

# Distinctiveness of the Politico-Administrative System of the Chełm Governorate (1912–1915)<sup>1</sup>

*Dr hab. Andrzej Wrzyszczy, Professor of UMCS  
Chair of History of State and Law Faculty of Law and Administration,  
Maria Curie-Skłodowska University in Lublin, Poland*

**Abstrakt:** Z posouzení legislativy týkající se odtržení Chełmské gubernie z právního a politického hlediska je zřejmé, že tyto zákony byly vypracovány poměrně provizorně a chaoticky z politických, etnických a náboženských důvodů. Zákodárcům očividně nezbyl čas na řádnou koordinaci předpisů v oblasti práva, obecné či nekonsolidované správy. Pokusíme-li se posoudit praktické důsledky krátké existence Chełmské gubernie, je nutno podotknout, že jsou v zásadě vymezeny obdobím 1. světové války. Na jejím konci v listopadu 1918 Polsko znovu získalo nezávislost, což vedlo ke zrušení ruských zákonů upravujících zřízení a fungování Chełmské gubernie a k eliminaci praktických důsledků opatření přijatých carskými úřady.

**Abstract:** When assessing the legislation regarding the separation of the Chełm Governorate in legal and political terms, it seems evident that these laws were prepared for political, ethnic and religious reasons in a chaotic, provisional manner. The legislature apparently ran out of time to coordinate regulations regarding law, general administration and non-consolidated administration in an orderly manner. Attempting to assess the practical consequences of the short functioning of the Chełm Governorate, it should be noted that they can essentially come down to the period of the First World War. The end of World War I in November 1918 and the regaining of independence by Poland resulted in a repeal of the above-mentioned Russian laws relating to the establishment and functioning of the Chełm Governorate, and crossed out the practical consequences of the actions of the tsarist authorities.

## 1 Introduction

The Chełm Governorate (Kholm Governorate) was an administrative division that only lasted 3 years. Despite such a short period, its functioning triggered enormous controversy. It was situated on borderland and was inhabited by people of diverse ethnicity, religion and their economic status as well. The Chełm Governorate was established in 1912 pursuant to a law enacted by the Russian State Duma and approved by Emperor Nicholas II on 23 June/ 6 July 1912.<sup>2</sup> In practice, these

provisions became effective on 1 September/14 September 1913. From that moment the administration authorities of the governorate level in Chełm started to operate. The event was in the form of a very official state ceremony, supplemented with Orthodox Church services.<sup>3</sup> The reasons for establishing the Chełm Governorate are rooted in the religious and national policy of the tsarist authorities after the fall of the January Uprising in 1864. The idea of distinguishing, within the Kingdom of Poland, an administrative division of a special legal and administrative status, in which the Orthodox population would have been a majority group, was repeatedly proposed many times over several decades until 1912.<sup>4</sup> It was characteristic

<sup>1</sup> This article was first delivered on 14 June 2018 as a paper at the international conference held by the Faculty of Law, University of West Bohemia, Plzeň, Czech Republic. The paper was published in Polish [in:] *Administracja, Samorząd, Prawo. Księga jubileuszowa z okazji dziesięciolecia funkcjonowania Instytutu Administracji, Samorządu i Prawa Uniwersytetu Przyrodniczo – Humanistycznego w Siedlcach*, eds. STRUS, D., DUK-MAJEWSKA, A. Warszawa – Siedlce 2014, pp. 317–330.

<sup>2</sup> *Sobraniye zakoneniyy i rasporyazheniy pravitelstva, izdavayemye pri Pravitelstvuyushchem Senate* (hereinafter: SUiRP) of 4/17 June 1912, no. 128, *Otdel pervyy*, vol. 1120, pp. 2377–2380. At the same time, the Siedlce Governorate was liquidated, the Lublin Governorate underwent significant territorial changes,

while the Łomża Governorate was affected to a smaller extent. ĆWIK, W., REDER, J. *Lubelszczyzna dzieje rozwoju terytorialnego, podziałów administracyjnych i ustroju władz*. Lublin: 1977, pp. 107–108; GÓRAK, A. *Kancelaria Gubernatora i Rząd Gubernialny Lubelski (1867–1918)*. Lublin-Radzyń Podlaski, 2006, pp. 81–82.

<sup>3</sup> WRZYSZCZY, A. *Gubernia chełmska. Zarys ustrojowy*. Lublin: 1997, pp. 73, 97–99.

<sup>4</sup> WIECZORKIEWICZ, P. P. *Z genezy projektu wydzielenia Chełmszczyzny*, *Rocznik Lubelski*, vol. 23/24, (1981/1982),

that the tsarist bureaucracy apparatus based on the full and absolute power of the monarch (tsarist autocracy) refrained from applying such a solution.

The separation of the Chełm Governorate took place during an exceptional period of systemic reforms which were crucial in the history of Russia, resulting from the war with Japan (1904–1905) lost by Russia and transformations related to overcoming social protests (these events are usually referred to in the literature as the Revolution of 1905–1907). The social and political freedoms obtained in this period led to the establishment of legal political parties (at that time, an absolute novelty in the whole history of Russia) and the flourishing of ideological, religious, economic and ideological disputes. As regards the western borderlands of the tsarist empire (the Kingdom of Poland), these conflicts focused mainly on the national and religious spheres. The imperial edict of toleration of 17/30 April 1905 was of crucial importance here.<sup>5</sup> The dominant effect of this normative act in the eastern part of the Lublin region was the adoption of the Roman Catholic religion by numerous Orthodox Christians. In fact, the converts were mostly Greek Catholics (so-called Uniates), who had been counted by the tsarist authorities in the 70s of the nineteenth century (against their will) as followers of the Orthodox faith. It is worth noting that they could not return to their previous Uniate denomination, as this denomination was officially non-existent in the territory under Tsar's rule.<sup>6</sup> The religious and political Russian elites became deeply concerned about the extent of the conversion. A legislative counter-offensive was being prepared for a few years to stop the expansion of the Roman Catholic church and limit the Polonization of the eastern areas of the Siedlce Governorate and the Lublin Governorate. The dragging legislative procedure was a manifestation of complexity of the issue and the lack of precise draft laws aimed at sopping the Latinization and Polonization of the disputed territories.<sup>7</sup>

Lublin: 1986, pp. 112–113, 117–122; Ibidem, *Polityka rosyjska wobec Królestwa Polskiego w latach 1909–1914*, doctoral dissertation, Warszawa 1976, vol. III, p. 481; GRONIOWSKI, K. Walka Milutina z Bergiem (Spór o reorganizację Królestwa Polskiego po roku 1863). *Kwartalnik Historyczny*, R. LXIX, 1962, no. 4, p. 893; KINDLER, K. *Die Cholmer Frage 1905–1918*. Frankfurt am Main: 1990, p. 54; Dokumenty w sprawie guberni chełmskiej, Kraków: 1908, pp. 3–8, 20–23; KONDERAK, A. *Gubernia chełmska. Zwierciadło Chełmskie*, 13/90, p. 6; GLIZA, A. Neoslawiści a kwestia wyodrębnienia Chełmszczyzny w początkach XX wieku. *Rocznik Chełmski*, vol. II, 1996, pp. 157–162; WRZYSZCZ, A. *Gubernia chełmska...*, pp. 19–27.

<sup>5</sup> CABAJ, J. Unicy Podlasy w wobec ukazu tolerancyjnego z 30 kwietnia 1905 roku. *Rocznik Białkopodlaski*, vol. IV, 1996, p. 155.

<sup>6</sup> Ibidem, pp. 162–168.

<sup>7</sup> ŁUKAWSKI, Z. *Koło Polskie w rosyjskiej Dumie Państwowej w latach 1906–1909*, Wrocław 1967, passim; Ibidem, *Koło Polskie w rosyjskiej Dumie Państwowej wobec kwestii chełmskiej*, *Zeszyty*

## 2 Legal basis for the Chełm Governorate

These works resulted in the aforementioned Act of 23 June/6 July 1912. Formally, the Act was not of the highest rank, but it undoubtedly marked the directions for further legislative work. The special political status of the new Chełm Governorate resulted also from a series of successive legislative acts of various significance, complementing or refining the provisions of the Act of 23 June/6 July 1912. These include, above all, Acts. Among them, of significant importance were two Acts on allocating funds from the state treasury to adopt the town of Chełm to serve as the capital of the governorate.<sup>8</sup> The role of the Act in the establishment of posts of the Chełm's governorate officers subordinated to the Interior Ministry and municipal police headquarters in Chełm should also be noted.<sup>9</sup> In terms of internal revenue administration, the paramount importance had the Act on the establishment of the Chełm Tax Chamber.<sup>10</sup> The act of 7/20 May 1914<sup>11</sup> was of significant importance for the financing of the Chełm's internal affairs bodies. Another act of this significance regulated the management of national property.<sup>12</sup> The most important regulations on justice

Naukowe Uniwersytetu Jagiellońskiego. *Prace Historyczne*, Kraków 1966, pp. 159–182; WIERZCHOWSKI, M. *Sprawy Polski w III i IV Dumie Państwowej*, Warszawa 1966, passim; Ibidem, *Sprawa Chełmszczyzny w rosyjskiej Dumie Państwowej*, *Przeгляд Historyczny* (1966), vol. LVII, no. 1, pp. 97–123; WIECZOR-KIEWICZ, P. P. *Biskup Eulogiusz i oderwanie Chełmszczyzny od Królestwa Polskiego*, [in:] *Historia XIX i XX wieku. Studia i szkice. Prace ofiarowane Henrykowi Jabłońskiemu w siedemdziesiątą rocznicę urodzin*, Wrocław-Warszawa-Kraków-Gdańsk, 1979, pp. 86–98; HARUSEWICZ, M. *Za carskich czasów i po wyzwoleniu*. Londyn: 1975, pp. 95–105.

<sup>8</sup> Act approved by the Emperor, of 26 June/9 July 1912 (*Ob otpuske iz gosudarstvennogo kaznacheystva sredstv na prisposobleniye goroda Kholma k nadobnostyam gubernskogo goroda*), SUiRP of 16/29 July 1912, no 147, *otdel pervyy*, vol. 1296, s. 2752; Act approved by the Emperor, of 22 June/9 July 1912 (*Ob otpuske iz gosudarstvennogo kaznacheystva sredstv na okonchanie rabot po vozvediyeniyu v gorode Kholme zdaniy dla uchrezhdeniy vedomstva Ministerstva Vnutrennykh Del*), SUiRP of 15/18 July 1914, no 158, *otdel pervyy*, vol. 1799, p. 2646.

<sup>9</sup> Act approved by the Emperor, of 7/9 July 1913 (*Ob ustano- vlenii shtatov Kholmsskikh gubernskikh uchrezhdeniy Ministerstva Vnutrennykh Del i Kholmsskogo gorodskogo politseyskogo upravleniya*), SUiRP of 30 July/12 August 1913, no 162, *otdel pervyy*, vol. 1495, pp. 3346–3353.

<sup>10</sup> Act approved by the Emperor, of 7/20 July 1913 (*Ob uchrezhdenii kazennoy palaty v gorode Kholme*), SUiRP of 2/15 VII 1913, no. 164, *otdel pervyy*, vol. 1534, pp. 34123413.

<sup>11</sup> Act approved by the Emperor, of 7/20 May 1913 (*Ob otpuske iz gosudarstvennogo kaznacheystva sredstv na pokrytiye proizvedeniykh v 1913 godu rashhodov po perevodu uchrezhdeniy vedomstva Ministerstva Vnutrennykh Del iz goroda Sedletsy v gorod Kholm*), SUiRP of 13/26 May 1913, no. 116, *otdel pervyy*, vol. 1293, p. 1978.

<sup>12</sup> Act approved by the Emperor, of 22 June/5 July 1914 (*Ob uvelichenii shtata Kholmssko-Volynskogo upravleniya zemledeliya*

administration were contained in the Act on the structure of the judiciary in the Chełm Governorate.<sup>13</sup>

Apart from these Acts, one must also mention secondary legislation: two ordinances of the Minister of Justice and a normative act issued by the Council of Ministers on the judiciary in the Chełm Governorate.<sup>14</sup> From the formal and legal perspective, the Emperor's act establishing the coat of arms for the new governorate was important.<sup>15</sup> Other examples are two ordinances of the Interior Minister,<sup>16</sup> an ordinance of the Minister of Finance<sup>17</sup> and a normative act of the Minister of War.<sup>18</sup>

*i gosudarstvennykh imushchestv*), SUIRP of 5/18 July 1914, no. 158, *otdel pervyy*, vol. 1810, pp. 2651–2652.

<sup>13</sup> Act approved by the Emperor, of 3/16 July 1914, (*Ob ustroystve sudebnoy chasti v Kholmской gubernii i o vyzvyayemom obrazovanii nazvannoy gubernii izmenenii shtatov nekotorykh sudebnykh*), SUIRP of 13/26 July 1914, no. 168, *otdel pervyy*, vol. 1952, pp. 2810–2813.

<sup>14</sup> *Rasporyazheniye* of the Minister of Justice of 10/23 July 1914 (*O sroke otkrytiya ipotechnogo otdeleniya pri kholmskom okruzhnom sude, ob ustanovlenii poryadka peredachi del iz odnogo ipotechnogo otdeleniya v drugoye i ob ustanovlenii osobykh vremennykh pravil, koimi dolzhny rukovodstvovatsya ipotechnye otdeleniya Lyublińskiego, Sedletskego i Kholmского okruzhnykh sudov pri peredache oznachennykh del*), SUIRP of 15/28 July 1914, no. 174, *otdel pervyy*, vol. 1990, pp. 286–287; *Rasporyazheniye* of the Minister of Justice of 24 August/6 September 1914, (*O prestanovlenii otkrytiya ipotechnogo otdeleniya pri Kholmskom okruzhnom sude*), SUIRP of 28 August/10 September 1914, no. 242, *otdel pervyy*, vol. 2328, pp. 3402–3403; *Polozheniye* of the Council of Ministers approved by the Emperor, of 16/29 September 1914, (*Ob otsrochke vvedeniya v deystviye nekotorykh svyazannykh s rashkodami iz gosudarstvennogo kaznacheystva zakonov*), SUIRP of 26 September/9 October 1914, no. 264, *otdel pervyy*, vol. 2417.

<sup>15</sup> SUIRP of 1915, No. 12, p. 194.

<sup>16</sup> *Rasporyazheniye* of the Minister of Interior of 6/19 August 1913 (*Ob ustanovlenii granitsy mezhdru Kholmской i Lyublińskiej guberniyami*), SUIRP of 16/29 August 1913, no. 186, *otdel pervyy*, vol. 1775, pp. 4025–4026; *Rasporyazheniye* of the Minister of Interior submitted before the Governing Senate on 5/18 August 1914 (*O raspredelenii otdelyaemykh granichnoy chertoyu Kholmской gubernii chastey uyezdv mezhdru sosednimi uyezdami i chastey gmin mezhdru sosednimi gminami v Lyublińskiej i Kholmской guberniyakh*), SUIRP of 18/31 August 1914, no. 181, *otdel pervyy*, vol. 2021, pp. 2945–2948. The decision on the Lublin Governorate was taken on 1/14 June 1914, and on the Chełm Governorate on 27 June/10 July 1914.

<sup>17</sup> *Rasporyazheniye* of the Minister of Finance of 17/30 July 1913 (*Ob obrazovanii Kholmского aktsiznogo upravleniya, ob uprazhnenii Lomzhinskogo-Plotsko-Suval'skogo gubern'skogo aktsiznogo upravleniya i o prichislenii Lomzhinskoy i Plotskoy guberniy k vedeniyu Varshav'skogo, a Suval'skoy gubernii k Kovenskomy gubern'skim aktsiznym upravleniyam*), SUIRP of 31 August/13 September 1913, no. 188, *otdel pervyy*, vol. 1783, p. 4052.

<sup>18</sup> *Poveleniye* of the Minister of War (put forward by the Chief of Gendarmes) approved by the Emperor, of 6/19 September 1913 (*O peremeshchenii Sedletskego gubern'skogo zhandarm'skogo upravleniya v gorod Kholm s pereimenovaniyem ego v Kholm'skoye gubern'skoye zhandarm'skoye upravleniye i prisvoeniye mu novogo shtata*), SUIRP of 31 January/13 February 1914, no. 30, *otdel pervyy*, vol. 324, pp. 486–487.

The system of normative acts presented above, forming the legal basis for the functioning of the Chełm Governorate, covers only those legal acts which relate solely to that governorate, whether in whole or in part. However, the legislative acts which in the period 1912–1918 provided new regulations on a wider area (although the Chełm Governorate was among other territories covered by them) have not been listed, as they did not affect the specific status of the Chełm Governorate within the system of the Russian state and did not establish exceptional institutions and internal laws, specific only for this governorate.<sup>19</sup> The normative acts discussed here are only a selection of the most important regulations. Lower-tier regulations were deliberately omitted, as they concerned minor matters not having a significant impact on the functioning of the governorate administration.<sup>20</sup>

### 3 Specificities in court law

It is always more difficult to implement changes in law than reforms of territorial divisions and administration. The tsarist authorities have not attempted transformation of substantive or procedural law (both civil or penal). Instead, they undertook to adopt new regulations in the field of administrative law in the broad sense. These changes mostly concerned numerous financial regulations (fiscal and loan-related) as well as judiciary and education matters, which was related to, inter alia, with restrictions on the use of the Polish language.<sup>21</sup> The modification concerning Catholic holidays is particularly noteworthy. The regulations issued by the Committee of Ministers in 1881, stipulating that government offices and schools must not work on Catholic holidays, were amended. The dates of these fourteen holidays were calculated according to the Gregorian calendar.<sup>22</sup> The provision that allows the Russian administration to actually control the trade in real estate is symptomatic. From that moment on, loans offered by peasants' banks

<sup>19</sup> A. Wrzyszczyński, *Gubernia chełmska...*, pp. 70–71.

<sup>20</sup> For example: *Rasporyazheniye* of the Minister of Interior brought before the Governing Senate on 24 June/7 July 1914 (*Ob uchrezhdenii veterynarnykh punktov v g. Byaley Kholmской gubernii i pri st. Borovichy Nikolaevskoy zheleznoy dorogi*), SUIRP of 8/21 August 1914, no. 217, *otdel pervyy*, vol. 2141, p. 3192 and *Rasporyazheniye* of the Minister of Interior brought before the Governing Senate on 18/31 July 1914 (*Ob uchrezhdenii v sostave kholmской uyezdnoy politsyi dvokh dolzhnostey mladshikh zemskikh strazhnikov*), SUIRP of 9/22 December 1914, no. 333, *otdel pervyy*, vol. 3081, p. 4551 et seq.

<sup>21</sup> SUIRP of 4/17 July 1912, no. 128, *otdel pervyy*, vol. 1120 pp. 2379–2380, chapter XI, introduction, paragraph 10, paragraph 11 – sub-paragraph 2)–3), paragraph 12 – sub-paragraph 1)–4) and 6), chapter XIII.

<sup>22</sup> *Ibidem*, chapter XI, paragraph 11 – sub-paragraph 1); *Gazeta Sądowa Warszawska* 1912, no. 4, p. 57.

could be granted to people who met the requirements specified in the Enfranchisement Decree of 1864 and thus entitled to acquire land only with the prior consent of the local district commissioner for peasantry. Special tax regulations were laid down, already proven in the so-called western governorates. Land sale deeds were exempt from normal charges if the land passed from the hands of a Polish landowner to a person of Russian origin. The authorities of governorate level were given the powers to supervise theatres in the Chełm Governorate. All dramatic performances staged in a language other than Russian could only take place upon a permission of the Chełm Governor.<sup>23</sup>

To underline the changes in the field of court law, common courts were re-organized. The above-mentioned Act on the structure of the judiciary in the Chełm Governorate clearly stood out among the normative acts referred to in the previous paragraph by its comprehensive and detailed character.<sup>24</sup> The Act and the secondary legislation issued thereunder provided for several reforms. First of all, they provided for the introduction of the institution of jury, which did not function in the Kingdom of Poland, but operated, since 1864, in Russia (regulations for the Chełm Governorate contained some differences in relation to the Russian model). The regulations relating to justices of the peace were of a technical nature. Commune court precincts were changed accordingly to the new border of the governorate and new borders of districts and communes. It was planned to reorganize conventions of justices of the peace and municipal judges, together with changes in the districts of these conventions. The jurisdiction of justices of the peace covered minor civil and criminal cases.<sup>25</sup>

The regulation regarding common courts was more important (their jurisdiction covered serious civil and criminal matters). It resulted in the collapse of the previous clear structure of common courts in the Kingdom of Poland. This previous structure was coherent with the general administrative-territorial structure. Accordingly to the structure of the Kingdom divided into ten governorates, the judicial structure was composed of ten district courts, which were located in the capitals of governorates. In accordance with the new regulations, in the 9 governorates of the Warsaw Governorate-General, district courts were still to operate in the same number. The District Court in Siedlce was not to be dissolved, despite the abolition

of the Siedlce Governorate. A decision was made to establish a District Court in Chełm, which was to be included in the judicial network operating in the Kiev Governorate-General. The Kiev Chamber of Judiciary was supposed to be an appeal instance for this court. This decision clearly shows the political reasons for the reform, which do not take into account the legal status and rationality of the work of judicial system. This was manifested within the spheres of substantive and commercial civil law. Other regulations were in force in the Kingdom of Poland than in Russia (including the area of the Kiev Judicial Chamber) – for example, extensive fragments of the Napoleonic Code, the Civil Code of the Kingdom of Poland, Polish mortgage laws of 1818 and 1825 and other. The legislation regarding the separation of the Chełm Governorate did not change the applicable law, and the existing regulations were to continue to apply in this new administrative unit. As a result, the personnel of the Kiev Judicial Chamber had to undergo personnel and structural transformations, because judges sitting in this court had neither theoretical knowledge nor practical experience necessary to decide in the second instance cases arising out in the territory of the Chełm Governorate.<sup>26</sup>

The legislation regarding the reorganization of common courts as a result of the establishment of the Chełm Governorate has never been implemented. The original date of entry into force of the Act on the structure of the judiciary in the Chełm Governorate (1/14 January 1915) was postponed by one year,<sup>27</sup> and the further course of military operations on the Eastern Front of the First World War thwarted these plans completely.

#### 4 Status regarding general administration

The most important change in general administration was the exclusion of the Chełm Governorate from the structures of the Warsaw Governorate-General. The governorate administration was directly subordinated to the Russian Minister of Interior and other ministers and heads of central offices with the rights of ministers within their substantive responsibilities. Such location certainly raised the personal position of the Governor of Chełm among other officials of this rank, but beside prestige, he was not given any additional powers. The exclusion of the Chełm Governorate from the authority of the Governor-General was considered unique only in the area of the Kingdom of Poland. In other areas of the Russian empire, such direct type of subordination

<sup>23</sup> SUiRP of 4/17 July 1912, no. 128, *otdel pervyy*, vol. 1120, p. 2380, chapter XII, paragraph 1, 6, chapter XI, paragraph 12, sub-paragraph 5.

<sup>24</sup> WRZYSZCZ, A. *Gubernia chełmska...*, p. 65.

<sup>25</sup> SUiRP of 12/25 July 1914, no. 168, *otdel pervyy*, vol. 1952, pp. 2810–2811, chapter I–V; A. Korobowicz, *Reforma ustroju sądownictwa w Królestwie Polskim po 1863 r. Przygotowanie i treść*, Lublin: 1976, p. 146.

<sup>26</sup> KOROBOWICZ, A. *Sądownictwo Królestwa Polskiego 1876–1915*. Lublin: 1995, pp. 147–149.

<sup>27</sup> SUiRP of 26 September/9 October 1914, no. 264, *otdel pervyy*, vol. 2417.

can be deemed typical. It is rather the role of governor-general which was considered exceptional, as they were treated as intermediate links between governors and the central authorities in St. Petersburg. Generally, it can be said that these functions were established for the borderland areas of Russia and for both capital cities of the empire (St. Petersburg and Moscow). Although for a long time there were governorates-general operating in the part of the empire of our interest (apart from Warsaw, also Vilnius and Kiev), but on the eve of World War I, in 1912 and 1914, the North-Western Governorate-General (Vilnius) and South-Western Governorate-General (Kiev) were liquidated. Therefore, from then on, the Chełm Governorate was adjacent to the east with other governorates directly reporting to the authorities in Petersburg.<sup>28</sup>

The period of actual operation of the Chełm Governorate administration (less than two years until the evacuation in 1915) does not allow for a documented assessment of its efficiency. It is difficult to say whether the elimination of an additional instance (Governor-General) led to streamlining the administrative procedures, or the opposite: to their lengthiness (the technology of that time certainly did not allow for fast communication between Chełm and St. Petersburg, renamed Petrograd in 1914). On the other hand, it seems it did not have much practical significance for the functioning of administrative bodies at the local and sub-regional level in the new Chełm Governorate (1913–1915). All the more so because the towns which were the seats of district authorities in the new governorate played this role also before 1912. Therefore, there was no problem of moving offices at the district level, while the transfer of Siedlce governorate institutions to Chełm took place with difficulties. The archival query indicates that the governorate and district administration took powers and exercised them within the territorial boundaries resulting from the legislation regarding the separation of the Chełm Governorate. It seems that this thesis cannot be confirmed with regard to local administration (in communes whose territorial shape changed).<sup>29</sup>

## 5 Status regarding special administration

Most changes affected special administration. This concerned mainly the Ministry of War, the Ministry of Public Education, the Ministry of Finance, the Ministry of Agriculture and State Property (in 1905 the Main Authority of Agricultural Facilities and Agriculture

was established) and state control structures, which in the tsarist empire were on par with ministerial bodies.<sup>30</sup>

In military matters, the Chełm Governorate continued to be subordinate to the Warsaw Governor-General. This did not result directly from the provisions of the Act of 23 June/7 July 1912, but the practice of the administration in the new governorate clearly confirms this thesis.<sup>31</sup>

The most complicated situation was in the area of educational administration. It should be stressed that the authority exercising supervision of schools in the Lublin Governorate in 1864–1912 was the Chełm Scientific Directorate.<sup>32</sup> It was decided to continue the functioning of this body, but its area of jurisdiction was changed. It was supposed to manage education matters in the Chełm Governorate. The Siedlce Scientific Directorate was liquidated and the new Lublin Scientific Directorate was established for the supervision of education in the Lublin governorate.<sup>33</sup> The particular emphasis the tsarist authorities put on the development of Russian schools in the Chełm Governorate should be noted. This may be demonstrated by the fact that the activity of the Russian administration in this field started well before the beginning of the activity of the general administration of the governorate (the school superintendent of the Kiev Scientific District assumed the duties in supervision of education in the new governorate a few months earlier than its governor). In the years 1913–1914, about ¾ of municipal meetings in the Chełm governorate adopted resolutions on the launch of government elementary schools and parish schools.<sup>34</sup> Actions were also taken to establish higher education institutions. The intensive efforts to develop scholarization in the new governorate were coordinated personally by the school superintendent of the Kiev Scientific District, A. N. Derewicki. It should be noted that in the years 1913–1915, the education system in the Chełm Governorate functioned under difficult war conditions. After the evacuation in 1915, the Chełm

<sup>30</sup> GRZYBOWSKI, K. *Historia państwa i prawa Polski*, vol. IV od uwłaszczenia do odrodzenia Państwa, Warszawa: 1982, pp. 70–71.

<sup>31</sup> WRZYSZCZ, A. *Gubernia chełmska...*, p. 58.

<sup>32</sup> For more information on the causes and circumstances of taking such a unique decision by the tsarist authorities, that the education system in the Lublin Governorate was administered by a body whose name referred to Chełm instead of Lublin, see: SZEWCZUK, D. *Chełmska Dyrekcja Nukowa*, Lublin: 2012, pp. 35–37; WRZYSZCZ, A. *Chełmska Dyrekcja Naukowa (1864–1918). Rosyjski organ administracji oświatowej – rys ustrojowy*. [in:] *Polska lat dziewięćdziesiątych. Przemiany państwa i prawa, 50 lat Wydziału Prawa i Administracji Uniwersytetu Marii Curie-Skłodowskiej*, vol. 3, Lublin: 1997, pp. 600–602.

<sup>33</sup> SUiRP, z 4/17 VII 1912 r., nr 128, *otdel pervyy*, st. 1120, p. 2378, chapter VI, paragraph 2, chapter VIII, paragraph 4, chapter IX.

<sup>34</sup> KUCHA, R. *Oświata elementarna w Królestwie Polskim w latach 1864–1914*, Lublin: 1982, p. 37; WRZYSZCZ, A. *Chełmska Dyrekcja...*, p. 602.

<sup>28</sup> WRZYSZCZ, A. *Gubernia chełmska...*, pp. 185–186.

<sup>29</sup> WRZYSZCZ, A. *Chełm jako stolica guberni (1913–1915)*. *Rocznik Chełmski*, vol. 8, 2002, p. 18; *Ibidem*, *Gubernia chełmska...*, pp. 116–121.

Scientific Directorate continued its operation in Kiev. It coordinated work of the Chełm schools deployed as far as in Kiev or nearby governorates, which resumed their activities in new locations and taught children of refugees and local residents. After the February Revolution, officials from the Chełm Scientific Directorate headed by F. W. Korallow, as well as teachers evacuated from the Chełm Governorate, became involved in the activities of the Ukrainian national movement.<sup>35</sup>

The regulation of key importance within the Ministry of Finance was the above-mentioned Act on the establishment of the Chełm Tax Chamber was (thus the body of the same nature in Siedlce was liquidated). This Chamber supervised tax collection offices located in the Chełm Governorate (based in: Chełm and capitals of districts in the new governorate). The fiscal administration included also tax inspectors (7 such posts reporting to the Chełm Tax Chamber were established in the Chełm Governorate). In July 1913, the governorate-level Excise Authority was established in Chełm. Its jurisdiction was to cover the area of the Chełm Governorate. This entailed reorganization of the existing network of excise authorities. The Łomża-Płock-Suwalki Excise Authority was liquidated, whereas the Łomża and Płock governorates were subordinated to the respective authority in Warsaw, and the Suwałki governorate to the authority in Kaunas.<sup>36</sup>

State-owned properties located in the Chełm Governorate were subordinated to the body operating in the territory of the Kiev Governorate-General: the Volhynia State Property Administration. This entailed the change of the name of this institution to the Chełm and Volhynia State Property Administration, along with a significant extension of its powers, because it took over the supervision over State Treasury estates which were administered before by the Radom State Property Administration.<sup>37</sup> It caused structural changes and staff expansion in the Chełm and Volhynia State Property Administration headquartered in Zhytomyr, as well as the transfer of this office from the group of third-level authorities to a higher category of second-level authorities. About 20 officials of the Chełm and Volhynia State Property Administration worked in the

Chełm Governorate, who administered forests and farming estates and hydrotechnical affairs.<sup>38</sup>

As regards state control, the Chełm Governorate was subordinated to the Kiev Chamber of Control, thus it was excluded from the jurisdiction of the Lublin Chamber of Control.<sup>39</sup>

## 6 Summary

When assessing the legislation regarding the separation of the Chełm Governorate in legal and political terms, it seems evident that these law were prepared for political, ethnic and religious reasons in a chaotic, provisional manner. The legislature apparently ran out of time to coordinate regulations regarding law, general administration and non-consolidated administration in an orderly manner. It is worth quoting the opinion of M. Tańska from the period concerned: “Imagine a resident of the Czajki commune who at the same time was to take out a loan, had an ill son whom he wanted to be exempt from conscription, and finally he wanted to personally support the appeal to higher authorities for frequent administrative or tax abuse. He could settle all these matters in nearby Lublin and a few hours’ travel by train in distant Warsaw, sparing a few days. Once the Chełm Governorate was established, he would have to go to Lublin to settle the first case, to Chełm and Warsaw in the second matter, and Chełm and Kiev in the third. Instead of a few days, he would have lost several weeks, and instead of several dozen rubles – several hundred. Such delights were faced by the unfortunate resident of this artificial administrative organism in the future, let us stress it: regardless of nationality and religion ...”<sup>40</sup>

The lack of comprehensive and reliable coordination of legislative work is also visible in relation to the issue of belonging of the Chełm Governorate to the Kingdom of Poland. The Russian legislature has demonstrated exceptional incompetence in this matter. The chaos in Russian normative acts resulted in that even the latest literature still pursues a very controversial thesis on the exclusion of the Chełm province from the Kingdom of Poland under the Act of 23 June

<sup>35</sup> SZEWCZUK, D. *Chełmska Dyrekcja...*, pp. 203–226; WRZYSZCZ, A. *Chełmska Dyrekcja...*, pp. 602–605.

<sup>36</sup> SUIRP, of 2/15 July 1913, no. 164, *otdel pervyy*, vol. 1534, pp. 3412–3413; SUIRP of 31 August/13 September 1913, no. 188, *otdel pervyy*, vol. 1783, p. 4052; WRZYSZCZ, A. *Gubernia chełmska...*, pp. 133–139.

<sup>37</sup> SUIRP of 4/17 July 1912, no. 128, *otdel pervyy*, vol. 1120, p. 2379, chapter XI, paragraph 8; GRZYBOWSKI, K. *Historia państwa...*, p. 204.

<sup>38</sup> SUIRP, of 5/18 July 1914, no. 158, *otdel pervyy*, vol. 1810, pp. 2651–2652; WRZYSZCZ, A. *Gubernia chełmska...*, p. 140.

<sup>39</sup> SUIRP of 4/17 July 1912, no. 128, *otdel pervyy*, vol. 1120, p. 2379, chapter XI, paragraph 9. In the period 1913–1914, the jurisdiction of the Kiev Chamber of Control covered financial operations of administration bodies of the Chełm Governorate (e. g. in police matters, expenses for renting rooms for offices, government building maintenance costs). In 1914, a special position of official for controlling the construction of governmental office buildings in Chełm was established within the structure of the Chamber. WRZYSZCZ, A. *Gubernia chełmska...*, p. 140.

<sup>40</sup> TAŃSKA, M. *Sprawa chełmska*. Warszawa: 1918, pp. 27–28.

/ 7 July 1912.<sup>41</sup> In fact, this problem was much more complex. I presented it in my monograph published in 1997. These considerations are still valid, which is why they are worth quoting here.<sup>42</sup>

During the deliberations in the State Duma, the discussion regarding the formal separation of the Chełm Governorate from the Kingdom of Poland was particularly fierce.<sup>43</sup> Finally, however, Chapter X of the Act of 23 June 1912 was passed in the version stating that the Chełm Governorate was excluded from authority of the Warsaw Governor-General and did not contain a provision on separating it from the Kingdom of Poland. A lot of factors decided about it, but the crucial include the problematic nature of such a step in view of international law. There was an ongoing discussion whether separating the Chełm region from the Kingdom of Poland would not violate the provisions of the Vienna Congress signed by European powers.<sup>44</sup> On the other hand, the most nationalistic Russian deputies did not want to allow the exclusion of the Chełm province from the Kingdom of Poland so as not to stress by this the special status of the Kingdom within the Russian Empire. In their opinion, Russia was one and indivisible and had the full right to freely shape its internal borders, but they did not find it necessary to accentuate the name of the Kingdom of Poland.<sup>45</sup> It should be noted that the lawmakers were inconsistent in this matter, because there is a statement in the further part of the act: *“o predelenesrokovetikh-vyborov v Kholmokoyguberniproizvodytatsyanezavisimootvyborov v guberniyakh Tsarstva Polskogo”*.<sup>46</sup> A simple, logical interpretation of this provision would suggest that the Chełm Governorate does not belong to the Kingdom of Poland. This inconsistency was removed as late as in the spring of 1915. In the ordinance of the Council of Ministers approved by the Emperor, which introduced the municipal government in the Kingdom of Poland, there was an unmistakable provision on the separation of the Chełm Governorate from the Kingdom.<sup>47</sup> This ordinance largely limited the evident chaos as regards the issue of whether the

Chełm Governorate is a part of the Kingdom of Poland, present on pages of the promulgation journal – *Sobraniye Uzakoneniya Rasporyazheniy Pravitelstva*. In the period between 23 June/6 July 1912–17/30 March 1915, that is between the date of approval of the Act on the establishment of the Chełm Governorate and the date of approval of the ordinance of the Council of Ministers, the territory located west of the Bug river was referred to by various names. Most often, they used the term “governorates of the Warsaw Governorate-General and the Chełm Governorate”<sup>48</sup> or “the Warsaw Governorate-General and the Chełm Governorate.”<sup>49</sup> The territorial scope of a given normative act also used to be defined by enumerating all ten governorates including the Chełm Governorate.<sup>50</sup> Another way to refer to the lands of the Polish Kingdom was the name “the Vistula Land and the Chełm Governorate.”<sup>51</sup> Finally, also the name Kingdom of Poland was also used, although it is difficult to say with absolute certainty whether the legislature understood this term as the whole territory west of the Bug River together with the Chełm Governorate, or if the latter was considered outside the Kingdom. This first interpretation is confirmed by the imperial edict of 5/18 October 1914 on the establishment of a general moratorium in the governorates of the Kingdom of

<sup>48</sup> This name was used e.g. in the Act approved by the Emperor, of 22 June / 5 July 1914 (*Ob otpuske iz gosudarstvennogo kaznacheystva sredstv na proizvodstvo rabot po razverstaniyu zemel melkopomestnykh seleniy v guberniyakh Varshavskogo general-gubernatorstva i v Kholmokoy*), SUiRP of 5/18 July 1914, no. 158, *otdel pervyy*, vol. 1800, p. 2646 and in the *polozheniye* of the Council of Ministers approved by the Emperor, of 17 February/2 March 1915 (*Ob otvode i oplata pomescheniy dlya uchrezhdeniy polevogo upravleniya voysk v voyennoye vremya v guberniyakh Varshavskogo general-gubernatorstva i v Kholmokoy gubernii*), SUiRP of 27 February/12 March 1915, no. 68, *otdel pervyy*, st. 579, pp. 923–925 et seq.

<sup>49</sup> This name was used e.g. in: the Act approved by the Emperor, of 29 May/11 June 1913 (*Ob ustanovlenii tarifnoy platy za pomescheniya dlya loshadey, dobavlenykh k raspolozhennym v Varshavskom general-gubernatorstve i gubernii Kholmokoy legkim, tyazholym i mortirnym bataireyam*), SUiRP of 11/24 June 1913, no. 127, *otdel pervyy*, vol. 1091, p. 2672.

<sup>50</sup> This name was used e. g. in: the Act approved by the Emperor, of 28 June/11 July 1914 (*O rasprostraneni na guberniya: Varshavskuyu, Kalishskuyu, Petrokovskuyu, Radomskuyu, Keletskuyu, Lyublinskuyu, Plotskuyu, Lomzhinskuyu, Suvalskuyu i Kholmokoyu deystviya pravil ob ustroystve kanav.*, SUiRP of 10/23 July 1914, no. 163, *otdel pervyy*, vol. 1914, pp. 2740–2742 et seq.

<sup>51</sup> This name was used e.g. in: the *polozheniye* of the Council of Ministers approved by the Emperor, of 4/17 February 1914 (*O poyadke prazdnovaniya pyatidesyatiletney godovshchiny krestiyanskoy reformy v Privislyanskom krae i v Kholmokoy gubernii...*), SUiRP of 15/28 February 1914, no. 49, *otdel pervyy*, vol. 493, pp. 809–811.

<sup>41</sup> For example: SMYK, G. *Korpus urzédników cywilnych w guberniach Królestwa Polskiego w latach 1867–1915*, Lublin: 2004, p. 62.

<sup>42</sup> WRZYSZCZ, A. *Gubernia chełmska...*, pp. 59–61.

<sup>43</sup> WIERZCHOWSKI, M. *Sprawy Polski...*, p. 203; KINDLER, K. *Die Cholmer Frage...*, pp. 216–220.

<sup>44</sup> TAŃSKA, M. *Sprawa chełmska...*, pp. 12–14.

<sup>45</sup> GRZYBOWSKI, M. *Historia państwa...*, p. 67, footnote 19.

<sup>46</sup> SUiRP of 4/17 July 1912, no. 128, *otdel pervyy*, vol. 1120, p. 2379, chapter XI, paragraph 3.

<sup>47</sup> *Polozheniye* of the Council of Ministers approved by the Emperor, of 17/30 March 1915 (*O rasprostraneni deystviya Gorodovogo Polozheniya 11 iyunya 1892 goda na goroda gubernii Tsarstva Polskogo*), SUiRP of 22 March/4 April 1915, no. 91, *otdel pervyy*, vol. 762, p. 1146, chapter XXIX.

Poland. In chapter I of this edict, all the governorates of the Kingdom of Poland are enumerated, including the Chełm Governorate.<sup>52</sup> Other conclusions can be drawn from the analysis of the ordinance of the Council of Ministers of 28 February / 13 March 1915.<sup>53</sup> It sets out the rules on providing assistance to people living in governorates of the Kingdom of Poland and neighbouring towns. The basic provisions provide for the conditions for granting assistance to victims of hostilities in governorates of the Kingdom of Poland.<sup>54</sup> The Chełm Governorate, along with the Kaunas and Grodno governorates, were located outside the territory referred to as “governorates of the Kingdom of Poland”. Slightly modified rules of assistance were introduced in these areas.<sup>55</sup>

After 30 March 1915, discrepancies are much smaller. The terms “governorates of the Kingdom of Poland and the Chełm Governorate”<sup>56</sup> and “governorates of the Warsaw Governorate-General and the Chełm Governorate”<sup>57</sup> are commonly used.

Attempting to assess the practical consequences of the short functioning of the Chełm Governorate, it should be noted that they can essentially come down to the period of the First World War. Undoubtedly, the distinguishing of this new territorial division by the tsarist authorities was an argument for the Ukrainians during the negotiations before the conclusion of the peace of Brest on 9 February 1918, which granted Ukraine a large part of the eastern Lublin region. It caused the mobilization of the Polish public opinion and subsequent protests.<sup>58</sup> The changes in the court law

discussed in paragraph 3 of this article did not come into force, so they did not bring actual results. The reorganization of general administration presented in paragraph 4 should also be well ignored, as the subordination of the Governor of Chełm directly to the Minister of Interior (not the Governor-General of Warsaw) was not of real significance for the local population (other differences were also of minimal significance as the general administration of the Kingdom of Poland before 1912 was almost identical to the Russian model). “The principles of organization and functioning of the Russian model of administration and bureaucracy were implemented in the civil administration bodies in the Kingdom of Poland concurrently with the reorganization of the local administrative system after the January Uprising. ... Thus, the civil administration of the Kingdom became part of the integrated civil administration of the Empire.”<sup>59</sup> Regarding the special administration, the most significant and relatively lasting (several years-long) effects were in the field of education. In the years 1913–1918, there was a clear development of Russian education system in the eastern Lublin region, continued to a significant extent during the evacuation to Russia.<sup>60</sup>

The end of World War I in November 1918 and the regaining of independence by Poland resulted in a repeal of the above-mentioned Russian laws relating to the establishment and functioning of the Chełm Governorate, and crossed out the practical consequences of the actions of the tsarist authorities.

When assessing the legislation regarding the separation of the Chełm Governorate in legal and political terms, it seems evident that these laws were prepared for political, ethnic and religious reasons in a chaotic, provisional manner. The legislature apparently ran out of time to coordinate regulations regarding law, general administration and non-consolidated administration in an orderly manner. Attempting to assess the practical consequences of the short functioning of the Chełm Governorate, it should be noted that they can essentially come down to the period of the First World War. The end of World War I in November 1918 and the regaining of independence by Poland resulted in a repeal of the above-mentioned Russian laws relating to the establishment and functioning of the Chełm Governorate, and crossed out the practical consequences of the actions of the tsarist authorities.

<sup>52</sup> Imperial edict of 5/18 October 1914 (*Ob ustanovlenii v gubernyakh Tsarstva Polskogo obshchego moratoriyuma*), SUiRP of 7/20 X 1914 r., no. 272, *otdel pervyy*, vol. 2462, p. 3675, chapter I.

<sup>53</sup> *Polozheniye* of the Council of Ministers approved by the Emperor, of 28 February/13 March 1915 (*Ob okazanii ssudnoy pomoshchi postradavshemu ot voyennykh deystviy naseleniyu guberniy Tsarstva Polskogo i prilegayushchikh mestnostey*), SUiRP of 12/25 March 1915, no. 82, *otdel pervyy*, vol. 705, pp. 1040–1044.

<sup>54</sup> *Ibidem*, pp. 1040–1043, chapter I.

<sup>55</sup> *Ibidem*, pp. 1043–1044, chapters I and II.

<sup>56</sup> This name was used e.g. in: the imperial edict of 24 October/6 November 1915 (*O prodlennii v gubernyakh Tsarstva Polskogo i Kholmokoy obshchego i vekselnogo moratoriyev*), SUiRP of 29 October/11 November 1915, no. 307, *otdel pervyy*, vol. 2289, pp. 3005–3006 and in the edict with an identical title, of 13/26 April 1916, SUiRP of 17/30 April 1916, no. 100, *otdel pervyy*, vol. 69 et seq.

<sup>57</sup> This name was used e.g. in: the imperial edict of 16/29 April 1915 (*O prodlennii deystviya Vysokhayshikh Ukazov po otsrochke platzey po obyazatelstvam v gubernyakh Varshavskogo General-Gubernatorstva i Kholmokoy*), SUiRP of 20 April/3 May 1915, no. 116, *otdel pervyy*, vol. 929, pp. 1293–1294 et seq.

<sup>58</sup> GROSFELD, L. Prawa Chełmszczyzny w 1918 roku. *Kwartalnik Historyczny*, R 81, 1974, no. 1, pp. 35–37; JANOWSKI, A. Chełmszczyzna. Warszawa: 1918, pp. 35–38; LEWANDOWSKI, J. Masowe wystąpienia antyokupacyjne w Królestwie Polskim w

latach 1915–1918 (Okupacja austriacka). *Biuletyn Lubelskiego Towarzystwa Naukowego*, Folia Societatis Scientiarum Lublensis, humanistyka, vol. 30, n. 1–2, 1988, p. 7; CABAJ, J. Społeczeństwo guberni chełmskiej pod okupacją niemiecką i austriacką w latach I wojny światowej. *Siedlce: 2006*, pp. 184–197.

<sup>59</sup> SMYK, G. *Administracja publiczna Królestwa Polskiego w latach 1864–1915*. Lublin: 2011, p. 231.

<sup>60</sup> SZEWCZUK, D. *Chełmska Dyrekcja...*, pp. 203–217; WRZYSZCZ, A. *Chełmska Dyrekcja...*, pp. 602–605.