Bartosz Kamil Truszkowski

Uniwersytet w Białymstoku
(University of Bialystok, Poland)
e-mail: bartosz.truszkowski94@gmail.com

ORCID: 0000-0002-5568-5807

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The Supreme Administrative Tribunal on Civil Status Records. A Case Law Review

Abstract

In interwar Poland, civil status records were kept under five separate legal regimes, which the Second Polish Republic inherited from the different partitioning powers. Only the Prussian and Hungarian systems, which were in force in the western voivodeships and in Spiš and Orava, were fully secular and professional. In the central, eastern, and southern voivodeships, the civil status records of the majority of the population were combined with church records, and thus were kept by the clergy. The cluster of outdated regulations, which were ill-adapted to the new state and were often mutually exclusive, caused a host of registration problems in each of the five systems in operation. Due to the unsuccessful attempts to unify this system throughout the country, efforts were made to organize it not only through legislation and ministerial circulars, but also through court judgments, including those issued in the administrative court system. The present paper analyzes eight judgments of the Supreme Administrative Tribunal that have been published in the official *Collection of Judgments*, as well as four rulings of the Tribunal presented in other sources on civil status records and related issues. The resulting overview is intended to present how the various provisions on civil status records were interpreted in the conditions prevailing in interwar Poland, as well as to illuminate the nature of the cases considered and their relevance in terms of their impact on further operation of the civil status records system.

Key words: civil status records, denominational records register, Supreme Administrative Tribunal, administrative court system, case law

Introduction

The independent Polish state returned to the maps of Europe with the new post-war order in 1918. The lands that were part of the state that was being built anew brought into the common legal order the legislation of the individual partitioning powers that had been in force there until then. This also applied to the civil status records system, which made it look and operate very different in various parts of the country. As many as five separate civil status records systems, divided by territory, operated continuously in interwar Poland: a denominational system with secular elements in the territory of the former Kingdom of Poland (*Królestwo Polskie*); a fully denominational systems in the territories that had formerly been a part of the Russian Empire; a mixed system in the territory of the former Austrian partition; a fully secular system in the territory of the former Prussian partition; and a fully secular system in the territory of Spiš (*Spisz*) and Orava (*Orawa*, Hungarian legislation).[1]

This huge variation was fostered not only by the individual solutions contained in the legislation, but also by the periods in which it was drafted and enacted. The civil status records system in the south of Poland was based on the Austrian Imperial Patent of 1784, in the east on the Russian Collection of Laws of 1832, in the west on the German act of 1875, and in Spiš and Orava on the Hungarian act of 1894. In the central part of Poland, the 1825 Civil Code of the Kingdom of Poland was in effect; however, it duplicated many of the previous French systemic solutions drafted in part as early as in 1792. This huge disparity between the various systems was of great importance both to the state, for which civil status records should be one of the main sources of information about its citizens, and to the residents of interwar Poland.

Attempts were made to compensate for these failings to unify and modernize the system in the entire country with spot arrangement and adaptation of individual regulations and solutions to the needs of the state and the society of the Second Polish Republic. It was not only legislation and ministerial circulars that could contribute to this process, but also court rulings. Issues directly or indirectly related to civil status records were addressed in the case law of the administrative courts system, or rather in the rulings of a single court, namely the Supreme Administrative Tribunal (*Najwyższy Trybunał Administracyjny*, NTA) established in 1922.

The regulations on civil status records in force in the Polish lands have been discussed in numerous monographs (or their chapters) and scholarly articles

1 J. Litwin, *Prawo o aktach stanu cywilnego. Jego geneza i zasady przewodnie*, "Demokratyczny Przegląd Prawniczy" 1946, no. 3-4, pp. 25-27.

dealing with specific periods, areas or population groups: the pre-partition Polish-Lithuanian Commonwealth,[2] the Duchy of Warsaw and the Kingdom of Poland,[3] the Prussian Partition,[4] the Austrian Partition,[5] and the Jewish population.[6] We can also distinguish publications that provide a cross-sectional overview of the evolution of civil status registration in Polish lands throughout history.[7] So far no comprehensive study in this field has been produced for the

2 J. Kurpas, *Początki ksiąg metrykalnych*, „Archiwa, Biblioteki i Muzea Kościelne" 1961, vol. 2, no. 1-2, pp. 5-42. B. Kumor, *Jakim celom służyły księgi parafialne*, „Przeszłość Demograficzna Polski" 1975, vol. 7, pp. 299-304. W. Kowalski, *Znaczenie archiwów parafialnych w badaniach nad dziejami rozwojowymi*, „Archiwa, Biblioteki i Muzea Kościelne" 2001, vol. 75, pp. 19-63. R. Kotecki, *Rejestracja metrykalna wiernych w świetle potrydenckiego ustawodawstwa Kościoła katolickiego (ze szczególnym uwzględnieniem prawodawstwa diecezji Chełmińskiej, Gnieźnieńskiej, Płockiej i Włocławskiej)*, „Nasza Przeszłość" 2009, no. 112, pp. 135-179. R.M. Gaj, *System rejestracji stanu cywilnego na ziemiach polskich pod zaborami*, Kraków 2011. M. Dyjakowska, *Rejestracja stanu cywilnego w Polsce przedrozbiorowej*, „Metryka. Studia z zakresu prawa osobowego i rejestracji stanu cywilnego" 2012, no. 1, pp. 19-42.

3 M. Pawiński, *Akta stanu cywilnego w Królestwie Polskim w pierwszej połowie XIX w.*, „Archeion" 2002, vol. 104, pp. 203-220. M. Dyjakowska, *Rejestracja stanu cywilnego w Księstwie Warszawskim i w Królestwie Polskim*, „Metryka. Studia z zakresu prawa osobowego i rejestracji stanu cywilnego" 2013, no. 1, pp. 17-41. P.Z. Pomianowski, *Funkcjonowanie francuskiego modelu rejestracji stanu cywilnego w Polsce*, „Czasopismo Prawno-Historyczne" 2015, vol. LXVII, no. 1, pp. 95-106. W. Jemielity, *Akta stanu cywilnego w Księstwie Warszawskim i Królestwie Polskim*, „Prawo Kanoniczne" 1995, no. 1-2 (38), pp. 163-188.

4 J. Zdrenka, *Urzędy stanu cywilnego województwa gdańskiego w latach 1874-1919*, „Rocznik Gdański" 1983, vol. 43, no. 2, pp. 161-173. H. Ciechanowski, *The Polish Civil Status Registration System – the Longue Durée of the Prussian Idea*, "Journal on European History of Law" 2020, vol. 11, no. 2, pp. 76-80.

5 B. Kumor, *Reforma metryk kościelnych w zaborze austriackim (1775–1778)*, „Zeszyty Naukowe Akademii Ekonomicznej w Krakowie" 1974, no. 70, pp. 327-336. B. Kumor, *Przepisy państwowe i kościelne dotyczące metryk kościelnych w zaborze austriackim (1800–1914)*, „Przeszłość Demograficzna Polski" 1975, vol. 7, pp. 93-107. A. Gulczyński, *Stan cywilny i jego rejestracja na ziemiach polskich pod zaborem austriackim*, „Czasopismo Prawno-Historyczne" 1993, vol. 45, no. 1-2, pp. 101-117. Z. Szulc, *Przepisy prawne dotyczące prowadzenia ksiąg metrykalnych w Galicji*, „Prace Historyczno-Archiwalne" 1995, vol. 3, pp. 27-42. M. Dyjakowska, *Rejestracja stanu cywilnego w zaborze austriackim*, „Metryka. Studia z zakresu prawa osobowego i rejestracji stanu cywilnego" 2014, no. 1, pp. 15-32.

6 J. Kirszrot, *Prawa Żydów w Królestwie Polskiem*, Warszawa 1917, pp. 223-241. J. Ogonowski, *Sytuacja prawna Żydów w Rzeczypospolitej Polskiej 1918–1939. Prawa cywilne i polityczne*, Warszawa 2012, pp. 104-121.

7 H. Konic, *Prawo osobowe. Wykład porównawczy na tle prawodawstw obowiązujących w Polsce w zestawieniu z kodeksem szwajcarskim. Część pierwsza*, Warszawa 1924, pp. 62-124. I. Grabowski, *Urzędy stanu cywilnego (metryki urodzenia, chrztu etc.)*, [in:] *Encyklopedja podręczna prawa publicznego (konstytucyjnego, administracyjnego i międzynarodowego) opracowana z udziałem profesorów szkół wyższych, specjalistów, szefów i członków urzędów i instytucyj centralnych i wyższych. Tom drugi. Państwo związkowe – źródła lecznicze*, Ed. Z. Cybichowski, Warszawa 1930, pp. 1078-1082. I. Dybus-Grosicka, *Początki i rozwój rejestracji stanu cywilnego na ziemiach polskich*, „Prawo Administracja Kościół" 2006, no. 3, pp. 69-93. J. Osuchowski, *Z dziejów prawa małżeńskiego i prawa o aktach stanu cywilnego w Polsce*, [in:] *Pro bono Reipublicae. Księga jubileuszowa Profesora Michała Pietrzaka*, Ed. P. Borecki, A. Czochara, T.J. Zieliński, Warszawa 2009, pp. 93-108. D. Gaj,

period of the Second Polish Republic.[8] The author of this article undertook to fill this gap as part of his research.[9]

Most of the above-mentioned publications focus on the analysis of regulations and their application, with only rudimentary references to case law. The present study focuses precisely on the activities of the judiciary, and more specifically on the judgments of the SAT. Thus, it attempts to outline the role of the administrative judiciary of the Second Polish Republic in the practice of civil status registration. At the outset, we may consider its basic functions in this respect to be: establishing judicial decisions in particular, individual cases; ordering and adapting certain generally applicable issues to the conditions and needs of the interwar Polish state; establishing certain rights and obligations as a kind of substitute for ineffective legislation.

Judgment of March 2, 1928

In the former Austrian partition, a denominational records register system for members of the Jewish community was run on the basis of an inter-ministerial regulation of March 15, 1875, which was issued specifically for Galicia. It was promulgated in the notice of the Imperial-Royal Governor of September 14, 1876,[10] which also included instructions for the keepers of Jewish records, as

Rejestracja małżeństw w Polsce. Studium prawno-socjologiczne, Rzeszów 2009. E. Tarkowska, *Prawne kształtowanie się instytucji rejestracji stanu cywilnego na ziemiach polskich do roku 1986*, Białystok 2015. W. Hrynicki, *Organizacja rejestracji aktów stanu cywilnego w Polsce w ujęciu historycznym*, „Ius Novum" 2016, no. 4, pp. 358-374.

8 However, it is worth mentioning in this regard the following publications, which briefly summarise or refer to inter-war civil status registration or particular aspects of it: W. Salamon, *Akty stanu cywilnego*, [in:] *Encyklopedja podręczna prawa prywatnego. Tom Pierwszy. Agent handlowy – księgi handlowe*, Ed. H. Konic, Warszawa 1931, pp. 4-18; J. Litwin, *Prawo o aktach stanu cywilnego. Jego...*, op. cit., s. 23-33; J. Litwin, *Prawo o aktach stanu cywilnego z komentarzem*, Łódź 1949; J. Litwin, *Prawo o aktach stanu cywilnego. Komentarz*, Warszawa 1961; K. Krasowski, *Prawo o aktach stanu cywilnego w II Rzeczypospolitej*, „Kwartalnik Prawa Prywatnego" 1995, no. 2, pp. 227-252; B.K. Truszkowski, *Registration of Civil Status in the Second Polish Republic (1918-1939)*, "Journal on European History of Law" 2019, vol. 10, no. 1, pp. 76-84; R.M. Gaj, *Akta stanu cywilnego w pracach Komisji Kodyfikacyjnej i początkach Polski Ludowej*, Kraków 2012.

9 B.K. Truszkowski, *Prawo o aktach stanu cywilnego w II Rzeczypospolitej. Jedno państwo, pięć reżimów prawnych*, doctoral dissertation, supervisor: dr hab. Piotr Fiedorczyk, prof. UwB, Faculty of Law, University of Bialystok 2023, Repository of the University of Bialystok: https://repozytorium.uwb.edu.pl/jspui/handle/11320/15662

10 *Nr. 55. Obwieszczenie c. k. Namiestnictwa z dnia 14. Września 1876 l. 42.884, którem ogłasza się rozporządzenie W. Ministerstwa spraw wewnętrznych, wydane w porozumieniu z Ministerstwem sprawiedliwości oraz z Ministerstwem Wyznań i Oświecenia z dnia 15. Marca 1875 l. 12944, dotyczące prowadzenia metryk urodzin, zaślubin i śmierci Izraelitów w Galicyi*, [in:] *Dziennik Ustaw i Rozporządzeń Krajowych dla Królestwa Galicyi i Lodomeryi wraz z Wielkiem Księstwem Krakowskiem. Rocznik 1876*, Lwów 1876 [hereinafter referred to as JLNR 1876], pp. 137-226. See: J. Ogonowski, op. cit., p. 108.

well as a list of Jewish records register districts. According to sec. 4 of that regulation, the keepers of Jewish records were to be appointed by the district (*powiat*) head (*starosta*), and a competition had to be held to select the right person for this position. An applicant for this position was required to submit a written request, in which he was to show the type of previous employment and the level of his education. The district authority was to assess the qualifications of the candidates *ex officio*, conduct an examination, and issue a nomination decree to the person selected in such a procedure. It was emphasized that when appointing new record keepers, priority should be given to those previously holding these positions, whose work in this regard had been evaluated positively. If the competencies of the candidates were the same, priority was to be given to the rabbi (teacher) legally established in the place where the denominational records register was to be run. A deputy records keeper was to be appointed in the same way to perform his duties in the event that the keeper's position became vacant or he could not perform his duties.

Based on the above principles, the district head in Stanisławów held a competition for the position a deputy keeper of Jewish records in that city.[11] As a result of his decision, he appointed to the position Chaim Godel Bertisch, whose candidacy he evaluated on the basis of an application submitted by the candidate. Subsequently, the district head's office received a letter from Józef Offenberger, a resident of Stanisławów, in which he announced that by an order of the district head in Stanisławów dated June 17, 1915, he had been appointed a temporary deputy keeper of Jewish records in Stanisławów, while by an order of the same authority dated December 13, 1917, he had been appointed a permanent deputy in the same office.[12] On that basis, he demanded that Ch.G. Bertisch's appointment be cancelled as having been made as a result of oversight and negligence that consisted in failing to consult with the relevant Jewish religious community. The district head did not grant that application due to the fact that the applicant had not filed a timely protest and had not reported on appointments made earlier, of which the district head's office had no knowledge due to the destruction of records during the war.

Offenberger appealed to the governor (wojewoda) of the Stanisławów Voivodeship (*województwo stanisławowskie,* Stanisławów Province), arguing that the district head's decision was not based on any regulation, and even contradicted existing laws, since a competition could only be announced in the event of the death or removal of the deputy record keeper from his post as a penalty. He emphasized that the nominating decree of December 13, 1917

11 *Nr. 1398.* (...) *Wyrok z 2 marca 1928 l. rej. 1511/26*, [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik VI. Rok 1928*, eds. K. Birgfellner, W. Borkowski, J. Morawski, Warszawa 1930, p. 184.

12 Ibidem, p. 185

still had full legal effect, and that he presented it to each district government in Stanisławów, including the one in office at the time. In addition, he claimed that he only learned about the announced competition after it was resolved, and filed a protest immediately after learning of the nomination of Ch.G. Bertisch. However, the voivode of the Stanisławów Voivodeship, Aleksander des Loges, in a ruling dated January 7, 1926, approved the decision of the first-instance authority, thus sharing the district head's reasoning. Offenberger appealed against this ruling alleging its illegality manifested in the filling of the position he was holding.

In considering that case, the SAT found it undisputable that at the time the competition was announced, the position of a deputy keeper of the Jewish records was filled by J. Offenberger.[13] What remained in dispute was whether the complainant lost the job as a result of his failure to file a protest. The Tribunal found the respondent authority's position to be unjustified, since according to Section 4 of the Regulation of March 15, 1875, the authority had the right and obligation to hold a competition only for vacant positions. That provision did not imply an obligation on the part of those holding the position of a record keeper or his deputy to follow the competitions announced by the authority and to lodge protests in this regard, especially on pain of losing their position. It was also clear from the nature of the competition that its announcement could not have effects outside the group of persons applying for the position. Accordingly, it was the responsibility of the authority to maintain an accurate record of those employed in the positions in question and to be guided by that record when holding competitions. Therefore, the fact that the competition was announced in error could not have legal consequences for the litigants in that case and, most importantly, it could not result in the holder of the office for which the competition was announced being removed from his position. Accordingly, the SAT reversed the appealed ruling as inconsistent with the applicable regulations and ordered the return of the deposit.[14]

The judgment did not directly concern the keeping of records, and its nature covered a broad range that included labour law. The basis for the ruling, however, was the regulations establishing the methods of keeping denominational records registers for members of the Jewish community, which underscored the separate solutions for each religion in effect in the southern voivodeships, as well as the formalized nature of the selection of the record keeper for the Jewish community and his dependence on the administrative authorities.

13 Ibidem, p. 186.

14 This judgment was noted in the case law review of "Ruch Prawniczy, Ekonomiczny i Socjologiczny" [hereinafter referred to as RPEiS]. See: W. Orski, *VII. Sprawy wyznaniowe. 286*, [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najwyż. Trybunału Administracyjnego*, RPEiS 1928, vol. 8, no. 4, p. 1058.

Judgment of February 22, 1929

In the area of the former Kingdom of Poland, i.e. the central voivodeships, under Article 71 of the Civil Code of the Kingdom of Poland, civil status records of Christian denominations were combined with church records.[15] According to Article 1 of the Prince Governor's order of November 3, 1825, which contained implementing provisions in this regard, not only church regulations, but also state regulations were to be observed in maintaining and keeping civil status records.[16] It was therefore apparent that the clergymen in charge of parishes had not only the duties imposed by church and canon law concerning the keeping of records, but also the duties of public officials imposed by the applicable laws and regulations as keepers of civil status records. Thus, in this regard, they were subordinate to the state authorities to the extent entrusted to them, but despite their fulfilment of their public-law duties, such clergymen could not be considered state officials within the meaning of the Act of February 17, 1922 on the State Civil Service.[17] This is because this was not apparent from either the provisions of the cited act or the provisions of the Civil Code of the Kingdom of Poland, since neither of these acts specified the position of the clergymen keeping the denominational records registers as state officials, nor did they delineate their relationship to state authorities.

Then SAT undertook to determine the status and official subordination of those maintaining civil status records in such a legal system due to the complaint of Franciszek Borowiak.[18] On December 9, 1925, the complainant filed an application with the District Court in Warsaw (*Sąd Okręgowy w Warszawie*) to order the pastor of the St. Anthony Roman Catholic parish in Warsaw, as the keeper of the civil status records, to prepare a birth certificate for his child, born of an extramarital (adulterous) union with Genowefa Kołodziejska on February 13, 1924. He also demanded that he be designated as the child's father in that

15 *By God's Grace We, Alexander I Emperor of All Russia, King of Poland, etc. etc. etc. Make it known to each and every person who should know about it, namely the Citizens of the Kingdom of Poland, that the Senate House and the House of Deputies, in accordance with the motion presented on Our behalf, and after hearing the Speakers of the Council of State and the Sejm Committees, have passed the following: Civil Code of the Kingdom of Poland (...). Given in Warsaw on June 1 (13), 1825*, CCKP, vol. X, no. 41, p. 41.

16 *In the Name of His Majesty Alexander I Emperor of All-Russia King of Poland etc. etc. Prince Royal Governor in the Council of State. In order to carry out the provisions on Civil Records in Title IV of the law passed at this year's Sejm, by in response to the submission of the Government Committees for Religious Denominations and Public Enlightenment, Justice, and War, we have decided and established: (...). Acted in Warsaw at a meeting of the Administrative Council on the 3rd day of the Month of November of 1825*, Journal of Laws of the Kingdom of Poland, vol. XI, no. 42, pp. 16-17.

17 Act of February 17, 1922 on the State Civil Service (Journal of Laws 1922, no. 21, item 164).

18 *Nr. 24A*. (...) *Wyrok z 22 lutego 1929 l. rej. 4050/26*, [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik VII. Rok 1929. Dział A*, eds. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1930, p. 87.

certificate. By the decision of the president of that court, the application was left unprocessed, so the applicant appealed to the Court of Appeals in Warsaw (*Sąd Apelacyjny w Warszawie*); however, the president of that court made an analogous decision. Consequently, the appellant requested that the Ministry of Justice (*Ministerstwo Sprawiedliwości*) instruct the president of the Court of Appeals in Warsaw to consider and settle the appeal filed. In a decision dated August 24, 1926, the Minister of Justice denied Franciszek Borowiak's request, so he appealed the indicated decision to the SAT, requesting that it be revoked due to a defective procedure. The respondent authority, on the other hand, requested that the complaint be dismissed as unfounded.

Article 86 of the CCKP provided for disciplinary penalties, which were to be imposed on record keepers for any violations of the preceding regulations.[19] According to the laws in effect at the time, those penalties resulted from Articles 425 and 426 of the 1903 Russian Criminal Code.[20] On their basis, clergy of Christian (except Orthodox) and non-Christian denominations, as well as clerks keeping denominational records registers or records of births, marriages, and deaths, who failed to register facts producing civil-law consequences, faced the penalty of imprisonment. The court could also remove such a clergyman from his church office for a period of six months to three years. In addition to this, keepers of the aforementioned registers or records who failed to register the facts required by law due to negligence, registered a false event due to negligence, or failed to fulfil their duties related to the proper storage of the registers and their submission to the relevant authorities were to be fined up to three hundred rubles. However, as the Tribunal pointed out, these regulations only regulated the disciplinary responsibility of the keepers of civil status records, and did not define official subordination.

Before Poland regained independence, these provisions were supplemented by Article 1327 of the Russian Act on Criminal Procedure of November 20, 1864 (as amended in 1914), which, in terms of disciplinary liability, explicitly included individuals keeping civil status records among court officials subject to supervision of the presidents of the conventions of magistrates (*prezesi zjazdów sędziów pokoju*)[21]. On this basis, they were able to initiate disciplinary

19 *Nr. 24A*. (...) *Wyrok z 22 lutego 1929*..., op. cit., p. 88. Journal of Laws of the Kingdom of Poland, vol. X, no. 41, p. 51.

20 *Новое уголовное уложение, Высочайше утвержденное 22 марта 1903 года. съ приложеніемъ Предметнаго Алфавитнаго Указателя*, С.-Петербургъ 1903, pp. 137-138. Text in Polish: *Kodeks karny z r. 1903 (przekład z rosyjskiego) z uwzględnieniem zmian i uzupełnień obowiązujących w Rzeczypospolitej Polskiej w dniu 1 maja 1921 r.*, Warszawa 1922, pp. 141-142.

21 Original text of Article 1327 of the Criminal Procedure Act:
По отношенію къ наложенію наказаній и взысканій безъ суда, особымъ опредѣленнымъ въ Учрежженіи Судебныхъ Установленій дисциплинарнымъ порядкомъ, къ лицамъ судебнаго

investigations against registry keepers. However, that regulation was repealed by Article 9 of the transitional provisions for the Act on Criminal Procedure of July 18, 1917;[22] thus, the presidents of conventions of magistrates, as well as the presidents of district courts, lost their powers arising from official supervision over those maintaining civil status records.

Article 221 of the Russian Notary Act of April 14, 1866, according to which the president of the district court had the right to make extraordinary revisions of civil status records registries, remained in effect.[23] Thus, he was entitled to follow-up control over the compilation and maintenance of civil status records for compliance with civil law. However, he did not have powers of official supervision over the record keepers analogous to those granted to him with respect to court officials in Article 25 of the Provisional Regulations

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вѣдомства причисляются также и должностныя лица, ведущія книги гражданскаго состоянія.

See: *Уставъ Уголовнаго Судопроизводства. Издание 1914 года съ всѣми позднѣйшими узаконеніями и съ объясненіями по рѣшеніямъ уголов. кас. деп. Правительствующаго Сената по 1916 годъ*., составилъ Пом. Прис. Пов. Д.А. Каплан, Екатеринославъ 1916, p. 857

22 Transitional Provisions to the Act on Criminal Procedure (Official Gazette of the Department of Justice of the Provisional Council of State of the Kingdom of Poland [hereinafter: Official Gazette of the DJ of PCS KP] 1917 no. 1, item 4), p. 18.

23 That provision charged presidents of magistrates with the duty to conduct annual extraordinary reviews of civil record registries in certain parishes. Original text of Article 221 of the Notary Act:
Засвидѣтельствованію у Мировыхъ Судей и въ Гминныхъ не подлежатъ:
1) акты о передачѣ или ограниченіи права собственности на недвижимыя имущества; 2) акты, касающіеся правъ гражданскаго состоянія; 3) договоры, касающіеся имущественныхъ отношеній между супругами; 4) даренія; 5) завѣщанія публичныя или тайныя; и 6) сдѣлки, касающіяся правъ, обезпеченныхъ ипотекою. 1875 февр. 19 (54401) прав., ст. 4.
Прилъчаніе (по Прод. 1906 г.). Мировые Судьи, при коихъ состоятъ Уѣздныя Ипотечныя Отдѣленія, совершаютъ Засвидѣтельствованіе выписей изъ книгъ гражданскаго состоянія, а равно исполняютъ предписанныя закономъ дѣйствія относительно сообщенія подлежащимъ чиновникамъ гражданскаго состоянія актовъ о послѣдовавшей смерти уроженцевъ Царства Польскаго за границею, или во время нахожденія ихъ въ военной службѣ. Ежегодная чрезвычайная ревизія книгъ гражданскаго состоянія въ нѣкоторыхъ приходахъ, на основаніи дѣйствующихъ по сему предмету узаконеній, какъ за текущій, такъ и за истекшіе годы, возлагается на Предсѣдателей Мировыхъ Съѣздомъ (а). Дѣйствія, возложенныя на основаніи сего примѣчанія на Мировыхъ Судей, при которыхъ состоятъ Уѣздныя Ипотечныя Отдѣленія, возлагаются въ городѣ Варшавѣ на Предсѣдателя мѣстнаго Городскаго Мироваго Съѣзда (б).
(а) 1876 Авг. 6 (56286) ст. 2; 1894 Мая 30 (10682); 1901 Іюн. 4 (20239) ст. 1, 2.-(6) 1878 Окт. 23 (58844); 1901 Іюн. 4 (20239) ст. 1, 2 // (а) 1876 Авг. 6 (56286) ст. 2; 1894 Мая 30 (10682); 1901 Іюн. 4 (20239) ст. 1, 2.-(6) 1878 Окт. 23 (58844); 1901 Іюн. 4 (20239) ст. 1, 2.
See: *Сводъ Законовъ Россійской Имперіи. Томъ XVI*, под редакцией и с примечаниями И.Д. Мордухай-Болтовского, Санкт-Петербург 1912 [hereinafter referred to as Collection of Laws, vol. XVI], pp. 343-344.
43186. – Апрѣля 14. Высочайше утвержденное Положеніе о нотаріяльной части, [in:] *Полное собрание законов Российской империи*, vol. 41 (1866), no. 43186, pp. 346-362.

on the Organisation of the Justice System in the Kingdom of Poland of July 18, 1917.[24]

Taking the above into account, the SAT concluded that the activities of the keepers of civil status records as public officials who register births, marriages, and deaths for state purposes, were not covered by the jurisdiction of the justice system, but by those applicable to general administration authorities and offices.[25] In this regard, the Tribunal referred to Article 24 of the Decree of the Regency Council of January 3, 1918 on the provisional organization of the supreme authorities in the Kingdom of Poland, which, among other things, charged the Minister of the Interior with the duty to take care of all matters related to general statistics and matters of an internal nature not reserved for other ministries.[26] On the basis of general assumptions of this type, according to the SAT, the right to issue direct orders to the keepers of civil status records to prepare a record for state registration purposes was within the powers of general administrative authorities. It was pointed out, however, that these authorities could not specify in advance the content of the record in question in terms of the circumstances that could or should be mentioned in the record, according to the applicable regulations. If the keeper of the records omitted or misrepresented the circumstances in a record drawn up based on an order of the competent administrative authority, contrary to the statement of the party who reported the relevant event, the party could demand that the record be corrected in accordance with the procedure provided for in Article 140 of the Civil Code of the Kingdom of Poland[27] and Article 1647 of the Russian Act on Civil Procedure.[28] Accordingly, the SAT shared the arguments of the respondent authority and dismissed the complaint as unfounded.

The judgment was significant in terms of the theoretical subordination of the keepers of civil status records to general administrative authorities. At the same time, however, it was emphasized that these authorities could not interfere with the content of the records, so their powers were limited to procedural considerations only. Thus, the judgment was of little significance in the practice of record-keeping, as it did not realistically strengthen the position of administrative authorities in relation to the clergymen keeping denominational records registers.[29]

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24 Provisional Regulations on the Organization of the Justice System in the Kingdom of Poland (Official Gazette of the DJ of PCS KP 1917, no. 1, item 1), p. 7.

25 *Nr. 24A*. (...) *Wyrok z 22 lutego 1929*..., op. cit., p. 89.

26 Decree of the Regency Council on the Temporary Organisation of the Supreme Authorities in the Kingdom of Poland. (Journal of Laws of 1918 no. 1, item 1).

27 Journal of Laws of the Kingdom of Poland, vol. 10, no. 41, pp. 83-84.

28 Collection of Laws, vol. XVI, p. 269

29 In 1935, this judgment was analyzed by the General Counsel (*Prokuratoria Generalna*) in the context of the possibility of forcing the pastor of the Roman Catholic parish of the Blessed Virgin Mary

Judgment of June 28, 1934

The 1934 judgment also dealt with the official dependency of the keepers of denominational records registers, but referred to the area of the former Austrian partition. It touched on the issue of the language of the records, which was extremely important in that part of Poland.

The basis of that case was a letter from the district head in Gródek Jagielloński dated August 23, 1930, addressed to Greek Catholic parish offices.[30] The district head reminded them that, according to the regulations in force in the former Galicia, denominational records registers were to be kept in Latin, and official correspondence – in the official language of the state. They were asked to comply with these orders on pain of fines, as well as an alternate penalty of arrest, as provided for in Articles 45-48 of the Regulation of the President of the Republic of Poland of March 22, 1928 on Compulsory Administrative Proceedings.[31] The parish office in Janów ignored the above regulations and the district head's order and submitted to the said district head's office a list of population movements for the fourth quarter of 1930, which it prepared in the Ruthenian language. As a result, in a letter dated January 28, 1931, the district head, demanded that the parish office submit the requested document drawn up in the official language within five days. After the deadline expired without effect, the district head, in a decision dated January 23, 1931, imposed a fine of 119 zlotys on Rev. Michał Kuszkiewicz, the administrator of the Greek Catholic parish office in Janów, with a renewed demand to comply with the order.[32]

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in Warsaw, as the keeper of civil records, to disclose the notarized acknowledgment of paternity in a child's birth certificate, as well as to correct the father's name therein. Indeed, the judgment states that the authorities competent to issue instructions to keepers of civil records are general administrative authorities. However, the ruling went on to stipulate that these authorities could not specify in advance the content of the certificate by establishing the circumstances that, pursuant to the applicable civil law, could be mentioned in civil records. Ultimately, due to a number of irregularities in the case and legal doubts, the General Counsel recommended that administrative authorities disregard the matter concerning the name and issue an order to include the act of recognition in the records in the form of a marginal note in the birth certificate. See: Archives of New Records, Collection: Ministry of Religious Denominations and Public Enlightenment, ref. no. 641 – Civil records – bills on the keeping of civil records, amendments, opinions, circulars, regulations, matters of regulation of differences between regions [hereinafter referred to as ANR, MRDPE, ref. no. 641], sheets 321-323.

30 *Nr. 782 A*. (...) *Wyrok z 28 czerwca 1934 l. rej. 8182/31*, [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik XII. Rok 1934. Dział A*, eds. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1935, p. 206.

31 Regulation of the President of the Republic of Poland of March 22, 1928 on Compulsory Administrative Proceedings. (Journal of Laws 1928 no. 36, item 342).

32 *Nr. 782 A*. (...) *Wyrok z 28 czerwca 1934*..., op. cit., p. 207.

The priest made an appeal to the Voivodeship Office in Lviv (*Urząd Wojewódzki we Lwowie*), which, however, dismissed it and, in a decision dated May 8, 1931, approved the district head's decision. In doing so, the Voivodeship Office invoked the duties of the keeper of denominational records registers acting as a public official, related to registration of such records and arising from the Act of July 31, 1924 on the official language of the state.[33] It was noted that the right to submit applications and statements in the native language could not apply to official reports that the keeper of the records was required to submit to his supervisory authority.

Rev. Kuszkiewicz filed a complaint with the SAT, in which he claimed that, as a keeper of denominational records, he did not have the status of a public official, and pointed out that, by keeping denominational records registers, their keepers did not become officials, and parish offices did not become state or local government offices. Accordingly, in the performance of their administrative duties, pastors were only officials of the church hierarchy, and thus could be subject only to church regulations, and not to the laws on compulsory administrative proceedings or criminal-administrative proceedings. The clergyman pointed out that the order to use the native tongue, i.e. Ukrainian, for both denominational records registers and official correspondence, was given to pastors and administrators by the Greek Catholic consistory in Lviv. The complainant pointed out that, as a subordinate of that church authority, he could not oppose such an order, nor could he be coerced into such disobedience due to the provisions of the concordat.

The SAT began its consideration of that case by drawing attention to the obligation, imposed on keepers of civil status records by Article 1 (1) of the Regulation of the President of the Republic of Poland on Natural Population Movement Statistics,[34] to send quarterly individual reports on the facts registered in the records to the competent administrative authority of the first instance.[35] In the southern voivodeships, where Austrian legislation was in force, on the basis of an imperial patent (universal) of February 20, 1784[36] the keeping of

33 Act of July 31, 1924 on the Official Language of the State and the Official Language of Governmental and Local Administrative Authorities. (Journal of Laws 1924 no. 73, item 724).

34 Regulation of the President of the Republic of Poland of February 1, 1927 on Natural Population Movement Statistics (Journal of Laws 1927 no. 10, item 76).

35 *Nr. 782 A*. (...) *Wyrok z 28 czerwca 1934*... op. cit., p. 208.

36 *X. Patent, Die Tauf-, Ehe- und Sterbregister betreffend.* (...) *die 20ma Mensis Februarii, millesimo septingesimo octuagesimo quarto* (...), p. 28. Polish version: *UNIWERSAŁ. Względem Metryk, Chrztu-Slubów y Pogrzebów*. (...) *dnia 20go Miesiąca Lutego tysiąc siedemset osmdziesiątego czwartego* (...), [hereinafter referred to as Patent of February 20, 1784], p. 30. Both language versions from: *Continuatio Edictorum, Mandatorum et Universalium in Regnis Galiciae et Lodomeriae a Die 1. Januarii ad Ultimam Decembris Anno 1784. Emanatorum. Kontynuacya Wyrokow y Rozkazow Powszechnych w Galicyi y Lodomeryi Krolestwach od Dnia 1. Stycznia aż do konca Grudnia Roku 1784. Wypadłych*, Lwów 1784.

denominational records registers, as a function of state administration, was entrusted to pastors under the supervision of administrative authorities. With the entry of that law into force, denominational records became public records and exclusive civil status records. This patent, as well as numerous subsequent decrees, regulations, and rescripts, contained detailed regulations for pastors on how to keep the records, including on how to initial and confirm them, make additional entries and corrections, and supervise the keeping of the records.

The Tribunal paid particular attention to the nomenclature used by the Austrian authorities. The Regulation of the Austrian Ministry of Interior of September 16, 1875[37] used the term *Matrikenführer*, translated as "keeper of records," to refer to pastors with reference to their record-keeping functions. The Tribunal also emphasized the importance of the rescript of the Austrian Ministry of Interior of April 28, 1891, in which the general administration authority in a district, appointed to supervise parish priests in their keeping of records, was called *Matrikenbehörde*, or "superior record-keeping authority." It also stipulated that pastors did not have the right of recourse against the decisions of that authority.[38] According to the SAT, this put a strong emphasis on the obligation of pastors to comply with the instructions of state authorities in matters related to denominational records registers.

In light of the above-mentioned legislation in effect at the time, the Tribunal held that, contrary to the complainant's opinion, Catholic pastors in their capacity as keepers of denominational records did not act before the state administration as entities of the autonomous Catholic Church, but had a relationship to it that was analogous to the relationship of a state official to a superior authority. Accordingly, they were required to strictly comply with the orders and instructions issued by the authority, and no change in this regard was made by the 1925 Concordat,[39] which contained no provisions in this regard.

The SAT thus assessed that, in terms of the language in which official correspondence between Catholic pastors keeping denominational records and state administrative authorities had to be conducted, the provisions of the Act

37 *Nr. 66. Kundmachung der gal. k.k. Statthalterei vom. 25. September 1875 Zahl 47131, über die Sprache in welcher die Matriken zu führen, sowie die Metrikenauszüge und Zeugnisse auszufertigen sind*, [in:] *Landes-Gesetz- und Verordnungsblatt für das Königreich Galizien und Lodomerien sammt dem Großherzogthume Krakau. Jahrgang 1875*, Lemberg 1875, pp. 209-210. Polish text: *Nr. 66. Obwieszczenie c. k. Namiestnictwa z dnia 25. Września b. r. L. 47131 względem języka w którym mają być prowadzone zapisy metrykalne i wydawane wyciągi i poświadczenia metrykalne*, [in:] *Dziennik ustaw i rozporządzeń krajowych dla Królestwa Galicyi i Lodomeryi wraz z Wielkiem Księstwem Krakowskiem. Rok 1875*, Lwów 1875, pp. 209-210.

38 *Nr. 782 A*. (...) *Wyrok z 28 czerwca 1934*... op. cit., p. 209.

39 Concordat between the Holy See and the Republic of Poland, signed in Rome on February 10, 1925 (ratified in accordance with the act of April 23, 1925) (Journal of Laws 1925 no. 72, item 501).

of July 31, 1924 on the official language of the state were applicable.[40] Article 1 contained therein established the Polish language as the official language of Poland, and all governmental and local authorities and administrative offices were to use that language, both internally and externally. According to Article 2, citizens of Ruthenian (Rusyn) nationality were allowed, among other areas, in former Galicia, to make applications and oral statements before civil authorities and offices also in their mother tongue. According to the Tribunal, this situation did not arise in the case at hand, as the priests – keepers of the records were not acting as individual citizens, as they were performing public administration duties they were charged with, and additionally they were not submitting applications or statements, but reports. In conclusion, the SAT held that the general administration authorities had the power to require the complainant to submit a report on population movements for the fourth quarter of 1930 in the official language of the state.[41]

The Tribunal also decided to consider the issue of the powers of general administrative authorities as supervisory authorities, in cases where a pastor, as a keeper of civil status records, failed to comply with the orders of these authorities. The disciplinary liability of clergy under the Act of February 17, 1922 on State Civil Service[42], which applied to state officials, was ruled out. Nor could the clergy be held criminally liable under the Regulation of the President of the Republic of Poland of March 22, 1928 on Criminal-Administrative Proceedings,[43] since neither the aforementioned Act on the official language of the state nor the Regulation of the President of the Republic of Poland of February 1, 1927 on the Natural Population Movement Statistics[44] criminalized the violation of their provisions as a crime and did not provide for specific penalties for them.

It was clear, however, that the priests who were keepers of civil status records were obliged, on a par with all citizens of the state, to comply with the rulings, orders, injunctions and prohibitions of administrative authorities issued by them to implement statutes and regulations. Thus, the administrator of the Greek Catholic parish in Janów was obliged to comply with the order

40 Journal of Laws 1924 no. 73, item 724. The published version of the judgment erroneously referred to this legal act as "Regulation of the President of the Republic of Poland of July 31, 1924, item 724, Journal of Laws. See: *Nr. 782 A. (...) Wyrok z 28 czerwca 1934...,* op. cit., p. 209.

41 *Nr. 782 A.* (...) *Wyrok z 28 czerwca 1934*... op. cit., p. 210.

42 Journal of Laws 1922 no. 21, item 164.

43 Regulation of the President of the Republic of Poland of March 22, 1928 on Criminal-Administrative Proceedings (Journal of Laws 1928 no. 38, item 365).

44 Journal of Laws 1927 no. 10, item 76.

of the administrative authority, issued on the basis of the regulations in force, concerning the submission of a report on population movements drawn up in the official language, which he failed to do.[45] According to Article 4 of the Regulation of the President of the Republic of Poland of March 22, 1928 on Compulsory Administrative Proceedings,[46] the authority had the right to impose a fine on him to compel him to carry out the indicated order. Accordingly, the SAT dismissed the complaint, finding no fault with the contested ruling in the case.

The ruling was important to shaping the relations between the Catholic clergy keeping denominational record registers and general administration authorities, as it unequivocally confirmed the official subordination of the record keepers to those authorities, analogous to the subordination of state officials. The ruling also established the possibility of holding clergymen who opposed the orders of the authorities liable, which made it possible to enforce the subordination.[47]

Judgment of June 5, 1937

Another judgment also referred to the area of the former Austrian partition, but concerned the first names given in birth certificates there, as well as interfaith relationships. In the case under review, a child, born on August 14, 1923, in Witkowo Nowe in the Radziechów district – the son of spouses Włodzimierz and Ottylia (née Więckowska) Wyszyński – was baptized and entered into the Roman Catholic birth register on September 13, 1923.[48] The baptism was performed by the pastor of the Roman Catholic parish in Witkowo Nowe, and the boy was recorded in the denominational records under the names Zbigniew Marian. The following year, the child's father, Włodzimierz Wyszyński, who

45 *Nr. 782 A*. (...) *Wyrok z 28 czerwca 1934*..., op. cit., p. 211.

46 Journal of Laws 1928 no. 36, item 342.

47 The ruling was cited by the General Counsel in its 1935 opinion regarding the permissibility of applying coercive measures in relation to a pastor who was the keeper of denominational records if he refused to comply with an order from an administrative authority. It is also worth noting that the ruling referred only to officials operating in the southern provinces of Poland, but according to the General Counsel, that ruling was supposed to be be applied as appropriate in the parts of Poland where the Civil Code of the Kingdom of Poland was in force. See: ANR, MRDPE, ref. no. 641, sheets 323-324. The above ruling was included in the case law in the RPEiS journal. See: W. Orski, *V. Wyznania i szkolnictwo. 22*, [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najwyższego Trybunału Administracyjn.*, RPEiS 1935, vol. 15, no. 1, p. 229.

48 *Nr 1383 A*. (...) *Wyrok z 5 czerwca 1937 l. rej. 2439/34*, [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik XV. Rok 1937. Dział A*, eds. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1937, p. 327.

was a member of the Greek Catholic Church, asked the pastor of the parish of that denomination in Radziechów to give his aforementioned son the sacrament of confirmation. The priest performed that rite and entered the child in the Greek Catholic birth register of his parish on June 5, 1924, under the names Roman Włodzimierz Marian, and then forwarded that entry to the Greek Catholic parish in Witkowo Stare for inclusion in the registers there.[49]

The Greek Catholic parish priest in Witkowo Stare notified the Radziechów district head office of the above events in a report dated March 2, 1932. Due to differences between the two certificates, an investigation was conducted and the child's godparents, Teofil Więckowski and Maria Laufer, were interviewed. They testified that at the baptism, at the mother's request, the child was given the names Zbigniew Marian. Włodzimierz Wyszyński stated that he did not consent to baptizing his son in the Roman Catholic rite and giving him the names inscribed in the certificate, and that he did not know about these events, because, due to family disagreements, his wife was away from their joint residence during childbirth and gave birth to the child in her mother's house in Witkowo Nowe. When Ottylia Wyszyńska returned to the couple's common home in Radziechów in March 1924, her husband demanded that the local Greek Catholic parish grant their son the sacrament of confirmation and supplement his baptism certificate with this information.[50] On that occasion, the parents jointly chose the names Roman Włodzimierz Marian for their son, which were entered in the birth register of the Greek Catholic parish in Radziechów, which forwarded the entry to the Greek Catholic parish in Witkowo Stare. Ottylia Wyszyńska died four years after these events, i.e. in 1928.

After investigating the case, the Voivodeship Office in Tarnopil (*Urząd Wojewódzki w Tarnopolu*), by a decision of November 15, 1932, ordered the deletion of the serial number at the entry of Zbigniew Marian Wyszyński in the birth register of the Roman Catholic parish in Witkowo Nowe with a note that the person belonged to the Greek Catholic rite. At the same time, it ordered that the entry in the birth register of the Greek Catholic parish in Witkowo Stare be corrected with regard to the change of the son's names from

49 The publication of the judgment does not specify how the "transfer" of the entry in the register to the other parish was done. Most likely, the pastor of the Greek Catholic parish in Radziechów recorded the sacrament of confirmation and the bestowal of new names in the parish birth register he kept without assigning another serial number to the entry, while indicating in which parish the relevant entry should be made, and then sent a copy of the certificate drawn up in this way to the Greek Catholic parish in Witkowo Stare.

50 *Nr 1383 A*. (...) *Wyrok z 5 czerwca 1937*..., op. cit., p. 328.

"Roman Włodzimierz Marian" to "Zbigniew Marian," citing the testimony of the godparents.

Włodzimierz Wyszyński filed an appeal against this decision, stating that the choice of the names "Zbigniew Marian" was decided by the godfather against the mother's wishes. In a ruling of December 18, 1933, the Ministry of the Interior rejected the appeal and noted that the regulations in effect at the time did not provide for the possibility of changing names that have been given, except in cases of a change of religion from non-Christian to Christian. In addition, the investigation did not confirm the presence of coercion in giving the names stated in the certificate as was indicated by the appellant.

Włodzimierz Wyszyński appealed against the ruling of the Ministry to the SAT. The Tribunal's verdict in the case was based on the right to given names to a child, since only names chosen by the persons designated by law could be entered in the birth register. According to the Austrian ABGB law, which was in effect in the former Austrian partition, the persons entitled to choose the names of a child were the parents, who, on the basis of sections 91[51] and 147[52] in conjunction with section 144[53] should act in consent in this matter, and in the event of failure to do so, the will of the father was to be decisive. According to the SAT, the Ministry should have taken into account the position of the complainant regarding the disputed names, but it relied solely on the testimony of the godparents, which only mentioned the mother's demand to give the child the names "Zbigniew Marian," with no mentioned about an agreement on this issue with the child's father[54]. The complainant, on the other hand, indicated in the administrative proceedings that he had no influence on or knowledge of

51 Section 91: The husband is the head of the family. As such, he enjoys especially the right to manage the household, but also has a duty to provide his wife with the means for a decent living, according to his wealth, and defend her in every case. See: *946. Patent vom 1ten Junius 1811*, [in:] *Seiner Majestät des Kaisers Franz Gesetze und Verfassungen im Justiz-Fache. Für die Deutschen Staaten der Oesterreichischen Monarchie. Von dem Jahre 1804 bis 1811. Dritte Fortsetzung der Gesetze und Verfassungen im Justizfache unter seiner jetzt regierenden Majestät Kaiser Franz*, Vienna 1816, p. 287. Translated from the Polish text: M. Zatorski, F. Kasparek, *Powszechna Księga Ustaw Cywilnych dla wszystkich krajów dziedzicznych niemieckich Monarchji austryjackiej. Z późniejszemi odnośnemi ustawami i rozporządzeniami,* Cieszyn 1875, p. 65.

52 Section 147: The rights exclusively enjoyed by the father, as the head of the family, constitute paternal authority. See: *946. Patent vom 1ten Junius 1811*..., op. cit., p. 296; M. Zatorski, F. Kasparek, op. cit., p. 132.

53 Section 144: Parents have the right, in mutual agreement, to direct the actions of their children; the children owe them respect and obedience. See: *946. Patent vom 1ten Junius 1811*..., op. cit., p. 295; M. Zatorski, F. Kasparek, op. cit., p. 131.

54 *Nr 1383 A*. (...) *Wyrok z 5 czerwca 1937*..., op. cit., p. 329.

the names given to his son, since during the child's birth and baptism his wife stayed in a different locality than the one where the spouses cohabited.

Taking the above into account, in its judgment of June 5, 1937, the Tribunal found that the forms of procedure had been violated to the detriment of the complainant, and therefore, on the basis of Article 84 of the Regulation of the President of the Republic of Poland of October 27, 1932 on the Supreme Administrative Tribunal[55], cancelled the contested decision on the grounds of defective procedure.[56]

The basis for this judgment was not the regulations on the keeping of denominational records registers, but the regulations of the Austrian Civil Code. However, the ruling was relevant to the manner in which the keeper of records should proceed, as the Tribunal stressed that in terms of the names entered in birth records, it should first and foremost take into account the will of the parents or, in case of a disagreement between them, the will of the father.

Judgment of June 14, 1937

The judgment of the SAT of June 14, 1937 concerned the right to use a surname and its proper designation in civil status records, and also touched on questions related to inter-regional issues. In that case, there were two mutually exclusive excerpts from denominational records registers in official circulation, which referred to the same person.[57] The first was issued by the "Registry Office (St. Florian Parish Office) in Poznań"[58] and stated that on September 17, 1905,

55 Article 84: The Tribunal shall cancel by judgment the challenged ruling or order on the grounds of defective procedure if it finds:
1) that the facts of the case need to be supplemented,
2) that the respondent authority assumed facts that were contrary to the files,
3) that the forms of administrative procedure were violated to the detriment of the complainant.
See: Regulation of the President of the Republic of Poland of October 27, 1932 on the Supreme Administrative Tribunal (Journal of Laws 1932 no. 94, item 806).

56 A summary of this judgment was included in the case law review in the RPEiS journal. See: W. Orski, *IX. Sprawy kościelne i wyznaniowe. 123*, [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najw. Trybunału Administracyjnego*, RPEiS 1937, vol. 17, no. 4, p. 229.

57 *Nr 1360 A*. (...) *Wyrok z 14 czerwca 1937 l. rej. 10694/34*, [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik XV. Rok 1937. Dział A*, eds. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1937, p. 252.

58 This term was used in the *Collection of Judgments*, but in the laws in force at the time in the former Prussian partition, the parish office could not perform the function of a registry office, as the latter had to be secular. Civil records and church records were separated in those regions, so the said extract concerning Marian J. probably took the form of two separate documents – an extract from a birth certificate issued by the relevant registry office and an extract from a certificate of baptism issued by the relevant parish office.

a male child was born in Poznań, who was given the name Marian, and was the son of unmarried Józefa J., a servant, of the Catholic religion. According to the other excerpt, issued by the office of the Corpus Christi parish in Cracow on May 30, 1933, baptism was given *sub conditione* (conditionally) to Marian Jan Z.P., formerly *false* bearing the last name J., the illegitimate son of Janina Z.P., according to the testimony of midwife Wiktoria J., born on September 10, 1905.

The man to whom both excerpts pertained, referring to the latter, in an application dated June 1, 1933, asked the Cracow City Hall (*Magistrat m. Krakowa*) to correct his name or to establish that he had the right to use the name Z.P. He also noted that he had been summoned to military conscription under a false name and requested that he be called up for military service under the name Z.P. The applicant filed an analogous application with the Voivodeship Office in Cracow (*Urząd Wojewódzki w Krakowie*) on September 5, 1933. The latter office, in its decision dated May 23, 1934, refused to consider the case on its merits, citing the provincial decree of October 21, 1836[59] and a Regulation of the Austrian Ministry of Interior of September 7, 1860, as well as pointing out that the entities competent to correct birth certificates in denominational records registers in the territory of the Poznań Voivodeship (*województwo poznańskie*) were courts. In the grounds for the decision, the Voivodeship Office in Cracow also emphasized that Janina Z.P., whom the applicant believed to be his mother, denied that he was her son, while, according to the decree of the court chancellery of January 13, 1814,[60] when registering an illegitimate child in the birth register, the investigation concerning the mother's real name was not to be performed.[61] Thus, the administrative authorities could not make an entry under a name other than the one given by the mother of the illegitimate child and could not investigate her name if she did not indicate any.

The applicant appealed that decision to the Ministry of Interior, which, in a ruling dated October 18, 1934, rejected his request to correct the entry in the Poznań birth register, citing section 65 of the German Act of February 6,

59 Provincial decree of October 21, 1836, L. 58446. See: J.R. Kasparek, *Zbiór ustaw i rozporządzeń administracyjnych w Królestwie Galicyi i Lodomeryi z Wielkiem Księstwem Krakowskiem obowiązujących z wyciągiem orzeczeń c. k. Trybunału administracyjnego. Podręcznik dla organów c.k. Władz rządowych i Władz autonomicznych. Tom V*, Lwów 1885, pp. 3538-3540; J. Piwocki, *Zbiór ustaw i rozporządzeń administracyjnych opracowany przez J. Piwockiego*, vol. 3, Lwów 1911, pp. 227--228; W. Salamon, op. cit., p. 14; E. Tarkowska, op. cit., p. 77.

60 Decree of the court chancellery of January 13, 1814; provincial decree of February 4, 1814, L. 3297. See: J.R. Kasparek, op. cit., p. 3532; See: J. Piwocki, op. cit., p. 219; B. Kumor, *Przepisy państwowe*..., p. 102; A. Gulczyński, op. cit., p. 107-108; Z. Szulc, op. cit., p. 32; E. Tarkowska, op. cit., p. 69.

61 *Nr 1360 A*. (...) *Wyrok z 14 czerwca 1937*..., op. cit., p. 253.

1875.[62] At the same time, citing Article 99 of the Regulation of the President of the Republic of Poland of March 22, 1928 on Administrative Proceedings,[63] the Ministry of the Interior overruled the decision of the Voivodeship Office in Cracow in the part concerning the demand to establish the appellant's right to the name Z.P. This is because it was a request for a legal determination of a family relationship, and therefore, pursuant to Articles 2 and 3 of the Code of Civil Procedure of November 29, 1930[64] the issue could only be resolved in court proceedings.

Marian J. a.k.a. Marian Jan Z.P. challenged that ministerial ruling by filing a complaint to the SAT and demanding its revocation as unlawful. The complainant argued that, according to the testimony of the midwife Wiktoria J., a nun of the Sisters of Mercy order in Cracow Ludwika T., and the servant Józefa B., he was born on September 17, 1905[65] in the obstetric facility of Dr. Stanisław Braun in Cracow from the unmarried mother Janina Z.P. After the applicant was given a conditional baptism by the pastor of the Corpus Christi parish in Cracow, on the basis of the aforementioned testimony the Corpus Christi parish office issued to him a certificate of baptism,[66] designating him therein as Marian Jan Z.P. The complainant pointed out that the birth certificate of the son of Józefa J. did not apply to him, and therefore the regulations on the keeping of civil status records that were in effect in the Poznań Voivodeship were not supposed to apply to him.

At the hearing, the complainant's attorney withdrew his allegations concerning the refusal to correct the entry in the Poznań birth register, so only the question of the jurisdiction for the determination of the right to the last

62 *Reichsgesetzblatt. No 4. (Nr. 1040.) Gesetz über die Beurkundung des Personenstandes und die Eheschließung. Vom 6. Februar 1875*, [in:] *Reichsgesetzblatt. 1875. Enthält die Gesetze, Verordnungen etc. vom 4. Januar bis 29. Dezember 1875, nebst einem Gesetze und mehreren Vertragen vom Jahre 1874. (Von No 1034 bis No 1106.) No 1 bis incl. 35.*, Berlin 1875, p. 35. Text in Polish: F. Podwojski, *Podręcznik dla Urzędników Stanu Cywilnego byłej dzielnicy pruskiej*, Toruń 1926, p. 22.

63 Regulation of the President of the Republic of Poland of March 22, 1928 on Administrative Proceedings (Journal of Laws 1928 no. 36, item 341).

64 Regulation of the President of the Republic of Poland of November 29, 1930 – Code of Civil Procedure (Journal of Laws 1930 no. 83, item 651).

65 There was an inaccuracy in the published version of the verdict, since, according to the initial grounds for the judgment, the midwife Wiktoria J. reportedly testified that Marian J. a.k.a. Marian Jan Z. P. was born on September 10, 1905.

66 In its ruling, the Ministry of the Interior stated that in completing the conditional baptism of Marian J., the pastor committed a violation of the provincial decree of May 8, 1844, and instructed the Voivodeship Office in Cracow to issue appropriate orders in this regard. In its execution, the Voivodeship Office in Cracow ordered the deletion of the serial number in the entry of the complainant's Cracow birth certificate. This order and the order of the SAT could not be taken into account by the complainant because, according to the file, they were not communicated to him. See: *No. 1360 A*. (...) *Judgment of June 14, 1937*..., op. cit., pp. 253-254.

name was considered.[67] The complainant based his argument in this part on the fact that he was in fact the illegitimate son of Janina Z.P., as well as on the Cracow entry in the denominational records register. According to the SAT, the indicated facts were not consistent with each other, as there could be a situation where the entry in the denominational records register did not correspond to the facts. In such a case, the determination of a person's ancestry was of a private-law nature and was a matter to be adjudicated by common courts. Thus, with regard to the determination of whether the complainant was in fact the son of Janina Z.P., and whether he was entitled to the name Z.P. on that account, the Tribunal found the contested ruling of the Ministry of the Interior to be accurate.

A separate issue was the demand to establish the applicant's last name on the basis of the entry in the Cracow denominational records register, which the administrative authority was competent to decide on. One of its tasks was to ensure that everyone constantly identified themselves and was identified with the same last name that was assigned to them according to the applicable regulations. The permissibility of a name change also depended on its authorization. In cases requiring the determination of the right to use a last name on the basis of a family relationship, administrative authorities were required to decide, as long as they had the authority to establish the family relationship in question as proven.[68]

In this aspect, the SAT took into account the entries in the denominational records register, which in the former Austrian partition were kept on the basis of the imperial patent of February 20, 1784.[69] According to sec. 4 of that law, a birth register entry had to include the last name of the parents. More detailed provisions on this issue were contained, among others, in the decrees of the court chancellery of October 21, 1813,[70] January 13, 1814,[71] and June 27, 1835,[72]

67 *No. 1360 A. (...) Judgment of June 14, 1937...*, op. cit., p. 254.

68 Ibidem, p. 255.

69 See: Patent dated April 20, 1784.

70 *XLVIII. Kreisschreiben. Wie sich die Seelsorger aller christlichen Konfessionen und Diejenigen welche bei den Israeliten die Geburtsbücher führen bei Eintragung der Gebohrnen in dieselben zu benehmen haben*. Polish text: *Cyrkularz. Jak sobie Duchowni, i ci którzy u Izraelitów księgi narodzenia utrzymuią, przy zapisaniu narodzonych do tychże ksiąg postępować maią*. Both language versions from: *Continuatio Edictorum et Mandatorum Universalium in Regnis Galiciae et Lodomeriae a Die 1. Januari. ad Ultimam Decembris Anno 1813. Emanatorum. Kontynuacya Wyrokow y Rozkazow Powszechnych w Galicyi y Lodomeryi Królewstwach od dnia 1. Stycznia aż do końca Grudnia Roku 1813 wypadłych*, Leopoli 1813, pp. 213-221. See: J. Piwocki, op. cit., p. 215-219; Z. Szulc, op. cit., p. 32.

71 Decree of the court chancellery of January 13, 1814; provincial decree of February 4, 1814, L. 3297. See: J.R. Kasparek, op. cit., p. 3532; See: J. Piwocki, op. cit., p. 219; B. Kumor, *Przepisy państwowe...*, op. cit., p. 102; A. Gulczyński, op. cit., pp. 107-108; Z. Szulc, op. cit., p. 32; E. Tarkowska, op. cit., p. 69.

72 Decree of the court chancellery of January 13, 1814, L. 16406; provincial decree of August 1, 1835, L. 43591. See: J.R. Kasparek, op. cit., p. 3537; J. Piwocki, op. cit., pp. 220, 227; Z. Szulc, op. cit., p. 36.

on the basis of which the determination of a child's parents was invariably the responsibility of the pastor. An entry in the denominational records register was a public proof and a complete evidence of the circumstances contained therein, but the basis for the right to the last name was the actual family relationship, not the entry in the register, which was merely a documentation of that relationship. According to the regulations, the entity competent to correct the entry was the administrative authorities, but circumstances contrary to those contained therein, i.e. the actual family relationship of a person, could only be proven in court proceedings.

Therefore, according to the SAT, it was the duty of the Ministry of Interior to take into account the entry in the Cracow denominational records register, taking into account Janina Z.P.'s denial, and to assess whether it was made in accordance with the regulations. On that basis, it should either recognize the complainant's right to the name Z.P., subject to any subsequent judicial determination, or order the deletion or appropriate correction of said entry. In the Tribunal's view, the ruling of the Ministry of Interior addressed the complainant's demands based solely on the assertion that the complainant was the son of Janina Z.P., ignoring the demand based on the entry in the Cracow denominational records register, which violated the form of the proceedings to the detriment of the applicant. Accordingly, on the basis of Article 84 of the Regulation of the President of the Republic of Poland of October 27, 1932 on the Supreme Administrative Tribunal,[73] the SAT revoked the appealed ruling due to defective procedure.[74]

This judgment emphasized the importance of the entries in the denominational records registers, which constituted public proof and complete evidence of the circumstances contained therein. General administrative authorities could not arbitrarily disregard their contents on the basis of their discretional judgment, and, in particular, it was not within their competence to accept evidence contrary to them. The determination of a family relationship, which could only be done in court proceedings, was of fundamental importance in this regard.

Judgment of April 8, 1938

In its judgment of April 8, 1938, the Tribunal revisited the question of the possibility of changing one's name by correcting the entry in a denominational records register in the former Austrian partition, but in this case this would not

73 Journal of Laws 1932 no. 94, item 806.

74 *No. 1360 A. (...) Judgment of June 14, 1937...*, op. cit., p. 256.

involve assuming a completely different name, but choosing a different form of the same name. In his application dated December 10, 1934, Schija Gleicher asked the Voivodeship Office in Cracow to establish that the Jewish name Schija, with which he was identified in his birth certificate in the records of the Jewish registry in Gorlice, was Oskar in Polish, and to order that an appropriate annotation be made in those records.[75] By a decision dated December 17, 1934, the Voivodeship Office in Cracow denied the request, and the applicant appealed that decision to the Ministry of Interior.

In its ruling dated September 13, 1935, the ministry stated that, in its opinion, Jewish biblical names were not subject to translation. Assuming that the appellant's request would have been treated as a request to correct the entry in the denominational records register, it was concluded that the appellant did not provide the obligatory proof of the falsity of the claim in the records that the name Schija was formally given to him. Assuming, on the other hand, that the appellant considered his application to be a request for a permission to change his name, the laws left the resolution of such a matter to the discretion of the authority. It was noted, however, that in addition to the private interest, the public interest had to be taken into account in such cases, as it required the constancy of the first name as a basic characteristic that identifies an individual.

Schija Gleicher filed a complaint with the SAT against the ruling. The Tribunal assessed the complainant's claim that numerous documents issued to him by civilian and military authorities (including an extract form a conscript list, an identity card, a gun registration card, and letters relating to his activities in the Gorlice local government), in which he was identified with the name Oskar, confirmed that that very name was given to him.[76] The complainant also stressed that the denominational records register office reportedly entered him in the records under the name Schija contrary to his parents' instructions. The SAT found the above conclusions inaccurate, since according to Article 52 of the Regulation of the President of the Republic of Poland on the Administrative Procedure,[77] the statement in the birth register that the applicant was given the name Schija constituted complete proof of that fact, as long as its falsity was not proven pursuant to Article 55. The documents mentioned by the complainant could not constitute such evidence, since their purpose was not to establish what name he was given, and the Ministry's failure to clarify the discrepancy between those documents and the entry in the records did not prove a violation of the forms of the proceedings.

75 *Nr 1556 A*. (...) *Wyrok z 8 kwietnia 1938 l. rej. 6639/35*, [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik XVI. Rok 1938. Dział A*, eds. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1938, p. 209.

76 Ibidem, p. 210.

77 Journal of Laws 1928 no. 36, item 341.

The SAT referred to the complainant's argument that the Ministry of Interior should have ordered his relatives to be interviewed, as their testimony could provide evidence to establish the name that was given to him. The Tribunal noted, however, that in the administrative proceedings the complainant requested only that the translation of his name into Polish be established or that a change of name be permitted, so the Ministry did not consider the issue of possible inconsistence between the name indicated in the records with the will of his parents.

The complainant also presented a certificate from the board of the Jewish community in Gorlice, dated September 24, 1931, in which it was claimed that according to a census of Jewish proper names and their translation, and based on "generally accepted principles," the names "Schija and Oskar are identical." In the Tribunal's view, that document did not prove that the complainant's rights were violated by the contested ruling, since the same name could have multiple forms, and the parents were required to choose the name, and thus its form. Thus, if they chose for their child a particular form of the name that was recorded in the denominational records register, the mere fact that it was possible to record it in a different form desired by the bearer of that name did not prove the illegality of the entry that had already been made, and thus did not entitle the bearer to demand its correction.

The applicant's argument that he took part in the struggle for Poland's independence and therefore wanted to use the Polish name was irrelevant in this regard.[78] It could be the basis for a permission to change the first name recorded in the register in accordance with the law, but there was no provision at that time establishing an obligation to grant such permission. The option to refuse to issue such a permit was therefore left to the discretion of the authority, and therefore the complainant's arguments aimed at demonstrating that there was no obstacle to the issuance of a permit had to be disregarded on the basis of Article 61 (1) in conjunction with Article 6 (2) of the Regulation of the Presidential of the Republic of Poland of October 27, 1932 on the Supreme Administrative Tribunal.[79] Given the above, the SAT dismissed the complaint as unfounded.

That judgment confirmed the will of the parents as the deciding factor in recording the name in the birth register. Therefore, Jewish first names

78 *Nr 1556 A*. (...) *Wyrok z 8 kwietnia 1938*..., op. cit., p. 211.

79 Article 61(1): The Tribunal shall leave the complaint unprocessed due to its inadequacy. Article 6 (2): The Tribunal's jurisprudence shall not include cases in which administrative authorities have the power to decide according to their discretion, within the limits established for that discretion. See: Journal of Laws 1932 no. 94, item 806.

that deviated from the original form and changed in an evolutionary manner had to be treated as first names with an autonomous meaning. The keeper of the records was thus required to record such names according to the will of the parents, even if they deviated from the historical original form. Therefore, the inadmissibility of correcting a first name on the grounds that it was an altered form of the original first name from which it originated was confirmed.[80]

Judgment of May 10, 1938

The judgment of May 10, 1938 again addressed the issue of the language to be used in the former Austrian partition by keepers of denominational records registers to prepare civil status records. This time, however, this did not concern documents submitted to administrative authorities, but rather those submitted to courts.

In successive orders dated March 23, April 9, April 18, May 12, and May 18, 1936, the Kosów district head called upon the Greek Catholic pastor in Brustury to submit to the Kosów Municipal Court (*Sąd Grodzki w Kosowie*), within a specified period of time, lists or extracts from the denominational records, as well as the relevant explanations, in the official language, in lieu of the documents prepared by that pastor in the Ruthenian language.[81] Otherwise, the pastor faced a fine pursuant to Article 46 of the Decree of the President of the Republic of Poland on Compulsory Administrative Proceedings.[82]

The aforementioned Greek-Catholic pastor, Rev. Mikołaj Karwan, appealed to the Governor of the Stanisławów Voivodeship, who, in a ruling dated July 4, 1936, dismissed the appeal and upheld the order of the district head.[83] In the grounds for his ruling, the governor pointed out that the pastors who kept denominational records registers in Lesser Poland (*Małopolska*) did not act before administrative authorities as bodies of the autonomous Catholic Church, but had a relationship to them analogous to that of state officials. In view of the

80 J. Ogonowski makes a reference to that judgment with regards to proceedings in cases of correction of Jewish first names. See: J. Ogonowski, op. cit., pp. 116-117. A summary of the judgment was included in the case law review in the RPEiS journal. See: W. Orski, *XVII. Prawa osobiste. 131*, [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najw. Trybunału Administracyjnego*, RPEiS 1938, vol. 18, no. 4, p. 940.

81 *Nr 1565 A*. (...) *Wyrok z 10 maja 1938 l. rej. 4550/36*, [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik XVI. Rok 1938. Dział A*, eds. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1938, pp. 248-249.

82 Journal of Laws 1928 no. 36, item 342.

83 *Nr 1565 A*. (...) *Wyrok z 10 maja 1938*..., op. cit., p. 249.

above, pursuant to Article 1 of the Act of July 31, 1924 on the official language of the state,[84] they were required to submit official documentation to said authorities in the official language, i.e. Polish.

Rev. Karwan filed a complaint with the SAT against the ruling, alleging that it was unlawful, as he was entitled to use his native language, i.e. Ukrainian,[85] in accordance with Article 2 of the cited Act of July 31, 1924 on the official language of the state and Article 2 of the Act of July 31, 1924 on the official language of courts.[86] In its argument, the Tribunal referred to its June 28, 1934 judgment and concluded again that, in their capacity as keepers of denominational records registers, pastors were in a service relationship with general administration authorities, and were therefore obligated to follow the instructions and orders of those authorities in the aforementioned scope of activity. This also led to the implication that in official correspondence related to denominational records registers, pastors were to use the official language of the state.

The SAT found that the complainant did not take into account in his arguments the official nature of the clergymen in this case and erroneously referred to the right of Polish citizens of Ruthenian nationality to submit applications and statements in their mother tongue to the administrative authorities in the southern voivodeship, which obviously could not apply to official correspondence, or to lists and extracts from denominational records, submitted to the state authorities by parish offices.[87] According to the same principle, it was inappropriate to invoke analogous laws on the language of courts, which allowed the parties to use Ruthenian in letters addressed to courts, since they did not apply to correspondence between offices, including parish offices, and courts.

At the hearing, the complainant raised the allegation that the provisions of the Regulation on Compulsory Administrative Proceedings could not be applied to clergymen who keep denominational records, but in the absence of his reference to any laws, the Tribunal disregarded that allegation. Given the above, the SAT dismissed the complaint as unfounded.[88]

84 Journal of Laws 1924 no. 73, item 724.

85 In the publication of the verdict, the word "Ukrainian" was put in quotation marks.

86 Act of July 31, 1924 on the Official Language of Courts, Prosecutors' Offices, and Notaries' Offices. (Journal of Laws 1924 no. 78, item 757).

87 *Nr 1565 A*. (...) *Wyrok z 10 maja 1938*..., op. cit., p. 250.

88 The judgment appeared in the case law review in the RPEiS journal. See: W. Orski, *IX. Sprawy kościelne i wyznaniowe. 121*, [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najw. Trybunału Administracyjnego*, RPEiS 1938, vol. 18, no. 4, p. 938.

The above ruling confirmed that all documentation related to the keeping and maintaining of denominational records registers that was submitted to public authorities should be drawn up by Catholic pastors in the official language, i.e. Polish. Courts were also included in this category of authorities.

Judgment of December 30, 1938

The judgment of December 30, 1938 also concerned the former Austrian partition, but referred to marriage certificates of members of the Jewish community. In an application dated April 1, 1932, Gitla Elka Gold asked for an order to make an additional entry in the records for the marriage that she claimed to have concluded in 1913 in Halicz with Leib Stern.[89] The proof confirming the marriage was to be the testimony of witnesses Kopel Distenfeld and Izak Feuer. Both were questioned twice under oath, and the information they presented was not entirely consistent, as it related to other aspects of the event under investigation.[90] Kopel Distenfeld testified that he was present at the applicant's wedding with Leib Stern, which was officiated in accordance with civil law by Rabbi Reich in 1913 in Halicz at the home of the applicant's father, Leizor Somerfreund. At the same time, he stated that he did not know if the banns had been announced beforehand, since those were normally announced in the main synagogue, while he attended another synagogue. Izak Feuer, on the other hand, testified that on a Saturday, a year before the outbreak of the world war, he heard the banns in the large synagogue in Halicz regarding Leib Stern and Gitla Gold, which was announced by the synagogue's servant Leib Watchtel. He also declared that he was present at the couple's wedding, which was officiated in Halicz by rabbi Reich.

By a decision dated March 13, 1935, the Voivodeship Office in Stanisławów denied the petitioner's request, as the investigation did not sufficiently prove the marriage in accordance with civil regulations. According to Section 128 of the ABGB[91] a rabbi was obligated, in the event of a marriage officiated by him him,

89 *Nr 1662 A*. (...) *Wyrok z 30 grudnia 1938 l. rej. 3400/36*, [in:] eds. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik XVI. Rok 1938. Dział A*, Warszawa 1938, p. 556.

90 Ibidem, p. 557.

91 Section 128 of the ABGB: The competent rabbi or teacher is obliged to record the concluded wedding in the marriage register in the national language, in the manner prescribed by sections 80-82; the certificates required and submitted by the bride and groom must be marked with the number under which the bride and groom are recorded in the marriage registered and sewn to the same book. See: *946. Patent vom 1ten Junius 1811*..., op. cit., p. 293; M. Zatorski, F. Kasparek, op. cit., p. 79.

to make appropriate entries in the registers of banns and marriages that he kept, but in the surviving books of this type from 1913, both those kept by the rabbi and those kept by the person keeping the denominational records in Halicz, no proper annotations were found in this regard. The only person to confirm the announcement of the banns was the 87-year-old Izak Feuer, but his testimony was deemed insufficiently credible by the Voivodeship Office in Stanisławów due to his old age; additionally, he did not state whether the applicant's wedding was conducted in accordance with applicable regulations. This was stated by Kopel Distenfeld, but he could not confirm that the banns had been announced. The Office also noted that the petitioner brought her request nineteen years after her alleged marriage, when the issue of granting her a provision under the disability entitlement regulations arose.

Gitla Elka Gold filed an appeal with the Ministry of the Interior, which was dismissed in a ruling of April 2, 1936. The Ministry found that the Voivodeship Office in Stanisławów correctly assessed, based on the principle of discretional evaluation of evidence arising from Article 50 of the Regulation of the President of the Republic of Poland on the Administrative Procedure,[92] that the procedure conducted did not provide a sufficient basis for establishing that the petitioner's alleged marriage was concluded in accordance with civil law.

Gitla Elka Gold filed an appeal against that ruling with the SAT, which, in reviewing the case, stressed that to regulations on the keeping of denominational records registers were authoritative in determining whether a particular marriage should be additionally recorded in such a register.[93] Therefore, the decisive moments according to civil law were relevant in this case only if they were relevant under the regulations on denominational records registers. Both the applicant and her alleged husband were of the Jewish faith, and under Sections 126[94] and 129[95] of the ABGB, an announcement of banns was necessary for the validity of Jewish marriages. According to the Tribunal, the mere fact of failing

92 Article 50 of the Regulation: Whether a circumstance is to be accepted as proven is decided by the authority based on a discretional evaluation of the results of the investigation. See: Journal of Laws 1928 no. 36, item 341.

93 *Nr 1662 A*. (...) *Wyrok z 30 grudnia 1938*..., op. cit., p. 558.

94 Section 126 of the ABGB: Banns for Jewish marriages shall, while observing the provisions of sections 70-73, be announced for three consecutive Sabbaths or holy days in the synagogue or house of common prayer, or, where there is none, by the local authority in the main or special community to which the bride and the groom belongs. Exemption from the banns shall be obtained according to the provisions of sections 83-88. See: *946. Patent vom 1ten Junius 1811*..., op. cit., p. 293; M. Zatorski, F. Kasparek, op. cit., p. 79-80.

95 Section 129 of the ABGB: A Jewish marriage concluded without observance of the provisions of the law shall be invalid. See: *946. Patent vom 1ten Junius 1811*..., op. cit., p. 293; M. Zatorski, F. Kasparek, op. cit., p. 80.

to announce banns could not be considered an obstacle to entering the marriage in question in the marriage register, since the rabbi or his deputy, established under state law, was obligated pursuant to the aforementioned section 128 to enter every marriage concluded before him. Pursuant to section 127,[96] the essence of the act of marriage should include first and foremost a declaration of the intent to marry, made by both parties in the presence of two witnesses. If the rabbi was not authorized to keep denominational records, he should have, in accordance with Section 11 of the Ministerial Regulation of March 15, 1875,[97] send a copy of the entry he made to the keeper of the denominational records register in the relevant district for inclusion in the appropriate register.

Therefore, what was relevant to the case was the status of Rabbi Reich, before whom the alleged marriage was concluded, i.e., whether he was appointed in accordance with the law, as well as whether the complainant and Leib Stern made a solemn declaration of intent to marry before him and in the presence of two witnesses. According to the SAT, the Voivodeship Office in Stanisławów did not clearly define the scope of its doubts, as it did not state whether they questioned Rabbi Reich's authority to conduct weddings, in which case the rabbi could not make an entry in the records, or whether his status was not not in doubt, but he was had not made an entry in the records because the wedding had not taken place. Such vagueness made it difficult for the complainant to defend her claims.

According to the Tribunal, the Voivodeship Office in Stanisławów and the Ministry of the Interior did not consider in detail whether the complainant and Leib Stern made a declaration of intent to marry each other before the rabbi, but instead limited their examinations to the general question of whether the wedding took place.[98] The ministry did not consider this fact as proven, relying on the lack of mention of the planned wedding in the relevant banns

96 Section 127 of the ABGB: The wedding ceremony shall be officiated in the presence of two witnesses by the rabbi or religious teacher of the main community to which either the bride or the groom belongs, and only after the bride and groom have submitted the necessary certificates. The rabbi or teacher may also authorize a rabbi or teacher from another community to officiate a wedding. See: *946. Patent vom 1ten Junius 1811*..., op. cit., p. 293; M. Zatorski, F. Kasparek, op. cit., p. 79.

97 Section 50 of the Regulation: Religious superiors (rabbis or teachers) shall enter each officiated wedding in the wedding register they keep in the manner prescribed by law (section 128 of the civ. act). If the religious superior who officiated a wedding is not also the keeper of the denominational records of the district in which the wedding took place, then he must give the keeper of the district records a copy of the relevant entry within 8 days. The same applies to those weddings of believers of the religion of Moses that were concluded before a secular authority in accordance with the Act of May 25, 1868 (Journal of Laws of the Polish State no. 47.) and the ministerial Regulation of July 1, 1868 (Journal of Laws of the Polish State no. 47), and of which that authority reported to the keeper of the district records. See: *Nr. 55. Obwieszczenie*..., op. cit., [in:] JLNR 1876, s. 141.

98 *Nr 1662 A*. (...) *Wyrok z 30 grudnia 1938*..., op. cit., p. 559.

register, on the lack of an entry of its having taken place in the rabbinical marriage register, as well as on the late application for an additional entry and the single confirmation of the marriage in accordance with regulations – only by the witness Kopel Distenfeld. The probative value of the witness's testimony was assessed in conjunction with other circumstances, which was correct in principle.

However, the Tribunal noted that according to Article 50 of the Regulation of the President of the Republic of Poland on Administrative Procedure, the authority should make decisions on the basis of the entire body of evidence, not just a part of it. In this case, however, the testimony of the witness Wolf Kimmel, submitted for the record on December 16, 1935, in which the witness confirmed that he had attended the wedding of the complainant and Leib Stern, officiated by Rabbi Reich, was omitted. Also the complainant's brothers, Benzion and Jakub Sommerfreund were not questioned in detail, even though, according to an October 29, 1935 report from the Halicz State Police Station, they stated that they had attended their sister's wedding, but did not know whether it had been officiated in accordance with regulations or whether it was merely ritualistic in nature. The Tribunal stressed that all of the above-mentioned three witnesses were not called to establish this fact, but should have been questioned as to the statements made by Gitla Elka Gold and Leib Stern before the rabbi about their marriage.

The complainant herself, on the other hand, should have been required to identify the persons who were official witnesses at her alleged wedding. She should also have been asked to explain the discrepancy in the status of her child. In a request dated April 1, 1932, the complainant indicated that her wedding took place in 1913, then in an application dated September 25, 1933, she identified her son Dawid Mojżesz as born of her marriage to Leib Stern.[99] Meanwhile, the same Dawid Mojżesz was identified in an extract from the records as the complainant's illegitimate son, born in 1912.

Guided by the above motives, the Tribunal found that the contested ruling violated the forms of procedure to the detriment of the applicant, and indicated the need to supplement the assessment of the facts with the totality of the evidence. Accordingly, on the basis of Article 84 of the Regulation of the President of the Republic of Poland on the Supreme Administrative Tribunal of October 27, 1932, the SAT revoked the appealed ruling due to defective proceedings.[100]

99 Ibidem, p. 560.

100 This judgment is presented in a case law review in the RPEiS journal. See: W. Orski, *X. Sprawy wyznaniowe. 103*, [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najw. Trybunału Administracyjnego*, RPEiS 1939, vol. 19, no. 3, p. 762.

In that judgment, it was made clear that the individual indications that the marriage was concluded were to be taken into account for additional entry in the records only if they were significant in relation to the provisions on the keeping of those records. It was also stressed that it was necessary to evaluate each piece of evidence presented for the circumstances claimed in a given case.

Other examples from case law

The above review of the case law of the SAT is certainly not exhaustive in matters both directly and indirectly related to denominational records registers/ civil status records. We can also find references to entries in denominational records/civil status records in other rulings, but most often they did not concern the keeping of these records. It is also worth noting that not all of the Tribunal's rulings reached a wider audience. Indeed, already in the preface of the first *Collection of Judgments* it was pointed out that the initial printing of all its judgments in chronological order could not be continued as a result of limited circulation size.[101] Thus, in the annual compilations, a significant portion of the rulings were omitted, following the principle that repeated rulings or those that did not represent "a more significant interest to the broader public may not be promulgated without much detriment to the overall collection". However, we can find references to judgments that were omitted in the Tribunal's official publications in other sources.

The judgment of November 7, 1928 (case no. 247/26) concerned an entry in the Jewish denominational records register in former Galicia.[102] It stated that the right to claim legal remedies could not be denied to a widow and legitimate children regarding the bequest concerning the marital descent of step-siblings.

Judgment of May 16, 1930 (case no. 3317/28) concerned the possibility of charging fees by municipal scribes who kept civil status records.[103] In the central voivodeships, the regulations did not provide for remuneration for the pastors and other persons who were not state registrars and who kept civil status records. However, this did not apply to registrars appointed under Article 92 of the CCKP (running denominational records registers for non-Christian denominations and Christian denominations without organized parishes) and

101 *Preface*, [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik I. Rok 1922/23*, eds. K. Birgfellner, J. Kopczyński, J. Morawski, W. Swinarski, Warszawa 1925, p. III.

102 W. Orski, *VIII. Sprawy wyznaniowe i szkolne. 153*, [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najwyż. Trybunału Administracyjnego*, RPEiS 1929, vol. 9, no. 2, p. 546.

103 Letter no. AC. 27-n-5/3 of September 20, 1932 on the Allocation of Fees for Denominational Records Register Services in Light of the Decree of the Duke of Warsaw Dated February 28, 1809 (Official Gazette of the Ministry of Interior 1932, no. 15, item 185).

Article 93 of the CCKP (running denominational records registers for Jews), as well as on the basis of a decision of the Organisation Committee for the Kingdom of Poland (*Komitet Urządzający dla Królestwa Polskiego*, KUKP) dated October 24, 1869 (running denominational records registers in settlements by commune heads or by persons appointed by the head of the province) and a decision of the KUKP dated January 15/27, 1871 (running denominational records by jurors of the Christian religion or by commune scribes). In accordance with the ruling of the SAT, a decree of the Duke of Warsaw dated February 23, 1809 established fees for the preparation of civil status records for the benefit of the clerk keeping those records, so the keeper of civil status records for non-Christian denominations under the 1871 decision of the KUKP had the right to collect fees for record keeping activities, intended, among other things, to cover the associated expenses. The provisions normalizing the remuneration of commune scribes did not apply in this regard, as they applied only to the performance of the function of a commune scribe, and not to the activities undertaken by them in their capacity as a registrar.

Noteworthy is the judgment of December 1, 1931, which concerned the change of religion from Christian to non-Christian. This is because in the central voivodeships such a situation would involve a change in the jurisdiction of the entity that maintained a person's denominational/civil status records. That ruling concerned the notorious case of Antoni Stefan Raczyński, a resident of the village of Włostowice in the district of Puławy, a Roman Catholic, coming from a family with no Jewish roots, who on February 6, 1928 applied to the Jewish Religious Community in Warsaw (*Gmina Wyznaniowa Żydowska w Warszawie*) to be admitted to the Jewish faith.[104] On the next day, relying on instructions from the Ministry of Religious Denominations and Public Enlightenment (*Ministerstwo Wyznań Religijnych i Oświecenia Publicznego*, MWRiOP), the rabbinate denied the request, so on February 14 Raczyński turned to the Government Commissioner in Warsaw (*Komisarz Rządu w Warszawie*) with a request to be allowed to change his religion as planned. On May 25, 1928, the Commissioner refused to issue such a permit on the grounds that there was no legal basis for such action. Raczyński then appealed to the Ministry, which dismissed his appeal in a ruling on October 25, 1928. The complaint against the said ruling was reviewed by the SAT on December 1, 1931. In the meantime, the Act of March 13, 1931[105] came into force, which abolished item 3 of the

104 J. Ogonowski, op. cit., p. 119-121.

105 Act of March 13, 1931 on the Termination of the Legal Force of the Exceptional Laws Related to the Origin, Nationality, Language, Race, or Religion of the Citizens of the Republic of Poland. (Journal of Laws 1931 no. 31, item 214).

Russian regulations of April 17, 1905,[106] but the Tribunal upheld Raczyński's complaint and revoked the challenged ruling based on different reasoning. It was concluded that the aforementioned item 3 applied only to Orthodox persons, while analogous provisions for Catholics were not in effect. Ultimately, Raczyński's request for permission to convert from the Roman Catholic to the Jewish faith was left unresolved. As a consequence of that verdict, the Ministry later found a complete lack of regulations normalizing the transition from a Christian to a non-Christian denomination.[107]

In a judgment of May 4, 1936 (case no. 9040/32) a reference was made to the possibility of an administrative authority acting after a court decision.[108] The Tribunal held that if a party demanded the deletion of a marriage certificate from Jewish denominational records register in the former Austrian partition and based that demand on the fact that the rabbi who officiated the marriage was not authorized to do so, but the issue had been decided differently in court proceedings for the annulment of the marriage, the administrative authority was not authorized to investigate the issue itself, much less to consider it as a basis for ordering the requested deletion of the entry in the records.

Conclusion

When analyzing the case law presented above, we cannot help but notice that the vast majority of it applies to only one former partition and only one denominational/civil status records system. This is because as many as nine of the twelve judgments presented herein relate to the former Galicia and the Austrian legislation in force there. This testifies to the extraordinary complexity of the regulations of denominational records registers in that region, as well as the great difficulty in interpreting and enforcing them by keepers of the records and administrative authorities. However, this is not surprising when

106 Decision of the Committee of Ministers of April 17, 1905 on Strengthening Religious Tolerance. The first item guaranteed the possibility of conversion from the Orthodoxy to another Christian denomination. The second item in the case of such a change specified the situation of children: until the age of fourteen they were assigned to the new faith of both parents (but when the conversion was made by only one parent, the religious status of a child under 21 did not change), and after that age, they remained with their former religion. The case of mixed marriages was not regulated at all. The third item was intended to eliminate a common legal fiction and allow persons ostensibly professing Orthodox Christianity to return to one of the non-Christian faiths professed by their ancestors before adopting Orthodoxy. See: ANR, MRDPE, ref. no. 641, sheet 198. This provision was also known as the tolerance decree. See: J. Ogonowski, op. cit., p. 118.

107 J. Ogonowski, op. cit., p. 120.

108 W. Orski, *IX. Sprawy kościelne i wyznaniowe. 23*, [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najwyż. Trybunału Administracyjnego*, RPEiS 1937, vol. 17, no. 1, p. 196.

one considers the enormous fragmentation of the legal sources in this area.[109] Three of the judgments concerned the former Kingdom of Poland, while none referred to the territories that once were a part of the Russian Empire, as well as the lands of the former Prussian partition and Spiš and Orava. In the case of the Russian regime, various disputes and doubts were resolved by the authorities and religious courts, which supervised denominational records registers on the basis of the Collection of Laws. The lack of rulings on the secular German and Hungarian systems, on the other hand, may indicate the efficiency of the solutions used in them.

Of note is also the social aspect – almost half of the judgments described herein involved minorities. Three of them referred to denominational records registers for the Jewish population, which in the case of the Austrian system, where the records were kept mostly by rabbis, implied both a national and a religious minority. On the other hand, three more judgments were related to cases that involved persons of the Greek Catholic faith, two of whom were of Ukrainian nationality. Such a proportion may confirm that a significant part of the problems associated with the keeping of civil status records resulted from the division of the records by religion.

When examining the Tribunal's decisions in the indicated rulings, it is worth evaluating not only the reasoning used in each of them and the final decisions reached in each case, but also their relevance to the keeping of civil status records throughout the country. This is because many of the rulings set a pattern for public administrations to follow in specific situations and provided a basis for specific future actions. Due to the territorial limitation of most of the cases examined to the territory of the former Austrian partition, we cannot demonstrate any significant impact of the analyzed rulings on the keeping of denominational/civil status records outside former Galicia. The issues addressed in the analyzed rulings mostly concerned detailed cases with complex facts that did not affect the overall manner of keeping records or associated activities. However, it is worth distinguishing the judgments that confirmed the ability of general administration authorities to issue instructions to the clergymen who kept the registers, and, in the event of their refusal to comply, the possibility of applying coercive measures against them. Rulings indicating the language in which documentation related to denominational records was to be prepared also proved important in the conditions of the southern voivodeships. The relevant

109 As K. Krasowski points out, in the field of denominational records/civil status records in the Second Polish Republic, there were about 120 legal acts in force, 62 of them in the Austrian partition alone, 30 of which are circulars that have not been published anywhere. See: K. Krasowski, op. cit., p. 240.

judgments were cited during ministerial work and in the literature on these issues, so they were certainly known to the authorities concerned. However, it cannot be definitively stated that the jurisprudence significantly influenced the practice of civil registration across the country. Thus, outside Galicia, it did not constitute a significant supplement to the mass of post-partition regulations, let alone a substitute for the inoperative legislation in this area.

Bibliography

Archives

Archiwum Akt Nowych [The Central Archives of Modern Records], Zespół [Collection]: Ministerstwo Wyznań Religijnych i Oświecenia Publicznego [Ministry of Religious Denominations and Public Enlightenment], syg. 641 [file no.] – Akta stanu cywilnego – projekty ustaw w zakresie prowadzenia ksiąg stanu cywilnego, poprawki, opinie, okólniki, przepisy, sprawy uregulowania różnic międzydzielnicowych [Civil status records – bills on keeping civil records, amendments, opinions, circulars, regulations, matters of regulation of differences between regions].

Legal acts – the Habsburg Monarchy

X. *Patent, Die Tauf-, Ehe- und Sterbregister betreffend. (...) die 20ma Mensis Februarii, millesimo septingesimo octuagesimo quarto. (...) UNIWERSAŁ. Względem Metryk, Chrztu-Slubów y Pogrzebów.* (...) *dnia 20go Miesiąca Lutego tysiąc siedemset osmdziesiątego czwartego* (...) [*PROCLAMATION. Concerning Records of Birth, Baptisms-Marriages and Funerals. (...) on the 20th day of the month of February, one thousand seven hundred and eighty-four (...)*], [in:] *Continuatio Edictorum, Mandatorum et Universalium in Regnis Galiciae et Lodomeriae a Die 1. Januarii ad Ultimam Decembris Anno 1784. Emanatorum. Kontynuacya Wyrokow y Rozkazow Powszechnych w Galicyi y Lodomeryi Krolestwach od Dnia 1. Stycznia aż do konca Grudnia Roku 1784. Wypadłych* [*Continuation of Judgments and General Orders in Galicia and Lodomeria from January 1st to the end of December 1784*], Lwów 1784.

946. Patent vom 1ten Junius 1811, [in:] *Seiner Majestät des Kaisers Franz Gesetze und Verfassungen im Justiz-Fache. Für die Deutschen Staaten der Oesterreichischen Monarchie. Von dem Jahre 1804 bis 1811. Dritte Fortsetzung der Gesetze und Verfassungen im Justizfache unter seiner jetzt regierenden Majestät Kaiser Franz*, Wien 1816.

XLVIII. Kreisschreiben. Wie sich die Seelsorger aller christlichen Konfessionen und Diejenigen welche bei den Israeliten die Geburtsbücher führen bei Eintragung der Gebohrnen in dieselben zu benehmen haben. (...) *Cyrkularz. Jak sobie Duchowni, i ci którzy u Izraelitów księgi narodzenia utrzymuią, przy zapisaniu narodzonych do tychże ksiąg postępować maią*, [in:] *Continuatio Edictorum et Mandatorum Universalium in Regnis Galiciae et Lodomeriae a Die 1. Januari. ad Ultimam Decembris Anno 1813. Emanatorum. Kontynuacya Wyrokow y Rozkazow Powszechnych w Galicyi y Lodomeryi Królewstwach od dnia 1. Stycznia aż do końca Grudnia Roku 1813 wypadłych* [*Continuation of Judgments and General Orders in Galicia and Lodomeria from January 1st to the end of December 1813*], Leopoli 1813.

Nr. 66. Kundmachung der gal. k.k. Statthalterei vom. 25. September 1875 Zahl 47131, über die Sprache in welcher die Matriken zu führen, sowie die Metrikenauszüge und Zeugnisse auszufertigen sind, [in:] *Landes-Gesetz- und Verordnungsblatt für das Königreich Galizien und Lodomerien sammt dem Großherzogthume Krakau. Jahrgang 1875*, Lemberg 1875.

Nr. 66. Obwieszczenie c.k. Namiestnictwa z dnia 25. Września b. r. L. 47131 względem języka w którym mają być prowadzone zapisy metrykalne i wydawane wyciągi i poświadczenia metrykalne [*No. 66. Announcement of the Imperial-Royal Governorship of September 25, 2013 L. 47131 Regarding the Language in which Vital Records are to be Kept and Excerpts and Record Certificates are to be Issued*], [in:] *Dziennik ustaw i rozporządzeń krajowych dla Królestwa Galicyi i Lodomeryi wraz z Wielkiem Księstwem Krakowskiem. Rok 1875* [*Journal of National Laws and Regulations for the Kingdom of Galicia and Lodomeria Including the Grand Duchy of Cracow. 1875*], Lwów 1875.

Nr. 55. Obwieszczenie c. k. Namiestnictwa z dnia 14. Września 1876 1. 42.884, którem ogłasza się rozporządzenie W. Ministerstwa spraw wewnętrznych, wydane w porozumieniu z Ministerstwem sprawiedliwości oraz z Ministerstwem Wyznań i Oświecenia z dnia 15. Marca 1875 1. 12944, dotyczące prowadzenia metryk urodzin, zaślubin i śmierci Izraelitów w Galicyi [*No. 55. Announcement of the Imperial-Royal Governorship of September 14, 1876 1. 42.884, which Announces the Regulation of the Ministry of Internal Affairs, Issued in Consultation with the Ministry of Justice and the Ministry of Religious Affairs and Education of March 15, 1875 1. 12944, Regarding the Keeping of Birth, Marriage and Death Records of Israelites in Galicia*], [in:] *Dziennik Ustaw i Rozporządzeń Krajowych dla Królestwa Galicyi i Lodomeryi wraz z Wielkiem Księstwem Krakowskiem. Rocznik 1876* [*Journal of National Laws and Regulations for the Kingdom of Galicia and Lodomeria Including the Grand Duchy of Cracow. 1876*], Lwów 1876.

Legal acts – the Kingdom of Poland and the Russian Empire

Z Bożey Łaski My Alexander I. Cesarz Wszech Rossyi, Król Polski etc. etc. etc. Wszem w obec i każdemu komu o tem wiedzieć należy, a mi nowicie Obywatelom Królestwa Naszego Polskiego wiadomo czyniemy iż Izba Senatorska i Izba Poselska stosownie do przedstawionego w imieniu Naszem projektu i po wysłuchaniu

Mówców Rady Stanu i Komissyów Seymowych, uchwaliły co następuie: Kodex Cywilny Królestwa Polskiego (...). Dan w Warszawie dnia 1 (13) Czerwca 1825 roku [*By God's Grace We Alexander I. Emperor of All Russia, King of Poland etc. etc. etc. We do hereby make it known to all present and all to whom this should be known, namely the Citizens of the Kingdom of Our Poland, that the Senate Chamber and the Chamber of Deputies, in accordance with the motion presented on Our behalf, and having heard the Speakers of the Council of State and the Sejm Committees, have adopted the following: Civil Code of the Kingdom of Poland (...). Given in Warsaw, 1 (13) June 1825*], Dz.P.K.P. [Journal of Laws of the Kingdom of Poland], vol. X, no. 41.

W Imieniu Nayiaśnieyszego Alexandra I. Cesarza Wszech Rossyi Króla Polskiego etc. etc. Xiąże Namiestnik Królewski w Radzie Stanu. W celu wykonania przepisów o Aktach Stanu Cywilnego w Tytule IV prawa na Seymie tegorocznym zapadłego zawartych, na przełożenie Komissyi Rządowych Wyznań Religiynych i Oświecenia Publicznego, Sprawiedliwości i Woyny, postanowiliśmy i stanowiemy: (...). Działo się w Warszawie na posiedzeniu Rady Administracyiney dnia 3. Miesiąca Listopada 1825 roku [*In the name of the Most Gracious Alexander I. Emperor of All Russia King of Poland etc. etc. Prince Royal Governor in the Council of State. For the purpose of implementing the provisions on civil status records in Title IV of the law passed at this year's Sejm, by a motion of the Government Commission for Religious Denominations and Public Enlightenment, Justice and War, we have decided and resolve: (...). Taken place in Warsaw at a meeting of the Administrative Council on the 3rd of November 1825*], Dz.P.K.P. [Journal of Laws of the Kingdom of Poland], vol. XI, no. 42.

43186. – Апрѣля 14. Высочайше утвержденное Положеніе о нотаріяльной части, [in:] Полное собрание законов Российской империи, vol. 41 (1866), no. 43186 // // *Aprělâ 14. Vysočajše Utveržднennoe Položenie o notariâl'noj časti,* [in:] Polnoe sobranie zakonov Rossijskoj imperii, vol. 41 (1866), no. 43186. / 43186.

Новое уголовное уложение, Высочайше утвержденное 22 марта 1903 года. съ приложеніемъ Предметнаго Алфавитнаго Указателя, С.-Петербургъ 1903 // *Novoe ugolovnoe uloženie, Vysočajše utveržденnoe 22 marta 1903 goda. s' priloženiem' Predmetnago Alfavitnago Ukazatelâ*, S.-Peterburg' 1903.

Сводъ Законовъ Россійской Имперіи. Томъ XVI, под редакцией и с примечаниями И.Д. Мордухай-Болтовского, Санкт-Петербург 1912 // *Svod' Zakonov' Rossijskoj Imperii. Tom' XVI,* pod redakciej i s primečaniâmi I.D. Morduhaj-Boltovskogo, Sankt-Peterburg 1912.

Уставъ Уголовнаго Судопроизводства. Изданіе 1914 года съ всѣми позднѣйшими узаконеніями и съ объясненіями по рѣшеніямъ уголов. кас. деп. Правительствующаго Сената по 1916 годъ., составилъ Пом. Прис. Пов. Д.А. Каплан, Екатеринославъ 1916 // *Ustav' Ugolovnago Sudoproizvodstva. Izdanie 1914 goda s' vsěmi pozdnějšimi uzakoneniâmi i s' ob' 'âsneniâmi po rěšeniâm' ugolov. kas. dep. Pravite''stvuûšago Senata po 1916 god'.,* sostavi' Pom. Pris. Pov. D.A. Kaplan, Ekaterinoslav'1916.

Przepisy tymczasowe o urządzeniu sądownictwa w Królestwie Polskim (Dziennik Urzędowy Departamentu Sprawiedliwości Tymczasowej Rady Stanu Królestwa Polskiego nr 1, poz. 1) [Provisional Provisions on the Appointment of the Judiciary in the Kingdom of Poland (Official Gazette of the Department of Justice of the Provisional Council of State of the Kingdom of Poland No. 1, item 1)].

Przepisy przechodnie do ustawy postępowania karnego (Dziennik Urzędowy Departamentu Sprawiedliwości Tymczasowej Rady Stanu Królestwa Polskiego 1917 nr 1, poz. 4) [Transitional Provisions to the Criminal Procedure Act (Official Gazette of the Department of Justice of the Provisional Council of State of the Kingdom of Poland 1917 No. 1, item 4)].

Legal acts – the German Empire

Reichsgesetzblatt. No 4. (Nr. 1040.) Gesetz über die Beurkundung des Personenstandes und die Eheschließung. Vom 6. Februar 1875, [in:] *Reichsgesetzblatt. 1875. Enthält die Gesetze, Verordnungen etc. vom 4. Januar bis 29. Dezember 1875, nebst einem Gesetze und mehreren Vertragen vom Jahre 1874. (Von No 1034 bis No 1106.) No 1 bis incl. 35.*, Berlin 1875.

Legal acts – the Second Polish Republic

Dekret Rady Regencyjnej o tymczasowej organizacji Władz Naczelnych w Królestwie Polskiem. (Dz.U. 1918 nr 1, poz. 1) [Decree of the Regency Council on the Temporary Organisation of the Supreme Authorities in the Kingdom of Poland (Journal of Laws 1918 no. 1, item 1)].

Ustawa z dnia 17 lutego 1922 r. o państwowej służbie cywilnej. (Dz.U. 1922 nr 21, poz. 164) [Act of February 17, 1922 on the State Civil Service (Journal of Laws 1922 no. 21, item 164)].

Ustawa z dnia 31 lipca 1924 r. o języku państwowym i języku urzędowania rządowych i samorządowych władz administracyjnych. (Dz.U. 1924 nr 73, poz. 724) [Act of July 31, 1924 on the State Language and the Official Language of Governmental and Local Administrative Authorities (Journal of Laws 1924 no. 73, item 724)].

Ustawa z dnia 31 lipca 1924 r. o języku urzędowania sądów, urzędów prokuratorskich i notarjatu. (Dz.U. 1924 nr 78, poz. 757) [Act of July 31, 1924 on the Official Language of Courts, Prosecutors' Offices, and Notaries' Offices (Journal of Laws 1924 no. 78, item 757)].

Konkordat pomiędzy Stolicą Apostolską a Rzecząpospolitą Polską, podpisany w Rzymie dnia 10 lutego 1925 r. (ratyfikowany zgodnie z ustawą z dnia 23 kwietnia 1925 r.). (Dz.U. 1925 nr 72, poz. 501) [Concordat between the Holy See and the Republic of Poland, signed in Rome on February 10, 1925 (Ratified in Accordance with the Act of April 23, 1925) (Journal of Laws 1925 no. 72, item 501)].

Rozporządzenie Prezydenta Rzeczypospolitej z dnia 1 lutego 1927 r. o statystyce ruchu naturalnego ludności. (Dz.U. 1927 nr 10, poz. 76) [Regulation of the Presi-

dent of the Republic of Poland of February 1, 1927 on Natural Population Movement Statistics (Journal of Laws 1927 no. 10, item 76)].

Rozporządzenie Prezydenta Rzeczypospolitej z dnia 22 marca 1928 r. o postępowaniu administracyjnem. (Dz.U. 1928 nr 36, poz. 341) [Regulation of the President of the Republic of Poland of March 22, 1928 on Administrative Proceedings. (Journal of Laws 1928 no. 36, item 341)].

Rozporządzenie Prezydenta Rzeczypospolitej z dnia 22 marca 1928 r. o postępowaniu przymusowem w administracji. (Dz.U. 1928 nr 36, poz. 342) [Regulation of the President of the Republic of Poland of March 22, 1928 on Compulsory Proceedings in Administration. (Journal of Laws 1928 no. 36, item 342)].

Rozporządzenie Prezydenta Rzeczypospolitej z dnia 22 marca 1928 r. o postępowaniu karno-administracyjnem. (Dz.U. 1928 nr 38, poz. 365) [Regulation of the President of the Republic of March 22, 1928 on Criminal-Administrative Proceedings. (Journal of Laws 1928 no. 38, item 365)].

Rozporządzenie Prezydenta Rzeczypospolitej z dnia 29 listopada 1930 r. – Kodeks Postępowania Cywilnego. (Dz.U. 1930 nr 83, poz. 651) [Regulation of the President of the Republic of November 29, 1930 – Code of Civil Procedure. (Journal of Laws 1930 no. 83, item 651)].

Ustawa z dnia 13 marca 1931 r. o wygaśnięciu mocy prawnej przepisów wyjątkowych, związanych z pochodzeniem, narodowością, językiem, rasą lub religją obywateli Rzeczypospolitej. (Dz.U. 1931 nr 31, poz. 214) [Act of March 13, 1931 on the Termination of the Legal Force of the Exceptional Laws Related to the Origin, Nationality, Language, Race, or Religion of the Citizens of the Republic of Poland. (Journal of Laws 1931 no. 31, item 214)].

Rozporządzenie Prezydenta Rzeczypospolitej z dnia 27 października 1932 r. o Najwyższym Trybunale Administracyjnym. (Dz.U. 1932 nr 94, poz. 806) [Regulation of the President of the Republic of October 27, 1932 on the Supreme Administrative Tribunal. (Journal of Laws 1932 no. 94, item 806)].

Ordinances and instructions of the authorities – the Second Polish Republic

Pismo Nr. AC. 27-n-5/3 z dnia 20 września 1932 r. o przeznaczeniu opłat za świadczenia metrykalne w świetle Dekretu Ks. Warszawskiego z dnia 28 lutego 1809 r. (Dz.Urz. MSW 1932 nr 15, poz. 185) [Letter no. AC. 27-n-5/3 of September 20, 1932 on the Allocation of Fees for Denominational Records Register Services in Light of the Decree of the Duke of Warsaw Dated February 28, 1809 (Official Gazette of the Ministry of Interior 1932, no. 15, item 185)].

Case law

Przedmowa [*Foreword*], [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik I. Rok 1922/23* [*Collection of Judgments of the Supreme Administrative Tribunal. Year I. 1922/23*], ed. K. Birgfellner, J. Kopczyński, J. Morawski, W. Swinarski, Warszawa 1925.

Nr. 1398. (...) *Wyrok z 2 marca 1928 l. rej. 1511/26* [No. 1398 (...) Judgment of March 2, 1928 case no. 1511/26], [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik VI. Rok 1928* [*Collection of Judgments of the Supreme Administrative Tribunal. Year VI. 1928*], ed. K. Birgfellner, W. Borkowski, J. Morawski, Warszawa 1930.

Orski W., *VII. Sprawy wyznaniowe. 286* [*VII. Religious Matters. 286*], [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najwyż. Trybunału Administracyjnego* [*IV. Judiciary. A. Review of the Case Law. Case Law of the Supreme Administrative Tribunal*], „Ruch Prawniczy, Ekonomiczny i Socjologiczny" ["Poznań Journal of Law, Economics and Sociology"] 1928, vol. 8, no. 4.

Nr. 24A. (...) *Wyrok z 22 lutego 1929 l. rej. 4050/26* [*No. 24A. (...) Judgment of February 22, 1929 case no. 4050/26*], [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik VII. Rok 1929. Dział A* [*Collection of Judgments of the Supreme Administrative Tribunal. Year VII. 1929. Section A*], ed. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1930.

Orski W., *VIII. Sprawy wyznaniowe i szkolne. 153* [*VIII. Religious and School Matters. 153*], [w:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najwyż. Trybunału Administracyjnego* [*IV. Judiciary. A. Review of the Case Law. Case Law of the Supreme Administrative Tribunal*], „Ruch Prawniczy, Ekonomiczny i Socjologiczny" ["Poznań Journal of Law, Economics and Sociology"] 1929, vol. 9, no. 2

Nr. 782 A. (...) *Wyrok z 28 czerwca 1934 l. rej. 8182/31* [*No. 782 A. (...) Judgment of June 28, 1934 case no. 8182/31*], [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik XII. Rok 1934. Dział A* [*Collection of Judgments of the Supreme Administrative Tribunal. Year XII. 1934. Section A*], ed. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1935.

Orski W., *V. Wyznania i szkolnictwo. 22* [*V. Religion and Education. 22*], [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najwyższego Trybunału Administracyjn.* [*IV. Judiciary. A. Review of the Case Law. Case Law of the Supreme Administrative Tribunal*], „Ruch Prawniczy, Ekonomiczny i Socjologiczny" ["Poznań Journal of Law, Economics and Sociology"] 1935, vol. 15, no. 1.

Orski W., *IX. Sprawy kościelne i wyznaniowe. 23* [*IX. Church and Religious Matters. 23*], [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najwyż. Trybunału Administracyjnego* [*IV. Judiciary. A. Review of the Case Law. Case Law of the Supreme Administrative Tribunal*], „Ruch Prawniczy, Ekonomiczny i Socjologiczny" ["Poznań Journal of Law, Economics and Sociology"] 1937, vol. 17, no. 1

Nr 1383 A. (...) *Wyrok z 5 czerwca 1937 l. rej. 2439/34* [*No. 1383 A. (...) Judgment of June 5, 1937 case no. 2439/34*], [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik XV. Rok 1937. Dział A* [*Collection of Judgments of the Supreme Administrative Tribunal. Year XV. 1937. Section A*], ed. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1937.

Orski W., *IX. Sprawy kościelne i wyznaniowe. 123* [*IX. Church and Religious Matters. 123*], [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najw. Trybunału Administracyjnego* [*IV. Judiciary. A. Review of the Case Law. Case*

Law of the Supreme Administrative Tribunal], „Ruch Prawniczy, Ekonomiczny i Socjologiczny" ["Poznań Journal of Law, Economics and Sociology"] 1937, vol. 17, no. 4.

Nr 1360 A. (...) *Wyrok z 14 czerwca 1937 l. rej. 10694/34* [*No. 1360 A. (...) Judgment of June 14, 1937 case no. 10694/34*], [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik XV. Rok 1937. Dział A* [*Collection of Judgments of the Supreme Administrative Tribunal. Year XV. 1937. Section A*], ed. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1937.

Nr 1556 A. (...) *Wyrok z 8 kwietnia 1938 l. rej. 6639/35* [*No. 1556 A. (...) Judgment of April 8, 1938 case no. 6639/35*], [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik XVI. Rok 1938. Dział A* [*Collection of Judgments of the Supreme Administrative Tribunal. Year XVI. 1938. Section A*], ed. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1938.

Orski W., *XVII. Prawa osobiste. 131* [*XVII. Personal Rights. 131*], [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najw. Trybunału Administracyjnego* [*IV. Judiciary. A. Review of the Case Law. Case Law of the Supreme Administrative Tribunal*], „Ruch Prawniczy, Ekonomiczny i Socjologiczny" ["Poznań Journal of Law, Economics and Sociology"] 1938, vol. 18, no. 4.

Nr 1565 A. (...) *Wyrok z 10 maja 1938 l. rej. 4550/36* [*No. 1565 A. (...) Judgment of May 10, 1938 case no. 4550/36*], [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik XVI. Rok 1938. Dział A* [*Collection of Judgments of the Supreme Administrative Tribunal. Year XVI. 1938. Section A*], ed. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1938.

Orski W., *IX. Sprawy kościelne i wyznaniowe. 121* [*IX. Church and Religious Matters. 121*], [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najw. Trybunału Administracyjnego* [*IV. Judiciary. A. Review of the Case Law. Case Law of the Supreme Administrative Tribunal*], „Ruch Prawniczy, Ekonomiczny i Socjologiczny" ["Poznań Journal of Law, Economics and Sociology"] 1938, vol. 18, no. 4.

Nr 1662 A. (...) *Wyrok z 30 grudnia 1938 l. rej. 3400/36* [*No. 1662 A. (...) Judgment of December 30, 1938 case no. 3400/36*], [in:] *Zbiór wyroków Najwyższego Trybunału Administracyjnego. Rocznik XVI. Rok 1938. Dział A* [*Collection of Judgments of the Supreme Administrative Tribunal. Year XVI. 1938. Section A*], ed. K. Bernaczek, W. Borkowski, A. Dubieński, Z. Smolka, Warszawa 1938.

Orski W., *X. Sprawy wyznaniowe. 103* [*X. Religious Matters. 103*], [in:] *IV. Sądownictwo. A. Przegląd orzecznictwa. Orzecznictwo Najw. Trybunału Administracyjnego* [*IV. Judiciary. A. Review of the Case Law. Case Law of the Supreme Administrative Tribunal*], „Ruch Prawniczy, Ekonomiczny i Socjologiczny" ["Poznań Journal of Law, Economics and Sociology"] 1939, vol. 19, no. 3.

Compilations of legislation, commentaries, legal guides

Kasparek J.R., *Zbiór ustaw i rozporządzeń administracyjnych w Królestwie Galicyi i Lodomeryi z Wielkiem Księstwem Krakowskiem obowiązujących z wyciągiem orzeczeń c. k. Trybunału administracyjnego. Podręcznik dla organów c. k. Władz*

rządowych i Władz autonomicznych. Tom V [*A Collection of Administrative Laws and Regulations in the Kingdom of Galicia and Lodomeria with the Grand Duchy of Cracow, in Force, with an Extract from the Decisions of the Imperial and Royal Administrative Tribunal. A Handbook for the Bodies of the Imperial and Royal Government and Autonomous Authorities. Volume V*], Lwów 1885.

Kodeks karny z r. 1903 (przekład z rosyjskiego) z uwzględnieniem zmian i uzupełnień obowiązujących w Rzeczypospolitej Polskiej w dniu 1 maja 1921 r. [*Criminal Code of 1903 (Translation from Russian) with Amendments and Additions in Force in the Republic of Poland on May 1, 1921*], Warszawa 1922.

Piwocki J., *Zbiór ustaw i rozporządzeń administracyjnych opracowany przez J. Piwockiego* [*Collection of Laws and Administrative Regulations Compiled by J. Piwocki*], vol. 3, Lwów 1911.

Podwojski F., *Podręcznik dla Urzędników Stanu Cywilnego byłej dzielnicy pruskiej* [*Handbook for Civil Registrars of the Former Prussian District*], Toruń 1926.

Zatorski M., Kasparek F., *Powszechna Księga Ustaw Cywilnych dla wszystkich krajów dziedzicznych niemieckich Monarchji austryjackiej. Z późniejszemi odnośnemi ustawami i rozporządzeniami* [*General Book of Civil Laws for All Hereditary German States of the Austrian Monarchy. With Subsequent Relevant Laws and Regulations*], Cieszyn 1875.

Literature

Ciechanowski H., *The Polish Civil Status Registration System – the Longue Durée of the Prussian Idea*, "Journal on European History of Law" 2020, vol. 11, no. 2.

Dybus-Grosicka I., *Początki i rozwój rejestracji stanu cywilnego na ziemiach polskich* [*Origins and Development of Civil Status Registration in Poland*], „Prawo Administracja Kościół" ["Law Administration Church"] 2006, no. 3.

Dyjakowska M., *Rejestracja stanu cywilnego w Księstwie Warszawskim i w Królestwie Polskim* [*The Marital Status Registration in the Duchy of Warsaw and Congress Poland*], „Metryka. Studia z zakresu prawa osobowego i rejestracji stanu cywilnego" ["Metryka. Studies in the Field of Personal Law and Civil Status Registration"] 2013, no. 1.

Dyjakowska M., *Rejestracja stanu cywilnego w Polsce przedrozbiorowej* [*Registration of Civil Status in Pre-Partition Poland*], „Metryka. Studia z zakresu prawa osobowego i rejestracji stanu cywilnego" ["Metryka. Studies in the Field of Personal Law and Civil Status Registration"] 2012, no. 1.

Dyjakowska M., *Rejestracja stanu cywilnego w zaborze austriackim* [*Marital Status Registration in Austrian Partition*], „Metryka. Studia z zakresu prawa osobowego i rejestracji stanu cywilnego" ["Metryka. Studies in the Field of Personal Law and Civil Status Registration"] 2014, no. 1.

Gaj D., *Rejestracja małżeństw w Polsce. Studium prawno-socjologiczne* [*Registration of Marriages in Poland. A Legal and Sociological Study*], Rzeszów 2009.

Gaj R.M., *Akta stanu cywilnego w pracach Komisji Kodyfikacyjnej i początkach Polski Ludowej* [*Civil Status Records in the Work of the Codification Commission and the Beginnings of the People's Poland*], Kraków 2012.

Gaj R.M., *System rejestracji stanu cywilnego na ziemiach polskich pod zaborami* [*Civil Registration System in the Polish Territories under the Partitions*], Kraków 2011.

Grabowski I., *Urzędy stanu cywilnego (metryki urodzenia, chrztu etc.)* [*Civil Registry Offices (Birth Certificates, Baptismal Certificates, etc.)*], [in:] *Encyklopedja podręczna prawa publicznego (konstytucyjnego, administracyjnego i międzynarodowego) opracowana z udziałem profesorów szkół wyższych, specjalistów, szefów i członków urzędów i instytucyj centralnych i wyższych. Tom drugi. Państwo związkowe – źródła lecznicze* [*Handy Encyclopaedia of Public Law (Constitutional, Administrative and International) Compiled with Contributions from University Professors, Specialists, Heads and Members of Central and Higher Offices and Institutions. Volume Two. The Federal State – Curative Sources*], ed. Z. Cybichowski, Warszawa 1930.

Gulczyński A., *Stan cywilny i jego rejestracja na ziemiach polskich pod zaborem austriackim* [*Civil Status and its Registration in the Polish Territories under the Austrian Partition*], „Czasopismo Prawno-Historyczne" ["Journal of Law and History"] 1993, vol. 45, no. 1-2.

Hrynicki W., *Organizacja rejestracji aktów stanu cywilnego w Polsce w ujęciu historycznym* [*Organisation of the Registration of Civil Status Records in Poland in Historical Perspective*], „Ius Novum" 2016, no. 4.

J. Kurpas, *Początki ksiąg metrykalnych* [*The Origins of Parish Record Books*], „Archiwa, Biblioteki i Muzea Kościelne" ["Archives, Libraries and Church Museums"] 1961, vol. 2, no. 1-2.

Jemielity W., *Akta stanu cywilnego w Księstwie Warszawskim i Królestwie Polskim* [*Civil Status Records in the Duchy of Warsaw and the Kingdom of Poland*], „Prawo Kanoniczne" ["Canon Law"] 1995, no. 1-2 (38).

Kirszrot J., *Prawa Żydów w Królestwie Polskiem* [*Rights of Jews in the Kingdom of Poland*], Warszawa 1917.

Konic H., *Prawo osobowe. Wykład porównawczy na tle prawodawstw obowiązujących w Polsce w zestawieniu z kodeksem szwajcarskim. Część pierwsza* [*Personal Law. A Comparative Lecture on the Background of the Legislation in Force in Poland Compared to the Swiss Code. Part One*], Warszawa 1924.

Kotecki R., *Rejestracja metrykalna wiernych w świetle potrydenckiego ustawodawstwa Kościoła katolickiego (ze szczególnym uwzględnieniem prawodawstwa diecezji Chełmińskiej, Gnieźnieńskiej, Płockiej i Włocławskiej)* [*Church Registration of Births, Marriages and Deaths of the Faithful in the Light of the Post-Tridentine Legislation of the Catholic Church (with Particular Reference to the Legislation of the Chelmno, Gniezno, Plock and Wloclawek Dioceses)*], „Nasza Przeszłość" ["Our Past"] 2009, no. 112.

Kowalski W., *Znaczenie archiwów parafialnych w badaniach nad dziejami rozwojowymi* [*The Importance of Parish Archives in the Study of Developmental History*], „Archiwa, Biblioteki i Muzea Kościelne" ["Archives, Libraries and Church Museums"] 2001, vol. 75.

Krasowski K., *Prawo o aktach stanu cywilnego w II Rzeczypospolitej* [*Law on Civil Status Records in the Second Polish Republic*], „Kwartalnik Prawa Prywatnego" ["The Quarterly of Private Law"] 1995, no. 2.

Kumor B., *Jakim celom służyły księgi parafialne* [*What Purpose Did the Parish Registers Serve*], „Przeszłość Demograficzna Polski" ["Poland's Demographic Past"] 1975, vol. 7.

Kumor B., *Przepisy państwowe i kościelne dotyczące metryk kościelnych w zaborze austriackim (1800–1914)* [*State and Church Regulations on Birth, Marriage and Death Registration in the Austrian Partition (1800–1914)*], „Przeszłość Demograficzna Polski" ["Poland's Demographic Past"] 1975, vol. 7.

Kumor B., *Reforma metryk kościelnych w zaborze austriackim (1775–1778)* [*Reform of Church Birth, Marriage and Death Registration in the Austrian Partition (1775–1778)*], „Zeszyty Naukowe Akademii Ekonomicznej w Krakowie" ["Scientific Journals of the Cracow University of Economics"] 1974, no. 70.

Litwin J., *Prawo o aktach stanu cywilnego z komentarzem* [*Law on Civil Status Records with Commentary*], Łódź 1949.

Litwin J., *Prawo o aktach stanu cywilnego. Jego geneza i zasady przewodnie* [*Law on Civil Status Records. Its Genesis and Guiding Principles*], „Demokratyczny Przegląd Prawniczy" ["Democratic Legal Review"] 1946, no. 3-4.

Litwin J., *Prawo o aktach stanu cywilnego. Komentarz* [*Law on Civil Status Records. Commentary*], Warszawa 1961.

Ogonowski J., *Sytuacja prawna Żydów w Rzeczypospolitej Polskiej 1918–1939. Prawa cywilne i polityczne* [*Legal Situation of the Jews in the Republic of Poland 1918–1939. Civil and Political Rights*], Warszawa 2012.

Osuchowski J., *Z dziejów prawa małżeńskiego i prawa o aktach stanu cywilnego w Polsce* [*The History of Matrimonial Law and the Law on Civil Status Records in Poland*], [in:] *Pro bono Reipublicae. Księga jubileuszowa Profesora Michała Pietrzaka* [*Pro bono Reipublicae. Professor Michał Pietrzak's Jubilee Book*], ed. P. Borecki, A. Czochara, T.J. Zieliński, Warszawa 2009.

Pawiński M., *Akta stanu cywilnego w Królestwie Polskim w pierwszej połowie XIX w.* [*Civil Status Records in the Kingdom of Poland in the First Half of the 19th Century*], „Archeion" 2002, vol. 104.

Pomianowski P.Z., *Funkcjonowanie francuskiego modelu rejestracji stanu cywilnego w Polsce* [*The French Model of Civil Registry in Poland*], „Czasopismo Prawno-Historyczne" ["Journal of Law and History"] 2015, vol. 67, no. 1.

Salamon W., *Akty stanu cywilnego* [*Civil Status Records*], [in:] *Encyklopedja podręczna prawa prywatnego. Tom Pierwszy. Agent handlowy – księgi handlowe* [*Handy Encyclopaedia of Private Law. Volume One. Commercial Agent – Commercial Books*], ed. H. Konic, Warszawa 1931.

Szulc Z., *Przepisy prawne dotyczące prowadzenia ksiąg metrykalnych w Galicji* [*Legitimate Regulations Concerning the Conducting of the Public Registers in Galicia in the Period of Austrian Ruling*], „Prace Historyczno-Archiwalne" ["Historical and Archival Works"] 1995, vol. III.

Tarkowska E., *Prawne kształtowanie się instytucji rejestracji stanu cywilnego na ziemiach polskich do roku 1986* [*The Development of the Institution of Civil Status Registration on Polish Territory to 1986*], Białystok 2015.

Truszkowski B.K., *Prawo o aktach stanu cywilnego w II Rzeczypospolitej. Jedno państwo, pięć reżimów prawnych* [*Law on Civil Status Records in the Second Polish Republic. One State, Five Legal Regimes*], doctoral dissertation, supervisor: dr hab. Piotr Fiedorczyk, prof. UwB, Faculty of Law, University of Bialystok 2023, Repository of the University of Bialystok: https://repozytorium.uwb.edu.pl/jspui/handle/11320/195.

Truszkowski B.K., *Registration of Civil Status in the Second Polish Republic (1918–1939)*, "Journal on European History of Law" 2019, vol. 10, no. 1, pp. 76-84.

Zdrenka J., *Urzędy stanu cywilnego województwa gdańskiego w latach 1874–1919* [*Civil Registry Offices in Gdansk Voivodeship 1874–1919*], „Rocznik Gdański" ["Gdansk Yearbook"] 1983, vol. 43, no. 2.

Summary

The Supreme Administrative Tribunal on Civil Status Records. A Case Law Review

In interwar Poland, there were five separate legal regimes for civil status records registration, which became part of a common legal order as inheritance from the various partitioning powers. Due to the failure to unify this system in the entire country, attempts were made by various state authorities, including the Supreme Administrative Tribunal, to organize the various issues involved. In a judgment of March 2, 1928, the Tribunal ruled that in the former Austrian partition, a failure to lodge a protest against a competition mistakenly organized by the authorities for an already-filled post of a keeper of Jewish denominational records register did not cause the holder to lose his position, even despite the fact that another person was appointed to the post. The judgment of February 22, 1929 stated that in the territory of the former Kingdom of Poland, the general administrative authorities were competent to issue instructions to the keepers of civil status records, but the authorities could not specify the content of the records themselves. The judgment of June 28, 1934 held that Catholic pastors, as keepers of denominational records registers in the voivodeships in the former Galicia, were in a relationship of official subordination to general administration authorities and were obliged to comply with the instructions and orders of these authorities, failing which the authorities were entitled to take coercive measures against them. In its judgment of June 5, 1937, the SAT stressed that the parents of a child were entitled to choose the first name to be entered in the birth register, but in case of a disagreement between the parents, the decision was up to the father. In a judgment of June 14, 1937, general administrative authorities were found to be competent to watch over the use of a surname in accordance with current

regulations, with the entry in the denominational records constituting public proof in this regard. The April 8, 1938 ruling denied the right to request the correction of an entry in a birth register on the grounds that the specific first name could also be expressed in another form. The May 10, 1938 ruling stated that documentation associated with denominational records registers sent to courts should be prepared in the official language of the state. In the judgment of December 30, 1938, it was made clear that the individual indications that a marriage was concluded were to be taken into account for additional entry in the records only if they were significant in relation to the provisions on the keeping of those records. The rulings of the SAT indicated herein were not the only ones concerning denominational records/civil status records; we can also find references to more judgments in sources other than the official *Collection of Judgments*. Most of the rulings analyzed pertained to the territory of the former Austrian partition and did not have a significant impact on the overall conduct of registration, although some resonated in the literature on this topic and the actions of the authorities.