

Bartłomiej Składanek

ACTIVITIES OF THE REGIONAL COURT IN RADOM AND ITS SUBORDINATE MAGISTRATES COURTS IN 1933

Introduction

Activities of Radom courts deserve special attention. Vicissitudes of the Radom judiciary are associated with fortunes of the Polish state. Analysis of organisation and operation of the judicial authorities in Radom makes one reflect on the state's condition. This paper will address selected aspects of activities of the Regional Court in Radom and its subordinate magistrates courts in 1933 and attempt to assess their efficiency and effectiveness. This subject matter has only been explored in respect of legislation, without evaluating actual activities of the courts. The scope of the article is limited to the period from 1 January to 31 December 1933 and largely based on files of the Regional Court in Radom and the magistrates courts extant in the State Archives in Radom. Knowledge of local judicial structures was supplemented with information published by official authorities and in the press. The analysis in this paper employed the following methods: historic-legal, which analyses operation of the Radom judiciary and prevailing law and seeks certain cause-and-effect relationships; the source analysis of legal acts and archival resources, and the comparative method applied to functioning of judicial institutions. This paper is a product of the author's in-depth research and analysis of effectiveness of magistrates courts as part of the general judicial structure during the 2nd Republic of Poland, in particular, determination to what extent activities of magistrates courts improved efficiency of the general judicial system.

1. Legal Foundations of Activities of the Regional Court in Radom

The Polish President's ordinance of 6 February 1928, Law on the System of Common Courts¹ – was the key legal act governing activities of the Regional Court in Radom at the time. It superseded all legislation to the contrary, including the German Court System Act of 27 January 1877,² the Austrian Court Organisation Act of 27 November 1896,³ interim regulations on administration of justice in the Kingdom of Poland of 18 July 1917,⁴ Decree on the Supreme Court system of 8 February 1919,⁵ and a range of the justice minister's ordinances concerning court organisation [Materniak-Pawłowska 2003, 184].

The Law on the SCC was subject to a number of amendments. The first was effected with an act of 4 March 1929.⁶ As reported by the parliamentary legal commission, the modification was dictated by the need to “reaffirm independence of judges in the system of common courts, undermined by the provisions of the Law on the System of Common Courts.”⁷ This applied in particular to Articles 25, 72, 87, 261, and 284. Their modification was an attempt at establishing a proper legislative warranty to protect judges against abuses of the judicial administration [Jamontt 1930, 139-40]. The Law on the SCC was amended again in 1930.⁸ No major changes were introduced except general assemblies and appointment of judges. Two more amendments followed in 1932, when the standardised text of the ordinance was pu-

¹ Journal of Laws of 1928 No. 12, item 93 [hereinafter: The Law on the SCC].

² Official Journal of German Reich of 1877, No. 4, p. 41-80.

³ Official Journal of Austrian of 1896, No. 217.

⁴ Official Journal of the Justice Department of the Provisional Council of the Kingdom of 19 August 1917, No. 1, section I, item 1.

⁵ Journal of Laws of the Polish State of 1919, No. 15, item 199.

⁶ Act of 4 March 1929 Amending Certain Provisions of the President of the Republic of Poland's Ordinance of 6 February 1928 including the Law on the System of Common Courts, Journal of Laws of 1930, No. 5, item 43.

⁷ Parliamentary printed matter of 22 January 1929, No. 403.

⁸ The President of the Republic of Poland's Ordinance of 24 November 1930 Amending Certain Provisions of the President of the Republic of Poland's Ordinance of 6 February 1928 including the Law on the System of Common Courts, Journal of Laws No. 80, item 626.

blished. The President's ordinance of 23 August brought the first and far more extensive amendment.⁹ It modified and supplemented provisions of the Law on the SCC concerning, inter alia, regional court branches, investigative judges, membership of courts of appeals and the Supreme Court, and general court assemblies. The key change of the 7 October 1932 amendment¹⁰ applied to judge appointments. The rule was introduced that all judges would be appointed by the President of Poland as requested by the justice minister acting in understanding with the Prime Minister [Płaza 2001, 381]. The earlier regulations had been different: Supreme Court and court of appeals judges and regional court presidents had been appointed by the President of Poland as requested by the justice minister on approval by the Council of Ministers, regional court judges had been appointed by the President of Poland as requested by the justice minister, magistrates court judges by the justice minister [Materniak-Pawłowska 2003, 186]. The last amendment was enacted on 14 April 1937.¹¹ The government draft amendments would abolish the institution of jurors and justices of the peace in the court system and penal proceedings, however, that regulation was not part of the final act. The act incorporated, on the other hand, provisions governing judicial vacations, modifications to judge immunity, legal training in courts, and recorders of deeds [Gołąb 1938, 93-94].

2. Organisation and operation of the regional court in Radom

The Law on the SCC laid foundations for distribution of courts. Establishment and abolition of magistrates courts, regional and appeals courts was only to be enacted by parliament, while jurisdiction and addresses of courts could also be determined and modified by way of the President's ordinances.¹²

⁹ The President of the Republic of Poland's Ordinance of 23 August 1932 Amending Certain Provisions of the Law on the System of Common Courts, Journal of Laws No. 73, item 661.

¹⁰ The President of the Republic of Poland's Ordinance of 7 October 1932 Amending Certain Provisions of the Law on the System of Common Courts, Journal of Laws No. 86, item 734.

¹¹ Act of 14 April 1937 Amending the Law on the System of Common Courts, Journal of Laws No. 30, item 220.

¹² The President of the Republic of Poland's Ordinance including the Law on the System of Common Courts of 4 March 1929 introduced the rule magistrates courts, regional courts,

Article 270 suspended application of these provisions to jurisdictions of courts of appeals in Warsaw, Lublin and Vilnius in relation to magistrates courts for ten years, leaving creation, abolition, and changes of addresses and jurisdictions of these courts to the justice minister [Czernicki 1931, 25]. The minister was also charged with determining all magistrates courts' addresses and jurisdictions across the state for the first time. It has already been noted the justice minister was also expected to decide whether particular local areas needed to have justices of the peace and to determine their addresses and jurisdiction [Szarycz 1988, 17]. The Law on the SCC also provided for establishment, by way of the justice minister's ordinances, of regional court branches at magistrates courts' addresses for jurisdictions of one or several magistrates courts. That provision was of special importance to those regional courts that covered extensive jurisdictions including a number of population centres out of a regional court's address [Oxińska-Szcześniakowa and Czajkowski 1931, 16].

The Regional Court in Radom, together with regional courts in Kielce, Lublin, Łuck, Równe, and Zamość, was subordinated to the Lublin Court of Appeals. Its structure comprised four Divisions (Civil, Penal, Penal Fiscal, and Appeals) with varying numbers of judges appropriate to prevailing requirements. The staff of the Regional Court in Radom in 1933 consisted of a president, three vice-presidents, and 15 judges who conducted civil and penal proceedings. In addition, there were 4 investigative judges supporting their districts, identical with counties, in Końskie, Ostrowiec (for the Opatów county), Radom, and Wierzbik (for the Iłża county), and 24 magistrates. Besides, 4 assistant judges, 34 trainees, 9 recorders of deeds, and 26 bailiffs supported the court. Although increasing numbers of cases were submitted to the court year by year, judge tenures were restricted as the public administration sought financial savings.

January 1, 1919 can be seen as the token starting date of the Radom Regional Court as part of the judicial structures in the 2nd Republic of Poland.

and courts of appeals were established and abolished, their jurisdictions were determined and modified, and court addresses were changed by way of acts of parliament. Jurisdiction borders and court addresses could also be modified by force of the President's ordinances, however, such changes could not be combined with retiring judges without their consent or transferring them to other positions, *Journal of Laws of 1930, No. 5, item 43.*

In spite of initial financial, organisational, and staffing difficulties, the institution developed quickly, efficiently, and effectively. It should be added the Law on the SCC of 1 January 1929 charged regional courts with hearing, in the first instance, all and any disputes as well as undisputed cases beyond the competences of judiciary of the peace. Regional courts also considered complaints against resolutions of family councils and appeals against magistrates courts' judgements and investigative judges' decisions [Piątkowski 2017, 32-33].

Analysis of archival sources concerning the judges in the Radom judiciary indicates a marked movement of this group within and outside the organisational structures. Staffing of the Regional Court in Radom can be described as relatively stable. Although the poverty of extant sources undermines any generalising conclusions in this respect, one can state working in Radom was treated as offering prospects, as evidenced by some judges being promoted to courts of appeals. As judges were banned from political activities, quite a number became involved in cultural life and work for professional and public organisations like the Law Society, Association of Judges and Prosecutors of the Second Republic of Poland, Polish Scouting and Guiding Association, Air and Gas Defence League, or Maritime and Colonial League [Idem 2008, 12].

Efficiency of dealing with penal cases by the Regional Court in Radom in 1933

Outstanding from previous year	Filed	Resolved	Pending for the next year	Ratio of case closures (%)	Overall efficiency ratio (%)
499	6260	5251	1508	83.9	77.7

Table 1: Compiled by the author

The foregoing report (like those in Tables 2-4) present details of case turnover (Filed – number of cases filed in a given statistical period; Resolved – number of cases resolved in a given statistical period, and Pending – number of unresolved cases at the end of a statistical period) and court efficiency measured with two ratios: the so-called ratio of case closures, number of cases filed with a court in a calendar year divided by the number of cases resol-

ved in a given year, and the so-called overall efficiency ratio, number of cases resolved in a given year divided by cases to be resolved (i.e. sum total of cases filed and outstanding from previous years).¹³

High treason (Articles 93-98 Penal Code¹⁴), crimes against external interests of the State and international relations (Articles 99-113 Penal Code), crimes against offices and authorities (Articles 125-139 Penal Code), crimes against public law and order (Articles 152-159 and 162-171 Penal Code), forgery of money, stock, official stamps, and measuring instruments (Articles 175-186 Penal Code), slaughter (225-227 Penal Code), bodily harm (Articles 235-241 Penal Code), theft (Articles 257-258 Penal Code), robbery (Articles 259-261 Penal Code), appropriation (Article 262 Penal Code), fraud (Articles 264-265 Penal Code), acquisition or acceptance of things gained by means of crime or aiding and abetting with sale or concealment of such things (Articles 160-161 Penal Code) were among the most common types of offences handled by courts of the Radom region.¹⁵

Available sources show 33 898 individuals aged above 17 were convicted for the above-listed crimes with final judgements of the Regional Court in Radom and its subordinated magistrates courts, including 2490 sentenced to imprisonment, 15 984 to arrest, and 15 424 fined. 910 persons below 17 were convicted as well. 9956 individuals were found not guilty (including 488 minors), on the other hand.¹⁶ Extant sources do not list civil case proceedings before the Regional Court in Radom in 1933. Review of case turnover for the preceding years, however, indicates these numbered more than 4000 cases per annum.

3. Activities of the Radom region magistrates courts

In 1933, the Regional Court in Radom supervised sixteen magistrates courts located in Białobrzegi, Iłża, Końskie, Kozienice, Lipsko, Magnuszew,

¹³ State Archives in Radom, ref. no. 58/448/0/1/202.

¹⁴ The President of the Republic of Poland's Ordinance of 11 July 1932, the Penal Code, Journal of Laws No. 60, item 571 [hereinafter: the Penal Code].

¹⁵ State Archives in Radom, ref. no. 58/448/0/1/202.

¹⁶ State Archives in Radom, ref. no. 58/1446/0.

Opatów, Opoczno, Ostrowiec, Przedbórz, Radom, Skarżysko-Kamienna, Sandomierz, Staszów, Wierzbnik, and Zwoleń. Magistrates courts were the first instance and single judges resolved petty civil and penal cases and were bound to provide legal assistance to authorities [Gołąb and Rosenblöth 1929, 248]. In civil cases, magistrates courts heard property disputes and claims involving up to PLN 1000, children's and mothers' claims in connection with paternity out of wedlock, issues of forfeited or interfered holding of real estate, the so-called easements, divisions of real properties up to 33 hectares and chattels worth up to PLN 5000 [Allerhand 1928, 88]. A court was administered by a magistrate and supported by a court office. Internal operation of common courts, including magistrates courts, was governed by the Justice Minister's ordinance of 24 December 1928 – General regulations of internal operations of courts of appeals, regional, and magistrates courts,¹⁷ the Justice Minister's ordinance of 1 December 1932 – General regulations of internal operations of courts of appeals, regional, and magistrates courts in penal cases,¹⁸ and the Justice Minister's ordinance of 15 December 1932 – General regulations of internal operations of courts of appeals, regional, and magistrates courts in civil cases,¹⁹ among other rules. In line with these, a magistrates court kept office records of cases, for example, in the form of repertories [Jamontt 1928, 112-14].

Magistrates courts in the region of Radom consisted of one or two judges. They heard cases submitted to them by force of the Judicial Proceedings Act and specific legislation. Magistrates were additionally obliged to perform certain judicial functions as required by other courts, in particular, the Regional Court in Radom. Beside hearing appeal and civil cases, magistrates courts ran investigations ordered by the Regional Court President as requested by prosecutors.²⁰

¹⁷ Journal of Laws No. 104, item 934.

¹⁸ Journal of Laws No. 110, item 909.

¹⁹ Journal of Laws No. 114, item 941.

²⁰ By force of the Justice Minister's ordinance of 15 June 1929, Regulations of internal operations of courts of appeals, regional, and magistrates courts in penal cases, Journal of Laws No. 42, item 352.

Efficiency of dealing with penal cases by magistrates courts reporting to the Regional Court in Radom in 1933

Outstanding from previous year	Filed	Resolved	Pending for the next year	Ratio of case closures (%)	Overall efficiency ratio (%)
5591	70 033	70 053	5571	100.02	92.6

Table 2: Compiled by the author

Efficiency of investigative judges and magistrates courts running investigations in the jurisdiction of the Regional Court in Radom in 1933

Outstanding from previous year	Filed	Resolved	Pending for the next year	Ratio of case closures (%)	Overall efficiency ratio (%)
59	4247	4231	75	99.6	98.2

Table 3: Compiled by the author

Efficiency of dealing with civil cases by magistrates courts reporting to the Regional Court in Radom in 1933

Outstanding from previous year	Filed	Resolved	Pending for the next year	Ratio of case closures (%)	Overall efficiency ratio (%)
4042	40 182	40 545	3679	100.9	91.7

Table 4: Compiled by the author

In 1933, highly varied numbers of cases were submitted to the magistrates courts, most to the Magistrates Court in Ostrowiec and fewest to the Magistrates Court in Magnuszew. Their numbers continued to rise, just like numbers of unresolved cases in the particular quarters of 1933. For instance, they were not in progress as payments were not advanced towards court fees. Most unresolved cases were pending with the Magistrates Court in Opatów

and fewest with the Court in Staszów.²¹ The ratio of case closures ranged around 100 in 1933. It was below 100% in seven magistrates courts (Białobrzegi, Iłża, Lipsko, Opoczno, Opatów, Koźienice, Skarżysko-Kamienna).

The overall ratio of efficiency in the period under analysis exceeded 75%. It varied little and ranged around 79%. This steady trend meant approximately 25-30% of cases remained pending quarter to quarter. It should be pointed out the efficiency ratios averaged nearly 100% of penal cases in some magistrates courts, which means virtually all penal cases filed with the courts and pending from previous years were resolved. The Magistrates Court in Białobrzegi was markedly top, with a ratio of above 98%. The high efficiency ratios of more than 94% were reached by the Magistrates Court in Koźienice and minimum ratios in the Magistrates Court in Iłża – below 75%.²²

4. Selected problems of operations of the regional court and its subordinated magistrates courts in 1933

Venues in a number of court institutions were a major problem influencing effectiveness of the judiciary. For instance, an inspector described the Magistrates Court in Sandomierz in the following way: “A state building at Virgin Mary Street was allocated to the Magistrates Court in Sandomierz a few years ago and is only partly used by the court. The Magistrates Court occupies a session room, a judge office, two office rooms, and two waiting rooms upstairs, a little vaulted room with barred windows, a concrete floor and iron door, where a cash box and more valuable material evidence is kept, and three rooms housing a provisional archive on the ground floor. The remaining ground floor rooms are rented by the Polish Women’s Club (running a kindergarten), while three rooms and a kitchen upstairs are occupied by the court secretary and commissary, for which he pays all of his accommodation bonus. Such premises are insufficient for the Magistrates Court, since one session room for two judges is not enough, especially as even that room is taken by the Regional Court for its assizes, when the Magistrates Court is not sitting. The entire building in question requires capital repairs, since its door and window openings are shabby, the ground storey floors rotten, furnaces

²¹ State Archives in Radom, ref. no. 58/964/0.

²² State Archives in Radom, ref. no. 58/448/0/1/201.

are old and disused, stairs dilapidated, with those leading to the upper court floor (made of stone) are at risk of collapsing. Files in the temporary archives are stacked on the floor and tables, with merely recent files retained in cabinets. The office equipment is primitive, the table in the session room is poorly humble and covered with well-worn baize.”²³

It has already been mentioned the process of judges' movement within and beyond structures of the organisation was marked in the Radom judiciary. Deployments were primarily connected with personal and family affairs. Some judges tried to have themselves moved to larger cities to provide their children with opportunities for studying at prestigious secondary schools or universities. Promotions to regional courts and courts of appeals across the country were frequent as well. Health, financial and other issues occasionally made judges request retirement. In these circumstances, they commonly carried on working as legal counsels or notaries [Piątkowski 2008, 9-12]. A judge's work was considerably harder in magistrates courts. Their staffing was systemically replaced with university graduates. Trainees commonly spent barely a few months at a given location, quickly transferred to other courts. The idea was to bring applicants in contact with a variety of working conditions, often very difficult. A judge's status in small towns and in the countryside was very high, yet it did not always compensate for the hardships. Staffing most magistrates' courts with single judges remained the greatest inconvenience for years. Any absence of a judge due to health or family issues interrupted work of an institution. A leave of absence or a trip required consent of the Regional Court in Radom President, forced to find an adequate replacement for the duration of a judge's absence. A number of judges attempted to have themselves transferred to other locations, therefore, in particular, to find positions with the Regional Court in Radom [ibid.].

Conclusion

Analysis of activities of the Regional Court in Radom and its subordinated magistrates courts in 1933 suggests the conclusion efficiency, effectiveness, and quality of the Radom judiciary were affected not only by systemic regulations but also its human resources and working conditions of

²³ State Archives in Radom, ref. no. 58/448/0/1/202.

those court institutions. These factors were evaluated on the basis of statistical reporting on case turnover and actions of the particular courts, as well as correspondence about some matters. Certain aspects of the judiciary at the time could be represented as a result. A statistical summary of penal and civil case turnover in the Regional Court and its subordinated magistrates courts in 1933 and of investigative activities is a measurable effect of this study, presenting dynamics of case filings, resolutions, cases outstanding, and efficiency of the courts at case handling.

In 1933, the Regional Court in Radom and its subordinated magistrates courts heard more than 82 000 penal cases and nearly 50 000 civil cases (exclusive of entries in the commercial register, law enforcement, and mortgage cases). This review implies the courts were incapable of efficiently dealing with all the cases, which resulted in unresolved cases piling up and even greater case-loads to begin with another year. From the viewpoint of parties, that meant even longer waiting for their case to be closed. This sketch is only intended to signal the issues of efficiency and effectiveness of the institutions under review and to open the field for continuing research into the judiciary of the 2nd Republic of Poland. Results of this analysis offer new insight into some doubts concerning this subject matter and give rise to new questions concerning some aspects of judicial proceedings that appear well-documented.

REFERENCES

- Allerhand, Maurycy. 1928. "Uwagi do prawa o ustroju sądów powszechnych." *Czasopismo Sędziowskie* 8:81-102.
- Czernicki, Karol. 1931. *Działalność sądów powszechnych w latach 1925-1928*. Warsaw: Główny Urząd Statystyczny.
- Gołąb, Stanisław, and Ignacy Rosenblöth. 1929. *Ustrój sądów powszechnych*. Warsaw: Księgarnia F. Hoesicka.
- Gołąb, Stanisław. 1938. *Organizacja sądów powszechnych, oprac. Systematycznie z uwzględnieniem rozwoju historycznego, sądownictwa szczególnego oraz ustroju adwokatury, prokuratury generalnej i notariatu*. Cracow: Nakładem autora.
- Jamontt, Janusz. 1928. *Historia i krytyka rozporządzenia o ustroju sądów powszechnych*. Warsaw: Wydawnictwo F. Hoesicka.
- Jamontt, Janusz. 1930. "Zmiany w ustroju sądów." *Głos Sądownictwa* 3:139-48.

- Materniak-Pawłowska, Małgorzata. 2003. *Ustrój sądownictwa powszechnego w II Rzeczypospolitej*. Poznań: Wydział Prawa i Administracji Uniwersytetu im. Adama Mickiewicza w Poznaniu.
- Oxińska-Szcześniakowa, Ludwika, and Eugenjusz Czajkowski. 1931. *Okręgi sądowe Rzeczypospolitej Polskiej*. Warsaw: Główny Urząd Statystyczny.
- Piłaza, Stanisław. 2001. *Historia prawa na tle porównawczym*. Part 3. *Okres międzywojenny*. Cracow: Księgarnia Akademicka.
- Piątkowski, Sebastian. 2008. *Sędziowie sądów powszechnych regionu radomskiego w latach 1917-1945*. Radom: Radomskie Towarzystwo Naukowe.
- Piątkowski, Sebastian. 2017. *Sądownictwo radomskie. Zarys historii*. Radom: Radomskie Towarzystwo Naukowe.
- Szarycz, Jan. 1988. *Sędziowie i sądy w Polsce w latach 1918-1988*. Warsaw: Ministerstwo Sprawiedliwości.

Activities of the Regional Court in Radom and Its Subordinate Magistrates Courts in 1933

Abstract

This paper will address selected aspects of activities of the Regional Court in Radom and its subordinate magistrates courts in 1933 and attempt to assess their efficiency and effectiveness. This subject matter has only been explored in respect of legislation, without evaluating actual activities of the courts. The scope of the article is limited to the period from 1 January to 31 December 1933 and largely based on files of the Regional Court in Radom and the magistrates courts extant in the State Archives in Radom. A statistical summary of penal and civil case turnover in the Regional Court and its subordinated magistrates courts in 1933 and of investigative activities is a measurable effect of this study, presenting dynamics of case filings, resolutions, cases outstanding, and efficiency of the courts at case handling.

Keywords: regional court, magistrates court, effectiveness of the judiciary, 2nd Republic of Poland

Działalność Sądu Okręgowego w Radomiu oraz podległych mu sądów Grodzkich w 1933 roku

Streszczenie

Celem niniejszego artykułu jest przybliżenie wybranych aspektów z działalności Sądu Okręgowego w Radomiu i podległych mu Sądów Grodzkich 1933 r. oraz próba oceny ich sprawności i efektywności. Temat ten pozostaje nadal zbadany jedynie na poziomie analizy aktów prawnych, przy braku oceny faktycznej aktywności sądów. Zakres artykułu został ograniczony do okresu od 1 stycznia do 31 grudnia 1933 r.

Podstawę źródłową opracowania stanowiły w głównej mierze akta Sądu Okręgowego w Radomiu oraz Sądów Grodzkich, zachowane w zasobie Archiwum Państwowego w Radomiu. Wymiernym efektem badań podjętych w niniejszym artykule jest stworzenie zestawienia statystycznego dotyczącego ruchu spraw Sądu Okręgowego i podległych mu Sądów Grodzkich w 1933 r. w zakresie ruchu spraw cywilnych i karnych, jak również czynności w zakresie prowadzonych śledztw, dzięki czemu przedstawiono dynamikę wpływu, załatwień i pozostałości spraw oraz sprawności sądów w ich załatwianiu.

Słowa kluczowe: Sąd Okręgowy, Sąd Grodzki, efektywność sądownictwa, II Rzeczpospolita

Informacje o Autorze: Mgr BARTŁOMIEJ SKŁADANEK, Katedra Teorii i Historii Prawa, Wydział Prawa i Administracji, Uniwersytet Technologiczno-Humanistyczny im. Kazimierza Pułaskiego w Radomiu; adres do korespondencji: ul. Malczewskiego 29, 26-600 Radom, Polska; e-mail: b.skladanek@uthrad.pl; <https://orcid.org/0000-0001-9915-4218>