

PRZEGLĄD PRAWA ADMINISTRACYJNEGO

(8)2024 • DOI: 10.17951/ppa.2024.8.99-122

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The System of State Administration Bodies in Matters of the Determination and Estimation of War Damages and Contributions in Poland after the First World War

*System organów administracji państwowej w sprawach
ustalania oraz oszacowania świadczeń i szkód
wojennych w Polsce po I wojnie światowej*

Introduction

The dramatic events of the Great War of 1914–1918 on Polish soil led to losses and devastation previously unparalleled. The losses and burdens occurring in various forms were the result of both the exploitation policy of these territories and the direct military struggles and preparations for them. In 1921, the losses and damages to the Polish lands (only the Kingdom of Poland and the Eastern Borderlands) and their inhabitants were calculated at more than 21.9 billion francs in gold and 500 million German marks in gold. In later years, the damage was estimated at 9.984 billion francs in gold, i.e. 10% of the national wealth of

the reborn Republic¹ with the 1919–1921 estimate considered to be closer to the truth.²

As a general rule, it is assumed in legal scholarship that war damage can be understood as damage to the property of natural and legal persons caused in the course of armed combat, by combat or in direct connection with it.³ Under public international law, aggrieved parties are entitled to compensation, whereby the State which caused the damage (the passive subject of the obligation to compensate) performs its obligations not with respect to the individual, but with respect to the State of which the individual is a national. The issue of possible compensation for damage caused by war is regulated by the norms of the administrative law of the State concerned and may involve both damage caused by enemy troops and by the authorities of its own State.⁴ It should be emphasised, however, that material contributions and personal services ordered by the authorities of one's own State in the course of its lawful activities do not count as proper war damage.⁵

Earlier legislation did not contain any State's obligation to compensate for war damage and losses, and it was only with the legislation of revolutionary France that the first legal norms emerged, establishing the absolute principle of total compensation for all victims of war, irrespective of the type of damage, on the basis of the individual's own claim against the State. On the basis of these provisions, special State administrative bodies began to be set up and their task was to determine and estimate war damages. In Poland, the first body of a compensatory nature modelled on the French revolutionary legal tradition became the Central Liquidation Commission during the so-called Napoleonic wars, which was es-

¹ J. Bankiewicz, B. Domosławski, *Zniszczenia i szkody wojenne*, [in:] *Polska w czasie wielkiej wojny (1914–1918)*, t. 3: *Historia społeczna i ekonomiczna*, red. M. Handelsman, Warszawa 1936, p. 2.

² E. Kołodziej, *Gospodarka wojenna w Królestwie Polskim w latach 1914–1918*, Warszawa 2018, p. 150.

³ S. Rundstein, *Szkody wojenne: teoria nadzwyczajnych indemnizacji w prawie publicznym*, Warszawa 1916, pp. 17–18. Cf. A. Raczyński, *Traktaty pokojowe wobec praw majątkowych*, Kraków–Warszawa 1920, pp. 6–13; A.S. Hershey, *German Reparations*, "The American Journal of International Law" 1921, vol. 3(15), pp. 411–418; H.E. Yntema, *The Treaties with Germany and Compensation for War Damage*, "Columbia Law Review" 1923, vol. 6(23), pp. 511–527.

⁴ S. Nahlik, *Grabież dzieł sztuki. Rodowód zbrodni międzynarodowej*, Wrocław–Kraków 1958, pp. 237–240; M. Konarski, *A Military Order as a Source of Information about Requisitions on Polish Soil in 1919–1920*, „Teka Komisji Prawniczej PAN Oddział w Lublinie” 2021, vol. 2(14), pp. 183–202.

⁵ S. Rundstein, *op. cit.*, pp. 11–12, 42–44; Ch.N. Gregory, *Contributions and Requisitions in War*, "Columbia Law Review" 1915, vol. 3(15), pp. 207–227; M. Konarski, *Rekwizycje na ziemiach polskich w latach 1919–1920 w świetle ustawodawstwa i orzecznictwa sądowego*, „Studia Prawnicze KUL” 2021, vol. 2(86), pp. 81–101; idem, *Military and Civilian Requisitions in Light of the Rulings of the Supreme Administration Tribunal from 1923–1931*, "Miscellanea Historico-Iuridica" 2023, vol. 1(21), pp. 201–222.

established during the existence of the Duchy of Warsaw.⁶ Similar compensation boards began to be established on Polish soil in later years as well.

During the Great War and the subsequent Polish-Russian War of 1919–1921, the Polish lands were subjected to ruthless exploitation by the enemy states and their armies, which caused a great deal of damage to various sectors of the national economy, culture, agriculture, agricultural industry,⁷ parks, gardens and forests,⁸ industry,⁹ commerce and crafts, buildings and domestic property, as well as archives and museum collections.¹⁰ The issues of compensation for these actions or the restitution of confiscated property were regulated by acts of international law¹¹ and subsequently by acts of domestic law, but I will not go into them in detail here as they have already been sufficiently described in the academic literature.¹²

Subsequently, the subject of the present academic inquiry will be the organisation and functioning of the bodies of the Polish State administration – within the scope indicated in the title of the article – which were established after the First World War. They comprised an orderly arrangement of State bodies whose purpose was to determine and estimate the losses caused directly by wartime

⁶ M. Konarski, *The Central Liquidation Commission in the Duchy of Warsaw between 1808 and 1812*, „Krakowskie Studia z Historii Państwa i Prawa” 2023, Special Issue, English Version, pp. 21–47.

⁷ For more, see: *Odszkodowania wojny 1914–1918 w cyfrach: dział ogólny i rolny dla Królestwa Polskiego z uwzględnieniem guberni północno-zachodnich*, prepared by A. Świda, Warszawa–Lwów 1920, pp. 64–68; W. Grabski, J. Stojanowski, J. Wareżak, *Rolnictwo Polski 1914–1920*, [in:] *Polska w czasie wielkiej wojny...*, pp. 223–485.

⁸ For more, see: Ł. Faszczka, *Straty w drzewostanie lasów skarbowych na ziemiach polskich powstałe w wyniku działań wojennych oraz eksploatacji w okresie I wojny światowej*, „Roczniki Dziejów Społecznych i Gospodarczych” 2019, vol. 80, pp. 267–294.

⁹ R. Gawiński, *Dewastacja przemysłu włókienniczego okręgu łódzkiego w czasie pierwszej wojny światowej i sprawa odszkodowania*, „Przegląd Historyczny” 1964, vol. 1(55), pp. 62–77.

¹⁰ J. Seruga, *Niszczenie archiwów w b. okupacji austriackiej b. Królestwa Polskiego w czasie wojny światowej*, Warszawa 1922, pp. 6–28; S. Rygiel, *Sprawa zwrotu mienia kulturalnego Wileńszczyzny z Rosji*, Wilno 1924, pp. 1–24; S. Nahlik, *op. cit.*, pp. 250–254; M. Hübner, *Traktat ryski a kwestia rewindykacji polskich dóbr kultury i nauki z Rosji sowieckiej*, [in:] *Zwycięski pokój czy rozejm na pokolenie? Traktat ryski z perspektywy 100 lat*, red. Z. Girzyński, J. Kłaczek, Warszawa 2022, pp. 295–325.

¹¹ Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles on June 28, 1919, Journal of Laws 1920, no. 35, item 200; Treaty of Peace between Poland and Russia and Ukraine signed in Riga on March 18, 1921, Journal of Laws no. 49, item 300; *Zbiór przepisów dotyczących wykonania art. XI i XV, oraz działu IV załącz. Nr 4 Traktatu Ryskiego w sprawie zwrotu mienia wywiezionego z Polski do Rosji lub Ukrainy*, Warszawa 1921, pp. 3–10.

¹² A. Raczyński, *Odszkodowania wojenne i odbudowa Prus Wschodnich*, Lwów 1916, p. 94; K. Olszowski, *Podstawy rozrachunku państwowego pomiędzy Polską a Rosją*, Warszawa 1918, p. 279.

events on Polish soil to the property of citizens of the Polish State, belonging to natural and legal persons.

The state of research and methodology

The issue of the organisational system of State administration bodies in the matters which are the subject of this discussion has not yet been analysed extensively in the literature.¹³ The vast majority of the studies referred to in this article and concerning the determination and estimation of war damages focus either on general aspects of war damages or refer to certain procedural aspects, sometimes an analysis of individual historical events related to it. This means that to date we do not find a comprehensive discussion of these issues in the literature, so that the system of organisation of these bodies is still often incomprehensible and raises doubts.

In view of this deficit in the Polish administrative law scholarship, the aim of the analysis is to attempt a detailed systematisation of the bodies of the administrative apparatus in matters of determining and estimating war contributions and damages in Poland after World War I, taking into account various aspects of their functioning.¹⁴ An additional advantage of this analysis may be the fact that it is presented in English so that the foreign reader has the opportunity to become familiar with the issue in question in a comprehensive manner, which was not hitherto possible.

The source basis for the issue under study is primarily normative sources (laws, decrees, regulations, circulars, instructions, etc.), selected court rulings and archival materials stored in the Central Archives of Modern Records (*Archiwum Akt Nowych*, AAN) and other State archives located in major cities in Poland. Obviously the editorial framework of this study does not allow for the full use of all archival materials, nevertheless from the methodological point of view the collections used constitute a sufficient source for the analysis of the research problem. Finally, supplementary material is provided by selected academic and empirical studies, which, however, discuss to a limited extent the system of State bodies which is the subject of this study.

¹³ The most complete study of these issues was given by A. Raczyński, *O wykonaniu ustawy z dnia 10 maja 1919... w przedmiocie ustalenia i oszacowania strat wojennych (referat wygłoszony na stałym Komitecie Szkód i Świadczeń Wojennych we Lwowie dn. 8 lipca 1919)*, Lwów 1919, p. 23.

¹⁴ J. Starościak, *Administracja. Zagadnienia teorii i praktyki*, Warszawa 1974, pp. 269–304.

In view of the above, further reflections will aim to fill this research gap and, although they do not aspire to be comprehensive, they can certainly provide a stimulus for further research in this area.

The creation of the Main Liquidation Office

Hierarchically, the highest authority in the system of Polish state administration in matters which are the subject of my discussion was the Main Liquidation Office (hereinafter: MLO), which commenced its activity as a State administration body with the rights of a ministry in Warsaw on 6 February 1919,¹⁵ and ceased its activity when it was incorporated into the structures of the Ministry of the Treasury in 1927, which meant that its scope of activity was transferred to the Minister of the Treasury.¹⁶

The MLO was headed by the Chairman, the universally respected Władysław Grabski (1874–1938), elected on 29 January,¹⁷ and Vice-Chairman – initially, engineer Stefan Kossuth (1849–1919)¹⁸ and after his death, engineer Józef Karśnicki.¹⁹

¹⁵ The Decree of the Chief of State of January 31, 1919 on the establishment of the Main Liquidation Office, Journal of Laws no. 12, item 132.

¹⁶ The regulation of the Council of Ministers of January 10, 1927 on the incorporation of the Main Liquidation Office into the Ministry of the Treasury, Journal of Laws no. 5, item 27. There were even claims in the literature that this office should have been incorporated as a department into the Ministry of Foreign Affairs, see: A. Suligowski, *W sprawie reform administracji państwowej*, „Ruch Prawniczy i Ekonomiczny” 1922, nr 2, p. 230. It is worth emphasising that these powers of the Minister of the Treasury went beyond the traditional treasury matters, see: B. Kucia-Guściora, *Status ministra skarbu II Rzeczypospolitej Polskiej w obszarze spraw budżetowych*, „Czasopismo Prawno-Historyczne” 2020, vol. 1, p. 65.

¹⁷ AAN MLO, Ms. 1, card 16. As early as in 1917, following the Russian Revolution, Władysław Grabski represented Poland at the head of the Polish delegation of the commission preparing materials for the settlement with the partitioning states and Tsarist Russia. The Polish Liquidation Commission was set up by Alexander Kiereński's government after it recognised the principle of Polish independence, see: W. Grabski, *Dwa lata pracy u podstaw państwowości naszej (1924–1925)*, Warszawa 1927, p. 3; C. Domański, *Władysław Grabski (1874–1938)*, „Acta Universitatis Lodzianensis. Folia Oeconomica” 2015, vol. 3(314), pp. 105–106. On March 14, 1917, the Petrograd Soviet of Workers' and Soldiers' Deputies declared that democracy in Russia supported the recognition of the political self-determination of nations and therefore Poland had the right to complete independence international terms, *Stosunki polsko-radzieckie w latach 1917–1945. Dokumenty i materiały*, prepared by E. Basiński, Warszawa 1967, p. 19; M. Konarski, *At the Roots of the Reconstruction of Polish Statehood. A Few Remarks at the Hundredth Anniversary of Regaining Independence (1918–2018). Part 1*, „Teki Komisji Prawniczej PAN Oddział w Lublinie” 2018, vol. 2(11), pp. 175–176.

¹⁸ AAN, fonds no. 3, „Kancelaria Cywilna Naczelnika Państwa w Warszawie” [The Civil Chancellery of the Head of State in Warsaw], „Nominacje i dymisje w Głównym Urzędzie Likwidacyjnym” [Appointments and depositions at the MLO], Ms. 124, cards 33–36 (hereinafter: AAN AiDMLO).

¹⁹ *Ibidem*, cards 21–29.

Both the Chairman and the Vice-Chairman were appointed by the Supreme State Authority (the Chief of State) on the proposal of the Council of Ministers.²⁰ The Chairman, having the status of a minister in matters of service to the State,²¹ did not form part of the Cabinet of Ministers and participated in it only in matters pertaining to his competence. In the literature on the subject, he is referred to as the head of a central State office.²²

With the establishment of the MLO, it took over all activities of the former Office of State Settlement and War Losses under the Ministry of the Treasury, the Settlement Division of the Office of Congressional Works under the Ministry of Foreign Affairs and all other state bodies in the field of settlement and war losses.²³ All matters of settlement with neighbouring States and compensation, insofar as they were prepared in separate ministries, were subject to consideration by the MLO before they were settled or brought before the Council of Ministers for consideration.

The MLO headquarters consisted of 4 sections: the first, the so-called general section (located in the Stanisław Wołowski Palace at 3 Foksal Street), comprising the General Secretariat,²⁴ the account office, the main office, the legal department, the revindication department and the department for the liquidation of German property; the second, the so-called "settlement department", which prepared and processed all materials for interstate settlement, included in the departments for settlement with Germany, Austria and Russia, and the statistical department for war losses and thus the entire settlement policy was centred in this section (also located at 3 Foksal Street); the third, so-called claims department, comprising the department for the inventory of State property and losses to State property, the department for the liquidation of various war headquarters created by the partitioning states and occupation authorities, the department for public-legal and private-legal claims (located in a building at the corner of 17 Chmielna Street and 22 Bracka Street); the fourth, so-called compensation department, whose task was to register and estimate war losses (located at 7 Mazowiecka Street).²⁵

²⁰ *Ibidem*, card 18.

²¹ The Regulation of the Council of Ministers of 30 May 1922 on management allowances for civilian civil servants, Journal of Laws no. 51, item 456.

²² J. Goclon, *Ustrój Rady Ministrów, ministerstw i system kontroli resortowej w Polsce w latach 1918–1928*, „Folia Iuridica Wratislaviensis” 2013, vol. 2(1), pp. 20–21.

²³ Cf. Z.J. Winnicki, *Rada Regencyjna Królestwa Polskiego i jej organy (1917–1918)*, Wrocław 2017, p. 188, 281.

²⁴ The General Secretariat was divided into 4 departments (personal secretary to the Chairman, general department, council to the MLO and budget department). For more on the external and internal activities of the Secretariat, see: AANMLO, Ms. 2, cards 2–29.

²⁵ *Ibidem*, Ms. 4, card 41.

The individual sections were divided into divisions (e.g. accounting, Russian, German, statistical, treaty and claims divisions), which changed their names frequently. In subsequent years, the number of sections was reduced and in 1925 there were three (legal-administrative, settlement and claims sections).²⁶

The following persons were appointed section heads in subsequent years on the proposal of the chairman of the MLO: engineer Józef Karśnicki, Stanisław Kauzik,²⁷ Włodzimierz Pełka, Władysław Podczaski,²⁸ Edward Antoni Zaleski,²⁹ Konstanty Zaremba,³⁰ Zenon Szczawiński and Józef Bankiewicz.

In addition to its headquarters, the MLO had a number of local offices: (1) the office of the plenipotentiary of the Main Liquidation Office in Vienna (abolished on 18 March 1921), headed by Jan Jordan Rozwadowski,³¹ and then Juliusz Twardowski PhD;³² (2) Commissariats in Poznań and Lviv, headed by commissioners Juliusz Zdanowski³³ and count Jan Żółtowski;³⁴ (3) the Office of the Polish Delegation to the Compensation Commission, headed by Jan Mrozowski (his deputy became Tadeusz Sobolewski);³⁵ (4) the Revindication Commission; (5) the Liquidation Committees in Warsaw and Poznań; (6) the Delegations to the Mixed Re-evacuation and Special Commissions (these were divided into sub-committees, professional and general divisions and branches);³⁶ (7) the Delegation to the Mixed Settlement Commission; and (8) the Estimating Commissions.

Initially, the scope of the MLO's activities included: (1) determining the amount of losses incurred by the State and its individual citizens as a result of the

²⁶ In addition, a Council was established at the MLO as an advisory body to the office to provide opinions on proposals, draft regulations, etc. The Council consisted of the Chairman of the MLO or his deputy as the Chairman, representatives of the various ministries and persons appointed at the discretion of the Chairman of the AAN MLO, Ms. 1, cards 75–80.

²⁷ AAN AiDMLO, Ms. 124, card 30.

²⁸ *Ibidem*, cards 40–45.

²⁹ *Ibidem*, cards 65–71.

³⁰ *Ibidem*, cards 74–80.

³¹ *Ibidem*, card 49.

³² *Ibidem*, cards 57–61.

³³ *Ibidem*, cards 80–82.

³⁴ *Ibidem*, cards 88–94.

³⁵ *Ibidem*, cards 37–39, 53–56.

³⁶ For more on the activities of these commissions, see, *inter alia*, the Instruction issued by the President of the MLO dated 12 August 1921 on the registration of property evacuated from the Republic of Poland to Russia and Ukraine and subject to re-evacuation pursuant to Treaty of Peace between Poland and Russia and Ukraine signed in Riga on March 18, 1921, Journal of Laws no. 49, item 300; *Dokumenty dotyczące akcji delegacji polskich w Komisjach Mieszanych Reewakuacyjnej i Specjalnej w Moskwie*, vol. 3, Warszawa 1922–1925, pp. 3–24; *ibidem*, vol. 8, pp. 19–28; *ibidem*, vol. 9, pp. 3–20; E.M. Ziółtek, „Sprawa Ussasa”. *Przyczynek do dziejów mieszanych komisji reewakuacyjnej i komisji specjalnej 1922–1924*, „Teka Komisji Historycznej TN KUL” 2021, vol. 3(18), pp. 159–175.

war (material contributions and personal services); (2) preparing and conducting all matters relating to the settlement of the Polish State with neighbouring States on all titles; (3) obtaining all compensation and settlement with the aggrieved.³⁷ With the enactment of the new MLO Act in 1923, this office was also entrusted with all matters delegated to it under other legislation, as well as liquidation matters arising from the Polish-Russian War of 1919–1921.³⁸

Pursuant to the provisions of the new MLO Act, the Council of Ministers was to rule, on the proposal of the Minister of the Treasury, put forward in agreement with the Minister of Foreign Affairs, on the abolition of the MLO, possibly incorporating it into the Ministry of the Treasury,³⁹ which, as we already know, did not take place until 1927. During the Sejm debate, the idea of incorporation was argued on the grounds that many of the previous tasks for which the MLO had been established had already been completed, e.g. the registration of losses, while the office was gradually reducing its agencies and clerical staff. In 1919, the MLO's employed 118 clerks (including 39 full-time clerks, 70 part-time clerks, 8 caretakers and 1 messenger),⁴⁰ in 1921, the MLO's staffing level was 361 clerks, in 1922, only 135, and by the end of 1923, 95 clerks.⁴¹

The Revindication Commission

The Revindication Commission (RC) was set up at the MLO⁴² with the task of searching for, collecting from the German government and bringing to the territory of the Republic of Poland property to be returned in kind to Poland in

³⁷ AAN, fonds no. 19, „Ministerstwo Aprowizacji w Warszawie” [The Ministry of Supply in Warsaw], Ms. 1869, cards 10–17 (hereinafter: AAN MoS). Cf. *Protokół z posiedzenia Rady przy GUL z dnia 3 marca 1921 r.* [The minutes of the meeting of the Council to the MLO of 3 March 1921]; *ibidem*, Ms. 1869, cards 21–28.

³⁸ *Protokół z posiedzenia Rady przy GUL z dnia 4 listopada 1920 r.* [The minutes of the meeting of the Council at the MLO of 4 November 1920], AAN MoS, Ms. 1869, cards 39–43; the Act of 4 July 1923 on the Organisation and Scope of Operation of the Main Liquidation Office, Journal of Laws no. 75, item 583.

³⁹ *Extract from the minutes of the 17th, 21st and 22nd meetings of the Council of Ministers of the Republic of Poland of 13, 21 and 22 February 1922*, AAN, fonds no. 8, „Prezydium Rady Ministrów, Ministerstwo Skarbu oraz urzędy podległe” [the Presidium of the Council of Ministers, the Ministry of the Treasury and the subordinate offices, Mobile secret offices], Ms. 4, vol. 19, card 115.

⁴⁰ *Ibidem*, cards 3–5.

⁴¹ The stenographic report of the 50th session of the Sejm of the Republic of June 22, 1923, pp. 29–30.

⁴² The Regulation of the Council of Ministers of October 28, 1920 on the establishment of the Revindication Commission at the Main Liquidation Office, *Monitor Polski* of December 13, 1920, no. 282.

accordance with the provisions of Article 238 of the Treaty of Peace with Germany signed at Versailles on 28 June 1919.⁴³

The RC was headed by a Director, appointed on the proposal of and reporting to the President of the MLO, who directed the work of the Commission and ensured that its tasks were strictly carried out. Kazimierz Zembrzuski, PhD was appointed to this position.⁴⁴ A Revindication Council was set up under the chairmanship of the Director of the Revindication Commission, which was an advisory and consultative body on matters of a fundamental nature relating to the organisation or activities of the RC. The Revindication Council met periodically at times predetermined by it or when necessary at the call of the Director of the RC. In the absence of the Director of the Commission, he was replaced in the chairmanship of the Board by one of its members, appointed for this purpose by the Chairman of the MLO.

The Revindication Council consisted of representatives of the authorities whose work was related to revindication, appointed one by one by the heads of these authorities in agreement with the Chairman of the MLO, among whom were 10 representatives of the various ministries, as well as representatives of the MLO and the General Counsel of the Republic of Poland. In addition, there were representatives of professional social organisations.

The Revindication Commission, in addition to its central office in Warsaw, had a foreign branch in Germany (in Wiesbaden), which was its representative office on the territory of the German Reich, exclusively appointed to carry out the relevant activities on the territory of the Reich and to maintain the resulting relations with the German Government and its revindication authorities. All revindication activities, consisting of coercive orders against the population or bodies of the German State, or its wartime allies, the foreign branch of the RC could only be carried out through the equivalent German authorities.

The foreign branch of the RC was headed by the Polish Government Commissioner for Revindication, directly appointed and subordinate to the Chairman of the MLO, who was a representative of the interests of the Polish Government in its relations with the German State authorities. The Commissioner for Revindication was in charge of the entire Polish revindication campaign on the territory of the German Reich, supervised its execution in all related matters, guarded the property and interests of the Republic in the field of revindication, reported to the RC and informed the Polish Assessor at the Paris Compensation Commission on the development and course of the revindication campaign in Germany, as well as communicated and arranged with the German Government

⁴³ The stenographic report of the 157th session of the Legislative Sejm of July 1, 1920, pp. 2–17.

⁴⁴ AAN AiDMLO, Ms. 124, cards 84–87.

authorities on the organisation of the revindication campaign and the clarification and supplementation of the revindication regulations applicable to Poland.

The task of the foreign branch of the RC was primarily: (1) providing the identity – on the basis of the information material in its possession – of items, removed from Poland and located on the territory of the German Reich, or of countries allied with Germany as understood in the Treaty of Versailles;⁴⁵ (2) ascertaining the condition and diminution in value of the objects; (3) returning the revindicated objects to Poland (e.g. cables, conductors as well as electric, industrial and food machinery);⁴⁶ (4) intervening with the authorities of the German Government on the irregularities of individual restitutions and ensuring that these irregularities are rectified; (5) registering revindication cases, and (6) maintaining a cash office and personnel matters of the service personnel employed at the branch.⁴⁷

It should be added that the Commissioner dealt with the affairs of the foreign branch entrusted to him personally or through delegates and plenipotentiaries specially appointed by him and under his responsibility. The appointment of such plenipotentiaries and the creation of delegations was made on the basis of an agreement between the Commissioner and a Polish deputy in Germany, with the obligation to notify the competent authority of the German Government of the decision taken in this regard. Such delegates and plenipotentiaries were not granted the right to make independent decisions in relation to the German Government, but the limits of their authority were established and the necessary instructions were issued by the Government Commissioner in consultation with the MLO.

As regards the scope of the RC's activities in the country, this included in particular: (1) collecting information material located in the country as to the losses to be compensated; (2) communicating on matters relating to revindicated property, with offices and individuals at home and abroad; (3) receiving complaints and adjudicating on them; (4) deciding and executing on the return of revindicated items; (5) determining the degree of diminution in the value of revindicated items; and (6) registering revindication cases and their progress.⁴⁸

⁴⁵ The Regulation of the President of the MLO of November 4, 1922 concerning the revindication of objects pursuant to Article 238 of the Treaty of Versailles, *Monitor Polski* of November 17, 1922, no. 262.

⁴⁶ See: lists, statements and specifications of these items, AAN MLO, Ms. 947, 948, 949, 950 whole sewn unit.

⁴⁷ For more, see: A. Mazur, *Law Aspects of Restitution of Cultural Goods after WWI. The Short Lesson from the Past*, "Journal of Heritage Conservation" 2019, no. 59, pp. 145–152.

⁴⁸ The Regulation of the Council of Ministers of February 3, 1922 on the extension of the scope and organisation of the Revindication Commission at the MLO, *Journal of Laws* no. 11, item 94.

In its activities, the Revindication Commission was guided by established operating principles aimed at a fair and precise determination of claims. These rules provided that returned items could be rejected by the aggrieved persons if, immediately after their return, damage to the item or changes disqualifying the item were found.⁴⁹ If an aggrieved party accepted a returned item, he or she lost the right to compensation from the German government. In addition, if the aggrieved person rejected the returned property, it became the property of the Polish authorities. At the same time, it was stipulated that the returned objects were not to be used until the extent of their diminution in value had been officially ascertained, on pain of the aggrieved persons losing their rights to any compensation for the taking or improper return of their property.

It should also be emphasised that the right to receive an object taken away in kind ceased to exist for the aggrieved party if this right was waived or if the relevant object was rejected, or if the object was found to be impossible to find on the territory of the German State or its wartime allies, or if it was found in a condition disqualifying the object for reasonable use through the fault of the German authorities.

Liquidation Committees

In order to liquidate the property, rights and interests vested in the Polish State by the Peace Treaty between the allied and associated powers and Germany, signed at Versailles on 28 June 1919, special administrative bodies, Liquidation Committees, were set up at the MLO⁵⁰ (hereinafter: LCs). Their task was to qualify assets, rights and interests for liquidation through administrative proceedings, as well as to decide on the manners in which it should be carried out.⁵¹ Liquidation took place: (1) by disposal of the property, right or interest by the owner; (2) by retention for the benefit of the State; or (3) by forced sale.⁵²

⁴⁹ Cf. A. Raczyński, *O wykonaniu ustawy...*, p. 10.

⁵⁰ *Protokoły posiedzeń Rady Ministrów Rzeczypospolitej Polskiej 1918–1923*, t. 5: *Gabinet Wincentego Witosa 24 lipca 1920 – 19 września 1921*, part 1, prepared by M. Kornat, P. Libera, Warszawa 2023, pp. 429–442.

⁵¹ The judgment of the Supreme Administrative Tribunal of November 5, 1923, registration no. 512/22.

⁵² The Act of July 15, 1920 on the liquidation of private assets in the execution of the Treaty of Peace, signed at Versailles on June 28, 1919, *Journal of Laws* 1920, no. 70, item 467; the stenographic report of the 164th session of the Legislative Sejm of July 15, 1920, pp. 4–8.

Two LCs were established, one based in Warsaw and the other covering the former Prussian partition in Poznań.⁵³ The Chairman of the Liquidation Committee in Warsaw was the Chairman of the MLO and in Poznań it was the Commissioner of the MLO.⁵⁴ The deputy chairmen of the liquidation committees were appointed by the MLO Chairman. A liquidation committee consisted of the Chairman or his deputy as its head and three members, one of whom was delegated by the Minister,⁵⁵ whose responsibilities include the property, right or interest to be liquidated, one by the Minister of Foreign Affairs and one by the Chairman of the General Counsel.

The Liquidation Committees did not have separate chancelleries as matters were handled by the staff of the MLO or of the Poznań Commissariat of the MLO.⁵⁶ The affairs of a Liquidation Committee were managed by its chairman or deputy chairman, who also set the dates of extraordinary meetings of the LC and established the agenda.

The LCs' scope of activity included: (1) the qualification for liquidation of properties, rights and interests subject to liquidation under the provisions of the Versailles Peace Treaty of 1919; (2) the decision on the manner in which the liquidation was to be carried out; (3) the carrying out of the liquidation of properties, rights and interests; (4) the release of properties, rights and interests from liquidation,⁵⁷ and (5) the issuing of all orders connected with the liquidation. It should be noted that the LCs were free to change its resolution on how the liquidation was to be conducted in the course of the proceedings up to and including the passing of a resolution approving the sale or the transfer of ownership to the State.⁵⁸

⁵³ The Regulation of the Chairman of the MLO of November 22, 1920 on the regulations of the LC, Journal of Laws no. 107, item 704.

⁵⁴ Initially, the post of commissioner was held by Jan Żółtowski (1871–1946), and from 1924 to 1927 by Bohdan Winiarski (1884–1969), see: J. Sandorski, *Bohdan Winiarski. Prawo. Polityka. Sprawiedliwość*, Poznań 2004, p. 71.

⁵⁵ The judgment of the Supreme Administrative Tribunal of December 3, 1928, registration no. 1194/27.

⁵⁶ The State Archives in Bydgoszcz, fonds no. 4 „Urząd Wojewódzki Pomorski w Toruniu” [Pomeranian Voivodship Office in Toruń], „Organizacja urzędów” [The organisation of offices], Ms. 155, card 44.

⁵⁷ The State Archives in Poznań, fonds no. 295 „Ministerstwo byłej Dzielnicy Pruskiej w Poznaniu” [Ministry of the former Prussian district in Poznań], „Sprawy prawne: Poznański Komitet Likwidacyjny” [Legal matters: the Liquidation Committee in Poznań], Ms. 372, the whole sawn unit.

⁵⁸ It should be borne in mind that, according to a ruling of the Supreme Court, the path of a civil suit against the State Treasury for unlawful infringement of property rights as a result of a resolution of a Liquidation Committee to retain – in implementation of the Treaty of Versailles – real estate in favour of the State was inadmissible as long as the resolution of the Liquidation Committee was not annulled in administrative proceedings. This also applied to cases where the

In order to make a final decision on the method of liquidation, an LC, at one of its first meetings, sorted the material in its possession for sending to the relevant Ministries and the General Land Office.⁵⁹ At the same time as sending the files, the LC set deadlines for the Ministries, the General Land Office or the Departments in which they were to submit to LC, against return of the file, their conclusions as to the methods of liquidation and the conditions to be met by the new purchaser in the event of a proposal being made that the property, right or interest was to be liquidated by sale by the owner. The competent Ministry forwarded its conclusions as to the liquidation of individual estates, rights or interests to the LC, after consultation with the Treasury. At the organisational meeting, the LC KL set a deadline by which the Ministry of the Treasury would have to submit its response. In the event of a request to retain an object for the benefit of the State, the relevant credit was opened in consultation with the Treasury Ministry, of which the relevant Ministry or the General Land Office notified LC at the same time as the request to retain an object for the benefit of the State was submitted.

After receiving the files of the relevant cases and the LC's requests within a specified period, it decided on the manner in which the property, right or interest was to be liquidated, of which it announced in *Monitor Polski* or in the Official Journal of the Ministry of the former Prussian Quarter (stating the name of the owner, the subject and the manner of liquidation) and notified the liquidated person.⁶⁰ In cases where the data required by the Regulations were not received within the time limit laid down, the LC was empowered, at the request of the Chairman, to decide on the manner of liquidation, taking the view that the failure of the Ministry or department concerned to notify the relevant data gave the LC *carte blanche* in given case.

In the event of liquidation by disposal of the property by the owner, the committee found that the contract of disposal complied with the conditions imposed by the LC, after which the contract became effective, or it was found that the prescribed conditions had not been complied with, in which case the contract became invalid.

It should be emphasised that an LC, in cases where it considered it necessary, had the right to appoint valuers, determining their remuneration. In cases

purchaser of the property liquidated in the liquidation proceedings was omitted, the judgment of the Supreme Court of March 2, 1934, III C 106/33.

⁵⁹ The Act of July 22, 1919 on the establishment of the Main Land Office, Journal of Laws no. 63, item 376.

⁶⁰ The announcement of the resolution was, however, superfluous in cases where the resolution was delivered to the owner him or herself or his or her representative, the judgment of the Supreme Administrative Tribunal of December 30, 1929, registration no. 2607/29.

where property, a right or an interest was retained for the benefit of the State, the Committee determined its value with the assistance of valuers, taking into account reasonable submissions from the owner of the property being liquidated.

In order for LC resolutions to be valid, the presence of three members of the Committee, together with the Chairman or his deputy and a representative of the relevant Ministry, was essential. Administrative decisions of the LC were taken by a simple majority, and in the event of an equality of votes, the Chairman's vote prevailed. If, when voting on the amount of money at which the value of the object or the value of the encumbered right *in rem* was to be determined, opinions diverged, then: (1) if 2 out of 4 votes were cast for one sum and 1 vote for 2 other sums, the sum which received 2 votes was deemed to be authoritative, (2) if the vote resulted in different sums, the choice of one of the two middle sums, which was closest to the sum voted for by the Chairman, was authoritative. All decisions and resolutions of the Committee were recorded in a special minute book, duly authenticated and signed by the Chairman and all voting members of the Committee. Only decisions of liquidation committees settling objections brought against liquidation rulings were appealable to the Supreme Administrative Tribunal.⁶¹

Estimating Commissions for War Damages

The determination and estimation of war losses was entrusted to special commissions, which functioned in two instances, as Local Estimating Commissions and Main Estimating Commissions, which were established by the MLO, in consultation with the relevant Ministries, in those localities whose list was arranged by the MLO, indicating the seat of office of these Commissions and the area over which the activities of each individual Commission were to extend.

The task of these bodies was to determine and estimate losses at pre-war prices, i.e. before 1 August 1914, caused directly by wartime events in Poland, in the property of citizens of the Polish State, belonging to natural and legal persons. These losses included: all situations of deprivation of real or movable property by robbery, destruction or damage, requisitions and personal services,⁶² forced sales, compulsory tributes, unjustified fines, exported or taken securities, bank deposits, savings bank deposits, and cash, contributions and confiscations,

⁶¹ The judgment of the Supreme Administrative Tribunal of December 10, 1925, registration no. 319/23; the judgment of the Supreme Administrative Tribunal of April 4, 1927, registration no. 2856/25.

⁶² A. Raczyński, *O wykonanie ustawy...*, p. 9, where this author draws attention to the terminological inaccuracies of this concept.

ordered in wartime by military or civil authorities, as well as the forcible deprivation of use of immovable or movable property by order of military or civil authorities, foreign or Polish, made for the purposes of quartering, evacuation or other purposes, as well as damages resulting from compulsory management and from compulsory exploitation and contracts.⁶³

Main Estimating Commission

The Main Estimating Commission (hereinafter: MEC) had its seat in Warsaw at 113 Marszałkowska Street⁶⁴ and Aleksander Wolski was appointed its Chairman. Edward Rola and Waclaw Miszewski were appointed Vice-Chairmen. In addition to its core activities, it also had the task of managing the activities of the individual Main Commissions in order to achieve uniformity in their work. Decisions concerning this activity could only be adopted at a full Commission meeting with the participation of representatives of all the Main Commissions.

The Commission in question was the final, second instance for the estimation of losses in the former Russian partition,⁶⁵ which, however, did not accept damage declarations directly, but examined the files submitted to it according to the list of powiat districts, and after issuing its ruling, sent these files to the Local Estimating Commissions, either as approved or disqualified and requiring reconsideration.⁶⁶

⁶³ The State Archives in Kalisz, fonds no. 2, „Naczelnik Powiatu Kaliskiego” [Head of the County of Kalisz], „Komisje szacunkowe strat wojennych” [Estimating Commissions for War Losses], Ms. 116, cards 3, 21–22, 33, 40, 46. Cf. The General Instruction on the estimation of losses due to war, [in:] *O rejestracji strat poniesionych wskutek wojny*, Warszawa 1919, pp. 9–20. For more, see: J. Bankiewicz, B. Domołowski, *Zniszczenia i szkody wojenne*, [in:] *Polska w czasie wielkiej wojny...*, pp. 97–110; S. Rundstein, *op. cit.*, pp. 127–135; M. Lewy, *Uwagi w kwestii szacowania wynagrodzenia za rekwizycje dokonane przez Niemców w b. Królestwie Polskim*, Warszawa 1920, pp. 1–16.

⁶⁴ AAN MLO, Ms. 1, card 37. At the beginning of January 1921, a MEC was established in Lviv, whose scope of activity extended to the whole of Lesser Poland. Karol Kopiec was appointed its Chairman. The scope of the Commission’s activities included the consideration and final determination of those cases in which an appeal had been made by an aggrieved party or a representative of the Ministry of the Treasury against the decision of a Local Estimating Commission, as well as the consideration and final determination of cases in which the amount of losses, as determined by the Local Estimating Commission, exceeded the amount of 20,000 crowns, the Regulation of the Chairman of the MLO of January 12, 1921 on the creation of the Main Estimating Commission in Lviv and Local Estimating Commissions in Lesser Poland, *Journal of Laws 1921*, no. 9, item 49.

⁶⁵ The scope of this Commission was extended to the whole of the Republic of Poland, except for the voivodships of Silesia, Poznań and Pomerania in 1923, The Regulation of the Chairman of the MLO of May 30, 1923 on the change of the territorial jurisdiction of the Main Estimating Commission in Warsaw, *Journal of Laws no. 59*, item 429.

⁶⁶ Cf. A. Raczyński, *O wykonaniu ustawy...*, p. 16.

In addition to the MEC in Warsaw, other such commissions were established outside the capital and they had their own chancelleries and consisted of: (1) the chairman delegated by the Supreme Court from among the judges of that court and two vice-chairmen, delegated by the courts of appeal from among the members of the district courts, always in consultation with the Chairman of the MLO; (2) representatives of the Ministries of: Treasury, Agriculture and State Property, Industry and Commerce, and Public Works, 1 from each of these Ministries; (3) 3 representatives of the MLO, delegated by its Chairman from among the judges of the MLO; and (4) 5 delegates of the main agricultural, industrial and commercial organisations, according to a special instruction issued by the MLO taking into account small land ownership and handicrafts. The said Ministries, in addition to their representatives, delegated to the MLO also their deputies who, in the event of the absence of the competent representatives, took part in the work of the Commission with a decisive voice.

The Main Estimating Committees, at the discretion of their chairmen, were divided into sections, having the powers of full committees. Matters of particular importance coming before the MECs, however, could, at its discretion, be referred to a plenary meeting, attended by the Chairman, one of the Vice-Chairmen and at least 6 members.

The main tasks of a MEC included: (1) to review and approve the materials submitted to it concerning the determination and estimation of war losses suffered by an aggrieved person, or the final determination and estimation of such losses; (2) to consider and make a final decision on those cases in respect of which an appeal was made by an aggrieved party or a representative of the Ministry of the Treasury against the decision of the Local Assessment Commission to the MEC; (3) to consider and make a final decision on the estimation of losses in cases where the loss incurred exceeded the sum of 5,000 roubles, 10,000 marks or 20,000 crowns.⁶⁷

Aggrieved Polish citizens (natural or legal persons) who suffered losses caused by war were entitled to report the following war losses: (1) personal and material requisitions: unpaid or only partially paid war contributions to the troops, made as a result of orders of the military, or also of civil authorities, but acting on the orders of the military; (2) general losses incurred by an aggrieved person as a result of orders of the occupying authorities, such as confiscations of property, forced sales, contributions, fines, forced exploitation, etc.; (3) losses from direct warfare as a result of wartime operations during a battle, such as shelling, bombardment, fire caused by projectiles; (4) direct material losses incurred as a result of theft, robbery, etc., insofar as a direct connection with the loss of property is established, (5) direct damage to property, incurred as a result of theft, robbery,

⁶⁷ Cf. *ibidem*, pp. 21–22.

etc., insofar as a direct connection with the hostilities is established; as a result of flight from areas occupied or threatened by the enemy; finally, as a result of the expulsion or abduction of persons and the removal of their belongings from areas occupied or threatened by the enemy.⁶⁸

It should be emphasised that the MEC could only take evidence through the Local Estimating Commission, and a possible cassation could only be brought in the event of defects found in the proceedings before the Local Commission. The absence of any extraordinary legal remedies, e.g. the lodging of an appeal or the resumption of proceedings due to the discovery of new evidence, was raised in the literature as a shortcoming of this procedure.⁶⁹

Local Estimating Commissions

Local Estimating Commissions (hereinafter: LECs) were established in several dozen of Polish towns and cities, *inter alia*, in Augustów, Biała Podlaska, Bielsko, Biłgoraj, Ciechanów, Chełm, Częstochowa, Garwolin, Grajewo, Grójec, Łódź, Łowicz, and in places in towns where they were not established or where they had been closed down before the registration of war losses was completed,⁷⁰ the estimation materials collected by social institutions as well as authorities and persons officially entitled to determine war losses were handed over to the Main Estimating Commission for the final determination and estimation of these losses.

Each LEC had its own chancellery located usually at the municipal office⁷¹ and was composed of: (1) the Chairman and Vice-Chairman, who were delegated by the Chairman of the competent district court from among active judges⁷² and, in

⁶⁸ The Act of May 10, 1919 on the Determination and Estimation of Wartime Contributions and Losses, Journal of Laws no. 41, item 298.

⁶⁹ A. Raczyński, *O wykonaniu ustawy...*, p. 23. Cf. the judgment of the Supreme Administrative Tribunal of May 29, 1929, registration no. 200/27.

⁷⁰ See: the correspondence of Władysław Grabski concerning the allocation of funds for the launching of Estimating Commissions, AAN, fonds no. 100, „Archiwum Ignacego Jana Paderewskiego” [The Archive of Ignacy Jan Paderewski], Ms. 756, cards 5–8.

⁷¹ However, it often happened that, due to a shortage of premises, the municipal offices rented premises from owners of tenement houses, such as in Łowicz in the old town in a house called “Kanonja”, AAN MLO, Ms. 625, whole sewn unit.

⁷² AAN MLO, Ms. 630, cards 4–5, 48–49, 54; *ibidem*, Ms. 632, cards 12–16. For example, in Garwolin, the duties of the Chairman of the Estimating Commission were entrusted to investigating judge Bolesław Świdorski, who, in a letter to the Ministry of Justice, communicated that the performance of the duties entrusted to him, as requiring work during non-office hours, would not adversely affect the course of his activities as an investigating judge, AAN MLO, Ms. 635, card 83. Cf. AAN MLO, Ms. 637, cards 3, 9–10. However, it sometimes also happened that judges refused to be delegated to the estimating commissions for the sake of the judge’s many duties, AAN MLO, Ms. 631, card 22.

the case of absence of suitable candidates, by the Minister of Justice from among former judges,⁷³ sworn advocates, advocates,⁷⁴ notaries,⁷⁵ candidates (trainees) for the bar and notaries, and finally from a number of legally trained civil servants, or social workers with the same education; (2) representatives of the Ministries of Agriculture and State Property, Industry and Commerce and Public Works, delegated one from each of these three Ministries;⁷⁶ (3) from two representatives of the *powiat* assembly or *powiat* council and one representative of the municipal council,⁷⁷ or from only two representatives of the municipal council, insofar as the district of the Municipal Estimates Commission comprised only of a town or city.⁷⁸

The ministries and bodies the self-government delegated to a LEC, in addition to their representatives, their deputies who, in the absence of the competent representative, took part in the work of the Commission with a decisive vote.⁷⁹ In turn, the Ministry of Agriculture and State Property and the Ministry of Industry and Trade appointed their representatives and their deputies from among the representatives of those social organisations whose activities included tasks falling within the scope of the relevant Ministry.⁸⁰

⁷³ AAN MLO, Ms. 635, cards 55–59; *ibidem*, Ms. 628, card 12.

⁷⁴ The MLO had to obtain permission from the Bar Council to hold this office in the estimating commission in addition to his activities as an advocate, see: Letter from the MLO to the Bar Council of the District Court of Appeal in Warsaw regarding permission for Jan Maciejowski, an advocate in Biała Podlaska, to assume the duties of the Vice-Chairman of the Local Estimating Commission in Biała Podlaska, AAN MLO, Ms. 628, cards 37–38, 44, 50, 83.

⁷⁵ AAN MLO, Ms. 627, card 70–71; *ibidem*, Ms. 633, cards 23–24; *ibidem*, Ms. 635, cards 13, 28, 33; *ibidem*, Ms. 636, card 21. In Hrubieszów, a notary and, at the same time, a famous Polish poet Bolesław Leśmian (1877–1937), was delegated as Vice-Chairman of the local estimating commission, AAN MLO, Ms. 631, card 26. Cf. M. Sawczuk, *Wielki poeta notariuszem w Hrubieszowie i Zamościu (Bolesław Leśmian)*, „Rejent” 2000, nr 4, pp. 163–172.

⁷⁶ AAN MLO, Ms. 630, cards 21–22; *ibidem*, Ms. 631, card 19; *ibidem*, Ms. 632, cards 2–25; *ibidem*, Ms. 634, card 63; *ibidem*, Ms. 635, card 49.

⁷⁷ AAN MLO, Ms. 632, card 2; *ibidem*, Ms. 634, cards 3, 6; *ibidem*, Ms. 635, cards 1–2; *ibidem*, Ms. 636, cards 3, 6–7, 11.

⁷⁸ Cf. The draft organizational regulations of the Municipal Commissions and the detailed instructions for the Municipal Commissions for the registration of war damages, [in:] *O rejestracji strat wojennych przez własność nieruchomą, handel i rzemiosła poniesionych*, Lublin 1916, pp. 9–13, 15–25. For example, the local estimating commission in Biała Podlaska consisted of: the presidium (2 members), representatives of ministries and their deputies (5 members), representatives of *powiat* district assemblies (4 members and 2 deputies), representatives of municipal councils (4 members and 4 deputies) and 8 members of the office (chairman, secretary, office secretary, 4 office clerks and a caretaker) AAN MLO, Ms. 628, cards 81–82, 90–91. Cf. AAN MLO, Ms. 627, cards 84–85; *ibidem*, Ms. 630, card 40; *ibidem*, Ms. 631, cards 134–135; *ibidem*, Ms. 632, cards 44–45; *ibidem*, Ms. 633, cards 27–29; *ibidem*, Ms. 634, cards 66–67, 69–70; *ibidem*, Ms. 635, card 28; *ibidem*, Ms. 637, cards 47–48.

⁷⁹ AAN MLO, Ms. 630, cards 120–121, 124, 132, 140–142.

⁸⁰ *Ibidem*, Ms. 627, cards 37–38; *ibidem*, Ms. 633, cards 15–16; *ibidem*, Ms. 634, cards 45–46; *ibidem*, Ms. 635, card 14; *ibidem*, Ms. 637, cards 24–25; *ibidem*, Ms. 628, cards 17–18.

A LEC session was legitimate if attended by either the Chairman or the Vice-Chairman and at least 2 members, one of whom had to be a representative of that Ministry whose scope of action included the losses to be evaluated at a given session. For each LEC, the Ministry of the Treasury delegated its representative.

The task of LECs was to: (1) to receive declarations from those aggrieved by the effects of the war, showing the nature, extent and magnitude of the war losses suffered by them;⁸¹ (2) to ascertain these losses, if necessary, on the basis of an on-the-spot examination; (3) to receive sworn statements from witnesses; the failure of a witness to appear had the consequences indicated in the criminal law; (4) to evaluate, with the due participation of appraisers, losses in accordance with established standards;⁸² (5) to strive to reconcile the views of the aggrieved person and a representative of the Treasury in the evaluation of the losses incurred; (6) to make a final determination of the amount of the losses incurred; (7) to perform all activities connected with the determination and evaluation of war losses or the granting of remuneration or a loan for them that could have arose from parliamentary acts or legal regulations.⁸³

Aggrieved persons reported their losses to the LEC in whose district their material losses had occurred. Personal losses were reported to the LEC in whose district the person concerned was permanently resident, but only in cases where it was difficult to determine the place where the loss had occurred as a result of the aggrieved person's internment, his or her place of work or his place of sick-

⁸¹ In 1920, 3,118 declarations were received by the Częstochowa Municipal Estimating Commission, while 1,258 were settled by issuing rulings, AAN MLO, Ms. 634, card 131; Cf. *ibidem*, Ms. 631, card 159; The State Archives in Łódź, fonds no. 603, „Obwieszczenie Komisji Szacunkowej Strat Wojennych Powiatu Piotrkowskiego w sprawie rejestracji strat spowodowanych przez działania wojenne” [The announcement of the War Losses Estimating Commission of the Piotrków *powiat* district on the registration of losses caused by warfare], Ms. 1328, card 1; AAN, fonds no. 51, „Centralny Komitet Obywatelski Królestwa Polskiego w Piotrogradzie” [Central Citizens' Committee of the Kingdom of Poland in Petrograd], „Wyciągi z zeznań poszkodowanych o stratach spowodowanych wojną” [Abstracts of testimonies of aggrieved persons on losses caused by the war], Ms. 1307, whole sewn unit; *ibidem*, „Centralny Komitet Obywatelski Królestwa Polskiego w Piotrogradzie” [Central Citizens' Committee of the Kingdom of Poland in Petrograd], „Akty o stratach wojennych. Zeznania poszkodowanych” [Records of war losses. Testimonies of aggrieved persons], Ms. 1725 whole sewn unit. Cf. The judgment of the Supreme Court of November 14, 1924, file no. C 218/24.

⁸² See: *Współczynniki dla przeliczenia koron austriackich, rubli rosyjskich i marek niemieckich z rozmaitych okresów wojny na korony, ruble i marki w złocie* [Coefficients for converting Austrian crowns, Russian roubles and German marks from various periods of the war into crowns, roubles and marks in gold], AAN MLO, Ms. 3; *tablice współczynników walutowych dla przeliczenia szacunków szkód wojennych na równoznaczne kwoty wyrażone w złocie* [Tables of currency coefficients for converting war damage estimates into equivalent amounts expressed in gold], *ibidem*.

⁸³ See: list of accepted notifications from aggrieved persons, The State Archive in Łódź, Sieradz Branch, fonds no. 134, „Komisja Szacunkowa Strat Wojennych w Wieluniu” [Estimating Commission of War Losses in Wieluń], Ms. 134, whole sewn unit.

ness, which had not resulted in a reduction of his or her capacity to work, or if this place was outside the borders of the Polish State.

The aggrieved Polish citizens, natural or legal persons, who suffered losses caused by war accidents were entitled to report losses: (1) requisitions with or without receipts, quartering, etc.; (2) general losses caused by the authorities of the partitioning states, former occupation authorities or Polish authorities, i.e. on account of orders of these authorities, confiscations, forced sales, forced administration, forced exploitation, export or seizure of securities, bank deposits, savings bank deposits as well as cash, wartime contributions, etc.; (3) losses caused by direct warfare of the German, Austro-Hungarian or Russian army in the combat zone and for the same losses caused by troops whose nationality cannot be ascertained; (4) direct material losses caused by theft, robbery, etc., provided that the direct relationship between the loss and the damage is established; (5) direct material damage caused by theft, robbery, etc., insofar as a direct connection with the hostilities was established, by flight from areas occupied or threatened by the enemy; finally, by the expulsion or abduction of persons and the removal of their belongings from areas occupied or threatened by the enemy, by order of the military and civil authorities, foreign or Polish; (6) losses caused by the non-payment of claims, based on a contract or on the regulations in force.⁸⁴

LEC offices conducted preparatory proceedings and issued declaration forms to aggrieved persons and were obliged to fill in the declaration forms at the request of the aggrieved persons. The aggrieved persons presented evidence of their declarations to the Commission, which checked them in terms of form.⁸⁵ The proceedings were then conducted by the Chairman or a designated member of the committee, who had the right to prepare a hearing and question witnesses and the aggrieved person.⁸⁶

An aggrieved person had the right to appeal against the ruling of a LEC to a MEC within 15 days from the date of delivery of that ruling. Such an appeal was lodged within the aforementioned period with the competent MEC, which sent it back to the LEC together with the entire appraisal report. The decision of the LEC in cases concerning the estimation of war losses not exceeding the sum of 5,000 roubles, 10,000 marks or 20,000 crowns was final, unless there was an appeal to a higher instance by the aggrieved person or a representative of the Ministry of the Treasury. Otherwise, as well as in cases where the war losses incurred exceeded the above amounts, the ruling of the Estimating Committee was submitted together with the entire appraisal report to the MEC, which made the final ruling.

⁸⁴ Cf. K. Olszowski, *Czy umowy, przez władze okupacyjne z osobami trzecimi zawarte obowiązują rząd polski?*, Warszawa 1918, pp. 3–14; the judgment of the Supreme Administrative Tribunal of March 27, 1931, registration no. 3156/26.

⁸⁵ A. Raczyński, *O wykonaniu ustawy...*, p. 20.

⁸⁶ AAN MLO, Ms. 637, card 270.

Conclusions

As can be seen from the analysis carried out, the system of Polish State administration bodies in the field of determining and estimating war contributions and damages was based on an elaborate system of State institutions subordinated to a central link, i.e. the MLO in Warsaw. This system was not without flaws, as was sometimes raised in post-war literature. For example, in Aleksander Raczyński's opinion, the regulations on internal administration should be issued not by the central government, but by local authorities due to the specificity of local conditions differing in individual parts of the country.⁸⁷ Nevertheless, it should be acknowledged that the normative mechanism developed in Poland after the restoration of independence in 1918 to compensate for war damages and contributions was an optimal solution and, despite its imperfections, was part of the broader political and legal idea of restoring Polish statehood, which was to be based on principles recognised by civilised European nations.

It is worth remembering that numerous war operations and the damage they entail do not lead either to the final deprivation of property or to the transfer of property to an enemy State.⁸⁸ All the more so, the task facing the Polish administrative and judicial authorities in estimating and liquidating the war damages had to be done in a way that would ensure that all aggrieved persons felt a minimum of confidence in the State and its bodies.

The extensive system of State institutions was intended to cover the widest possible range of subjects and objects, which was supposed to provide a comprehensive mechanism for awarding compensation. Unfortunately, however, war damage was not repaired as a whole, and the effects of war damage were still being felt in Poland in the late 1930s. Nevertheless, it should be acknowledged that the activity of individual administrative bodies, including in particular the MLO and the LEC, deserves to be appreciated, while the professional staffing of these institutions ensured a high level of processing of compensation cases.

Certainly, the issues raised above merit further research, for which this analysis can provide an excellent starting point. At the very least, it would be worthwhile to carry out an in-depth analysis of the MLO's activities in Warsaw in the field of settlements and the taking over and liquidation of property,⁸⁹ or of court case law in this area. It is to be trusted that in the years to come these research deficiencies will be supplemented by further scholarly publications extending, as this study does, the knowledge of the system of compensation for war contributions and damages in Poland after the First World War.

⁸⁷ A. Raczyński, *O wykonaniu ustawy...*, p. 7.

⁸⁸ S. Rundstein, *op. cit.*, p. 252.

⁸⁹ AAN MoS, Ms. 1869, whole sewn unit.

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Abstract: The aim of this article is to present readers with the results of a comprehensive study of the organisational structure and functioning of Polish state administration bodies in the area of war damage after the end of the First World War. The article undertakes a multi-faceted analysis, from the point of view of administrative law, of the system of organisation of the Polish state administrative bodies for the determination and estimate of war contributions and damages in Poland after the First World War, paying particular attention to the internal layout of these bodies, their staffing, their jurisdiction and procedures used.

Keywords: administrative law; Second Polish Republic; war damages; Main Liquidation Office; compensation

Abstrakt: Celem opracowania jest przedstawienie wyników kompleksowych badań nad strukturą organizacyjną oraz funkcjonowaniem polskich organów administracji państwowej w obszarze szkód wojennych po zakończeniu I wojny światowej. W artykule podjęto się wielopłaszczyznowej z punktu

widzenia prawa administracyjnego analizy systemu organizacji polskich organów administracji państwowej w zakresie ustalania oraz oszacowania świadczeń i szkód wojennych w Polsce po I wojnie światowej, w szczególności zwracając uwagę na układ wewnętrzny tych organów, obsadę personalną oraz ich właściwości i stosowane procedury.

Słowa kluczowe: prawo administracyjne; II Rzeczpospolita Polska; szkody wojenne; Główny Urząd Likwidacyjny; odszkodowania