than a year as on 15 February 1924 he was transferred to the position of a magistrate of the 8th jurisdiction area in Łódź<sup>41</sup>.

Antoni Xiężopolski was a representative of a landowning family from Volhynia which lost their property due to revolution and civil war in Russia. He had legal education (graduated from the university in Kiev) and experience in attorney work in Zhytomyr (until August 1913). During the war he was active in the Gubernatorial Landowner Union in Zhytomyr, and between September 1918 and September 1922 he was a member of the management board of the Volhynia Museum in Zhytomyr. After arrival in Zamość, since December 1922, he worked in Zamość Starosty, and on 11 April 1923 he was appointed a deputy magistrate in Zamość. On 13 January 1926 he was a judge of the District Court in Zamość in which he issued judgements until he was retired on 1 August 1932 and became a notary in Tyszowice. Two years later he was transferred to the position of a notary at the mortgage department of the District Court in Lublin. In January 1934, he was elected as a member, and in June 1938 as vice president of the Notary Council in Lublin. He died on 29 July 1939 in Lublin<sup>42</sup>.

Further deputy magistrates in Zamość jurisdiction area magistrate courts were appointed on 12 July 1924. In the 1st jurisdiction area appointed as magistrate in district court jurisdiction area was an 'excess' magistrate in Biała, Karol Korjus, whereas Wiesław Jaśkiewicz, who only had high technical education (graduated from Lviv Polytechnic) was appointed in the 2nd jurisdiction area and had to justify his qualifications by performing the duties of a juror in years 1918-1920 in District Court in Zamość<sup>43</sup>.

At the same time there was a change on the position of the magistrate in the 2nd jurisdiction area in Zamość. After the death of Kazimierz Krzywiński, the vacancy was taken by Michał Wiszniewski, appointed on

<sup>41</sup> Dz. Urz. MS 1923, no. 9, p. 223; 1924, no. 7, p. 244.

<sup>42</sup> APL, SAL, SZO no. VII, ref. no. 70, sheet 1-2, 8; Dz. Urz. MS 1923, no. 9, p. 223; 1926, no. 5, p. 87. 'Kalendarz Informator Sądowy na 1934 rok', study by J. Kirkiczenko, M. Kraczkiewicz, K. Rudzisz, Warszawa 1934 [hereinafter: KIS 1934], p. 88; KIS 1939, p. 147; 'Przegląd Notarialny' 1939, no. 15-16, p. 8, 35, 40.

<sup>43</sup> AAN, MS, SZO 13/2768, Akta osobowe Wiesława Jaśkiewicza, sheet 4, 19; Dz. Urz. MS 1922, no. 4, p. 48; 1924, no. 16, p. 429 and 431.

8 August 1924. He came from a landowning family, graduated from the faculty of law at the University in Petersburg and, having received Polish citizenship, he had a short internship at the Court of Appeal in Vilnius. He worked as a magistrate of the 2nd jurisdiction area in Zamość for 3 years, often filling adjudicating boards at the criminal department of the District Court in Zamość. On 28 October 1927, he was promoted district court judge in Łuck and then transferred to District Court in Vilnius where he took the office on 9 February 1932. On 11 March he was retired and appointed notary in Dokšytsy. After the war was over, he returned to Zamość and on 30 May 1945 was appointed notary. Due to the shortages in judicial staff he was retired from the position of a notary on 31 July 1946 and appointed to carry out duties of a notary and district court judge in Zamość, where he issued judgements at the criminal department. In January 1949, he was again appointed notary in Zamość and since 1 January 1952, head of the National Notary Office in Krasnystaw. He was made redundant at the end of February 1953 as an individual critical towards the reality of the Polish People's Republic<sup>44</sup>.

In early 1925, the judges in magistrate courts in Zamość were Franciszek Franczak and Zygmunt Zawadzki (in the 1st jurisdiction area) and Michał Wiszniewski (in the 2nd jurisdiction area). Deputy magistrates were Karol Korjus and Antoni Xiężopolski (in the 1st jurisdiction area) and Wiesław Jaśkiewicz (in the 2nd jurisdiction area)<sup>45</sup>. However, the situation soon changed. On the same year, Roman Ulanicki and Witold Ogulewicz were appointed to fill the vacancies for the magistrates in the 1st jurisdiction area, whereas Kazimierz Kwapiszewski became a deputy magistrate in Zamość jurisdiction area.

Roman Ulanicki only completed secondary education in Chełm but possessed significant judicial experience. He began service as magistrate in Duba in Tomaszów District on 4 October 1916 under Austrian occupation and continued until 1 September 1917 as a royal Polish magistrate in Tyszowice. After the dissolution of the magistrate court in Tyszowice he was appointed magistrate in Łaszczów on 1 January 1922 and on 21 March 1925 he was transferred – in spite of initial objections from the Ministry of Justice regarding the lack of legal education – to the position of magistrate of the 1st jurisdiction area (since 10 October 1928 – magistrate) in Zamość. His service in Zamość began on 5 August 1925. After the implementation of

<sup>44</sup> APL, SAL, SZO no. 1, ref. no. 1158, sheet 1–1v, 5–5v, 9–10, 29, 37, 49, 81; Dz. Urz. MS 1924, no. 18, p. 476; KS 1929, p. 108.

<sup>45</sup> 'Informator powszechny Rzeczypospolitej Polskiej z kalendarzem P.P. na rok 1925', Warszawa 1925, p. 237; 'Kalendarz Prawniczy na rok 1925', study by J. Fidler, Warszawa 1925, p. 132; AAN, MS, SZO 13/2768, Akta osobowe Wiesława Jaśkiewicza, sheet 4.

the reform he became the municipal judge in Tyszowice. He issued judgements there until being retired in 28 September 1932<sup>46</sup>.

Witold Ogulewicz became magistrate of the 1st jurisdiction area in Zamość on 29 May 1925 but did not hold the position for long as on 13 November 1926 he was already appointed judge of the District Court in Lublin. After several months, on 15 July 1927, at his request he was transferred to District Court in Warsaw where he served in the civilian department. In 1938, he was appointed judge of the Court of Appeal in Warsaw. He died during German occupation<sup>47</sup>.

Kazimierz Kwapiszewski began service as a candidate for district court position in Połtawa after graduating from universities in Petersburg and Kharkiv. In November 1914, he became a secretary's assistant and after several weeks, secretary of the district court. After Bolsheviks entered Poltava he lost the position and for two years lacked a regular occupation. Only in 1922 he was employed as a legal consultant at the Commissariat for Agricultural Matters in Kharkiv. Having returned to his country in May 1924, he was appointed magistrate in Dubna, and in December 1925, a deputy magistrate in Zamość jurisdiction area. On 19 May 1927, he was promoted to District Court in Zamość, and on 16 November he became judge of the Court of Appeal in Krakow. He continuously held the position, even during the occupation, until January 1948 when he assumed responsibilities of a Supreme Court judge. He was appointed Supreme Court judge on 10 December 1956 and issued judgements at the Civil Division until 22 May 1962 when he retired<sup>48</sup>.

After a quick promotion of Witold Ogulewicz to the District Court in Lublin, the position of a judge at the magistrate court of the 1st jurisdiction area in Zamość was vacant for some time. Only after several weeks, on 7 March 1927, the position was taken by a magistrate transferred from Biłgoraj, Henryk Walery Baczyński. He graduated from the university in Kiev and had experience in the military judicial system, state administration (gained as i.a. a starost of Proskuriv and Kremenets districts), and as magistrate in Biłgoraj (since 19 June 1926). He served in

<sup>46</sup> APL, SAL, SZO no. 1, ref. no. 109, sheet 1–2v, 11, 16, 21, 26, 31, 41, 47, 50; Dz. Urz. MS 1925, no. 8, p. 173; 1928, p. 23, p. 449; 'Ruch Służbowy. Dodatek do Dziennika Urzędowego Ministerstwa Sprawiedliwości' 1929, no. 21, p. 190.

<sup>47</sup> Dz. Urz. MS 1925, no. 13, p. 271; 1927, no. 1, p. 15 and no. 17, p. 355; KIS 1939, p. 217.

<sup>48</sup> AAN, MS, SZO 13/3772, Akta osobowe Kazimierza Kwapiszewskiego, sheet 3–4, 8, 94 and 98; Archiwum Sądu Najwyższego, Akta osobowe no. 326, sheet 1–1v, 2v, 4, 8–8v, 16, 25; Dz. Urz. MS 1924, no. 13, p. 368; 1927, no. 15, p. 306; KIS 1935, p. 85; A. Bereza, *Sąd Najwyższy 1917–2017. Prezesi, sędziowie i prokuratorzy Sądu Najwyższego*, Warszawa 2017, p. 321.

Zamość for over a year, until 9 June 1928, when by the regulation of the Minister of Justice he was discharged from judicial service<sup>49</sup>.

The position of the magistrate of the 2nd jurisdiction area in Zamość was changed only at the turn of 1927. After the promotion of Michał Wiszniewski to district court in Lutsk, the position of the magistrate of the 2nd jurisdiction area was vacant since 18 November 1927<sup>50</sup>. Only on 21 January 1928, Antoni Łazarczyk was appointed for the position. He graduated from the faculty of law and economics at the University in Poznań and completed his internship at the Court of Appeal in Lublin. Since January 1927, as a certified applicant, he was delegated to perform the duties of a deputy magistrate and investigating magistrate in the Zamość jurisdiction area, often filling adjudicating boards at the appeal division of the District Court in Zamość. He held the position of the judge at the magistrate court of the 2nd jurisdiction area for nearly 3 years (since 10 October 1928 – judge at the magistrate court), and after the reform – judge of the municipal court in Zamość. On 11 October 1930 he was appointed judge of the District Court in Zamość. He took the position on 2 January 1931 and held it until 30 March 1932 when he was discharged from judicial service at his own request on the basis of the regulation of the Minister of Justice of 15 February 1932. He joined the bar and worked in Skarżysko-Kamienna<sup>51</sup>.

Since 1926, significant staff rotation was noticeable among deputy magistrates. This allowed to assess the work of the deputy magistrate before his promotion to another position but sometimes the service was only treated as waiting period before it was possible to take a position which ended one's career in the judicial system.

On 13 January 1926, Antoni Xieżopolski was appointed judge of the District Court in Zamość and on 10 August, Wiesław Jaśkiewicz, after completing a notary exam, was given the same position in Szczebrzeszyn and then transferred, at first to Lubartów, then to Ciechanów<sup>52</sup>. The vacant position was taken by Władysław Kozłowski, who, just like Kazimierz Kwapiszewski, was promoted the following year to the position of a judge of the District Court in Zamość.

<sup>49</sup> APL, SAL, SZO no. 1, ref. no. 824, sheet 1-4, 45; Dz. Urz. MS 1927, no. 9, p. 200; 1928, no. 16, p. 306; KS 1927, pp. 143–144; KS 1928, p. 70.

<sup>50</sup> APL, SAL, SZO no. 1, ref. no. 1158, sheet 5; Dz. Urz. MS 1928, no. 2, p. 39.

<sup>51</sup> APL, SAL, SZO no. 1, ref. no. 426, sheet 1–2, 5–6, 25, 36, 41, 45, 55, 61, 65, 76–77, 79, 87; Dz. Urz. MS 1928, no. 6, p. 109; 'Ruch Służbowy. Dodatek do Dziennika Urzędowego Ministerstwa Sprawiedliwości' 1930, no. 32, p. 270; KS 1933, p. 207.

<sup>52</sup> AAN, MS, SZO 13/2768, Akta osobowe Wiesława Jaśkiewicza, sheet 4, 44, 50, 56.

Władysław Kozłowski's career in law, with the crowning achievement being the position of the president of district court in Zamość, exemplifies the career path formed since mid-1920s. Before enrolling at the university he worked as a rapporteur at a prosecution office by the District Military Court in Lublin. After graduating from the faculty of law and socioeconomic sciences of the University in Lublin he completed an internship and, having passed a judge's exam, he was appointed acting deputy magistrate (in Biłgoraj) and investigating magistrate in Zamość jurisdiction area. On 16 July 1926 he was appointed deputy magistrate in Zamość jurisdiction area. He remained at the position for a short time because on 27 September 1927 he became district judge, on 26 October 1932 – vice president, and since 31 December 1936 – president of district court in Zamość. He carried out the function of the president until being retired at the end of 1949, excluding the period of war and occupation<sup>53</sup>.

In 1927–1928, the changes in deputy magistrates in Zamość jurisdiction area were even more frequent due to various reasons. Deputy magistrate, Karol Korjus (transferred on 12 April 1927 from the position of a deputy magistrate of the 1st jurisdiction area), was delegated on 28 May 1927 to the position of the magistrate in Młynów in Rivne jurisdiction area<sup>54</sup>, whereas the vacancy was assigned on 18 June 1927 to a district court judge in Grodno, Eugeniusz Morman. He did not hold the position for long as on 6 March 1928 he already became deputy magistrate in Vilnius<sup>55</sup>. Two next deputy magistrates in Zamość jurisdiction area also remained in office for a short time. Antoni Pastuszka, transferred on 21 July 1927 from the position of a magistrate in Biłgoraj, was retired from service at his own request on 16 August 1928, whereas a certified applicant Roman Leśnikowski, appointed on 26 March 1928, left the service on 30 December 1928. Both joined the bar<sup>56</sup>. Tadeusz Leonowicz, a certified applicant appointed deputy magistrate, remained in the judicial system of Zamość for longer. After the judicial reform entered into force he became a municipal judge in Zamość, and on 12 July 1929 he was already appointed investigating

<sup>53</sup> APL, SAL, SZO no. 1, ref. no. 417, sheet 8, 46, 51, 77–78, 94, 96–98, 101, 103, 110–111, 114, 150, 187, 205; Dz. Urz. MS 1926, no. 6, p. 106; 1927, no. 23, p. 428; 1937, no. 3, p. 44; KS 1928, p. 68; KS 1933, p. 81; KIS 1937, p. 122; KIS 1938, p. 152; KIS 1939, p. 157.

<sup>54</sup> Dz. Urz. MS 1927, no. 11, p. 236 and no. 13, p. 282.

<sup>55</sup> Dz. Urz. MS 1927, no. 15, p. 307; 1928, no. 9, p. 143.

<sup>56</sup> APL, SAL, SZO no. 1, ref. no. 347, sheet 71, 76, 87–88, 90; ref. no. 399, sheet 118–119, 124, 128, 139, 141, 143, 149, 151; Dz. Urz. MS 1927, no. 17, p. 355; 1928, no. 9, p. 142 and no. 18, p. 351; 'Ruch Służbowy. Dodatek do Dziennika Urzędowego Ministerstwa Sprawiedliwości' 1929, no. 3, p. 31.

magistrate in Zamość jurisdiction area, while on 3 July 1930 – judge of the District Court in Zamość<sup>57</sup>.

In 1928, the positions of deputy magistrates in Zamość jurisdiction area were staffed by a magistrate Andrzej Sawa, transferred from Tarnogród (21 January 1928)<sup>58</sup> and Stanisław Cybulski (appointed on 10 October 1928)<sup>59</sup>. Soon both became district judges: Andrzej Sawa in 1930 in Lublin, Stanisław Cybulski in 1931 in Zamość<sup>60</sup>.

At the same time, as a part of the preparations for a judicial reform one magistrate court was established in September 1928 in place of two previously existing ones (1st and 2nd jurisdiction area). Its jurisdiction encompassed the city of Zamość and neighbouring municipalities: Łabunie, Mokre, Nowa Osada (Zamość), Skierbieszów, Stary Zamość and Wysokie<sup>61</sup>.

By Rescript of the Minister of Justice of 31 August 1928, the staff of the Magistrate Court in Zamość was assigned 3 permanent magistrates and 1 deputy magistrate<sup>62</sup>. On 10 October the appointments for these positions were given to the magistrates from the previous magistrate courts in Zamość of the 1st and 2nd jurisdiction areas (Roman Ulanicki and Antoni Łazarczyk).

In December 1928, there were two permanent magistrates, Antoni Łazarczyk and Roman Ulanicki while one position remained vacant. The group of deputy magistrates in Zamość jurisdiction area included: Stanisław Cybulski, Tadeusz Leonowicz, Roman Leśnikowski (until 30 December) and Andrzej Sawa<sup>63</sup>. On 31 December 1928, such nomination

<sup>57</sup> Dz. Urz. MS 1924, no. 6, p. 225; 1928, no. 1, p. 21; 'Ruch Służbowy. Dodatek do Dziennika Urzędowego Ministerstwa Sprawiedliwości' 1929, no. 21, p. 186; 1930, no. 23, p. 202; KIS 1939, p. 157.

<sup>58</sup> APL, SAL, SZO no. 1, ref. no. 960, sheet 105; Dz. Urz. MS 1928, no. 6, p. 110.

<sup>59</sup> APL, SAL, SZO no. 1, ref. no. 836, sheet 44–45, 47; Dz. Urz. MS 1927, no. 23, p. 447.

<sup>60</sup> APL, SAL, SZO no. 1, ref. no. 960, sheet 140, 145; 'Ruch Służbowy. Dodatek do Dziennika Urzędowego Ministerstwa Sprawiedliwości' 1930, no. 14, p. 149.

<sup>61</sup> Rozporządzenie Ministra Sprawiedliwości z dnia 5 czerwca 1928 r. o dyzlokacji sądów pokoju w powiecie tomaszewskim w okręgu sądu okręgowego w Zamościu and Rozporządzenie Ministra Sprawiedliwości z dnia 5 czerwca 1928 r. o dyzlokacji sądów pokoju w powiecie hrubieszowskim w okręgu sądu okręgowego w Zamościu (Dz. U. RP 1928, no. 63, item 579 and 580) and Rozporządzenie Ministra Sprawiedliwości z dnia 31 sierpnia 1928 r. o dyzlokacji sądów pokoju w powiecie zamojskim w okręgu sądu okręgowego w Zamościu (Dz. U. RP 1928, no. 82, item 727).

<sup>62</sup> APL, SAL, SZO no. 1, ref. no. 109, sheet 31.

<sup>63</sup> KS 1929, p. 113. That source also mentions two deputy magistrates, Józef Majewski and Jan Rozmus but the personal files of these judges do not confirm the information. Józef Majewski was a magistrate in Biłgoraj since 4 April 1924 and since 23 October 1928 transferred to the same position in Słupca in district court jurisdiction area in Kalisz (AAN, MS, SZO 13/3007, Akta osobowe Józefa Majewskiego, sheet 4). Jan Rozmus was formally appointed magistrate in Tomaszów on 26 November 1919 and since 1 January

was given to the magistrate in Hrubieszów, Remigiusz Moszyński, but he took the position of a municipal judge. His service did not last long because on 25 March 1929 he became investigating magistrate in Zamość jurisdiction area, and on 12 July 1929 district court judge in Zamość<sup>64</sup>.

On 1 January 1929 a judicial reform entered into force which introduced major changes regarding common courts by standardising the structure of the judicial system. A municipal court was established in place of the former magistrate court. It comprised a head of the court and several municipal judges<sup>65</sup>. Before names such as 'municipal court (Pol. sąd grodzki)' and 'municipal judges (Pol. sędziowie grodzcy)' became commonplace in the judicial system, between 3 February and 31 December 1930 they were gradually being replaced with the names 'district court (Pol. sąd powiatowy)' and 'district judges (Pol. sędziowie powiatowi)', respectively<sup>66</sup>. Magistrates were also meant to become the authorities of municipal (district) courts, but they were never appointed for that function. The institution of magistrates was omitted in the April Constitution, and finally, in 1938, removed from Polish legislation<sup>67</sup>.

This analysis presents the complicated process of establishing Polish judicial system of first instance (magistrate courts), as well as the problems encountered during staffing the positions of the magistrates in the first years of the re-established Polish State. The model of the magistrate court as introduced on 1 September 1917 upon the establishment of royal Polish judicial system survived until the judicial reform of 1929. Changes regarding the operation and properties of courts in Zamość introduced in that period stemmed from the needs of the judicial system. In the interwar period the rule of appointing magistrates was maintained even though Article 76 of the March Constitution suggested

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1922 transferred to the position of a professional magistrate in Zamość jurisdiction area. Therefore he never received a nomination for deputy magistrate (though he was regarded as such by the Organisation Division of the Ministry of Justice) and in reality he operated in Tomaszów (APL, SAL, SZO no. 1, ref. no. 107, sheet 2v, 31–34).

<sup>64</sup> 'Ruch Służbowy. Dodatek do Dziennika Urzędowego Ministerstwa Sprawiedliwości' 1929, no. 3, p. 30; no. 14, p. 97 and no. 21, p. 185.

<sup>65</sup> Art. 269 § 1 Rozporządzenie Prezydenta Rzeczypospolitej z dnia 6 lutego 1928 r. 'Prawo o ustroju sądów powszechnych' (Dz. U. RP 1928, no. 12, item 93).

<sup>66</sup> Art. 74 Ustawy z dnia 4 marca 1929 r. w sprawie zmiany niektórych postanowień rozporządzenia Prezydenta Rzeczypospolitej z dnia 6 lutego 1928 r., zawierającego 'Prawo o ustroju sądów powszechnych' (Dz. U. RP 1930, no. 5, item 43), and art. 2 Rozporządzenie Prezydenta Rzeczypospolitej z dnia 24 listopada 1930 r. w sprawie zmiany niektórych postanowień rozporządzenia Prezydenta Rzeczypospolitej z dnia 6 lutego 1928 r., zawierającego 'Prawo o ustroju sądów powszechnych' (Dz. U. RP 1928, no. 80, item 626).

<sup>67</sup> Ustawa z 9 kwietnia 1938 r. o zniesieniu instytucji sądów przysięgłych i sędziów pokoju (Dz. U. RP 1938, no. 24, item 213).



their election by the people. The judiciary positions in Zamość were initially taken by persons who gained experience Russian magistrate structures in the Kingdom of Poland as well as those who returned from Russia, at that time engaged in a civil war. Such situation was the consequence of the existence of the shortage of local lawyers, among whom – due to the nationalised policy in the judicial system conducted by the occupant – few were suitable for fulfilling the duties of a judge. Proper work experience was necessary for judges in magistrate courts in Zamość because the disputes settled in them were more complex, which was a characteristic feature of urban relations. Over time, as personnel situation was improving, i.a. after the appearance of the first certified court applicants, the position of the magistrate began their first step in their further career as lawyers. Some magistrates (especially the deputies) kept their positions for a short period, waiting for a vacancy in the district court. Over the analysed period 6 magistrates in Zamość became district judges in Lublin court of appeal. Further ones, already as judges of courts of first instance, received such appointments after the introduction of the judicial reform of 1929. The position of a magistrate in Zamość was also the starting point for the future presidents of the District Court in Zamość: Romuald Jaśkiewicz and Władysław Kozłowski. After their service was concluded, the judges often applied for an appointment for lucrative notary positions. Although these nominations were usually received by judges of higher courts, among the ones decorated by the Ministry of Justice there were also 2 magistrates of Zamość.

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### STRESZCZENIE

Artykuł przedstawia proces budowy sądownictwa polskiego najniższej instancji (sądów pokoju w Zamościu), ale także problemy z jakimi stykano się przy obsadzie stanowisk sędziów pokoju w pierwszych latach Odrodzonego Państwa Polskiego. Model sądu pokoju, jaki pojawił się od 1 września 1917 r., wraz z uruchomieniem sądownictwa królewsko-polskiego, przetrwał aż do reformy sądowej w 1929 r. W tym okresie utrzymano zasadę nominacji sędziów pokoju, mimo że Konstytucja marcowa z 1921 r. wskazywała na zasadę ich wyboru przez ludność. Na stanowiskach zamojskich sędziów początkowo orzekały osoby, które wyniosły swoje doświadczenie z rosyjskiego sądownictwa pokojowego w Królestwie Polskim, a także ci którzy powracali z ogarniętej wojną domową Rosji. Taka obsada była konsekwencją istnienia nielicznej grupy miejscowych prawników, w której – na skutek prowadzonej przez zaborcę rosyjskiego polityki narodowościowej – brakowało osób przygotowanych do pracy sędziowskiej. Z czasem, gdy sytuacja kadrowa ulegała poprawie m.in. po pojawieniu się pierwszych egzaminowanych aplikantów sądowych, stanowisko sędziego pokoju stawało się pierwszym szczeblem do dalszej kariery prawniczej. W analizowanym okresie 6 zamojskich sędziów pokoju zostało sędziami okręgowymi w sądach apelacji lubelskiej. Niektórzy z nich pozostawali krótko na stanowiskach sędziów pokoju (zwłaszcza zapasowych), oczekując na wakat w sądzie okręgowym. Jako sędziowie pokoju karierę swoją rozpoczęli także prezesi Sądu Okręgowego w Zamościu: Romuald Jaśkiewicz i Władysław Kozłowski. Po zakończeniu służby 2 zamojskich sędziów pokoju otrzymało nominację na stanowisko notariuszy, co stanowiło (z uwagi na osiągnięte dochody) wyraz wyróżnienia ze strony resortu sprawiedliwości.

**Słowa kluczowe:** sądownictwo powszechne, sąd pokoju, sędziowie pokoju, sąd okręgowy, sędziowie okręgowi, Zamość, II Rzeczpospolita

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