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Military and Civilian Requisitions in Light of the Rulings of the Supreme Administrative Tribunal from 1923 to 1931

Abstract

The institution of military and civilian requisitions is inextricably linked with the obligation to comply with public burdens and contributions, and it may be applied both in wartime and in peacetime. In-kind contributions in the form of requisitions by competent State authorities of items necessary to serve an unspecified public purpose, usually to meet the needs of the army, have from time immemorial been among the most onerous burdens to benefit the State. Requisitions – the subject of this analysis – constitute a means of searching for items that are of interest to the army and are a direct form of duty imposed on individuals to make them contribute to the public administration, thus constituting a breach of the principle of the inviolability of private property rights. The main focus of this discussion, however, is not an analysis of the substantive legal aspects concerning requisitions, but an analysis of the body of administrative rulings on these matters. Military requisitions constituted the basis of the system of wartime contributions that gave the State, through authorised bodies, the right to demand these contributions from the population, in particular the right to transfer to the State, in return for payment, ownership or the right to use movable and immovable property, directly or indirectly needed for the purposes of supplying the army and the state upon the outbreak of war or the ordering of a partial or general mobilisation. Some cases that found their way to the Supreme Administrative Tribunal in the first years of its existence resulted from complaints against the activities of military requisitioning bodies, mainly during the Polish--Bolshevik War. Civilian requisitions, on the other hand, became the subject of the

rulings of the Supreme Administrative Tribunal as a result of complaints over the obligation to provide housing for servicemen and civilian officials in the first years of a reborn Poland, the direct cause of which should be attributed to the dramatic shortage of housing during the first years after the end of the First World War.

Key words: Second Polish Republic, administrative justice, military requisitions, civilian requisitions

Introduction

Administrative justice, including regulations protecting individuals against the abuses of administrative authorities, and therefore also against abuses related to requisitions, because these constitute an unilateral authoritative act of an administrative nature,[1] appeared on the European continent[2] during the French Revolution, and from France this institution "moved to other countries which had already adopted it in a more or less mature state".[3] The Great French Revolution, drawing on the mental currents of the Enlightenment, laid the foundations of the modern system of administrative law, which grew out of the belief in the superiority of the rule of law (understood as the binding of the administrative activity of the state by law) over the model of the state as a unitary power structure, dependent only on the monarch.[4]

This type of justice aimed at "subjecting the administrative activities of the State to a law which would be binding on both sides – the State and the citizen – and which would realise the principle of equality of all before the law and guarantee civil rights".[5] This means that the proper implementation of the

1 See W.L. Jaworski, *Nauka prawa administracyjnego. Zagadnienia ogólne*, Warszawa 1924, p. 14; Z. Cybichowski, *Prawo międzynarodowe publiczne i prywatne*, Warszawa 1932, p. 390.

2 Cf. L. Bar, *Sądowa kontrola administracji w Anglii*, Warszawa 1962, pp. 105-111; I. Dyrda, *Podstawowe cechy nauki angielskiego prawa administracyjnego*, Wrocław 1979, pp. 149-169; P. Przybysz, *Modele sądowej kontroli administracji w państwach członkowskich Unii Europejskiej*, *Administracja*. "Teoria – Dydaktyka – Praktyka" 2007, No. 1, pp. 38-56.

3 W.L. Jaworski, op. cit., p. 42.

4 See W. Brzeziński, *Sądowa kontrola administracji we Francji*, Warszawa 1960, pp. 11-16; J. Filipek, *Rola prawa w działalności administracyjnej państwa*, "Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace Prawnicze" 1974, No. 65, pp. 13-14; M. Konarski, *Jakość wartości sądowej kontroli administracji publicznej*, [in:] *Problemy z sądową ochroną praw człowieka*, R. Sztychmiler (ed.), J. Krzywkowska (ed.), Volume I, Olsztyn 2012, pp. 517-518.

5 Cf. A. Esmein, *Zasady prawa konstytucyjnego*, translated by K. Lutostański and W. Konopczyński, Warszawa 1904, pp. 447-452; K. Sójka-Zielińska, *Drogi i bezdroża prawa. Szkice z dziejów kultury prawnej Europy*, Wrocław 2010, pp. 145-154.

protection of individual rights was henceforth to be ensured by judicial review of the administration,[6] the focus of which was to be on public subjective law.[7]

In Poland, administrative judiciary appeared with the establishment of the Duchy of Warsaw,[8] in which Napoleonic France was obviously a model for the organisation of state administration.[9] After Poland regained independence in 1918, the March Constitution was adopted (in 1921),[10] and the Supreme Administrative Tribunal (SAT) was established a year later.[11] This was an autonomous and modern system of judicial review whose authority included ruling on requisition cases.[12]

The modern system of military requisitions was created in France in the first years of the French Revolution as a result of social and political reforms of the country,[13] also including numerous reforms of the organization of the army carried out at that time. Later, in the period of the so-called Napoleonic wars, this well thought-out system of supplying the army was further developed and

6 Cf. R. Suwaj, *Sądowa kontrola działań administracji publicznej jako przejaw judycjalizacji postępowania administracyjnego*, "Studia Prawnoustrojowe" 2009, No. 9, pp. 200-201.

7 See J.S. Langrod, *Zarys sądownictwa administracyjnego ze szczególnym uwzględnieniem sądownictwa administracyjnego w Polsce*, Warszawa 1925, p. 26. Cf. A. Wróbel, *Prawo podmiotowe publiczne*, [in:] *System Prawa Administracyjnego. Volume 1: Instytucje prawa administracyjnego*, eds. R. Hauser, Z. Niewiadomski, A. Wróbel, Warszawa 2010, pp. 305-358 and the literature cited therein.

8 A. Kubiak-Kozłowska, in her textbook *Polskie sądownictwo administracyjne,* edited by Z. Kmieciak, traces the genesis of the administrative judiciary in the Polish lands to the time of noble's democracy, and the Radom Tribunal as the first Polish administrative court, due to its authority to hear administrative disputes in a judicial procedure, see eadem, *Ewolucja i ustrój sądownictwa administracyjnego w Polsce*, [in:] *Polskie sądownictwo administracyjne*, ed. Z. Kmieciak, Warszawa 2006, pp. 29 ff.

9 See W. Witkowski, *Sądownictwo administracyjne w Księstwie Warszawskim i Królestwie Polskim 1807–1867*, Warszawa 1984, p. 13. Czesław Martysz sees the genesis of the administrative judiciary in France as early as in the time before the French Revolution, see idem, *Sądownictwo administracyjne we Francji*, "Casus" 1997, No. 6, pp. 16-17. The judicial-administrative nature of the Royal Council in France in the 16th and 17th centuries was already pointed out by J.S. Langrod, see idem, *Zarys sądownictwa administracyjnego...*, pp. 84-85. Cf. J. Filipek, *Rola prawa...*, pp. 17-20; A. de Tocqueville, *Dawny ustrój i rewolucja*, translated by H. Szumańska-Grossowa, Warszawa 2009, pp. 81-95 and 101-110; P. Cichoń, *Wpływy francuskie w administracji Księstwa Warszawskiego*, Zeszyty Naukowe Uniwersytetu Jagiellońskiego" 2013, No. 1(140), pp. 9-10; M. Konarski, *Jakość wartości sądowej kontroli...*, p. 530; G. Smyk, *Administrative judiciary in the European doctrine of administrative aaw at the turn of the 19th and 20th centuries*, "Annales Universitatis Mariae Curie--Skłodowska. Sectio G" 2018, No. 1, pp. 141-154.

10 Act of 17 March 1921 – the Constitution of the Republic of Poland, Journal of Laws No. 44, item 267.

11 Act of 3 August 1922 on the Supreme Administrative Tribunal, Journal of Laws No. 67, item 600. For more about the authority of the SAT, see D. Malec, *Najwyższy Trybunał Administracyjny 1922–1939 w świetle własnego orzecznictwa*, Warszawa – Kraków 1999, pp. 66-116.

12 Cf. B. Wasiutyński, *Z powodu właściwości Najwyższego Trybunału Administracyjnego*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 1923, No. 4, pp. 575-593.

13 See M. Konarski, *Prawo i rewolucja: Rozważania jurysty o rewolucji francuskiej 1789–1794*, "Studia Prawnicze i Administracyjne" 2016, No. 1, pp. 31-47.

spread to many other European countries, creating the basis for modern legal solutions in the field of military requisitions.[14]

As a rule, requisitioning in the strict sense means a demand from the national government to a local or regional authority or a private person for some kind of consideration in kind, supported in event of refusal by appropriate State coercion. The right of requisition vested in the national government is matched by a constitutional obligation on the part of the State's population to comply with relevant duties. Understood in such a way, requisitioning is a contribution in kind, and the subject of requisitioning are both contributions in kind and personal services, which include, for example, the obligation to provide various means of transport (cars, aircraft, horses, etc.), the obligation to provide accommodation for the army and civil servants, and the obligation to provide all other items and products indicated by the relevant bodies of national government, such as foods.[15] The personal nature of these duties concerns obligations connected with the performance of various types of physical work and the provision of services for indicated entities (e.g. fortification works). Thus understood obligations of the population to provide services to the army, enforced by the state authorities by way of requisitions, have their source in obligations which assume that every citizen should contribute to satisfying the needs of the State, first and foremost in the event of emergencies when the existence of the country is at stake, sacrificing private property for the defence of the Homeland.[16]

With regard to the purpose, or the entity for which requisitions are made, they can be divided into military and civil requisitions. The former constitute one of the ways of satisfying the needs of national military bodies usually in peacetime or in emergency situations.[17] Such requisitions entail a demand for the inhabitants of the country to make material contributions (personal or in kind) for the needs of the army, expressed in the form of a requisition order and supported, in the event of refusal, by appropriate State coercion. Military requisitions should be distinguished from wartime

14 See J. M'Queen, *The campaigns of 1812, 1813, and 1814. Also, the causes nad consequences of the French Revolution*, Glasgow 1815, pp. 867-905, 907, 909-910, 912-916, 919, 922-923; Ch. Pont, *Les réquisitions militaires du temps de guerre*, Paris 1903, pp. 10-28; M. Wise, *Requisition during the French Revolution (1789–1815)*, "Louisiana Law Review" 1944, No. 1(6), pp. 47-62; M. von Creveld, *Supplying war. Logistics form Wallenstein to Patton*, Cambridge 1977, pp. 40-74.

15 See A. Mathiez, *Les réguisitions de grains sous la terreur*, „Revue d'histoire économique et sociale" 1920, No. 2(8), pp. 231-254; P. Cobbet, *Cases on international law,* Volume 2: *War and neutrality*, London 1937, pp. 173-174; M. Wise, *The juridical nature of requisition*, "The University of Toronto Law Journal" 1945, No. 1(6), pp. 58-85.

16 See A. Okolski, *Wykład prawa administracyjnego obowiązującego w Królestwie Polskim*, Volume 3, Warszawa 1884, p. 35.

17 See M. Konarski, *Ciężary publiczne w sytuacjach konstytucyjnych stanów nadzwyczajnych*, "Przegląd Prawa Administracyjnego" 2020, No. 3, pp. 83-109.

requisitions, which are made only during a war, or during partial or general mobilisation.[18] In addition, wartime requisitions do not constitute a uniform legal institution, as they are distinguished between those made in one's own country and those made in an enemy country.[19]

In the case of civilian requisitions, they are, as a rule, carried out for the needs of the public administration or the civilian population.[20] These requisitions breach the principle of inviolability of the right to property and constitute an interference with this right, so that they can only be applied in exceptional cases defined by the legislator.

Military requisition in in the rulings of the Supreme Administrative Tribunal

In its pre-war adjudicatory history, the SAT issued about a dozen judgments directly concerning requisitioning (until 1931 – later cases of this nature were no longer the subject of complaints). For the sake of the framework of this discussion, it is impossible to analyse them all here, so I will just mention a few by way of example, which in my opinion are the most interesting for the subject of this research.[21]

The first judgment in the history of the SAT' was issued on 15 June 1923 on the requisitioning of items by the occupying authorities during the First World War.[22] According to the facts, in 1916 an Austrian seized various items of equipment from a candle factory owned by the appellant company and, in making the seizure, issued a confirmation documents to the company's owners, containing a description and characteristics of the seized items. After

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18 See Z. Cybichowski, *Międzynarodowe prawo wojenne*, Lwów 1914, pp. 72-81; T. Zakrzewski, *Organizowanie siły zbrojnej w państwie*, Warszawa 1938, pp. 89-93; M. Konarski, *The obligation to hand over draught animals and carts upon yhe announcement of mobilisation or the outbreak of war in the light of the act of 21 February 1922 and the implementing acts*, "Teka Komisji Prawniczej PAN Oddział w Lublinie" 2020, No. 1(13), pp. 335-351.

19 See R. Bierzanek, *Wojna a prawo międzynarodowe*, Warszawa 1982, pp. 247-256; Y. Dinstein, *The international law of belligerent occupation*, Cambridge 2019, pp. 228-256. The institution of war requisitions has been known to public international law for a long time and has been regulated by a number of normative acts, see the Regulations respecting the Laws and Customs of War on Land annexed to the Fourth Convention adopted at The Hague on 18 October 1907, Journal of Laws, 1927, No. 21, item 161; Geneva Convention of 12 August 1949 on the Protection of Civilian Persons in Time of War, Journal of Laws, 1956, No. 38, item. 171.

20 See M. Konarski, *Obowiązek dostarczania mieszkań na potrzeby osób wojskowych i cywilnych w latach 1919–1925 w świetle ustawodawstwa i orzecznictwa Najwyższego Trybunału Administracyjnego*, "Krakowskie Studia z Historii Państwa i Prawa" 2021, No. 2(14), pp. 153-187.

21 For more, see M. Konarski, *Rekwizycje na ziemiach polskich w latach 1919–1920 w świetle ustawodawstwa i orzecznictwa sądowego*, "Studia Prawnicze KUL" 2021, No. 2(86), pp. 81-101.

22 Judgment of the SAT of 15 June 1923, file no. 282/22, No. 92, *Zbiór Wyroków Najwyższego Trybunału Administracyjnego*, [Collection of the judgments of the Supreme Administrative Tribunal], Volume I (1922/1923), Warszawa 1923, pp. 206-208 (henceforth cited as: CJSAT I).

the war these objects found their way into the possession of a Polish district manufacturing plant in the town of K. After they were found, the applicant demanded their return, claiming that the objects had been unlawfully taken without any compensation. The Headquarters of the Commissariat of the corps did not accept this claim, referring to the principles of international law, which stipulated that in a foreign territory a State waging war has the right to requisition items needed by it, while a person deprived of items by requisition only has the right to demand compensation from the requisitioning State, but never the return of these items.

In May 1922, the Ministry of Military Affairs did not accept the company's objection, which led the appellant to lodge a complaint with the SAT, in which they requested that the contested decision be cancelled, both on the grounds of defective procedure and on the grounds of violation of their rights. When examining the complaint, the SAT pointed out that it lacked jurisdiction to decide on the complaint, since in its view the case concerned the resolution of a dispute over the ownership of property, or the question of which title, as the stronger one, excludes the other as the weaker one. In view of the above, it concluded that the contested decision of the Minister of Military Affairs should be assessed not as a ruling falling within the scope of governmental administration, but as a statement of one of the parties to the dispute, and the case itself as a dispute falling within the jurisdiction of ordinary courts, with the result that the SAT dismissed the complaint as unsuitable for adjudication.[23]

In a ruling of 12 February 1925, the SAT confirmed its jurisdiction to rule on the legality of the rulings of the Main Commission for Requisitioning (MCR) issued on the basis of regulations from 1919–1920.[24] The subject of the proceedings was a complaint by a citizen, Szczęsny Traunfeller, against the MCR at the Ministry of Internal Affairs dated 23 December 1923, concerning remuneration for the requisitioning of building material by the Polish army, and in particular claims due to a decrease of the value of the currency. In its reasoning, however, the SAT dismissed this complaint as unfounded, taking the view that the MCR at the Command of the General District of Lviv[25] had already granted the appellant an appropriate amount of remuneration as compensation for the requisition.[26]

23 For more about examining jurisdiction by the SAT, see D. Malec, op. cit., p. 116.

24 Judgment of the SAT of 12 February 1925, file no. 332/24, No. 553, *Zbiór Wyroków Najwyższego Trybunału Administracyjnego* [Collection of the judgments of the Supreme Administrative Tribunal], Volume III (1925), Warszawa 1925 (henceforth cited as: CJSAT III), pp. 121-124.

25 For more, see A.A. Ostanek, *Dowództwo Okręgu Generalnego „Lwów", czyli o początkach terenowej administracji wojskowej w Małopolsce Wschodniej (1919-921)*, „Historia i Świat" 2014, No. 3, pp. 185-206; 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, No. 2(14), p. 185.

26 For more see M. Konarski, *A military order...*, pp. 183-202.

Another verdict was issued on 13 March 1925, as a result of a complaint by a citizen Henoch Zimand in Lviv against a ruling of the MCR in Warsaw on the requisitioning of sugar and candles by the Polish army.[27] Although the appellant had been paid for the requisitioning, as confirmed by a receipt issued by Officer Cadet M., dated 16 June 1919, the appellant appealed to the MCR against the decision, denying that the requisitioning had taken place at all, claiming that the goods taken by the army had been questioned by the army on suspicion of receiving stolen goods and referring in this respect to a letter from Officer Cadet M. found in the files and to a statement by him, questioning the fact of the requisitioning. The MCR approved the decision of the District Requisitioning Commission, pointing out that the fact of requisitioning occurred in June 1919. The complainant appealed to the SAT against this ruling, requesting that the ruling be repealed on the grounds that the MRC had not considered the objections in the appeal that the requisition had been illegal. The SAT upheld the complaint and contested the ruling on the ground of defective procedure and ordered that the appellant's deposit be returned to them.

In the judgment of 16 April 1925, the SAT ruled on a case involving items from the warehouses of a foreign entrepreneur which were requisitioned for the army.[28] In this case the ruling concerned a complaint related to the requisition, on 1 December 1920, of 976 metres of velvet fabric for the benefit of the uniform warehouse of the Commissariat of the Warsaw General District (CWGD) from the warehouses of the applicant London company "The Hellins Mill Co. Ltd.", which was located in Warsaw at Świętokrzyska Street. The Commissariat of this District issued a certificate of remuneration in the appropriate amount of Polish currency on the requisition receipt, and the complaining party appealed against this decision, claiming that compensation for goods of foreign origin requisitioned from a foreigner should be paid in foreign currency and converted into Polish currency at the rate of exchange of the foreign currency on the day the obligation was paid. For this reason, the appellant demanded that the ruling of the DRC be repealed and the compensation be awarded to him in pound sterling, or alternatively in Polish marks at exchange rate on the date of payment.

The SAT ultimately found the complaint unfounded and ruled that only the provisions of the Wartime Duties Act, and not the principles of civil law, were authoritative for determining the value and price of items requisitioned under this Act, and furthermore that the date of requisition of those items was authoritative for determining the value and price of items requisitioned under that Act.

27 Judgment of the SAT of 13 March 1925, file no. 1050/23, No. 608, CJSAT III, pp. 266-268.
28 Judgment of the SAT of 16 April 1925, file no. 926/23, No. 621, CJSAT III, pp. 296-299.

In the SAT judgment of 28 April 1925, this tribunal referred to a complaint that concerned the requisition of three fireproof cash registers from the company "Emil Urich" frrom Lviv, for which the appellant was awarded remuneration.[29] However, the complaining party appealed, arguing that there had been no requisitioning because the cash registers were not subject to a requisition and demanded that either the value of the registers is paid at 1922 prices or that the registers are returned. After the MRC had approved the ruling, the complaining party applied to the SAT to have the ruling repealed on the grounds that the proceedings had been defective and that the case had been wrongly assessed in fact and in law. The complaining party argued that the commissions should have followed the rules of civil procedure, and, as the requisitioned objects had no market prices, the invoice value should have been paid and the devaluation of the Polish mark should have been taken into account when determining the value at that time, especially as such cash registers did not fall under the provisions on wartime duties, so they should have been either returned or paid in full.

The administrative court did not share the view of the appellant, dismissing the complaint and stating that the requisitioning for the needs of the army of fireproof cash registers, as to which the owner did not cite any data as to whether they were necessary for personal needs or for the exercise of their profession, and the retention of these registers in the ownership of the State did not contravene statutory provisions.

In the following years, until 1931, cases directly or indirectly related to requisitioning were brought before the SAT several more times. For example, in a judgment of 11 June 1926, the SAT pointed out that in the case of requisitioning real estate – which was already in the actual possession of the military authorities – it was not necessary to issue a requisition receipt.[30] In turn, in a judgement of 18 October 1926, the court dealt with a complicated problem of the manner of calculating *podvoda* obligation arrears,[31] stating, *inter alia*, that the *podvoda*

29 Judgment of the SAT of 28 April 1925, file no. 1453/23, No. 639, CJSAT III, pp. 345-347.

30 Judgement of the SAT of 11 June 1926, file No. 620/23, no. 982, *Zbiór Wyroków Najwyższego Trybunału Administracyjnego*, [Collection of the judgments of the Supreme Administrative Tribunal], Volume IV (1926), Warszawa 1926, pp. 433-435 (henceforth cited as: CJSAT IV). Cf. M. Konarski, *A military order...*, pp. 194-195.

31 Judgement of the SAT of 18 October 3586/25, file no. 1017, CJSAT IV, pp. 551-556. For more on the legal nature of this obligation, see H. Konic, *Samorząd gminy w Królestwie Polskim w porównaniu z innymi krajami europejskimi*, Warszawa 1906, pp. 185-188; W. Grabski, *Ciężary samorządu w Królestwie Polskim*, Warszawa 1908, pp. 14-23; M. Konarski, *Publiczne posługi transportowe w okresie Księstwa Warszawskiego w świetle postanowień dekretu z dnia 22 maja 1810 roku „względem koni i podwód dostarczonych pod transporty i wojskowych*, "Czasopismo Prawno-Historyczne" 2019, No. 2(71), pp. 113-135; idem *Powinności podwodowe w świetle przekazu pierwszych sześciu tomów "Volumina Legum*", „Biuletyn Stowarzyszenia Absolwentów i Przyjaciół Wydziału Prawa Katolickiego Uniwersytetu Lubelskiego" 2019, Vol. XIV, No. 2(16), pp. 63-86; K. Łopatecki, *The introduction of*

obligation, neither in the statutory nor colloquial sense, could be regarded as a source of revenue for a *gmina* (borough), but only as a way to cover the costs of public services provided by the *gmina* on account of its public-law nature.[32] And in a judgment of 27 March 1931[33], the SAT referred to the definition of the term "state property", in the context of the obligation to accommodate servicemen and the validity of contracts concluded with the former occupation authorities,[34] holding that this expression should be understood to mean immovable State property and the movable property mentioned in the above-mentioned provisions (mostly belonging with said immovable property).

Civilian requisitions in the rulings of the Supreme Administrative Tribunal

The vast majority of the complaints in civil requisition cases received by the SAT were from 1922 and 1923[35] and were about requisitions of dwellings. These complaints concerned in similar numbers the legislation under the Act of 27 November 1919[36] and under the Act of 4 April 1922,[37] i.e. the basic legal acts in the field of requisitions of dwellings for servicemen and civilians. As we know, the SAT began its judicial work in the second half of 1922. In view of the above, as many as several dozens of cases concerning the obligation to provide housing were brought to court in the first place, which was caused primarily by the tragic factual circumstances and numerous complaints about the requisitioning proceedings.

The rulings in cases concerning requisitions of accomodation – which took place between 1922 and 1923 – relate to both substantive and procedural issues. My research of the SAT's case law shows that with respect to substantive law issues arising from the legal regime after the 27 November 1919 Act, the SAT issued 85 rulings during this period, and with respect to procedural law issues, 11 rulings were issued. As regards the legal situation under the Act of 4 April 1922, the SAT issued 38 rulings of a substantive-law nature and five judgments

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the transport service tax and transport service treasury in the Grand Duchy of Lithuania, "Lithuanian Historical Studies" 2020, No. 1(24), pp. 1-31.

32 Cf. Act of 11 August 1923 on provisional regulation of municipal finance, Journal of Laws No. 94, item 747.

33 Judgment of the SAT of 27 March 1931, file no. 3156/29, No. 373A, *Zbiór Wyroków Najwyższego Trybunału Administracyjnego* [Collection of the judgments of the Supreme Administrative Tribunal], Volume IX (1931), Warszawa 1931, pp. 116-118.

34 See the decree on contracts concluded by former occupation authorities regarding public property, Journal of Laws No. 5, item 99.

35 For more, see M. Konarski, *Obowiązek dostarczania mieszkań...*, pp. 153-187.

36 Act of 27 November 1919 on the obligation of the boards of municipal gminas to provide rooms (Journal of Laws 1919, No. 92, item 498).

37 Act of 4 April 1922 on the obligation of the boards of municipal gminas to rooms (Journal of Laws 1922, No. 33, item 264).

of a procedural nature during this period.[38] Obviously, due to the editorial framework of this analysis, it is impossible to comment on all of the – well over 100 – statements of the SAT in cases of accomodation requisitions. Therefore, I will try to point out only those rulings, which, in my opinion, deserve to be cited, due to their contents and illustrative value.

In a judgment of 21 September 1923, the SAT argued that the obligation of a *gmina* to provide accomodation on the basis of the Act of 27 November 1919 also existed if a person to whom accomodation was owed as a result of the performance of a public duty in a *gmina* already had accomodation in that *gmina*, albeit an inadequate one. The SAT emphasised that the question as to which housing was to be regarded as inadequate in a particular case was determined by *questio facti* and that it was for the administrative authority to assess these factual relationships in each individual case.[39]

An interesting legal issue arose as a result of a complaint filed with the SAT, which was dealt with in a judgment dated 26 September[40]. According to the administrative court, the right to the premises of a surviving "illegitimate spouse" who had occupied a dwelling jointly with a subsequently deceased resident of that dwelling should be assessed on an individual basis under the general provisions of civil law on obligations and tenancy. In that case, the applicant argued that the Government Commissioner's Office for the capital city of Warsaw, which had dismissed the appeal against the requisitioning of a dwelling with the retention of the appellant's rights to a single room as a sub-tenant, had wrongly disregarded the fact, pointed out by the appellant, that he was the "illegitimate husband" of the deceased Ms C., which in his view gave him an independent right to the dwelling which he had previously used as an "illegitimate" spouse. In addition, the appellant complained that the Commissariat was wrong to refer in the grounds for its decision only to interviews, which were carried out incorrectly and without good reason, and to disregard the other evidence that the appellant had indicated in order to establish that he, and not Ms C., deceased, had occupied the dwelling.

In view of the above, the SAT decided that the appellant's allegation that he had independent rights to the dwelling in question as the "illegitimate husband" of the deceased Ms C. was devoid of any legal basis, since marriage as an institution of civil law produces legal effects if a union between a man and a woman is concluded in accordance with the established forms and rules, which is an essential and necessary feature of marriage. In the case of the appellant, the relationship was a concubinage, which in the eyes of the law means unlawful cohabitation of a man and a woman, and as it is not recognised by the law, it only

38 See M. Konarski, *Obowiązek dostarczania mieszkań...*, pp. 169-170.

39 Judgment of the SAT of 21 September 1923, file no. 110/22, No. 101, CJSAT I, pp. 225-226.

40 Judgement of the SAT of 26 September 1923, file no. 442/23, No. 104, CJSAT I, pp. 231-233.

creates a *de facto* situation, which is subject to assessment in each individual case on the basis of general legal provisions regulating the relations in question.

Nonetheless, the SAT found that the ruling had to be annulled because of procedural irregularities on the part of the Government Commissioner's Office, which had relied in the course of the proceedings solely on allegations and on a third-party witness statement that lacked the features of proof (shortcomings in the minutes, inadequate explanation of all the circumstances, inadequate reasoning). In the SAT's view, the defects in the proceedings deprived the court of the opportunity to verify the correctness of the assumption on which the contested judgment was based, namely that the premises at issue could be considered unoccupied at the time of C.'s death and that the requisition procedure could therefore have been initiated.

And on the relationship between the requisition and the fact of owning two dwellings, the SAT ruled on 5 October,[41] when it stated that the possession of two dwellings was, under the Act of 27 November 1919, in itself sufficient to declare one of them under-utilised, irrespective of how many people actually lived there. I have already mentioned above that, under this Act, the Municipal Executive Board could seize, among other things, dwellings that were under-utilised. In a judgment of 12 October,[42] the SAT stressed that requisitioning is of an individual character and is strictly connected with the purpose for which the premises are requisitioned. The case was connected with a ruling by the Housing Office [henceforth: HO] of the City of Warsaw, which requisitioned for its clerk a dwelling consisting of one room and a kitchen.[43] The Government Commissariat for the Capital City of Warsaw, in its ruling, dismissed the appeal[44] of the administrator and the manager of the house in which the premises were situated, and upheld the appealed HO ruling, motivating its decision with the fact that the requisition had been approved by the Ministry of the Interior, while the appealed ruling constituted only an order for a new assignment of the premises, which the administrator of the house had no right to dispose of. In the course of the examination of the case, the SAT argued that the above claim of the Government Commissariat was not justified by the Act of 27 November

41 Judgment of the SAT of 5 October 1923, file no. 407/22, No. 117, CJSAT I, pp. 263-266.

42 Judgment of the SAT of 12 October 1923, l. file no. 399/22, No. 125, CJSAT I, pp. 285-287.

43 Cf. Judgement of the SAT of 23 January 1923, file no. 51/22, No. 38, CJSAT I, pp. 68-69, where this court stated that the requisitioning for the benefit of the state office could concern both empty or insufficiently used dwellings and inhabited dwellings, and in the latter case only the condition that the affected person was provided with other suitable accommodation was required. On the issue of the requisitioning of housing in favour of the authorities, the SAT also ruled on 10 December 1923, file no. 302/22, No. 230, CJSAT I, pp. 533-535 and oraz in the judgment of 1923, file no. 216/22, No. 247, CJSAT I, pp. 571-573.

44 For more about the concept of appeal [in Polish: *rekurs*], see T. Hilarowicz, *Środki prawne w polskim postępowaniu administracyjno-politycznym na obszarze b. Królestwa Kongresowego i Małopolski*, Kraków 1923, p. 12.

1919, and that the Act itself could not be interpreted extensively, but had to be interpreted strictly.

The requisition of housing for Polish army officers became the subject of the SAT ruling of 20 November[45] and concerned the question of the binding force of the Act of 8 April 1919. Namely, the SAT held that the legal status created by a requisition made under the Act ceased on the expiry of the Act. The case concerned a resolution of the Municipal Office instructing two officers of the Polish Army to surrender, under the pain of eviction, a flat consisting of 3 rooms, a hallway and a kitchen, which had been requisitioned in for them on 31 July 1919 on the basis of said Act. In response to a petition filed by the officers against this resolution, the Municipal Office issued another resolution on February 4, 1922, repealing the previous one of January 12, 1922, and decreed that the flat be released from requisition for officers' quarters, but without the pains of execution, referring the matter to the courts. Finally, the SAT held that neither the resolution of January 1922 nor further decisions of the provincial authorities could contain any ordinance or create any new legal relations on the basis of the Act of 8 April 1919. This Act was to come into force on the day of its promulgation, i.e. 12 April 1919, and to remain in force for a period of one year, and then, as already mentioned above, by the Act of 23 April 1920, its force was extended for another year from 12 April 1920, meaning that the Act expired on 12 April 1921.[46]

A similar case – concerning the expiry of the binding force of – found its finale in the judgment of 29 November,[47] in which the SAT confirmed that the rights of military officers and officials to occupy the flats allotted to them under the aforementioned Act of 8 April 1919 expired on 12 April 1921. This time the case involved a military officer of the ninth rank,[48] to whom a lodging ticket [indicating accommodation] allocated two furnished rooms on 26 May 1920. The applicant alleged that thereafter the legal relationship between him and the owner of the house in which the flat was situated had changed at the owner's request to a simple tenancy relationship, which he in turn denied. As a result of a disagreement between the parties as to the amount of the remuneration paid to the landlord, the Tenancy Arbitration Office had twice dealt with the question of the determination of the bailiff for the flat in dispute and in those rulings had recognised the relationship between the parties as a tenancy relationship. It should be added that, according to the appellant, he was demobilised on 1 February 1922, so that the Municipal Office ordered him to vacate the flat in

45 Judgment of the SAT of June 1923, file no. 462/22, No. 191, CJSAT I, pp. 439-441.

46 On examining the validity of Acts by the SAT, see D. Malec, op. cit., pp. 93-96.

47 Judgement of the SAT of 29 November 1923, file no. 165/23, No. 203, CJSAT I, pp. 460-462.

48 Act of 13 July 1920 on the Salaries of State Officials and Junior Civil Servants (Journal of Laws No. 65, item 429); Act of 9 October 1923 on the Salaries of Civil Servants and Servicemen (Journal of Laws No. 116, item 924).

question within 30 days and at the same time exempted the flat from requisition. Although a complaint was lodged against this order, the decision of the Council of Ministers did not uphold it. Against that ruling the appellant complained to the SAT, which held that the flat in question had been allocated to the appellant as accommodation for a military official. However, in view of the Act of 8 April, the lodger had based his rights at all times on a public-law title, unless a private agreement had been concluded between him and the landlord.[49]

Finally, the court found that the existence or non-existence of such an agreement, which could have replaced the public-law title with a private-law title for the applicant, was irrelevant, since the public-law title that had entitled the applicant to occupy the flat in question had already expired before he was demobilised with the expiry of the Act on 12 April 1921. The SAT supplemented its reasoning by stating that the question of whether the private agreement between the parties had in fact come into effect was a matter for the ordinary courts alone and that the administrative authorities had no jurisdiction to deal with it.[50] Finally, the SAT found that the administrative authorities were not entitled to instruct the applicant to vacate the disputed flat, especially since the applicant had previously been demobilised and was not subject to the accommodation authorities.[51]

Although there is a noticeable decrease in housing requisition cases filed with administrative courts in 1924 and the following year, there is one interesting case among the SAT's rulings from that year. In the judgment of 5 February 1924[52] the court stated that the continuation of the rights acquired as a result of the requisition of a flat made on the basis of the Act of 27 November 1919 is not dependent on the continuation of the public function that had justified the requisition. The case concerned the following situation: the Voivodship Office in Lublin allocated in 1921 premises consisting of four rooms with a kitchen in a house which was property a Jewish person whose name was Jochel, which was vacated by Department V of the Lublin District Command had been allocated to in 1921 to to a voivodship optician – the head of a military hospital ward.[53] In June 1922, the owner of the house filed

49 According to the ruling of the Supreme Court of 25 January 1923, file no. 836/1922, item 10, *Zbiór Orzeczeń Sądu Najwyższego. Orzeczenia Izby Pierwszej (Cywilnej)* [Collection of the Rulings of the Supreme Court. Rulings of the First (Civil) Chamber], Warszawa 1923, pp. 23-24 (henceforth cited as: CRSC 1923), this court held that, once the requisition is revoked, the administrative authority loses its title to dispose of the premises.

50 On the examination of the jurisdiction of the SAT, see D. Malec, op. cit., p. 116.

51 Cf. Ruling of the SC of 1 December 1923, file no. 723/1923, No. 168, CRSC (1923), pp. 356-358.

52 Judgment of the SAT of 5 February, file no. 2/23, No. 294, *Zbiór Wyroków Najwyższego Trybunału Administracyjnego*, Tom II (1924) [Collection of Judgments of the Supreme Administrative Tribunal, Volume II], Warszawa 1925, pp. 96-97 (henceforth cited as: CJSAT II).

53 For more on the organisation of the District Corps Command – Lublin, see R. Roguski, *Okręg Korpusu nr II Lublin w systemie obronnym II Rzeczypospolitej w latach 1922–1939*, "Historia i Świat" 2012, no. 1 (2012), pp. 67-82.

an application with the Municipal Council, requesting that the tenant be removed from the assigned flat, on the grounds that he was no longer the head-optician of a military hospital ward, a post which gave him the right to use the requisitioned flat.

In August 1922, the Municipal Councildismissed the application, on the grounds that, according to the relevant certificates, the tenant in question continued to give advice to State officers as a Voivodeship Optician, and, moreover, was the head of a municipal hospital's ward, and on that account was entitled to the continued use of the requisitioned premises. This ruling was challenged on the grounds that the tenant is not entitled to use the requisitioned premises either by virtue of his position as the head of a municipal hospital's ward, which is a private post, or by virtue of the fact that he gives advice to civil servants, which is the practice of medicine.[54] The Voivodship Office did not share the appellant's view, which resulted in the appellant filing a complaint with the SAT in which he reiterated his position and objections, claiming additionally that the tenant had lost his right to use the allocated flat after leaving his post at a ward in a military hospital.

The administrative court dismissed the complaint as unfounded on the grounds that, in light of the legislation in force, when the flat had been allocated, a tenancy relationship arose between the owner of the house and the person to whom the flat was allocated in accordance with existing civil law provisions.[55] Consequently, the tenant's acquired rights to the disputed flat were not dependent on whether or not the tenant continued to perform any public duty after being assigned the flat, and these rights were not limited by any time limit in view of the existence of the Tenants' Protection Act. Besides, the SAT considered that the tenant's rights to the disputed flat, which existed under the regime of the Act of 27 November 1919, continued even after the entry into force of the Act of 4 April 1922, which respected the rights to premises requisitioned under the previous Act.

Another SAT ruling on housing requisitions was made just one day later, on 6 February 1924.[56] This time it concerned a procedural matter. The SAT held that it was a procedural defect to treat an application called in Polish *rekurs*, requesting the revocation of the requisition of a dwelling, as a request for the release of a dwelling from requisition under the provisions of the

54 Cf. Ruling of the Supreme Court of 1 March 1923, file no. 1966/1922, item 29, CRSC (1923), pp. 55-56, in which this court addressed the question of the loss of a dwelling assigned on the basis of a requisition as a result of the transfer of an official to another place of office.

55 Cf. Ruling of the Supreme Court of 12 May 1923, file no. 778/1922, item 64, SRSC (1923), pp. 123--125.

56 Judgement of the SAT of 6 February 1924, file no. 1311/23, No. 295, CJSAT II, pp. 99-100.

Act of 4 April 1922[57]. In this case, the applicant submitted an application to the Municipal Council, which was marked as an appeal,[58] and contained a demand for the requisition of premises in one of the houses in Zamość to be revoked as unlawful. In light of the regulations in force at that time, the Municipal Council should have submitted this requisition to the Provincial Office[59], "if , in view of the fact that no rights for third parties could yet arise from the seizure ruling, it did not see fit to exercise its right to revoke the challenged ruling in its own action". As the SAT stated, the Municipal Council did not exercise either of the two options; instead, by its ruling of June 1923, it regarded the appeal – contrary to its contents – as a request to release the premises from seizure, regardless of the legality of the relevant ruling, and this request was denied. As the Administrative Court noted, the Voivodship Office did not remedy this defect, ultimately approving the Municipal Council's ruling and ignoring the request, repeated in the complaint, to dismiss the requisition as unlawful and ignoring the objections raised in this regard. As a result, the complaint remained unsettled, i.e. neither examined in terms of its contents, nor dismissed on formal grounds. In the SAT's's opinion, the provincial authorities should have issued a decision on the matter, but this court did not assess the other objections of the complaint, ultimately annulling the contested decision due to defective proceedings.

In the same month, in a judgment of 11 February,[60] the SAT again referred to matters relating to the requisitioning of dwellings. In view of the fact that this case did not concern requisitioning for the needs of the army – but requisitioning for the needs of a government official, I will not analyse it in greater depth here. I will only note that this time the administrative court found that the provisions of the Act of 4 April 1922 did not leave the decision on releasing requisitioned premises from occupation to the discretion of the housing authority, but on the contrary, made it conditional on the existence of the circumstances specified in the provisions, which I have already mentioned above [the return of repatriates[61] and civilian and military prisoners of war, families' growth, the gathering of family members for permanent residence, etc.

57 Cf. Judgment of the SAT of 28 January 1924, file no. 1301/23, No. 285, CJSAT II, pp. 71-73, in which the court stated that in order to assess a legal remedy, it is not the nomenclature used by the party in the document in question, but its contents and purpose which is decisive.

58 In the SAT's judgment of 21 September 1923, file no. 374/22, No. 102, CJSAT I, pp. 227-229, this court confirmed that an appeal against a requisition order issued under the Act of 27 November 1919 must be lodged with the same *gmina* board which issued it.

59 Cf. G. Taubenschlag, *Rekurs administracyjny. Komentarz do ustawy o środkach prawnych od orzeczeń władz administracyjnych (Dz. U.: 91/23 poz. 712)*, Łódź 1925, pp. 6-17.

60 Judgment of the SAT of 11 February 1924, file no. 1773/23, No. 297, CJSAT II, pp. 106-110.

61 Cf. Judgment of the SAT of 20 June 1923, file no. 358/23, No. 94, CJSAT I, pp. 210-212.

In turn, in its judgment of 18 February,[62] the SAT confirmed that the right to requisition under the Act of 4 April 1922 was vested exclusively in the *gmina* and not in the persons for whose benefit the requisition was to be or may be made [e.g. the army], and the person who designated the vacant dwelling has no subjective right to demand its seizure.

In 1925, the SAT heard several more complaints relating to housing requisitions. In a judgement of 5 February 1925, the administrative court held that it was left to the discretion of the adjudicating authorities to assess what kind of housing was suitable for a person benefiting from requisition, but limited by the nature of the case and the factual circumstances established in the case. The case concerned the requisition, in accordance with the Act of 27 November 1919, of a five-room flat by the Municipal Council of Rzeszów, in order to provide it for persons who must live in a given *gmina* in order to perform a public duty [e.g. teachers, doctors, etc.]. Subsequently, in its judgment of 6 February,[63] the SAT stated that with the expiry of the Act of 4 April 1922, the possibility of eviction on the basis of the provisions of this Act on an administrative basis had thus ceased. The appellant complained that the Vovodeship Office had violated the basic principles of administrative procedure by entering into a substantive examination of the eviction case, which had not been considered by the first instance and should therefore, in his view, have been referred back to the Office and not decided by the second instance to the exclusion of the first.

In another judgment, of 16 May,[64] the SAT held that, notwithstanding the expiry of the Act of 4 April 1922, the second instance was obliged to hear a complaint against a decision made under that Act. The subject of the complaint was the decision of the Voivodship Office in Łódź dismissing the appellant's appeal that the requisition of 2 rooms in a 7-room flat , which had been made by a ruling of the Łódź City Council in November 1923, was unjust and inadmissible. The fundamental issue was whether the Voivodship Office in Łódź, in light of the expiry of the Act in question (of 25 November 1923), was authorised to examine the contents of the complaint against the City Council's ruling on the requisition after that date. As mentioned before, this Act, after its expiry, was renewed by the Act of June 1, 1923. In the SAT's opinion, the appellant's application to the the Voivodship Office in Łódź of 30 November 1923 did indeed contain a request for discontinuance of the first-instance ruling on the ground that the Act had expired, but at the same time it challenged the very legitimacy of the requisition, with the result that the the Voivodship Office in Łódź was obliged to decide and rule on the legitimacy of the ruling of the Municipal Council, and the SAT held that in this respect the complaint was

62 Judgment of the SAT of 18 February 1924, file no. 934/23, No. 307, CJSAT II, pp. 147-149.
63 Judgment of the SAT of 6 February 1925, file no. 1328/24, No. 545, CJSAT III, pp. 99-102.
64 Judgment of the SAT of 16 May 1925, file no. 726/24, No. 669, CJSAT III, pp. 426-428.

unfounded. In the justification, the administrative court stated that Voivodship Office in Łódź, while dismissing the complaint, i.e. recognising the legitimacy of the decision of the first instance, at the same time ordered that the requisitioned premises be entered on the list of flats qualified for occupation, which, however, in view of the expiry of the Act in question, it was not entitled to do, and therefore the complaint was justified in this respect. Finally, the SAT annulled the part of the contested decision containing the instruction to include the requisitioned two rooms in the list of premises qualified for occupation, and dismissed the complaint as unfounded in the remaining parts.[65]

In its last ruling dating from 1925, a judgment of 18 May,[66] the SAT referred to the prohibition arising from Article 14(2) of the Act of 4 April 1922. The case concerned the allocation by the Housing Office at the Munucipal Office of the City of Białystok of a flat consisting of three rooms for an official of the Educational Authority of the Białystok School District. In the light of the Act of 4 April 1922, the rights arising from the assignment of premises could not be transferred to other persons even with the permission of the owner of the property, even if these persons belonged to the family of the entitled person. The administrative court noted that, in the case of disposing of a flat requisitioned in violation of this prohibition, the authority had no right to order such a flat to be vacated, without first assigning it to another entitled person.

Conclusion

Analysis os SAT case law demonstrates that, when Poland regained its independence in 1918, cases of military and civilian requisitions were first subject to adjudication by the Supreme Court, and after the administrative judiciary was established, cases of this nature fell within the jurisdiction of the SAT. Many of these cases ended at the stage of administrative proceedings before state administration bodies, and only a negligible percentage of them found their final outcome before an administrative court.

Cases pertaining to requisitions were present on the court docket of the SAT until the early 1930s, in the case of military requisitions, and until 1925, in the case of civilian requisitions, which was a result of the statutory regulation of matters related to the obligation to provide housing for civilians and military personnel. The stabilisation of the social and economic situation in Poland, including above all in the field of construction for the needs of the army, also had a significant impact on the decline in the number of such cases.[67] The highest number of

65 See M. Konarski, *Obowiązek dostarczania mieszkań...*, pp. 176-177.

66 Judgment of the SAT of 18 May 1925, file no. 2003/23, No. 671, CJSAT III, pp. 429-432.

67 For more, see A. Witkowski, *The Military Housing Fund in pre-war Poland*, "Studia Iuridica Lublinensia" 2021, No. 5(30), pp. 541-575.

cases is recorded between 1922 and 1923, when the SAT issued more than 100 rulings on cases related to requisitions of housing for military and civilian purposes.

In addition to the cases I have analysed above, it should be noted that, during this period, the SAT also ruled, *inter alia*, on the incompatibility of a requisition ruling with a court ruling,[68] legal capacity of a house owner to complain,[69] their right to complain,[70] privileges resulting from international treaties,[71] temporary seizure[72], establishing the date of delivery of a requisition order to the owner of a flat,[73] a conditional ruling on a requisition,[74] securing premises for future requisitioning,[75] exemptions from requisition of commercial premises,[76] allowing the use of non-requisitioned parts of a dwelling[77] and establishing the fact that premises were not occupied at the time of the requisition.[78]

When assessing the judicial activity of the SAT with respect to military and civilian requisitions in the period adopted as the basis for analysis indicated in the title of this article, it should be acknowledged that it was of high quality, and the line of rulings of the administrative court was shaped in a consistent manner, thus constituting a solid foundation for the administration of justice in interwar Poland, which, despite its many shortcomings, sufficiently provided the inhabitants of the country with a sense of legal security.

68 Judgment of the SAT of 23 January 1923, file no. 70/22, No. 37, CJSAT I, pp. 66-68. Cf. Ruling of the Supreme Court of 8 November 1923, file no. 141/1923, item 186, CRSC (1923), pp. 401-403.

69 Judgment of the SAT of 16 January 1923, file no. 57/22, No. 33, CJSAT I, pp. 55-57. On the capacity to complain, see D. Malec, op. cit., pp. 117-129.

70 Judgment of the SAT of 5 October 1923, file no. 152/23, No. 120, CJSAT I, pp. 271-275.

71 Judgment of the SAT of 5 October 1923, file no. 392/22, No. 118, CJSAT I, pp. 266-269, where that court held that the privileges for a foreign national, to whose detriment premises have been requisitioned, arising from an international treaty, do not justify a review of the requisition proceedings if the relevant decision was taken before the conclusion of the treaty and before the person concerned acquired the nationality of the State in question.

72 Judgment of the SAT of 12 December 1922, file no. 49/22, No. 12, CJSAT I, pp. 29-32.

73 Judgment of the SAT of 19 March 1923, file no. 301/22, No. 55, CJSAT I, pp. 106-108.

74 Judgment of the SAT of 6 April 1923, file no. 1097/22, No. 62, CJSAT I, pp. 129-132.

75 Judgment of the SAT of 24 November 1922, file no. 99/22, No. 5, CJSAT I, pp. 12-13.

76 Judgment of the SAT of 23 March 1923, file no. 378/22, No. 57, CJSAT I, pp. 112-114; Judgment of the SAT of 27 March 1923 r., file no. 404/22, No. 59, CJSAT I, pp. 122-124; Judgment of the SAT of 27 March 1923, file no. 187/22, No. 60, CJSAT I, pp. 125-127; Judgment of the SAT of 8 October 1923, file no. 367/22, No. 121, CJSAT I, pp. 275-277.

77 Judgment of the SAT of 13 April 1923, file no. 1073/22, No. 65, CJSAT I, pp. 136-138.

78 Judgment of the SAT of 1 October 1923, file no. 533/22, No. 112, CJSAT I, pp. 253-255.

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Summary

Military and Civilian Requisitions in Light of the Rulings of the Supreme Administrative Tribunal from 1923 to 1931

The article analyses selected rulings of the Supreme Administrative Tribunal concerning complaints addressed to it about military and civil requisitions in the first years of existence of a reborn Polish state. The discussion of this subject was preceded by reflections on the essence of judicial control of the State administration and on the nature and diversity of the institution of requisitioning in the Polish legal system. As a general rule, requisitions imply compulsory actions for the benefit of the state authority supported, in case of refusal, by administrative coercion. Their purpose is to obtain ownership of movable property, temporary seizure of real estate or personal benefit in situations of a special nature, dictated by necessity and urgency. Among such situations, there are usually circumstances caused by martial law or a state of natural disaster, but also various situations in which, due to the need to meet urgent needs of the state, the administration is forced to use citizens' assets. The requisitions analysed in the article are divided into military and civilian, according to their purpose. The former relate to meeting the needs of the military in both wartime and peacetime, while the latter are usually carried out to meet the needs of civilian administrations. Most of the complaints related to the use of public benefits in the form of requisitions by the military and civil administration that were referred to the Supreme Administrative Tribunal concerned the obligation to provide housing in peacetime for officers and civil servants, but we also find a few cases related to requisitions of property by the military during the First World War and the Polish-Bolshevik War of 1920. The rulings of this court in cases of complaints

concerning requisitions referred to both substantive and procedural law issues, which was pointed out in the analysis, at the same time emphasising the importance of the administrative court's jurisprudence for shaping the legal security of the inhabitants of the Second Republic of Poland.