

Maciej Helmin

THE ORGANISATION AND FUNCTIONING OF THE POLISH JUSTICE SYSTEM IN THE DISTRICTS OF TCZEW AND STAROGARD GDANSKI IN THE YEARS 1945-1950. A CONTRIBUTION TO THE HISTORY OF JUSTICE SYSTEM IN POMERANIA (KOCIEWIE)

Introduction

In the interwar period there were two poviats on its territory: Tczew and Starogard. They were part of Pomeranian Voivodeship. Three municipal courts functioned on their territory: in Starogard Gdanski (Starogard powiat) and Gniew and Tczew (Tczew powiat). The administrative position of these units in the structure of the justice system was different. Belonging to the Poznań Appellate Court's jurisdiction and since 1938 to the Toruń Appellate Court's jurisdiction,¹ the court in Gniew was under the jurisdiction of the Regional Court in Grudziądz, while the courts in Starogard and Tczew – of the Regional Court in Chojnice. The infrastructure occupied by the justice system was a legacy of the partition organisation of the judiciary in those areas. All three courts were located in Prussian court buildings erected at the turn of the 19th and 20th centuries during the period of partitions [Szpopier 2015, 109-38]. A characteristic architectural element complementing the court buildings were detention facilities (prisons or solitary confinement).²

MACIEJ HELMIN, MA, Department of Administration, Institute of Law and Administration, Pomeranian University in Słupsk; correspondence address: ul. K. Arciszewskiego 22A, 76-200 Słupsk, Poland; e-mail: maciej.helmin@apsl.edu.pl; <https://orcid.org/0000-0002-3866-4553>

¹ Act of 9 April 1938 on the establishment of the Court of Appeal in Toruń, Journal of Laws of 1938, No. 26, item 230.

² Judicial Calendar for 1939, Warsaw 1939, p. 188-202.

The then in force provisions of the Ordinance of the President of the Republic of Poland of 6 February 1928 on the Common Court System³ provided that the organisational authority in regional courts was in the hands of judges acting as their managers. They were responsible for performing “judicial administration functions,” including supervising the court and the judges therein, resolving doubts as to the division of functions, appointing deputies in addition to the number of judges appointed as deputies, notifying a higher instance court or the Minister of Justice of deficiencies found in their subordinates, taking the oath from judges, giving opinions on decisions to delegate a judge to sit in another court, and being consulted before disciplinary proceedings were initiated against a judge. The managers of regional courts were also the supervisors of the prisons attached to them.⁴

In the period before the outbreak of World War II the manager of the Gniew District Court was judge Edward Bochyński. Marian Gramziński was also a judge at the court. Court secretarial services were provided by four clerks and a court officer.⁵

In 1939 there were two judges of the Regional Court in Tczew: Jerzy Józef Bąkowski who was also the manager and Karol Pospieszalski.

In Starogard Gdański, four justices of the peace⁶ Franciszek Wyborski (as the manager), Mieczysław Koczer, Alfred Schussel, Hugon Zawodziński exercised judicial functions. Secretarial and office services were provided by 16 clerks. In the town located on the Wierzyca River there was also a Regional Court division in Chojnice, with judges Czesław Zwierzyński, Antoni Linettej, Stanisław Małyśa i Feliks Morkowski. In the period preceding the aggression of the Third Reich against Poland, Feliks Piechowski, a law graduate of Adam Mickiewicz University in Poznań, served his legal training there.

The outbreak of war in September 1939 and ongoing acts of war constituted a *de facto* impediment to the administration of justice [Ziółkowski

³ Journal of Laws of the Republic of Poland No. 102, item 863.

⁴ Judicial Calendar for 1939, Warsaw 1939, p. 195.

⁵ State Archive in Gdańsk [hereinafter: APG], ref. no. 4206, team 7, Inspection report of Gniew Regional Court of 15 May 1946, p. 75.

⁶ Judicial Calendar for 1939, Warsaw 1939, p. 188.

2005, 100; Wrzałkowski, 2013, 9]. In accordance with the provisions of the Code of Civil Procedure of 29 November 1930, the court suspended proceedings in the event of cessation of proceedings due to war, and the suspension had “legal force from the moment” the event occurred.⁷

During World War II, Pomerania together with the former Tczew and Starogard powiats were incorporated into the Third Reich on the basis of a decree issued by the Führer and the Reich Chancellor on 8 October 1939 and consequently found themselves in the Reich District of Danzig-West Prussia (Reichsgau Danzig-Westpreussen). In the remaining scope, according to the regulations issued by the occupant, the Polish areas occupied by the German army were subordinated to the Governor General (GG), unless they were incorporated into the Reich [Szulczyński 2020, 20]. In contrast to the GG, where a dualism of German and Polish (non-German) [Mielnik 2020, 54-55] judiciary was introduced, and consequently the pre-1939 system of justice and the application of Polish substantive and procedural laws were to some extent left in place [Sworzeń 1999, 38-53; Szulczyński 2020, 75; Mielnik 2020], in relation to the territories incorporated into the Reich the decree of 8 October 1939 announced the organisation of exclusively German judiciary. After the period of warfare in 1939, during which various ad hoc courts functioned,⁸ by ordinances of 13 June 1940 and 26 November 1940 the German organisation of common judiciary was extended to the Kociewie area⁹ with the division into regional courts (Amtsgericht), national courts (Landesgericht) and the Higher National Court (Oberlandesgericht) [Becker 2020, 71-72, 82-83]. The liquidated municipal courts were replaced with district courts (Amtsgericht) [Szulczyński 2020, 59-75]. Courts in Tczew and Starogard Gdanski were incorporated into the Gdańsk district (Oberlandesgericht Danzig), and the court in Gniew came under the jurisdiction of the national court in Grudziądz (Oberlandesgericht Graudenz). German courts operated until the beginning of 1945.

⁷ Journal of Laws of 1930, No. 83, item 651, Article 195.

⁸ During the war there were also German summary courts, field courts and police summary courts, whose task was to carry out isolation and extermination tasks against Poles [Becker 2020, 65-70].

⁹ APG, general files 1937-1945, ref. no. 1-103.

1. The struggle to restore the courts

The resurrection of the Polish judiciary on the territory of the Kociewie poviats took place when the warfare ended in 1945. The liberation of the cities of Southern Pomerania was connected with the third stage of the operation conducted by the right wing armies of the 2nd Belarussian Front attacking German positions towards Gdansk. The units of the German 23rd Army Corps, defending Gniew and the area around Starogard Gdanski, held back the attacks of the Soviet forces since February 1945, despite the Soviet bombardments, especially of Tczew. Only the main offensive conducted on March 6, which threatened to encircle and cut off Gniew, turned out to be effective. At the same time battles were being fought in the direction of Starogard Gdanski – a town particularly important for the logistics of the German Second Army defending the hubs on the approach to Gdansk. A day later, in the afternoon, after street troops battles in the suburbs [Szwach 2000, 190], German units were pushed out of the town on the Wierzyca River, and also left Gniew [Kosiarz 1967, 149-50]. Tczew, defended fiercely [Wiecki 2017, 96-98] by the German garrison, because of its strategically important bridges over the Vistula River and railway junctions, surrendered on 12 March after heavy fighting [Kosiarz 1967, 164-66].

The formal basis for the commencement of the activity of the courts in Kociewie within the Toruń Appellate Court's jurisdiction was an ordinance of the Minister of Justice of May 1945, which indicated the date of 15 May 1945 as the date on which the Court of Appeal in Toruń was to commence its activities.¹⁰ The May regulation was the fulfilment of the statutory delegation granted to the Minister of Justice in the Act of 9 April 1938¹¹ on the establishment of the Appellate Court in Toruń,¹² who was obliged to indicate the date of the commencement of activities by the Toruń unit (Article 5(1)).

¹⁰ Regulation of the Minister of Justice of 7 May 1945 on the date of commencement of activities by the Appellate Court in Toruń, Journal of Laws No. 18, item 104.

¹¹ It entered into force on 15 April 1938.

¹² Journal of Laws of 1938, No. 26, item 230.

Leaving Gniew and Starogard Gdański by the German army without engaging in fights in the city proved to be fortunate for the architectural buildings; thus the residual resistance of the occupant did not cause significant damage to the city buildings. Later devastation, covering almost 25% of the buildings, resulted from the intentional activity of the Soviet army. The urban infrastructure was destroyed as a sign of Germanness [Szwach 2000, 191]. The court buildings, which were seized for the needs of the army, did not meet this tragic fate. Assessing their condition after the Germans left the town in 1946, the inspector – judge of the Regional Court Józef Talarczyk, who inspected the court in Starogard Gdański, indicated that “the building presents itself well” and is well maintained. The building of the court in Kościuszki Street was very quickly provided with the appropriate marking, but – despite the fact that several months had passed since the end of the warfare – it was still devoid of the national emblem. Signs of the clean-up were visible in the courtyard, where the remains of destroyed furniture lined the courtyard. Inside the building, however, order had been restored, and the rooms and courtrooms were – as the visiting judge emphasised – clearly and properly marked for interested parties. The corridors were clean and orderly. The size of the building, consisting of 29 rooms arranged on three levels, “fully satisfied the needs of the court premises,”¹³ even leaving a few rooms unused.¹⁴ The state of the building in 1946 was the result of hard organisational work by the court staff. Maintaining order was not easy. In the summer of 1945, Starogard Gdański was a large transit station connecting several railway lines for the army, young people participating in the harvest action and people migrating to the lands of Western Pomerania or Mazurian District IV from central and eastern Poland. The crowded streets of the city quickly became dirty and littered, and among the moving masses of people, there were many who engaged in looting and sought opportunities to do so.¹⁵ Starogard was not without war losses. The court archive was practically completely destroyed, of which only the collection of civil status

¹³ In the building there was an official flat occupied by the court officer Kazimierz Wetta.

¹⁴ APG, Regional Court in Gdansk, team 4206 no. 7, typescript, Report on the inspection of the Municipal Court in Starogard Gdansk on 18, 19, 24, 25 and 26 June 1946, p. 100.

¹⁵ See *Osiedleńczym szlakiem*, “Dziennik Bałtycki” (05.08.1945), No. 71, p. 2.

documents and books of duplicate copies of civil status documents, as well as land registers survived.¹⁶

The housing situation of the court in Gniew was also good. Erected in the years 1907-1909 [Śliwiński 1998], the court building in Gniew at 11 Sobieskiego Street was an example of neo-Gothic architecture integrated into the representative urban development. After the town was occupied by the Soviet army, this attractive building, which stood out against the urban landscape, was taken over by the military administration and only in August 1945 was it handed over to the Polish authorities. The returning court clerks immediately, in May 1945, started to prepare it for judicial work. Minor war damage was repaired by May 1946¹⁷ and was financed by the Ministry of Reconstruction, under whose administration the building was located.¹⁸ Although there were no proper identification devices for the court building, care was taken to place an appropriate orientation board for the public. Within the available resources, order was restored inside the building: the rooms were clearly marked and the office hours of the organisational units were indicated.¹⁹

The influence of warfare was most noticeable in the substantial part of the Tczew court building. This was primarily the effect of Soviet air bombardments on 20 and 21 February 1945, during which shells fell, among others, in the area of a bomb shelter located not far from the court building [Wiecki 2017, 95]. However, the damage did not prevent people from working in the courthouse. The modest, but good-looking one-storey building number 7 at Jarosław Dąbrowski Street,²⁰ built of red brick, admittedly required repairs to the roof, as well as the completion of glazing in some windows²¹ but these obstacles were far less than the court buildings

¹⁶ APG, 4206, no. 7, Report on the inspection of the Municipal Court in Starogard Gdański on 18, 19, 24, 25 and 26 June 1946, p. 103.

¹⁷ APG, 4206, no. 7, Inspection report of Gniew Municipal Court of 15 May 1946, p. 75; APG, picture 6833.

¹⁸ APG, 4206, no. 7, Inspection Report of the Gniew Municipal Court, p. 75.

¹⁹ APG, 4206, no. 7, Inspection report of the Gniew Municipal Court of 15 May 1946, p. 76.

²⁰ Before the war, Marshal Józef Piłsudski Street; today the building is occupied by the Tczew City Hall, and the square in front of the building bears Marshal Piłsudski's name.

²¹ APG, 4206, no. 7, Inspection report of the Municipal Court in Tczew of 13 May 1946, p. 59.

in neighbouring poviats located in the Recovered Territories.²² The organisation of work and the ordering of the court took place amidst the realities of a city returning to everyday life, in which the outposts of the people's state and its services were also being established. The town did not have its own electricity supply; in the first period after its occupation by Soviet troops, electricity in Tczew was provided by a water turbine on the Wierzycza river in Starogard.²³ The rhythm of repair work on buildings throughout the city proceeded smoothly. German prisoners of war were used, as well as machines specially imported by the local authorities. The rapid but quick course of the warfare meant that the housing conditions throughout the city did not cause any difficulties for the inhabitants or the functioning of the offices.²⁴ Despite external damage, the interior of the Tczew court did not show signs of being destroyed. Most of the rooms, including three courtrooms, did not require renovation apart from refreshing related to the use of the rooms. Their appearance, maintenance in good order and cleanliness, allowed in principle to start judicial activities and office services from the moment of taking over the property.²⁵ A separate apartment on the ground floor, typical for this type of buildings erected at the turn of the 19th and 20th centuries and intended for a court caretaker, was also in good condition. In Tczew, from 1945, it was occupied by the court officer Franciszek Łobocki.²⁶ According to the court authorities, the property of the Tczew judiciary was not limited to the official building. During the German occupation in 1941, the Tczew district court (Amtsgericht Dirschau) acquired a seven-room villa from private hands to be used as an official flat for the court manager. After 1945, however, the building was occupied for the needs of local administration (Municipal Health Centre), but the reviving justice system did not intend to give it up.²⁷ However,

²² E.g. the Municipal Court in Malbork was burnt down during the siege of the city; it carried out its judicial activities until the late 1950s in a building temporarily obtained from the city authorities.

²³ See *Ulicami Tczewa*, "Dziennik Bałtycki" (25.08.1945), No. 91, p. 3.

²⁴ See *Tczew przy pracy*, "Dziennik Bałtycki" (25.05.1945), No. 6, p. 4.

²⁵ APG, 4206, no. 7, typescript, Inspection Report of the Municipal Court in Tczew of 13 May 1946, p. 59.

²⁶ *Ibid.*; monthly rent in 1946 amounted to PLN 13.

²⁷ APG, 4206, no. 7, typescript, Inspection Report of the Municipal Court in Tczew of 13 May 1946, p. 59, the villa was purchased on 1 June 1941 from a German citizen Schienemann.

there were no appropriate legal regulations. According to the resolution of the Council of Ministers of 18 July 1946, only those buildings which were “occupied before 1 September 1939 by the Justice Authorities /Polish or former German/ should be placed at the disposal of the Minister of Justice by the local authorities.”²⁸ The property acquired in 1941, however, did not meet this condition. The detention facilities adjacent to the court buildings were immediately taken over by the Security Service.²⁹

In connection with the changes of state borders, as a result of including the areas of the former Free City of Gdańsk into the Republic of Poland, it became necessary to change the administrative division of the country. In March 1945, the Gdansk Voivodeship was established, which included the areas of the former Free City of Gdańsk and the poviats of Gdynia – city with poviats rights, Kartuzy, Tczew, Starogard Gdański, Kościerzyna and the sea poviats (*powiat morski*).³⁰ Thus, Tczew, Starogard Gdański and Gniew were included in the newly created voivodeship. The press announced the enlargement of the voivodeship by “a few poviats of East Prussia and former German Pomerania,” which was to establish its area to 15 thousand hectares.³¹ The actual enlargement of the voivodeship took place in July 1945. As a result of these changes, the Tczew Municipal Court had jurisdiction over the town and four rural municipalities: Tczew, Subkowy, Pelplin and Godziszewo, an area inhabited by around 56,000 people, including the town of Tczew itself with a population of 18,000.³² In the remaining part of Tczew poviats, the population of which was about 3.5

²⁸ State Archive in Malbork, No. 208, item 53, Circular No. 42/62/46 of 3 August 1946, 2431/Pow.1/4/5/46.

²⁹ APG, 4206, no. 7, typescript, Inspection Report of the Municipal Court in Tczew of 13 May 1946, p. 59.

³⁰ Decree of 30 March 1945 on the establishment of the Gdańsk Voivodeship, Journal of Laws No. 11, item 57; in July 1945 the number of poviats in the voivodeship increased to 16, 4 poviats from the Mazurian district – Elbląg, Malbork, Sztum and Kwidzyń and 5 poviats from Western Pomerania – Lębork, Bytów, Miastko, Słupsk and Sławno. The total area of the voivodeship was 17,302 km² see 16 poviats counting the Gdańsk Voivodeship, see “Dziennik Bałtycki” No. 51, p. 2.

³¹ See *Kronika Wybrzeża*, “Dziennik Bałtycki” (06.06.1945), No. 16, p. 4.

³² See *W dzisiejszym Tczewie*, “Dziennik Bałtycki” (30.08.1945), No. 96, p. 3; before the war, Tczew had a population of 26 thousand.

thousand, including the town of Gniew and 45 neighbouring communes,³³ the justice system was carried out by the Gniew Municipal Court. The court of first instance in Starogard Gdanski had jurisdiction over the city and Starogard powiat, as well as “a small part of Kościerski powiat,” which had a total population of about 70 thousand.³⁴

As a result of administrative changes, the Regional Court in Gdansk was established³⁵ with courts in Tczew, Starogard Gdansk and Gniew within its jurisdiction: Tczew, Starogard Gdanski and Gniew. Assuming that the restitution of the judiciary on Polish territory restored the status quo that existed at the outbreak of World War II, courts [Włodyka 1963, 87] within the jurisdiction of the Regional Court in Gdańsk should be treated from the formal and legal point of view as part of the Toruń Appealate Court's jurisdiction, which resumed its operation in May 1945.³⁶ In fact, from July 1945, in spite of the lack of legal and organisational basis, the Appealate Court in Gdańsk operated, with jurisdiction over the Gdańsk Voivodeship [Burczyk 2016, 100]. A draft regulation prepared in 1946 by the Ministry of Justice, which was to sanction the organisation of the Gdańsk unit, did not, however, go beyond the stage of inter-ministerial consultations.³⁷ Eventually, the courts in Kociewie were included in the Gdańsk Appealate Court's jurisdiction established in 1949 and were incorporated into the jurisdiction of the Regional Court in Gdańsk by virtue of a regulation of the Minister of Justice of 15 June 1949. In this way, the pre-war jurisdiction of the courts connected with the Regional Courts in Chojnice and Grudziądz was formally abandoned.³⁸

³³ APG, 4206, no. 7, typescript, Inspection Report of the Gniew Municipal Court of 15 May 1946, p. 75.

³⁴ APG, 4206, no. 7, typescript, Inspection Report of the Municipal Court in Starogard Gdański on 18, 19, 24, 25 and 26 June 1946, p. 100.

³⁵ Ordinance of the Minister of Justice of 7 May 1945, Journal of Laws No. 18, item 103.

³⁶ Journal of Laws of 1945, item 104.

³⁷ The draft ordinance was accepted by Władysław Gomułka – the Minister of Regained Territories – but got stuck in discussions in view of the constant administrative changes in other parts of the country [Burczyk 2016, 106-107].

³⁸ Journal of Laws of 1949, No. 36, item 270; by order of the Minister of Justice of 15 June 1949; the regulation entered into force on 1 July 1949.

2. The organisation of the courts and their staff

More complex and difficult was the employment situation. The staff of the courts in Kociewie reflected the general situation in the country. Of the approximately 3500 judges³⁹ and assessors [Sworzeń 1999, 39], who had served in Poland before 1 September 1939, less than 1300 reported for work [Ziemia 1969, 142]. These were people who had survived the war [Rzepliński 1989, 26] and had not emigrated. All of the approximately 1600 [Turlejska 1996, 23] judicial trainees also failed to return to their studies. The difficult situation was exacerbated by the interruption in the functioning of universities educating future lawyers, which created a demographic gap in the judicial corps. Although the Polish judiciary functioned in the GG to a limited extent, and activities for trainees were carried out,⁴⁰ and judicial examinations were held [Sworzeń 1999, 46], the influx of new candidates to serve in the judicial system was limited to those who had already received higher legal education before the war. For this reason, administrative countermeasures were resorted to, which were supposed to strengthen the reborn judicial structures. A decree of 22 February 1946 introduced an obligation for all Polish citizens qualified to become judges to register with the municipal court of their place of residence. Other instruments used by the authorities included entrusting the Minister of Justice with the power to transfer notaries and delegate their duties to judges,⁴¹ transferring judges without their consent to another equivalent court,⁴² as well as the decree of 22 January 1946 on exceptional eligibility for judges' prosecutors' and notaries' positions and entry on the list of attorneys.⁴³ The measures applied did not fulfil the intended role. After complying with the obligation to report to work, very often the examiners applied for dismissal from service in favour of moving to the ranks of the Bar for health reasons, and

³⁹ In 1937, 3109 judges were serving [Turlejska 1996, 23].

⁴⁰ One of the judges undergoing training in such conditions was Władysław Liss, a judge at the courts in Tczew, later in Malbork, and then at the Provincial Court in Gdańsk.

⁴¹ Decree of 24 January 1946, Journal of Laws No. 6, item 54.

⁴² Decree of 4 November 1944, Journal of Laws No. 11, item. 58.

⁴³ Journal of Laws of 1946, No. 4, item 33.

in fact for economic reasons. A factor causing a significant outflow from the judicial service was the low, and above all irregularly paid, salaries.⁴⁴

The exterminatory actions of the two occupants, German and Soviet, left their mark on the judicial corps in Kociewie. After the end of hostilities in 1945, Judge Mieczysław Koczera did not return to his judicial work in Starogard Gdański. A pre-war court trainee, Feliks Piechowski, also appeared for work at the Starogard court and took up his duties at the court as early as 20 March 1945. He was one of the officials of the Court of Justice who voted for further service in the free Starogard. Through his own efforts, he obtained the necessary assistance from the command of the Soviet troops stationed in the city in order to secure the land and mortgage registers stored in the court.⁴⁵ The court was also supported by the second of the sent assessors – assessor Stanisław Pieniążek.⁴⁶

In August 1946, Piotr Galuszko took over as judge and was entrusted with the department⁴⁷ of criminal cases.⁴⁸ Over time, the impact of the cases was divided among the three adjudicating judges: Franciszek Wyborski, Piotr Gałuszko⁴⁹ and Feliks Piechowski,⁵⁰ who completed his Assistant Judge service in 1947. At that time, the trainee judge Władysław Kilian. The stabilising personnel situation made it possible to delegate judge Franciszek Wyborski to adjudicate in the Regional Court in Gdańsk. Keeping the position of the manager of the municipal court, he adjudicated in criminal cases from the material jurisdiction of the Regional Court during

⁴⁴ Memoirs of Judge Jerzy Jędrzejewski – the manager of the Municipal Court in Malbork typescript in the author's possession; List of barristers' teams and a list of barristers in the People's Republic of Poland as of 31 May 1960, "Palestra" 4/7-8 (31-32) supplement, 1-196, 1960, p. 39.

⁴⁵ Archive of the Regional Court in Gdańsk [hereinafter: ASOG], Judge Feliks Piechowski's personal file, Opinion regarding court assessor Feliks Piechowski of 10 July 1946, Prez. 722/46, p. 91.

⁴⁶ Judicial Calendar, Warsaw 1947, p. 97.

⁴⁷ Desk for cases assigned to the adjudicator.

⁴⁸ In the first quarter of 1948, Judge Piotr Galuszko was on long-term sick leave.

⁴⁹ APG, team 4206, no. 4, typescript, Presidential Office Files 1948, Reports and lists, List of judges, prosecutors, assessors and court apprentices for the third quarter of 1948, p. 179.

⁵⁰ Decree of the President of the Republic of Poland of 30 April 1947, in: personal file of Feliks Piechowski, p. 110.

sessions in Tczew⁵¹ and Starogard Gdański.⁵² He also continued to perform the duties of a notary. However, the court did not enjoy a stable staff for long. In the first half of 1949, Judge Piotr Gałuszko was transferred to the Prosecutor's Office of the Regional Court in Gdańsk.⁵³

At the beginning of August 1945, the post of manager of the unit in Tczew was taken over by Karol Ankiewicz,⁵⁴ a municipal judge. The pre-war judges did not volunteer for service again. Jerzy Bąkowski died in Katyn Forest, murdered as a reserve officer of the Polish Army in the rank of lieutenant.⁵⁵ The Tczew court was reinforced by court assessors Władysław Liss and Kazimierz Ossowski, and then in 1947 by assessor Włodzimierz Maruczyński.⁵⁶ At the end of the forties judge Karol Ankiewicz went to the bar.⁵⁷

Another of the Kociewie judges who did not return to judicial service was Edward Bochyński manager of the Gniew Municipal Court. Another of the Gniew judges, Marian Gramziński, returned to adjudication, but did not continue his work in Kociewie. After the end of warfare, he decided to return to his hometown and settled in Poznań [Czacki, Kosiński, Maciejewski, et al. 1969, 114]. Lucjan Kosidowski, a judge with pre-war experience and a notary who ran a law office in Koronowo, took over the judgeship vacancy in the Gniew court. He ruled mainly on criminal cases. Human losses in Gniew were also suffered by the enforcement authorities. Bailiff Jerzy Kierszka was shot in the autumn near Szpęgawsk [Ejankowski and Samulejska 2011, 71]. The duties of a notary in Gniew were taken

⁵¹ APG, 4206, no. 4, List of judges, prosecutors and court apprentices for the second quarter of 1948, p. 211.

⁵² APG, 4206, no. 4, typescript, Reports and lists of the Municipal Court in Sopot, Starogard, Tczew, 1947-1949, List of cases handled by judges of the Municipal Court in Starogard for the month of June 1948, p. 214.

⁵³ ASOG, typescript, Letter of the President of Regional Court in Gdańsk of 6 August 1949, No. Pres. 4710/49, in: personal file of Feliks Piechowski, p. 129.

⁵⁴ APG, 4206, no. 7, typescript, Visits and revisions of bailiffs, Inspection Report of the Municipal Court in Tczew of 13 May 1946, p. 59.

⁵⁵ See *Katyń. Księga Cmentarna Polskiego Cmentarza Wojennego*, Warsaw 2000, p. 25.

⁵⁶ Judicial Calendar for 1947, Warsaw 1947, p. 97.

⁵⁷ List of barristers' teams and the list of barristers in the People's Republic of Poland as at 31 May 1960, "Palestra" 4/7-8 (31-32) appendix, 1-196, 1960, p. 39.

over by Franciszek Połtowicz,⁵⁸ who at the same time held the position of a judge, ruling in civil cases since 1947.⁵⁹

3. Implementing of the new structure to the judicial system

In 1945, the Regional Court division in Chojnice, with its seat in Starogard Gdański, was re-established, and included municipal courts in Starogard Gdański and Tczew, as well as in Kościerzyna and Skarszewy.⁶⁰ The manager of the Department⁶¹ became Judge Brunon Zadernowski. Czesław Zawodziński and Antoni Linettej did not rejoin the court. The first one started working in the court in Bydgoszcz the second one – in accordance with the decree of 1939 – started judging in the Regional Court in Chojnice.

In spite of the fact that the infrastructure of the judiciary was taken over in a condition allowing for undertaking its activities within a short period of time after being abandoned by the occupant, the working conditions were difficult. However, they did not differ from the situation in other lands, including the so-called “regained” ones, which were to remain within the post-Yalta borders of Poland.⁶² They were easier to the extent that employees reported for work, returning, as it were, to employment interrupted in 1939. In this sense, court employees were not forced to organise work from scratch. The most common impediments to work in the period of reconstruction of the judiciary were, among others, shortages of basic stationery, court office equipment, official forms, file covers and, above all, paper for office needs. The lack of current access to official publications of binding legal regulations was particularly troublesome. This was all the more so because between 1945 and 1948 legal acts were promulgated amending and introducing new institutions in the legal system. On

⁵⁸ Judicial Calendar for 1947, Warsaw 1947, p. 97.

⁵⁹ APG, 4206, no. 7, Inspection Protocol of the cash desk and offices of the Gniew Municipal Court, p. 79-82.

⁶⁰ Journal of Laws 1945, No. 18, item 104.

⁶¹ Letter dated 19 September 1945, Prez. 274/45; in: Personal files of Judge Feliks Piechowski, Part B, p. 55.

⁶² Accounts of the organisers of the justice units in Opole, Elbląg and Malbork can be found, among others [Szwedowski 1969; Kwasucki 2017].

1 January 1946, the decree on marriage law and the law on civil status records came into force. Also important for the functioning of the judiciary in the Kociewie poviats was the entry into force of the decree of 24 May 1945 repealing the law of 31 March 1925 on the official language of courts, prosecutors' offices and notaries public in the area of the appellate courts in Poznań and Toruń.⁶³ Until 1948, the libraries of the courts were successively supplemented by the Ministry of Justice in terms of published legal acts. There was still a lack of official printed copies of pre-war regulations, those that had not undergone derogation. The best situation in this respect was in Gniew.⁶⁴

It became common practice to use the blank reverse side of German official forms.⁶⁵ But this source of paper was also gradually exhausted, and the situation did not change in this regard until 1948.⁶⁶ The enormity of the responsibilities did not allow for accuracy and meticulousness in the performance of office duties, which were pointed out in the audits carried out in 1948.

Another problem for the organisation and efficient operation of the judicial system was the damaged transport infrastructure, which prevented proper delivery of court services, summonses and notices of session dates, as well as appearance in court. A great convenience for the rebuilding judiciary in Starogard was the opening of a new bridge over the Wierzyca River in June 1945, which connected two parts of the poviat.⁶⁷

In April 1946, the Tczew and Starogard poviats were included in the activities of the Military District Court (WSR) in Gdańsk with its seat in Gdynia [Burczyk 2010, 51-52]. WSR received very broad powers, among others, on the basis of special provisions they were appointed to examine

⁶³ Journal of Laws No. 21, item 125; Act of 31 March 1925, Journal of Laws No. 32, item 226 guaranteed Polish citizens whose mother tongue was German the right to use this language in the course of court proceedings. This right included, *inter alia*, "addressing the court and officials" and filing pleadings, with the exception of pleadings in land and mortgage register proceedings.

⁶⁴ APG, 4206, no. 6, Inspection Protocol of the cash register and office, p. 80.

⁶⁵ Memoirs of Judge Jerzy Jędrzejewski – manager of the Municipal Court in Malbork in the author's possession.

⁶⁶ APG, 4206, no. 6, letter of 21 December 1948, p. 100-103.

⁶⁷ See *Brawo Starogard!*, "Dziennik Bałtycki" (06.07.1945), No. 42, p. 2.

cases of civilians. Above all, it recognised cases conducted by the organs of the Ministry of Public Security. Within the jurisdiction of the poviats of Tczew and Starogard, it adjudicated on their territories in off-site sessions [Idem 2016, 123].

Tczew and Starogard Gdanski were also the destination of off-site sessions of the Special Criminal Court (SSK). The Special Criminal Court in Gdansk⁶⁸ was established by the Minister of Justice in April 1945 [ibid.] on the basis of the decree of 12 September 1944 on special criminal courts for fascist-Hitler criminals.⁶⁹ The coastal press reported on the SSK Prosecutor's appeal to "all citizens" to report cases of persecution and abuse committed during the German occupation.⁷⁰ The press was widely informed about the cases heard by the special courts, not only reporting on the trials, but also announcing the dates of the cases in advance.⁷¹ The Special Criminal Courts ceased their activities in 1946.⁷²

In the first period of its activity the justice system faced the challenge of recognition of rehabilitation cases. The territory of Kociewie, as incorporated into the Reich, was covered by the rehabilitation procedure applied to areas where there was a compulsion to be registered on the German national list or against the will of the persons listed on it.⁷³ The enormous number of applications to the courts in the years 1945-1946 was a burden beyond the power of the adjudicators for obvious reasons: firstly, due to insufficient staffing of the courts at that time, secondly, the problem concerned the Polish population living in the territories incorporated into the Third Reich, which were to be ultimately inhabited by the German population. At the same time, there was a slow increase in regular civil and criminal cases. Cases were basically settled on an ongoing basis.

⁶⁸ It covered the Gdańsk Appellate Court's jurisdiction.

⁶⁹ Journal of Laws No. 4, item 21.

⁷⁰ See *Specjalny Sąd Karny w Gdańsku*, "Dziennik Bałtycki" (24.07.1945), No. 59, p. 4.

⁷¹ "Dziennik Bałtycki" (22.10.1945), No. 148, p. 5.

⁷² Decree of 17 October 1946 on the abolition of special criminal courts, Journal of Laws No. 59, item 324.

⁷³ Para. 10 of the ordinance of the Minister of Public Administration of 25 May 1945.

Conclusions

The reform of the operation of common courts carried out in 1950⁷⁴ ended the transitional period between the maintenance of the pre-war judicial system and the introduction of a new model of the administration of justice planned by the people's government. An amendment to the act introduced a previously unknown, two-state hierarchy of common courts, as well as local jurisdiction adjusted to the new administrative division. The Minister of Justice was delegated to issue, within three months, a regulation with which he was to adapt the existing organisation of courts to the new systemic provisions, including the transformation of existing courts and abolition of redundant ones (Article 2). Within the powers granted to him by the act, the Minister of Justice transformed municipal courts into poviats courts. The Municipal Court in Tczew became the Poviats Court in Tczew for the poviats of Tczew, the Municipal Court in Starogard Gdański became the Poviats Court in Starogard Gdański for the area of the Starogard poviats.⁷⁵ The Municipal Court in Gniew⁷⁶ and the Regional Court Division in Chojnice were abolished.⁷⁷ Appropriate appointments to the positions of judges of the poviats courts in Tczew and Starogard Gdański were given to the judges ruling in the former municipal courts.⁷⁸

However, the amendments to the Act on the System of Common Courts of November 1950 set new objectives for the institution of the judiciary by imposing on the courts the duty to protect "the system of people's democracy and its development towards socialism," social property and the rights and interests of state institutions, cooperatives, state and cooperative enterprises and social organisations, as well as "the personal and property rights and interests of citizens guaranteed by the people's legal order."⁷⁹ The

⁷⁴ Act of 20 July 1950 amending the law on the system of common courts, Journal of Laws No. 38, item 347.

⁷⁵ Regulations of the Minister of Justice of 27 November 1950, Journal of Laws No. 54, item 495 and 496, para. 1.

⁷⁶ The court building has been allocated for residential purposes.

⁷⁷ Regulations of the Minister of Justice of 27 November 1950, para. 2.

⁷⁸ Archive of the Regional Court in Gdańsk, Personal file of Feliks Piechowski, decree dated 14 December 1950, no pagination.

⁷⁹ Article 1(2) and (3) of the Act of 20 July 1950 amending the Act on the organization

wording used in the Act defined the role of the judiciary in a task-oriented manner, remaining at the service of the people's state. In fact, from the very beginning, the state made no secret of how it intended to treat the judiciary. As a result, there was no place in the judicial corps for many of those who had gained judicial experience before the war and did not agree to the standards of the new social order being introduced.

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The Organisation and Functioning of the Polish Justice System in the Districts of Tczew and Starogard Gdanski in the Years 1945-1950. A Contribution to the History of Justice System in Pomerania (Kociewie)

Abstract

The author presents the district courts in Starogard Gdański, Tczew and Gniew (Kociewie region) during first years after the II World War. He shows the struggle of the first chiefs of the court – to make the courts work. The author also depicts the judges of the early years returning to their posts or new ones to take the duties in new political order.

Keywords: district court Starogard Gdański, Tczew, Gniew

Organizacja i funkcjonowanie polskiego wymiaru sprawiedliwości w powiecie tczewskim i starogardzkim w latach 1945-1950. Przyczynek do dziejów wymiaru sprawiedliwości na Pomorzu (Kociewie)

Abstrakt

Autor przedstawia sądy powiatowe w Starogardzie Gdańskim, Tczewie i Gniewie w okresie pierwszych lat po II wojnie światowej. W artykule ukazany jest wysiłek podejmowany przez pracowników sądów przy wskrzeszeniu działalności wymiaru sprawiedliwości na terenach Kociewia. Autor opisuje również sędziów powracających na służbę oraz tych rozpoczynających ją w nowej rzeczywistości społeczno-politycznej.

Słowa kluczowe: sąd grodzki Starogard Gdański, Tczew, Gniew

Informacje o Autorze: MGR MACIEJ HELMIN, Zakład Administracji, Instytut Prawa i Administracji, Akademia Pomorska w Słupsku; adres do korespondencji: ul. K. Arciszewskiego 22A, 76-200 Słupsk, Polska; e-mail: maciej.helmin@apsl.edu.pl; <https://orcid.org/0000-0002-3866-4553>