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Issues related to notaries public's offices in selected Galician law journals

The article deals with the issue of the informative value of Galician law journals in research on the history of notaries public in the years 1871–1914. The text presents the analysis of such titles as „Kwartalnik Stowarzyszenia Kandydatów Notarialnych w Krakowie”, „Prawnik”, „Przegląd Sądowy i Administracyjny”, „Urzędnik w Połączeniu z Prawnikiem” [“Quarterly of the Association of Notary Candidates in Krakow”, “Lawyer”, “Judicial and Administrative Review”, “The clerk combined with the lawyer”]. A large part of their content was devoted to texts on the notary public's services. The continuity, cyclicity and quality of published materials are noteworthy, as they provide opportunities for research on the professional group of notaries, especially with the use of an ego-documentary perspective.

Keywords: ego-document, notaries public's offices in Galicia, notaries public, the press, historical sources

The history and organization of notaries public's operation in Poland in the 19th century are related to the administration of the partitioning countries. If the French Notarial Act of 1803 is assumed as a starting point, Austria took the appropriate steps in this direction relatively late. The first legal regulations come from the middle of that century and are known as the Notary Acts of 1850 and 1855. For the new institution to fully develop its activities, it was necessary to wait more than a decade. Only the new act, introduced on July 25, 1871, gave it a specific shape. In Galicia, notary offices were opened in 1859 under a patent of February 7,¹ 1858. Before that, notaries public's offices existed in the territory of the Republic of Krakow as a heritage from the Napoleonic times, when

¹ S. Kozak, *Obraz notariatu w Galicji w świetle austriackich ustaw notarialnych*, „Prace Historyczno-Archiwalne” 1997, t. 5, *passim*.

the city of Krakow and the district formed one of the departments of the Duchy of Warsaw (where notaries public were introduced as early as in 1808).

Various aspects of the functioning of notaries public's offices in the Austrian partition were clearly reflected in the research of historians and historians of law and, in a sense, of notaries themselves. Apart from nineteenth-century studies,² modern knowledge on this subject has been supplemented thanks to the research of Dorota Malec,³ Szczepan Kozak⁴ and others.⁵

As there were largely no notarial traditions in the area of Galicia, and in the pre-partition period, there were also no notaries public, the implementation of a new institution on such a ground could and certainly created a number of tensions in the structures of the judiciary itself, as well as among parts of Galician society. Nineteenth-century magazines, especially those with a legal and administrative profile, seem to be an important register of these phenomena. The aim of this article will therefore be an attempt to trace whether, indeed and to what extent, the above-mentioned issue was reflected in selected Galician periodicals and what issues attracted the authors' attention.

Before gaining autonomy, there were no proper conditions for the development of the specialist press,⁶ and the notary offices did not actually become fully established until after 1871, therefore the analysis covers only a part of

² Particularly noteworthy is the work of S. Muczowski, *Austriacka ustawa notarialna z dnia 25 lipca 1871 roku historycznie i porównawczo objaśniona* [the Austrian Notarial Act of 25 July 1871 historically and comparatively explained, Krakow 1887]. In a review of this book, published before its publication, it was written: "as a monograph on notaries public, and as a commentary to the Austrian Notarial Act, the above work is unmatched in our literature and therefore deserves to be recommended and familiarized with its content...". „Przegląd Sądowy i Administracyjny” (dalej: PSiAdm) 1886, R. 11, nr 48 z dn. 1 XII 1886, s. 383 (*Zapiski literackie*).

³ D. Malec, *Dzieje notariatu polskiego*, Kraków 2007; D. Malec, *Notariat Drugiej Rzeczypospolitej*, Kraków 2002; D. Malec, *Notariat w badaniach historyków prawa* [w:] *Notariat i akta notarialne na ziemiach polskich w XIX–XX wieku*, red. S. Piątkowski i K. Skupiński, Radom 2004, s. 19–25; D. Malec, *Notariat w Departamencie Krakowskim Księstwa Warszawskiego oraz w Rzeczypospolitej Krakowskiej*, „Czasopismo Prawno-Historyczne” 2001, t. 53, nr 2, s. 185–202.

⁴ Por. m.in.: S. Kozak, *Akta notarialne jako źródło historyczne. Metodologia i kierunki badań, postulaty badawcze*, „Studia Źródłoznawcze” 2009, t. 46, s. 141–152; S. Kozak, *Notariat w Galicji 1859–1914 (zarys statystyczny)*, „Kresy Południowo-Wschodnie” 2006, t. 3/4, nr 1, s. 229–258; S. Kozak, *Rzeszowskie akta notarialne 1871–1918. Studium historyczno-źródłoznawcze*, Rzeszów 2004; S. Kozak, *Kobieta na prowincji galicyjskiej w świetle akt notarialnych 1871–1914*, Rzeszów 2013; S. Kozak, *Notariusze rzeszowscy i ich kancelarie w latach 1859–1918*, „Prace Historyczno-Archiwalne” 1999, t. 8, s. 37–70; S. Kozak, *Obraz notariatu w Galicji w świetle austriackich ustaw notarialnych...*

⁵ Szerzej zob. M. Kuryłowicz, *Z historiografii polskiego notariatu*, „Rejent” 1999, nr 8, s. 66–77.

⁶ S. Milewski i A. Redzik, *Themis i pheme: czasopiśmiennictwo prawnicze w Polsce do 1939 roku*, Warszawa 2011, s. 84.

the period of autonomy. The publishing offer at that time combined the subjects of law, administration and economy, dealing with the problems of the broadly understood group of clerks. Historians studying these issues point out that the legal journals that were being created at that time largely represented the practical trend. Only the later titles (see "Przegląd Prawa i Administracji") were able to fulfill their scientific ambitions.⁷

Editors of the "Czasopismo Poświęcone Prawu i Umiejętnościom Politycznym" ["Journal of Law and Political Skills"],⁸ "Pamiętnik Wydziału Prawa i Administracji w c.k. Uniwersytecie Jagiellońskim w Krakowie" ["Diary of the Faculty of Law and Administration in Imperial-Royal Jagiellonian University in Kraków"],⁹ "Kronika Prawnicza" ["Legal Chronicle"],¹⁰ "Czasopismo Prawnicze i Ekonomiczne" ["Journal of Law and Economics"],¹¹ or the narrowly profiled "Kwartalnik Stowarzyszenia Kandydatów Notarialnych w Krakowie" ["Quarterly of the Association of Notary Candidates in Krakow"]¹² were related to Kraków. However, the main publishing center of that period was Lviv. The most important journals were published there: "**Prawnik**"¹³ ["Lawyer"], and "**Przegląd Sądowy i Administracyjny**"¹⁴ ["Judicial and Administrative Review"]. These journals evolved by merging and creating separate titles or changing their profile towards a scientific direction. A typical example may be "**Urzędnik w Połączeniu z Prawnikiem**"¹⁵ ["The clerk combined with the lawyer"], created as the continuator of "Urzędnik"¹⁶ ["Clerk"] in Przemyśl and "Prawnik" ["Lawyer"] in Lviv (in this formula it survived until 1888, when the journal returned to the name and program of "Prawnik") or "Przegląd Prawa i Administracji" ["Review of law and Administration"], which was formed on the basis of "Przegląd Sądowy i Administracyjny" ["Judicial and Administrative Review"].¹⁷ They were quite stable and remained on the market for a bit longer, which is why they constitute the basis for the considerations in the present article. Summing up, the detailed query covered the following magazines: "Praw-

⁷ Por. tamże, *passim*.

⁸ „Czasopismo Prawnicze i Ekonomiczne” (Kraków, 1900–1945).

⁹ „Czasopismo Poświęcone Prawu i Umiejętnościom Politycznym” (Kraków, 1863–1869).

¹⁰ „Pamiętnik Wydziału Prawa i Administracji w c.k. Uniwersytecie Jagiellońskim w Krakowie” (Kraków, 1871–1873).

¹¹ „Kronika Prawnicza” (Kraków, 1888–1892).

¹² „Kwartalnik Stowarzyszenia Kandydatów Notarialnych w Krakowie” (Kraków, 1889–1902, 1910–1914).

¹³ „Prawnik” (Lwów, 1870–1901).

¹⁴ „Przegląd Sądowy i Administracyjny” (Lwów, 1876–1891).

¹⁵ „Urzędnik w Połączeniu z Prawnikiem” (Lwów, 1881–1887).

¹⁶ „Urzędnik” (Przemyśl, 1879–1880).

¹⁷ „Przegląd Prawa i Administracji” (Lwów, 1892–1926).

nik”, “UrządNIK w Połączeniu z Prawnikiem”, and “Przegląd Sądowy i Administracyjny”.

Until at least 1889, there was no title devoted strictly to the problems of notaries.¹⁸ It may be also added that these magazines mostly published materials on current affairs. Their scope was well defined by sub-headings such as: *a magazine devoted to officials of all professions or a body of Polish legal societies*. Before the “Przegląd Prawa i Administracji” appeared in 1892, theoretical and scientific studies, if published at all, were rare. Neither the small volume nor the formula of the weekly, typical for the majority of newspapers of this kind, was conducive to such publications, although the editorial offices showed such ambitions. The founder and editor of “Prawnik”, Ignacy Szczesny Czemyryński, declared that he would publish scientific dissertations on law and social sciences,¹⁹ and thanks to Ernest Till’s efforts, “Przegląd Sądowy i Administracyjny” also followed this direction.²⁰

Entering the publishing market in 1889, “**Kwartalnik Stowarzyszenia Kandydatów Notarialnych**” (hereinafter: KSKN), which is also examined in the present study, represented a slightly different quality. It narrowed down the spectrum to matters related to the notary’s office, although it should be noted that its perspective covered only a part of the professional group i.e. candidates. Today it is considered to be the progenitor of the later periodicals *Przegląd Notarialny* [Notarial Review] or *Rejent* [Notarial clerk].²¹

Before that happened, however, materials concerning this narrow professional group appeared in various forms, usually short notes scattered in various places of the previously quoted weekly magazines. Their topics covered a very diverse range: from jurisprudence, announcements, journalism, comments on the current professional situation to issues related to the organization of notaries as a corporation. Initially, these publications were not displayed in any special way; they were usually part of broader sections devoted to legal and administrative issues, e.g. *Przegląd tygodniowy*, *Praktyka sądowa*, *Wiadomości potoczne*, *Zapiski literackie* etc. [Weekly Review, Judicial Practice, Informal News, Literary Notes]. If they were more serious forms, going beyond a press release, their title was distinguished by a vignette. Among such exceptions was an essay by

¹⁸ Nationally, it was published in Vienna „Zeitschrift für das österreichische Notariat” (1859–1867) and „Zeitschrift für Notariat und freiwillige Gerichtsbarkeit in Österreich” (1868–1919).

¹⁹ S. Milewski i A. Redzik, *Themis i pheme...*, s. 88.

²⁰ Tamże, s. 101–119.

²¹ D. Malec, *O wielkim poprzedniku „Rejenta” „Przeglądzie Notarialnym” i innych polskich czasopismach środowiska notariuszy w XIX–XX w.* [w:] *Rozprawy z prawa prywatnego, prawa o notariacie i prawa europejskiego ofiarowane Panu Rejentowi Romualdowi Szytkowi*, red. M. Pazdan, E. Drozd, i A. Oleszko, Kluczbork 2007, s. 439.

Stanisław Madejski entitled *Rozwój instytucji notarialnej* [The Development of a Notary Institution], published on the front page of *Przegląd Sądowy i Administracyjny* (No. 30 from 1879)²² or a text by Henryk Zathey, published two years later in three April issues of 1881 devoted to the reform of the notary act.²³ Papers of the nature of scientific dissertations appeared only later in KSKN.

A more extensive form was also characteristic of statistical materials, which were rarely served in that period. In 1882, *Przegląd Sądowy i Administracyjny* in two numbers *Stan notariatu w Galicji i na Bukowinie*²⁴ [The Condition of Notaries in Galicia and Bukowina], and in 1885, *Urządnik w Połączeniu z Prawnikiem* published a report *Notariusze i kandydaci notarialni w Galicji i na Bukowinie*²⁵ [Notaries and notary candidates in Galicia and Bukovina]. The statistics presented there were quite simple and accompanied by a comment that was not entirely adequate, but revealed the reality of profession and its absurdities.²⁶ Also other groups, led by attorneys, became the protagonists of these rare compositions.²⁷ The presentation of the statistical material was limited to listing the number of posts and notaries in a given court district (similarly in the case of attorneys) and comparing them with the population and area. Often, the notarial content was one of the threads when considering a wider subject. An example is the series of publications from the mid-1880s devoted to the prospects of young adepts in the legal professions,²⁸ including, inter alia, a multi-part text by Julian Morelowski *O przyszłości młodych prawników*²⁹ [About the future of young lawyers]. The article was published in the magazine *Urządnik w Połączeniu z Prawnikiem* and the author also touched upon the problem of the increasing number of notary candidates.³⁰ These were merely contributions to the debate that later developed on the pages of KSKN.

²² „PSiAdm” 1879, R. 4, nr 30 z dn. 23 VII 1879, s. 237–239.

²³ „PSiAdm” 1881, R. 6, nr 14 z dn. 5 IV 1881, s. 116–117; tamże, nr 15 z dn. 12 IV 1881, s. 124–125; tamże, nr 16 z dn. 19 IV 1881, s. 133–134.

²⁴ „PSiAdm” 1882, R. 7, nr 44 z dn. 1 XI 1882, s. 351–352; tamże, nr 45 z dn. 8 XI 1882, s. 359–360.

²⁵ „Urz-Praw” 1885, R. 7, nr 16 z dn. 25 VIII 1885, s. 122–123.

²⁶ Zob. szerzej: „Urz-Praw” 1884, R. 6, nr 16 z 25 VIII 1884, s. 158–159 (*Notariaty*).

²⁷ Por. „Prawnik” 1871, R. 2, nr 5 z dn. 1 II 1871, s. 23–24; „PSiAdm” 1885, R. 10, nr 9 z dn. 4 III 1885, s. 71–73 (*Obraz statystyczny adwokatów w Galicji z r. 1884 na podstawie wykazu przez Ministerstwo sprawiedliwości w r. 1885 wydane*); „Urz-Praw” 1885, R. 7, nr 11 z dn. 10 VI 1885, s. 82 (*Adwokaci w Galicji w roku 1884*).

²⁸ „Urz-Praw” 1884, R. 6, nr 20 z dn. 25 X 1884, s. 190–191 (*Położenie młodzieży prawniczej w Galicji*).

²⁹ „Urz-Praw” 1885, R. 7, nr 14 z dn. 25 VII 1885, s. 106–110; tamże, nr 15 z dn. 10 VIII 1885, s. 114–118; tamże, nr 16 z dn. 25 VIII 1885, s. 122–125.

³⁰ „Urz-Praw” 1885, R. 7, nr 15 z dn. 10 VIII 1885, s. 116–117.

As it has already been noted, in the initial period, information on notaries and notarial institutions was highly atomized. Quite quickly, the magazines noticed the organization of the legal community, which was related to the slow democratization of life in the Austrian partition, and especially the effects of the law of association of November 15, 1867. From the beginning of the 1870s, individual press titles informed about the establishment of legal societies, the leader of which was *Prawnik*: its issue of June 26, 1872 contained a short note entitled *Nowe Towarzystwa Prawnicze* [New Legal Societies].

“With the advent of the new era of civic freedom, an extraordinary movement began in our country [...], not only in public life, but also in all branches of science. Numerous associations established shortly after the Act of November 15, 1867, most eloquently testify to the need to work together [...].”³¹

The journal in the form of short messages provided data on the establishment of societies, e.g. in Lviv (1868),³² Kutu (March 24, 1872),³³ Przemyśl (November 24, 1872)³⁴ and Rzeszów (August 4, 1872).³⁵ Their members, apart from other lawyers, were notaries (e.g. Karol Wurst in Kutu, Ignacy Frankowski in Przemyśl). There were also reports of the failures of such initiatives. In January 1871, a letter “Spod Wawelu” [from under Wawel] from Lviv *Prawnik* was received, unambiguously signed “Głos z Puszczy” [A voice from the forest], which is quoted below:

“In view of **your** developing scientific movement, unfortunately a sad picture of **our** mental indolence. The much-desired autonomy and the introduction of the Polish language in courts and universities, instead of awakening the mental life, plunged the minds into a state of indifference and inaction [...]. With great enthusiasm, the legal society created, after a year of its rather weak life, gave up its spirit [...] – and the new bar association, elected after the proclamation of the freedom of the bar, has been blissfully lethargic for three years without life.”³⁶

Of course, these were problems related to the broadly understood community of lawyers, not just notaries themselves. Nevertheless, the consolidation of

³¹ „Prawnik” 1872, R. 3, nr 26 z dn. 26 VI 1872, s. 104 (*Nowe Towarzystwa Prawnicze*).

³² „Prawnik” 1872, R. 3, nr 14 z dn. 8 III 1872, s. 55; „Prawnik” 1872, R. 3, nr 18 z dn. 1 V 1872, s. 72.

³³ „Prawnik” 1872, R. 3, nr 39 z dn. 25 IX 1872, s. 154.

³⁴ „Prawnik” 1872, R. 3, nr 50 z dn. 11 XII 1872, s. 200.

³⁵ „Prawnik” 1872, R. 3, nr 32 z dn. 7 VIII 1872, s. 128; tamże, nr 36 z dn. 4 IX 1872, s. 144; tamże, nr 40 z dn. 2 X 1872, s. 160; tamże, nr 45 z dn. 6 XI 1872, s. 180; tamże, nr 49 z dn. 4 XII 1872, s. 196; tamże, nr 50 z dn. 11 XII 1872, s. 200; tamże, (1874) R. 5, nr 6 z dn. 11 II 1874, s. 52; tamże, nr 15 z dn. 15 IV 1874, s. 134; tamże, nr 16 z dn. 22 IV, s. 142. Later, information on the activities of the Legal Society in Rzeszów can be found mainly in the local press, por.: „Kurier Rzeszowski” 1889, nr 2 z dn. 13 I 1889, s. 5; tamże, nr 3 z dn. 20 I 1889, s. 2; „Głos Rzeszowski” 1898, R. 2, nr 9 z dn. 27 II 1898, s. 1.

³⁶ „Prawnik” 1871, R. 2, nr 5 z dn. 1 II 1871, s. 23.

the new professional group was already noticeable at that time, as evidenced by the information on the organization and activity of the notary self-government published in the years 1871–1889.

The Chamber of Notaries in Złoczów (5 May 1871) was the first to be established on the basis of the new rules. The editorial office of *Prawnik* commented on the press release:

Jako pierwsza na nowych zasadach ukonstytuowała się Izba Notarialna w Złoczowie (5 V 1871). Wzmiankę prasową redakcja „Prawnika” opatrzyła komentarzem:

“...we must increase the diligent activity of the Złoczów Notary Chamber aimed at elevation and liberation from foreign influences of this institution, towards its autonomous functioning, independent of the judicial authorities – and at the same time we must express the hope that other chambers of notaries in the country will want to follow this example...”³⁷

As early as in October 1871, *Prawnik* informed about a meeting of notaries from the district of the higher regional court in Lviv,³⁸ the aim of which aim was, inter alia, to dispel doubts regarding the new notary act. A resolution, very important for the environment, was also adopted to consolidate the colleges and chambers of notaries from the district of the Lviv national court into one college and one chamber. A few years later, the same *Prawnik* published a news item that the initiative was partially implemented with the consent of the Ministry of Justice on January 10, 1874. The joint notary's chamber in Lviv included the joined colleges of the first instance courts in Złoczów, Tarnopol and Stanisławów (with time also in Kołomyja).³⁹

However, until at least 1878, the frequency of publishing similar information was not very high, because the activity of the discussed bodies did not cause a sensation to say the least. In 1878 the reins were taken over by *Przegląd Sądowy i Administracyjny*, publishing a comprehensive protocol from the meeting of the Notarial College of the Lviv Chamber of Notaries (January 19, 1878)⁴⁰ in the section *Ze stowarzyszeń prawników* [From Lawyers Associations]. It was devoted, inter alia, to a circular sent to the “Upper-Austrian” Chamber of Notaries regarding the increase of rates in the notary's tariff. Attention was also paid to the issue of “reconciliation of changes in the legislation in order to extend the scope

³⁷ „Prawnik” 1872, R. 3, nr 26 z dn. 26 VI 1871, s. 104. The composition of the Chamber: president: – Michał Morawiecki (Złoczów); members – Ferdynand Szydłowski (Brzeżany), Franciszek Piszek (Busk), Wincenty Kniaźołucki (Rohatyn), Tadeusz Zagajewski (Brody); deputies – Henryk Zathay (Podhajce), Józef Onyszkiewicz (Zborów).

³⁸ „Prawnik” 1871, R. 2, nr 43 z dn. 25 X 1871, s. 176.

³⁹ „Prawnik” 1874, R. 5, nr 6 z dn. 11 II 1871, s. 152.

⁴⁰ „PSiAdm” 1878, R. 3, nr 14 z dn. 3 IV 1878, s. 117–118.

of notaries' activities and their dependence from the courts",⁴¹ as well as reporting and elections of new authorities. However, what is most interesting – a resolution was passed at that time, recognizing *Przegląd Sądowy i Administracyjny* as "its official body", in which the reports from the annual meetings of the chamber, resolutions, nominations, leaves and others were to be published.⁴² Indeed, in the following years, texts devoted to the activities of the Lviv Chamber of Notaries were published there much more often, mostly in the sections: *Ze stowarzyszeń prawników* [From lawyers' associations] and in a specially created: *Z lwowskiej Izby notarialnej* [From the Lviv Chamber of Notaries].⁴³ Most of these publications have the value of source materials documenting the work of the chamber (e.g. reaction to accusations against the notary's office in the Galician National Sejm, participation in consolidating the community of notaries from all over Austria⁴⁴ or striving to improve professional practice⁴⁵). It can be noted that the Lviv chamber at that time had aspirations to express the aspirations of the public, if not the entire professional group, then at least a significant part of it.

At first, the activity of notary chambers from Western Galicia was much more modestly reflected in the press: they were not distinguished, for example, with a separate, identifying heading, as was the case with the Chamber of Lviv. The 1879 issue of *Przegląd Sądowy i Administracyjny* published a note *Zjazd notariuszów w Krakowie* [the Congress of Notaries in Krakow]:

"On the initiative of the Krakow Chamber of Notaries, a meeting of Galician notaries will be held in Krakow on October 1 to discuss matters relating to the notary's institution. The main subject of the deliberations is to be the draft reform of the non-contentious judiciary developed by the "Upper-Austrian" chamber. As regards the deliberations on the bill, a meeting of delegates from Austrian chambers of notaries was convened in Vienna on October 13th. The task of the convention in Krakow, therefore, will be to provide uniform information to the delegates of Galician chambers, due to the unique situation and specificity of our country."⁴⁶

This note was accompanied by an editorial comment:

"Meanwhile, we welcome this first sign of communion of companions within our profession..."⁴⁷

⁴¹ Tamże, s. 117.

⁴² Tamże.

⁴³ Tamże.

⁴⁴ „PSiAdm” 1881, R. 6, nr 51 z dn. 21 XII 1881, s. 412 (The general assembly of the college of the Imperial-Royal notaries from the districts of the Lviv, Złoczów, Tarnopolski, Stanisławów and Kołomyja courts).

⁴⁵ „PSiAdm” 1885, R. 10, nr 18 z dn. 6 V 1885, s. 146–147 (e.g. considerations on the change of location of a notary – in fact, showing the existence of an informal gradation of localities with a different scale of attractiveness in terms of practicing this profession).

⁴⁶ „PSiAdm” 1879, R. 4, nr 40 z dn. 1 X 1879, s. 319.

⁴⁷ Tamże.

And it was actually a good start. At the beginning of the 1880s, *Przegląd Sądowy i Administracyjny* can be considered to be the first journal to officially become a forum for the presentation of notary issues. Although it was only one of the many thematic areas it touched upon, the scale of the presentation was serious and went beyond what was happening in the Lviv Chamber of Notaries. The yearbooks from the 1880s include, admittedly scattered, threads concerning the activities of the entire notary community, not only on a national but also on a state scale. The editors published quite detailed reports, for example, from the assembly of delegates of the Austrian Chambers of Notaries,⁴⁸ the draft statute and reports on the activities of the Austrian Association of Notaries in the following years,⁴⁹ reports on the work of the Central Deputation of the Austrian Notaries Association,⁵⁰ minutes of the meetings of the Provincial Assembly of Notaries and Notary Candidates from Galicia and Bukovina,⁵¹ and reports from the founding meeting and subsequent activities of the Galician-Bukovina Department of the Austrian Notaries Association (January 3, 1883).⁵²

As mentioned above, in 1892, *Przegląd Sądowy i Administracyjny*, which had been undergoing a metamorphosis for several years, finally changed its name.⁵³ Its continuator – *Przegląd Prawa i Administracji* (subtitle: *Rozprawy i zapiski literackie; Część praktyczna* [Dissertations and Literary Notes; Practical Part]) was a scientific journal publishing texts in the field of legal, legal and administrative, legal and historical sciences, as well as commentaries and interpretations of law (including the preparation of notarial deeds⁵⁴). However, information about the current situation in the notary's office was sporadic.⁵⁵

⁴⁸ „PSiAdm” 1879, R. 4, nr 45 z dn. 6 XI 1879, s. 362

⁴⁹ „PSiAdm” 1881, R. 6, nr 27 z dn. 6 VII 1881, s. 223; tamże, nr 41 z dn. 12 X 1881, s. 332–333; tamże, R. 7, nr 42 z dn. 4 X 1882, s. 338–339; tamże, R. 8, nr 31 z dn. 1 VIII 1883, s. 249;

⁵⁰ „PSiAdm” 1881, R. 6, nr 50 z dn. 14 XII 1881, s. 405; tamże, R. 7, nr 30 z dn. 26 VII 1882, s. 241–242.

⁵¹ „PSiAdm” 1882, R. 7, nr 34 z dn. 23 VIII 1882, s. 274–276; tamże, nr 35 z dn. 30 VIII 1882, s. 280–281.

⁵² „PSiAdm” 1883, R. 8, nr 2 z dn. 10 I 1883, s. 18; tamże, nr 48 z dn. 28 XI 1883, s. 384–385 (Protokół z czynności ogólnego zebrania galicyjskich i bukowskińskich członków Austriackiego Stowarzyszenia notariuszy w stołecznym mieście Krakowie na dniu 15 IX 1883 odbytego); tamże, R. 9, nr 27 z dn. 2 VII 1884, s. 216–217; tamże, nr 28 z dn. 9 VII 1884, s. 224–226; tamże, nr 29 z dn. 16 VII 1884; tamże, R. 10, nr 26 z dn. 1 VII 1885, s. 121–122; tamże, nr 30 z dn. 29 VII 1885, s. 148–151 (Sprawozdanie o ogólnym stanie notariatu w obrębie Wydziału prowincjonalnego galicyjsko-bukowińskiego); tamże, nr 38 z dn. 23 IX 1885, s. 215–217.

⁵³ S. Milewski i A. Redzik, *Themis i pheme...*, s. 113.

⁵⁴ „Przegląd Prawa i Administracji” 1896 (1895), R. 20, Część praktyczna, *passim*.

⁵⁵ Por. „Przegląd Prawa i Administracji” 1894, R. 19, s. 983–984 (Kronika: Szóste zgromadzenie ogólne Stowarzyszenia notariuszów austr.); tamże, 1892 (1893), R. 17, Część praktyczna (*Egzekucja z aktu notarialnego, Notarialnych aktów wykonanie*), *passim*.

Meanwhile, in 1889, the publishing of KSKN began in Kraków. It was quite a characteristic event, considering that at the end of the 1880s, several changes took place on the Galician publishing market, which could have been catalyzed by the increased activity of the entire legal community. In 1887, *Przeegląd Sądowy i Administracyjny* became a monthly, and at the Second Congress of Lawyers and Economists in Lviv in 1889, it was formally announced as a scientific periodical.⁵⁶ At about the same time, *Prawnik* was reactivated. It can be assumed that the answer to these phenomena was the consolidation of notary candidates based on the Association of Notary Candidates in Kraków (1888) and the Society of Galician Notary Candidates in Lviv (1889). The situation of this professional group was quite difficult. The most troublesome problem seemed to be the lack of a quick prospect of taking up a notarial position. After graduating from university and obtaining the required professional practice, a beginner in this profession could not open a law office (as was the case with lawyers), thus becoming a notary candidate, as in Galicia the number of notary jobs was limited. As early as in 1886, the number of candidates exceeded the number of notaries public.⁵⁷ This professional instability continued to increase and there was no way to find a quick solution. Research shows that it was in this period (1888/1889) that the critical moment occurred.⁵⁸ There were no more vacancies, and the only chance for the candidate was the long waiting for ... the death of a notary (this office was held for life). As there were many applicants, waiting lists were prepared by the relevant professional bodies. In the period leading up to World War I, the oldest candidates had been on these lists for over 20 years! The location of the Quarterly as a forum for a fairly determined part of the professional group created a slightly different perspective. Hence, it was a “rebellious” magazine, in which attempts were made to stigmatize pathologies, to reform and improve, as well as to protect the entire institution against the threat of liquidation. Although the very initiative to establish it came from the Krakow association, from 1890, under a mutual agreement, the quarterly was published together with the Lviv society. However, Kraków remained the seat of the publishing house.⁵⁹

What was published in the Quarterly? It was not a magazine of the same format as the *Przeegląd Prawa i Administracji*, which was published almost simultaneously, but it also rose above the previously known formula of an “omnivorous” legal and administrative weekly for officials of “various kinds”, focusing on the notary. The individual issues were not very extensive, but the journal

⁵⁶ S. Milewski i A. Redzik, *Themis i pheme...*, s. 110.

⁵⁷ „PSiAdm” 1887, R. 12, s. 891.

⁵⁸ S. Kozak, *Notariat w Galicji 1859–1914 (zarys statystyczny)...*, *passim*.

⁵⁹ „KSKN” 1890, R. 2, z. 3, s. 50–52.

was a kind of forum for this narrow professional group, hence a large dose of reporting from the Imperial-Royal world of notaries and candidates,⁶⁰ interspersed with theoretical considerations. First of all, the work of both associations was reported on an ongoing basis,⁶¹ the annual reports on the meetings of the general meeting of the Krakow association were published,⁶² as well as extensive statistical lists of notarial activities, lists of members⁶³ and candidates from Western Galicia (including their waiting periods),⁶⁴ etc. The first issues contained also regular reports on general meetings of the Society of Notary Candidates in Lviv.⁶⁵ A sample issue consisted of several sections. Usually, the first report to be published was the general meeting of members of the Association of Notary Candidates in Krakow; it could be followed by another reporting or scientific article, then as follows: the section *Z praktyki* [From practice]; presentation of the latest changes in legislation (ordinances of the Ministry of Justice, usually announced on a regular basis, etc.); messages informing about the activities of the association and the situation in the notary's office (*Od wydziału* [From the Department]) as well as statistical lists of members, notarial activities, etc.

The publishing process was not always regular, the journal changed its name and suspended its activity (it was not published in 1903–1909). Its subsequent editors were Tadeusz Starzewski, Władysław Zajączkowski, Kazimierz Bystrzanowski and Stanisław Stein. The last issue was published in 1913 or 1914.⁶⁶

The main “fuel” for most articles and press releases published in the second half of the nineteenth century, in the pages of the discussed publications, was the coverage of current events. Many of them provided direct or indirect informa-

⁶⁰ Por. „KSKN” 1897, R. 9, z. 2 (IV–X), s. 26–39 (*Ze zgromadzeń*); tamże, R. 11: 1899, (IV–X), s. 33 (dot. zgromadzenia delegatów austriackich stowarzyszeń kandydatów notarialnych w Wiedniu, 11 V 1899 r.).

⁶¹ Por. „KSKN” 1890, R. 2, z. 4, s. 54–55 (*Od Wydziału Stowarzyszenia Krakowskiego*). Information on the Lviv association, zob. m.in.: tamże, 1894, R. 6, z. 1–2 (I–IV), s. 28–31 (Wykaz członków towarzystwa).

⁶² Por. „KSKN” 1891, R. 3, z. 1, s. 2–14; tamże, 1892, R. 4, z. 1, s. 2–24; tamże, 1893, R. 5, z. 1, s. 1–9; tamże, 1894, R. 6, z. 1–2, s. 3–15; tamże, 1896, R. 8, z. 1 (I), s. 29–45; tamże, 1897, R. 9, z. 1 (I), s. 1–17; tamże, 1898, R. 10 (I–X), s. 44–52; tamże, 1899, R. 11 (I), s. 27–32; tamże, 1900, R. 12 (I), s. 1–13.

⁶³ Por. „KSKN” 1897, R. 9, z. 1 (I), s. 37–39; tamże, z. 2 (IV–X), s. 45–48; tamże, 1898, R. 10 (I–X), s. 54–57; tamże, 1913, R. 25, z. 2 (IV–VII), s. 12–13.

⁶⁴ Por. „KSKN” 1902, R. 14, z. 1 (I), s. 31–32; tamże, 1910, R. 22, z. 1 (I), s. 14; tamże, 1913, R. 25, z. 1 (I), *passim*.

⁶⁵ Por. „KSKN” 1890, R. 2, z. 3, s. 43–49; tamże, 1891, R. 3, z. 3, s. 1–12; tamże, 1892, R. 4, z. 3, s. 1–8; tamże, 1894, R. 6, z. 1–2, s. 16–23; tamże, 1896, R. 8, z. 4, s. 31–32; tamże, 1913, R. 25, z. 1, s. 54–56; tamże, z. 3, s. 20–21.

⁶⁶ S. Milewski i A. Redzik, *Themis i pheme...*, s. 421–422.

tion on the condition of notaries as a professional group and the institution itself. At that time, the most frequent focus was on reforming the notary, countering numerous accusations against the sense of its existence, eliminating pathologies such as covert writing or improving the situation of notary candidates. The thread that binds these issues together was the self-organization of the community of notaries, which has already been mentioned above.

The issue of the reform of the notary public⁶⁷ was a recurring topic intertwined with the modernization of the judiciary in the second half of the 19th century. Proposals for changes, already noticed in the published reports of meetings of individual self-government bodies of notaries or notary candidates, took their final shape many years later in the draft of the new notarial act. A very important catalyst for the reform initiatives was the above mentioned difficult situation of notary candidates. In the journal No. 2 of KSKN from 1889, the text by Tadeusz Starzewski, *Kilka słów o notariacie* [A Few Words about the Notary Public], was published, in which the author, summarizing the several-year period of work under new rules, also made an accurate diagnosis:

“...Since the introduction of the new notarial act, relations in our profession have changed significantly. Initially, the new institution was viewed with disbelief [...]. Besides, it was a different era in the bar and judiciary. It was easier to expect a career there. For these reasons, in view of the well-founded fear that there will be insufficient number of candidates for the positions of notaries, an outstanding tendency of the new notarial act is to facilitate entry to a new profession. After the second legal government examination, you can be entered on the list of candidates; no doctorate [nor – SK] judicial practice is needed, the practical examination is easier than the judge’s or the barrister’s ones. Finally, 4 years of professional practice, including only 2 years of work in a notary’s office, is enough to get a job. The effect was achieved. The above facilitations and the hope of getting an easy job pushed many young people to a new profession. The first ones won. Only 4 years after graduating from university, they achieved independence [...], so everybody rushed to the notary’s office [...]. A young man without funds, having graduated from law studies, could not work for a court or public service, because there the conditions worsened and had to work for several years for free. Work in the bar was uncertain, so he went to the notary’s office, where he could immediately get a job as a consultant [...]. And there was saturation. More than 100 candidates, including a dozen with 10–12 years of experience, are waiting in vain for a job [...] which, at best, at the end of the fourth decade of life can be obtained [...]. Notary jobs are not all great, in western Galicia only a dozen or so are very good, the rest are average, and most of them are just enough for maintenance [...]. You are doomed to the back country, cut off from the entire intellectual movement, away from children, who have to be sent to larger cities for education, forced to fight [...] with the reluctance of members of district courts, on whom you are partially dependent, and also with the competition of lawyers, and, worst of all, illegal consultants [...].”⁶⁸

More than 10 years earlier, in 1878, *Przegląd Sądowy i Administracyjny* published a report on the meeting of the board of the Lviv Chamber of Notaries (19

⁶⁷ Zob. też: W. Jaworski, *Reforma notariatu w Austrii*, Kraków 1904.

⁶⁸ „KSKN” 1889, R. 1, nr 2, s. 1.

January 1878), including proposals by the notary public Ignacy Kraus to clarify the scope of activities of notary candidates in the act, including differentiation between candidates and notary apprentices; the requirement for candidates to take a service oath and to make a deposit of half that of a notary; determining the activities that the candidates could perform on their own responsibility substituting a notary public.⁶⁹

In the wake of this trend, the year 1881 saw the publication of the already mentioned extensive *Projekt reformy ustawy notarialnej pod względem postawionych tamże wymogów uzdolnienia na urząd c.k. notariusza wniesiony do c.k. Izby Notarialnej i Kolegium Notariuszów we Lwowie* [Draft reform of the notarial act in terms of the requirements of the aptitude for the office of the Imperial-Royal notary public brought to the Imperial-Royal Chamber of Notaries and the College of Notaries in Lviv],⁷⁰ where the author demanded that the notary candidate should have a doctorate; postulated extending the required period of practice to 5 years (at least 2 years in a notary's office; 2 in court and at a law firm); extending the scope of the notarial examination and... equalizing civil rights.

"Finally, we should emphasize that our candidates so far have been disadvantaged in terms of political rights, do not have the right to vote, neither active nor passive in municipal and parliamentary elections; they are somehow political pariahs, which is even worse for them because they are educated lawyers with at least two government exams; therefore, they are not worse than lower clerks or concept apprentices who have the right to vote, although they do not pay taxes at all [...]"⁷¹

Proposals to tighten the criteria also appeared later.⁷² Criticism of professional relations also went beyond the candidates' problems, and sometimes beyond statutory issues. In the following years, in virtually every published report (concerning both national and state bodies), one can find accents placed on the rationalization of the notary's work.⁷³ The doubts concerned, inter alia, the scope of activities or the scale of gratification for additional activities performed.⁷⁴ It is worth mentioning that this discussion was accompanied by quite extensive arguments. The notary [Franciszek?] Niementowski, for example, drew attention to the socio-economic specificity of Galicia, writing:

⁶⁹ „Prawnik” 1878, R. 3, nr 14, s. 118.

⁷⁰ „PSiAdm” 1881, R. 6, nr 14 z dn. 5 IV 1881, s. 116–117; tamże, nr 15 z dn. 12 IV 1881, s. 124–125; tamże, nr 16 z dn. 19 IV 1881, s. 133–134.

⁷¹ „PSiAdm” 1881, R. 6, nr 16 z dn. 19 IV 1881, s. 133.

⁷² Por. „KSKN” 1889, R. 1, nr 2, s. 1–4.

⁷³ „PSiAdm” 1880, R. 5, nr 14 z dn. 31 III 1880, s. 118 (*Dziewiąte walne zebranie kolegium...*).

⁷⁴ „PSiAdm” 1879, R. 4, nr 12 z dn. 19 III 1879, s. 97.

“...the draft tariff does not correspond to the relations in Galicia, as land in Galicia is less valued than in other provinces, therefore the tariff for Galicia should be increased by a certain percentage”.⁷⁵

Demands were not only for the reform of the law, but also for improvements,⁷⁶ e.g. in the field of creating new jobs,⁷⁷ and the pan-Austrian debate on the reform of the judiciary was involved.⁷⁸ Even published statistical materials provided a pretext for making critical allusions. *Stan notariatu w Galicji i na Bukowinie*⁷⁹ [The state of the notary's office in Galicia and Bukovina] published in *Przegląd Sądowy i Administracyjny*, ended with a conclusion:

[...] Almost all courts assign notaries to write down succession records. There are, however, small exceptions. The scale of remuneration depends entirely on the will of the courts, the notary's tariff is not used to determine them. The amount of remuneration depends therefore on the mood and disposition of the clerk or judge, and since the clerks in inheritance cases are partly apprentices, consultants, and even chancellors, in fact the notary depends on them and often receives remuneration that does not correspond to his position [...]. Courts delegate apprentices, lower clerks and procedural officials to write down acts which, according to the statute, belong to notaries. The district court in Przemyśl, for example, assigns the assistant professor of auxiliary offices the examination of pupillary accounts and grants him, unknown on the basis of which acts, the same remuneration as to a notary public”.⁸⁰

Such arguments were supposed to be a prospective argument for reforming institutions, and sometimes they provided a pretext for making ad hoc demands.⁸¹

One of the last accents was the information campaign conducted by KSKN, referring to the draft of the new notarial ordinance. Work on it was carried out by the Ministry of Justice (under the leadership of Hugo Schauer) in consultation with the rally of delegates of Austrian chambers of notaries. The governmental draft was published in March 1911.⁸² The April issue of the Quarterly from 1911 informed that the draft met the proposals submitted many times by notaries public,⁸³ and it was included in the next issue (July-October) together

⁷⁵ Tamże.

⁷⁶ Por. „KSKN” 1896, R. 8, z. 4 (X), s. 14–15; tamże, 1910, R. 22 (I–IV), s. 16 i nast.

⁷⁷ „Urz-Praw” 1886, R. 8, nr 12 z dn. 25 VI 1886, s. 91 (*Nowy sąd – nowy notariat*); „KSKN” 1890, R. 2, z. 4, s. 44–53 (*Prośba Wydziału Towarzystwa Galicyjskich Kandydatów Notarialnych we Lwowie do Wysokiego c.k. Ministerstwa Sprawiedliwości w sprawie pomnożenia posad notarialnych w Galicji i na Bukowinie...*).

⁷⁸ „KSKN” 1896, R. 8, z. 3, s. 50.

⁷⁹ „PSiAdm” 1882, R. 7, nr 44 z dn. 1 XI 1882, s. 351–352; tamże, nr 45 z dn. 8 XI 1882, s. 359–360.

⁸⁰ „PSiAdm” 1882, R. 7, nr 45 z dn. 8 XI 1882, s. 359.

⁸¹ Patrz szerzej: „Urz-Praw” 1884, R. 6, nr 16 z 25 VIII 1884, s. 158–159 (*Notariat*).

⁸² „KSKN” 1911, R. 23 (IV), s. 37.

⁸³ „KSKN” 1911, R. 23 (IV), s. 38.

with Ignacy Dębicki's commentary.⁸⁴ The issue of the bill returned to the pages of the Quarterly in the years preceding the outbreak of World War I.⁸⁵

The reformist trend within the institution often clashed with external efforts to liquidate it or possibly merge it with the bar, which the nineteenth-century press carefully reported. Even in the 1860s, there were not very flattering comments, such as the one in Kazimierz Jakubowski's brochure, which spoke directly about the destructive effects of establishing a notary on the legal community.⁸⁶ In the public space, the voices of criticism did not stop after the introduction of the Act of 1871, and they were often motivated by the poor economic condition of the provinces, and in particular of the rural population, for whom this institution was supposed to be another manifestation of costly bureaucracy.⁸⁷ Soon another argument followed – the difficult situation of the notary's offices themselves. These phenomena were quite dangerous for the new institution, considering that it started operating on grounds that the previous law (1855) had hardly ever strengthened. The resolution of the Assembly of Notaries of the Lviv District, adopted in the autumn of 1871, in which it was decided to address the Imperial-Royal ministries of justice...

“...so that it would agree with other ministries in order to issue instructions to the competent authorities to explain to the public the high importance of the new law, which requires certain legal actions to become legally valid, to prepare a notarial deed with regard to them – and to instruct the tax offices that in such cases, cases of non-notary deeds, they should not accept them as being legally binding. It should be emphasized that previously and irrespective of these resolutions, the same resolutions were adopted by the Notary Chamber in Złoczów”.⁸⁸

This peculiar uncertainty accompanied the notary's office in Austria until the end of the 19th century, and the Galician thread was just its local fragment with its own color. Here, in 1880, the general meeting of notaries in Upper and Lower Austria and Salzburg (June 27, 1880) passed a protest:

“...against the recently discussed exclusion of notaries and notary candidates from representation in criminal cases as an order ‘illiberal, violating the public good and unjustifiably offending the condition of notaries,’ and expressed the opinion that combining the bar with the notary office would be ‘an order of professional interest in highly violent and backward, which must be prevented by all means’”.⁸⁹

⁸⁴ „KSKN” 1911, R. 23 (VII–X), s. 11–34.

⁸⁵ „KSKN” 1913, R. 25, z. 2 (IV–VII), s. 3 i nast.

⁸⁶ K. Jakubowski, *Niecoś o winkelszreiberii i dependenturze adwokackiej w Galicji*, Tarnów 1866, s. 8.

⁸⁷ Szerzej na temat głosów krytycznych: S. Kozak, *Obraz notariatu w Galicji w świetle austriackich ustaw notarialnych...*, *passim*.

⁸⁸ „Prawnik” 1871, R. 2, nr 43 z dn. 25 X 1871, s. 176.

⁸⁹ „PSiAdm”, R. 5, nr 29 z dn. 14 VII 1880, s. 241 (dot. Walnego zgromadzenia notariuszy Górnej Austrii, Dolnej Austrii i Salzburga). Por. tamże, 1882, R. 7, nr 42 z dn. 4 X 1882), s. 338–

Similar, disturbing information was leaked to the press and magazines about the Galician reality. At the beginning of the 1880s, *Przegląd Sądowy i Administracyjny* reported attacks on the notary in the Galician Sejm, perpetrated by MPs Jan Jasieniecki and Aleksander Krukowiecki.⁹⁰ They met with a resolute reaction from the already organized community of notaries gathered around the Lviv Chamber of Notaries. In January 1881, *UrządNIK w Połączeniu z Prawnikiem* wrote:

“The Imperial-Royal Chamber of Notaries feels obliged to announce to the public that count Krukowiecki, a member of the National Sejm, in response to the open letter of the local Imperial-Royal Chamber, sent to him on July 18, 1880 with a request to provide facts about the alleged abuses of the Imperial-Royal notaries, about which the same MP spoke publicly at the 15th session of the national parliament on 7 July 1880, did not report so far not a single fact to the local Imperial-Royal Chamber – despite the passage of nearly seven months”.⁹¹

However, the situation repeated in the following years, which was reported in detail by KSKN. In the notebooks from 1896–1900,⁹² references were made to the speeches – this time in the Polish Circle of the Council of State – prince Sapięha and peasant deputies – Kramarczyk and Potoczek, openly demanding the abolition of the notary. Summing up the year 1899, the editors wrote:

“Countless ministerial rescripts as well as circulars and appellate regulations, both open and secret (but still widely known), aimed at reducing at every step [emphasis – SK] the already very insignificant agency of notaries; almost completely depriving notaries of the activities of the judicial office and entrusting them to court procedural clerks, and in some respects even to ushers and court messengers; the fact that notaries’ posts have been liquidated three times so far; Repeated motions by parliamentary deputies from popular parties demanding the abolition of the notary’s office – unfortunately, it is the only doubtful privilege of the notary institution in the last year”.⁹³

339 (*Wniosek centralnej deputacji, ażeby Walne Zgromadzenie [Austriackiego Zgromadzenia Notariuszy – SK] oświadczyło się jak najbardziej stanowczo przeciw zamierzonemu połączeniu adwokatury z notariatem...*).

⁹⁰ „PSiAdm” R. 5, nr 30 z dn. 21 VII 1880, s. 249. “The Chamber of Notaries in Lviv adopted the following resolutions at an extraordinary session on July 16 [1880]: The non-parliamentary language of deputies Krukowiecki and Jasieniecki at the 15th session of the Sejm about the notary caused the local chamber to pass today unanimously: 1.) filing an open letter to J.E. the national marshal with the expression of surprise and regret that he did not rebuke these expressions in public, and at the same time 2.) order the deputy Krukowiecki to convey the detailed facts of the events to chambers as bodies which guard the dignity of the office; 3.) further, the Chamber decided unanimously at the session to justify its motivation to all deputies by means of printed notices 4) after yesterday’s session, the Chamber sent telegrams to the Krakow, Tarnów and Przemyśl chambers, which notifies about passed resolutions and asks them to join it telegraphically [...]”. Por. tamże, nr 33, z dn. 11 VIII 1880, s. 271.

⁹¹ „Urz-Praw” 1881, R. 3, nr 4 z dn. 25 II 1881, s. 29.

⁹² „KSKN” 1896, R. 8, z. 2, s. 40–43 (*Kilka uwag z powodu mowy p. Potoczka w radzie Państwa dnia 20 III 1896*); „KSKN” 1900, R. 12, z. 1, s. 13 (*Położenie notariatu*).

⁹³ „KSKN” 1900, R. 12, z. 1, s. 12.

At the beginning of 1900, a delegation with representatives of Galician chambers of notaries in the person of notaries: Franciszek Niemczewski, Lucjan Lipiński, Jan Glück, Wiktor Krokowski, Teofil Witosławski, Ludwik Rzewuski, Władysław Janicki, Tytus Bujnowski, Kazimierz Goyski and Piotr Isseczeskula from Czerniowce.⁹⁴ Its purpose was to clarify the doubts and concerns about the situation in the notary's office that had arisen over the years. An interview with the representatives of the Ministry of Justice, Hugon Shauer, Franciszek Klein, and the Minister for Galicia, Leonard Piętak (nota bene, the former rector of the University of Lviv and one of the founders of *Prawnik*), included both complaints about the proceedings of Galician courts and questions about the further functioning of the notary's office. They concerned, for example, the practice by courts of first instance of excluding notaries from the activities of the court commissariat, removing them from running inheritance cases, and liquidation of notary offices. The delegation also asked about the position of the ministry in relation to the rumors about the liquidation of the notary office or its merger with the bar, about the possible participation of notaries' circles in the works on the reform.⁹⁵ The responses were just as specific and seemed to be in line with the expectations of the delegates. An extensive account on this subject was presented in the January issue of the Quarterly from 1900. In any case, the interlocutors confirmed that there is no question of liquidating the notary's office. In mid-April 1900, a rally of delegates from the notary's chambers from the area of Lower Austria was convened in order to take a position on the planned reform.⁹⁶ Its aftermath was to be the new law, about which we have already written.

On the margins of the discussion on "to be or not to be" of the notary public, reported in the press, the topic of the scope of notaries' work appeared. Publications on the notary public in Austria point to the excessive extension of their statutory obligations. From the theoretical point of view, this condition is not perceived positively, as it creates concerns about the care of the main activity, which is writing notarial documents. Notaries in Galicia, and in a sense in Austria, did not evade their new obligations, what is more – as indicated by the above quotations – they treated the attempt to reduce them as an affront. These issues were raised in numerous discussions held at local government forums and in resolutions to higher instances,⁹⁷ and the main motive was the fear of losing an additional source of income.

⁹⁴ Tamże, s. 21.

⁹⁵ Tamże, s. 25.

⁹⁶ Tamże, s. 28.

⁹⁷ „KSKN” 1898, R. 10, z. 1 (I–X), s. 33–40 („*Kilka uwag z powodu wniosków Leona hr. Pinińskiego*” – dot. m.in. odsunięcia notariuszy od przeprowadzania spraw spadkowych).

A lot of pages of legal journals were devoted to the issue of illegal writing, and among authors we also meet notaries. This was a problem known even before the notary was introduced. As it entered the area of competing professional groups of the judiciary, it became the bane of the new institution. The press has repeatedly emphasized its negative impact on various spheres of everyday life. With time, it became so burdensome that the daily press became interested in it. *Głos Rzeszowski* from 1898 wrote:

“In recent times, the number of illegal writers is multiplying, not only in larger cities, where circuit courts have their seats, but also in poviats courts, these entrepreneurs function perfectly well. This occupation, the prohibited criminal law, is usually undertaken by Jews, who in this case not only act as lawyers and prepare letters and applications to court for their clients, but also buy claims⁹⁸ mostly from ordinary people who sell them for a song. [...] Such employment has increased in our country so much because not all courts comply with the laws prohibiting this occupation and do not try to put an end to this practice, which causes incalculable damage to the working population”.⁹⁹

Due to the considerable scope of the phenomenon, which has already gained the name of the “national plague”,¹⁰⁰ all the legal journals cited so far have regularly provided a place for articles and notes stigmatizing this practice¹⁰¹ over the course of almost half a century. Even in 1906, *Przegląd Prawa i Administracji* published a commentary by Tadeusz Bujak entitled: *O pisarzach pokątnych* [On Illegal Writers].¹⁰² KSKN pages did not fail to publish an over 20-page text by Kazimierz Bystrzonowski, a notary in Zator, *Pokątne pisarstwo w Galicji* [Illegal writing in Galicia].¹⁰³

Apart from the above mentioned issues, the topic of the position of notary candidates was particularly exposed in the legal press. Due to the fact that it intersected with the topics already considered, it has been already partially discussed. The main problem was the issue of professional promotion and the questionable financial condition of the novices at the profession. The Quarterly

⁹⁸ Here: receivable debts.

⁹⁹ „Głos Rzeszowski” 1898, R. 2, nr 6 z dn. 6 II 1898, s. 1 (*Pisarstwo pokątne*). Zob. też: tamże, nr 6 z dn. 7 XI 1897, s. 3.

¹⁰⁰ „Prawnik” 1872, R. 3, nr 4 z dn. 24 I 1872, s. 15 (*Okólnik Prezydium c.k. Sądu Wyższego we Lwowie*).

¹⁰¹ „Prawnik” 1871, R. 2, nr 4 z dn. 25 I 1871, s. 18–19; tamże, nr 48 z dn. 29 XI 1871, s. 200; tamże, nr 52 z dn. 27 XII 1871, s. 215–216; tamże, 1872, R. 3, nr 4 z dn. 24 I 1872, s. 15; „PSiAdm” 1879, R. 4, nr 10, z dn. 5 III 1879, s. 81 (*Ze stowarzyszeń prawników*); tamże, 1880, R. 5, nr 36, s. 297; tamże, R. 6, nr 51 z dn. 21 XII 1881, s. 412; tamże, 1885, R. 10, nr 1 z dn. 2 I 1885, s. 7; „Urz-Praw” 1884, R. 6, nr 16 z dn. 25 VIII 1884, s. 160 (*Okólnik c.k. Namiestnictwa z dnia 14 XII 1883*); tamże, 1885, R. 7, nr 3 z dn. 10 II 1885, s. 20 (*Pisarze pokątni*).

¹⁰² „Przegląd Prawa i Administracji” 1906, R. 31, z. 6, s. 435–443.

¹⁰³ „KSKN” 1891, R. 3, z. 3, s. 12–47; tamże, s. 52–57 (*Okólnik w sprawie pisarstwa pokątnego wydany przez c.k. Sąd Powiatowy w Strzyżowie dnia 23 V 1891*).

itself was created on the basis of this matter. In one of the last issues of 1910, the editors summarized over 20 years of efforts by the community to improve the professional situation:

“The fact that the relations in our profession have changed significantly since then [1889 – SK] can be seen by everyone who remembers those years. The first thing that changed was the mutual attitude of notaries towards notarial appointments, becoming much more collegial and friendly. The position of notary candidates in the state organization has also changed and the share of notary candidates in professional life has increased. Admittedly, not by statutes so far, but by resolutions of colleges of notaries, candidates have also been guaranteed participation in meetings of notary colleges, and even in meetings of notary chambers (although not all of them) in matters relating to candidates”.¹⁰⁴

Other comments in the press did not create such distinctive thematic blocks. Much information about the current affairs of the corporation appeared in a dispersed form in the previously cited reports, resolutions and other materials, which constitute a separate value in themselves. On the other hand, broader hearings were less frequent. These exceptions include, in particular, the texts published in the KSKN pages: Tadeusz Starzewski *Kilka słów o notariacie* [A Few Words About the Notary Public]¹⁰⁵ (1889); [–] *O upadku notariatu we Francji* [On the fall of the notary in France]¹⁰⁶ (1892); Józefa Nowak, *Kilka uwag o formie i sposobie przechowywania notarialnych rozporządzeń ostatniej woli* [A few remarks on the form and manner of storing notarized last-will orders]¹⁰⁷; or the already mentioned *Pokątne pisanstwo w Galicji* [Illegal writing in Galicia] (1891) by Bystrzonowski.¹⁰⁸ There were also notes about new publications, e.g. Stefan Muczkowski¹⁰⁹ or Lucjan Lipiński;¹¹⁰ alarming signals about abuses (e.g. entering retired judges on the notary list of candidates¹¹¹) and announcements. There were a lot of various messages and short notes informing about new judgments, competitions, new positions being taken up, etc. They testified that the then community of notaries managed to gradually take root in the everyday life of the Galician legal world.

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¹⁰⁴ „KSKN” 1910, R. 22 (I–IV), s. 1.

¹⁰⁵ „KSKN” 1889, R. 1, nr 2 z dn. 1 IV 1889, s. 1–4.

¹⁰⁶ „KSKN” 1892, R. 4, z. 3, s. 8–14.

¹⁰⁷ „KSKN” 1898, R. 10, z. 1 (I–X), s. 24–32.

¹⁰⁸ „KSKN” 1891, R. 3, z. 3, s. 12–47.

¹⁰⁹ „PSiAdm” 1886, R. 11, nr 48 z dn. 1 XII 1886, s. 383.

¹¹⁰ „Urz-Praw” 1885, R. 7, nr 22 z dn. 25 XI 1885, s. 175 (*Ustawa notarialna z dnia 25. lipca, 1871. Nr 75 d.p.p. wraz z odnośnymi ustawami, rozporządzeniami i orzeczeniami Najwyższego Trybunału Sprawiedliwości z dodaniem wzorów przełożona na język polski i obrobiona przez Lucjana Lipińskiego*, Kraków 1884).

¹¹¹ „KSKN” 1913, R. 25, z. 2 (IV–VII), s. 37.

It is a truism to say that the press is an important historical resource. However, considering that legal publications filled the space in which the notary's office was created and developed in the territory of the Austrian partition, their role in documenting this process was very important; hence, a fairly large representation of notary topics in almost all surveyed journals. Continuity seems to be the most important value, bringing an analogy to a specific chronicle, the narrative of which is woven with various forms of writing. The content published in the pages of the above-analyzed titles was characterized by different importance. The following categories have already been distinguished:

- reporting material (comparable to source editions),
- statistical material,
- journalism (an additional value is the commentary on the current professional situation),
- informative content (very diverse),
- scientific articles and essays.

In many texts, the emotional relationship of the authors (while maintaining a varying degree of indirectness) with the reported events was manifested. It may be ventured that they represent a specific type of ego-document of the entire professional group. Such an approach creates new research perspectives,¹¹² allowing to penetrate, in a way, its subjective interior. What draws attention in this interior is, first of all, the evolution which the notary community has undergone over the course of almost half a century and the self-organization which is its expression. The catalyst was the problems piling up for the new institution, which was reflected in a clear highlighting of the two most important themes – reformist and defensive – resulting from an assertive attitude towards the attempts to liquidate and restrict the notary. This process overlapped with the specificity of Galicia as a partition with difficult financial conditions, which undoubtedly constitutes the basis for the verification of contemporary views, e.g. on the scope of work of the then notaries public, and especially their motivations in this regard. An extension of this issue is the noticeable polarization of the professional group, manifested in the presence of various interests of candidates and notaries, and even in the diversity of notaries themselves, whose place in the next dichotomous arrangement depended on the attractiveness of the job. Another characteristic element, appearing between the lines, is the motive of

¹¹² Szerzej: P. Bewicz, *Historyk wobec egodokumentu – intymność i granica* [w:] *Egodokumenty. Tradycje historiograficzne i perspektywy badawcze*, red. W. Chorążyczewski, A. Pacevičius, i S. Roszak, Toruń 2015, s. 23–31; W. Chorążyczewski i A. Rosa, *Egodokumenty – egodokumentalność – analiza egodokumentalna – spuścizna egodokumentalna* [w:] *Egodokumenty. Tradycje historiograficzne i perspektywy badawcze*, red. W. Chorążyczewski, A. Pacevičius, i S. Roszak, Toruń 2015, s. 11–21.

competition with other groups of judiciary employees. Such optics provide grounds for an attempt to locate notaries and candidates against the background of the Galician intelligentsia.

This article does not have the ambition to cover this issue in such a wide range. It only presents the most characteristic information values of selected press titles. Nevertheless, even this cursory analysis suggests that it may be necessary to take another glance at the history of notaries in Galicia – from a different perspective than before.

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Problematyka notariatu na łamach wybranych tytułów galicyjnych czasopism prawniczych

Streszczenie

Artykuł podejmuje zagadnieniem wartości informacyjnej galicyjnych czasopism prawniczych w badaniach nad dziejami notariatu w latach 1871–1914. W tekście zajęto się analizą takich tytułów jak „Kwartalnik Stowarzyszenia Kandydatów Notarialnych w Krakowie”, „Prawnik”, „Przegląd Sądowy i Administracyjny”, „Urzędnik w Połączeniu z Prawnikiem”. Sporą część ich zawartości zajmowały teksty dotyczące notariatu. Na uwagę zasługuje ciągłość, cykliczność oraz jakość publikowanych materiałów, które stwarzają możliwości badań nad grupą zawodową notariuszy zwłaszcza z zastosowaniem perspektywy egodokumentalnej.

Słowa kluczowe: egodokument, notariat w Galicji, notariusze, prasa, źródło historyczne