

Abstract

The system and organization of National Courts in Galicia under the reign of emperor Franz Joseph belong to those important institutions that were never properly and fully described by dedicated monograph to show their real functioning. Present state of research of organization and functioning of court system in Galicia between 1855 and 1914, with pretended multitude of works, mostly fragmental, tiny and of various quality, with vast majority of regional character, was my main scientific interest of the subject. Therefore the main aim of the work entitled “The Juridical System of East Galicia between 1855 and 1914” was an attempt to bridge the gap through showing the system basis and operations of East-Galicia judiciary in the described period. Although the subject of trial includes the period of Partitions, the issues concerning the formation of judiciary organization on indigenous Polish soil becomes more actual, especially with contemporary organizational changes conducted in Polish judicature and postulates of further reforms. Thereby the presented work, though not initially planned, gained on its current state and practical aspect. The changes so important to the social life as the institution of judiciary being the guardian of freedom and civil rights, cannot undermine the tradition, beginning of which lay within the presented time period.

The Judiciary of East Galicia, although functioning with the judicature of Przedlitawi indicated some organizational and structural distinctiveness. Moreover, in contrast to other Crown countries, only in this part of Monarchy specific law regulation were present as a result of cultural difference and the fact that the land was inhabited by two nations with divergent interests. It led to tensions which were also present in courts. The following work presents, first of all the longstanding transformation process of Judiciary of East Galicia from German to Polish, secondly its distinctiveness, mostly its picture through the prism of then contemporary Galicia press.

The thesis consists of three chapters. First chapter presents detailed complete overview of normative state between 1855 and 1914 including the system and inner organization of judiciary system in Galicia, with special consideration of judicial division of Lwów Appellate Court’s jurisdiction. Dividing line for the work is bound with introduction in Galicia in 1855 the Court of General Jurisdiction in place of State Court and ends with the beginning of World War I in 1914. First chapter presents normative basis for functioning of juridical system based on generally applicable law of Austrian Monarchy and issued national regulations. The principles of judiciary organization introduced within the reforms of second

half of the fifties in XIX century and changes introduced in the sixties of XIX century related to constitutional reforms in Austria. Separate overview was required for new trial procedures introduced at the end of XIX century that reorganized the rules of inner operations of courts and civil procedures. Special attention was drawn to preparation activities of East Galicia to introduce so-called Klein reform. Further parts were dedicated to regulations concerning preparation for the profession of judge, status of judge in the state, rules of disciplinary responsibility of judges and rules of appointing judiciary personnel. Special attention was drawn to secretarial clerks working in courts and court ushers. At the end of first chapter the institution of state persecution was described, which at the time was closely connected with judiciary system.

Second chapter was dedicated to practical aspects of judiciary system functioning in East Galicia. Firstly, the structure of courts, introduced in 1855 and lasted to the beginning of WWI, was presented. The factual apportionment to two Appellate Court divisions was completed. In Lwów, Higher National Court was created with authority over First-Tier Tribunals. It was National Court in Lwów and Provincial Courts. Following changes were in 1867 where separation of administration from juridical system was decided upon. District Courts were constituted. While describing the judicial system in East Galicia, the processes and procedures of creating new courts were discussed. It was long-lasting process, with participation of local society, the authorities of Lwów Appellate Court and National Parliament. The press reports concerning technical state of court buildings and its equipment were also presented.

Separate departments of court were presented in detail, namely: civil, penal, mining, industrial and the institution of grand jury, land registry and the only in Galicia Lwów's Depository Institution. Distinct part of second chapter was dedicated to court prisons, the administration of which was in first-tier instances. The phenomena of backstreet writing was explained, which led to common in Galicia frequent resort to courts. Moreover, projects of new judiciary reforms of court system in Galicia in following years were described. Separately, new ideas to relive the court operations of East Galicia were introduced by alternative forms of solving court disputes. As a *post scriptum* form, some facts of East Galicia judiciary system during First World War were presented.

As the judiciary is not only the institution operating based on binding law and infrastructure, but above all employed personnel, the third chapter of the work is dedicated to presenting the outline of judge environment of East Galicia. The starting point was the judge body, which for numerous period of time did not have any association. Only in 1907 in Lwów

was the first association of Polish judges created on Polish soil, named National Association of Judges in Lwów. It was an autonomous organization, operating essentially independently to one created just a few months earlier in Vienna – The Association of Austrian Judges, which grouped judges and clerks from other crowned states, including the West Galicia. The following work presents the genesis of the association and its activity to the beginning of the WW I, which concentrated mainly on improving the material status of judges, but also around the project of official pragmatism, which was developed by Vienna's government just before the First World War. National Association of Judges in Lwów was not only an autonomous association of judges in the state, but its status established the autonomy within Lwów's Appellate. To emphasize such, many local divisions of the association were created in different cities of the eastern part of the country. So the activities of these were separately discussed, but due to available sources, most attention was dedicated to the operations of the Lwów division.

The third chapter was solely dedicated to the organization of these employees of Galicia courts that did not belong to the court clerks. They, especially with the increase in number, started to create their own associations. Their statute aims were not convergent with the operations of National Association of Judges in Lwów. The postulates of salary and social benefits were among the most important.

The final part of the work presents the outline of social and charity activities of judges, their political involvement and typical for the given period of time court celebrations. It must be mentioned that judges had very high social respect, because of their education and profession, which posed them as an intellectual elite, and many had a distinguished position in local structures, especially in smaller towns of East Galicia. Thus they could effectively influence local societies, being involved in a multitude of activities. They initiated the creation of associations and led many of them, not only the legal, but the ones involved in education, culture or organization of fire brigades. Many judges played an important role in the political life of this part of the country. The Courts and judges did not spare their efforts and financial aid to charity activities. Various, typical court celebrations, such as an indispensable element of the time, were described in short, namely: opening of new courts, anniversaries, retirements or new posts.