

## A MILITARY ORDER AS A SOURCE OF INFORMATION ABOUT REQUISITIONS ON POLISH SOIL IN 1919–1920

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**Abstract.** The article analyses issues related to the civic duty to bear the burdens for the defence of the State. These burdens have a centuries-long tradition and in the period discussed by the author they were also often used by the Polish Army through forced requisitions, which, however, were often of an illegal nature and even took the form of looting and plundering, i.e. criminal acts. Numerous military abuses by the army in the course of requisitioning became the subject of interest of the Supreme Command, including in particular the Minister of Military Affairs. By giving the relevant orders to military units, he tried to put an end to this illegal practice of requisitioning abuses, often referring to the dignity of a Polish soldier's uniform and forcing the commanders of units to apply absolute discipline and punishment for these abuses during requisitioning operations. The author discusses requisitioning activities through the prism of the analysis of requisitioning legislation and the attitude of the supreme military authorities to these activities in the light of the content of the orders sent by the Minister of Military Affairs to military units subordinate to him.

**Keywords:** Second Polish Republic, administrative law, public burdens, wartime duties, Ministry of Military Affairs, military order, law of war, requisitions

### INTRODUCTION

The aim of this article is to analyse issues relating to war requisitions through the prism of military orders given by the Minister of Military Affairs to military units under his authority in the area of military operations, within the period of time specified in the title of this article. Thus the thesis of my research assumes a logical relationship between the institutions of a military order and a war requisition, and as we shall see further on, these orders mainly concerned orders and prohibitions<sup>1</sup> given to Polish troops in order to prevent

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<sup>1</sup> For more about orders and prohibitions as administrative obligations, see Górski 2012, 221–33.

and put an end to unlawful requisitions that they often carried out.<sup>2</sup> It should be noted that the issues I will deal with – i.e. a military order and requisitions – are of interest to several branches of law, and therefore legal norms relating to requisitioning enjoy the attention of constitutional law, administrative law, criminal law and public international law.

As in the past, the notion of a military order is at present a notion in the field of substantive criminal law and, in accordance with Article 115(18) of the Penal Code currently in force in Poland, it means a command to undertake or refrain from taking a specified action issued officially to a soldier by his superior or an authorised soldier of a superior rank.<sup>3</sup> It is impossible here to analyse more broadly the numerous theories related to the institution of an order, and to characterise the various types of military orders (operation, training, daily, personal, etc.). For the purposes of this discussion, however, I assume that an order is the obligation of obedience of the addressee of an order to the will of the party issuing the order, dictated by legal authority, law and a social sense of obligation [Starzewski 1922, 193–94; Ziewiński 1964, 278–92; Idem 1986, 9–13, 23; Van Voorden 2013, 222–39; Idem 2014, 63–73; Kubica and Pietras 2016, 56–65; Kural 2017, 119–31; Skrzypek 2020, 97–105].<sup>4</sup>

The source and basis for my further analysis will therefore mainly be the military orders issued by the Minister of Military Affairs<sup>5</sup> and published in the

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<sup>2</sup> The institution of war requisition, understood as a way of obtaining items of vital importance for the supply of troops, has probably existed in the form of the “right of spoils” since the times when people started to fight with each other for the first time [Srogosz 1990, 3–33; Łopatecki 2016, 59–88].

<sup>3</sup> Act of 6 June 1997, the Penal Code, Journal of Laws No. 88, item 553. In the light of the provisions of the German Military Penal Code of 20 June 1872, which was introduced in the reborn Poland by the Act of 29 July 1919 on Temporary Military Justice (Journal of Laws No. 65, item 389) and the Regulation of the Council of Ministers of 10 May 1920 on the implementation of the Military Penal Code (Journal of Laws No. 59, item 369), and was in force until 1 August 1928, i.e., in the analysed period, the right to issue orders served as a means for authorized persons to fulfil the military tasks entrusted to military personnel. This meant that it could be used wherever the need for an order was based on the nature and organisation of the army and aimed at fulfilling it. The Code contained a number of references to the institution of an order, such as: non-execution or alteration, refusal to execute, obstruction of execution or abuse, see para. 47, 58, 92–95, 111, 113–114, 120, 160 of the *German Military Penal Code of 20 June 1872*, according to the translation of the Legal-Military Committee of the Provisional Council of State, Warsaw 1920, 13, 16, 23–25 and 29–31, 40 [Makowski 1921, 191–94, 345–62, 397–400, 408–10, 416–21, 435–38].

<sup>4</sup> Cf. Austin 1993, 550, 576–702; Hart 1998, 36–37.

<sup>5</sup> The office of Minister of Military Affairs was created by decree of the Regency Council of 26 October 1918 as a result of the transformation of the Military Committee to the President of Ministers, which existed from 26 October 1918, see the Decree of the Regency Council of 26 October 1918 on the creation of Ministries of: Foreign Affairs, Military Affairs, Transport and Provisions, see the Journal of Laws of the Kingdom of Poland No. 14, item 30 [hereinafter:

Journal of Military Orders,<sup>6</sup> as well as the military orders of the Command of Corps District No. 8 – Kielce,<sup>7</sup> which either confirmed the former or made it more detailed. Many of these orders are descriptive in nature and contain numerous interesting facts and news, which led to their issuance by the chief military authorities. As a result, they constitute valuable research material for the assessment of the requisitions carried out, the abuses of requisitioning and their illegal performance on Polish soil in the years 1919–1920.

As far as the notion of requisition is concerned, this institution belongs to the matter related to the constitutional obligation to defend the Fatherland, and the obligation to bear the burdens and to make personal and material contributions [Okolski 1884, 41–43; Bartoszewicz 1925, 669–70; Kasznica 1946, 123–24; Viel 1995, 60–61, 42–43; Huchla 2010, 141–46; Szalewska 2012, 525–26; Konarski 2020b, 43–46]. The burden of requisition means the obligation to make a natural, non-monetary contribution for a certain specific administrative purpose, and the subject of these burdens are either the personal contributions mentioned above or contributions in kind. In the scholarship of constitutional and administrative law, public burdens (including requisitioning burdens) are assumed to be obligations imposed on entities that are contributions of something to the public administration. This means that such a contribution may consist in performing certain works, providing certain services involving any human (physical and mental) work, or providing the public administration (e.g. the military administration) with certain items for use, which often took place and still does by means of requisitioning.

As far as the importance of the institution of requisitioning in public international law is concerned, in the light of the norms of this branch of law, it remains connected with the occupation of a certain territory [Cybichowski 1945, 3; Flemming 1981, 21, 42–57; Bierzanek 1982, 227–75; Konarski 2012, 308–13; Kwiecień 2013, 65–80; Haberland 2017, 353–407; Nowak 2017, 382–91; Kołodziej 2018, 62–64, 78–96; Dinstein 2019, 228–56], when various types of services and deliveries required by the occupier take place, e.g. the supply of military quarters, the supply of military *podvody*, construction and repair work on roads and railways, aircraft runways, etc. [Konic 1906, 177–89; Grabski 1908, 5–8; Gąsiorowska 1917, 103–27; Wise 1944, 47–62; Hyczko 1965, 80, 83, 96–98; Przygodzki 2001; Taźbirek 2009, 103–14;

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JLKP]; Decree of the Regency Council of 3 January 1918 on the temporary organisation of the Highest Authorities in the Kingdom of Poland, JLKP No. 1, item 1.

<sup>6</sup> Hereinafter: JOMMA.

<sup>7</sup> Hereinafter: CCD. In the years 1918–1921, the general district commands (from 1921 – the corps district commands) were the field administrative apparatus of the Polish Army. An example of military orders issued in the field of requisitioning were those issued by the Command of the General Kielce District (Corps) on the grounds that they were comprehensively prepared. For more on the establishment of local administrative bodies of the Polish Army [Ostaneck 2014, 186–87].

125–40; Filipiak 2011, 215–29; Sierakowska 2019, 356–68; Konarski 2019a, 63–86; Idem 2019b, 113–35; Idem 2019c, 111–31; Idem 2020a, 99–128, Idem 2020b, 46–51]. Under the norms of international law, an occupying power may requisition foodstuffs and medical supplies on the occupied territory only for the occupying armed forces and administration, taking into account the needs of the civilian population and issuing the necessary orders to ensure fair compensation for all requisitions.<sup>8</sup>

Requisitions were most often carried out during or immediately after military operations. The underlying reason for their use is always the need to provide the State with goods or services by means of imposing an obligation to bear public burdens, which lies in the fact that there are situations during an armed conflict, when a certain number of human hands and a certain amount of material means are required to meet a certain need, while the uniqueness and dynamism of a war situation does not allow for looking for, hiring or buying them. This means that such a need can only be met by means of enforced requisition and not by contract [Jaworski 1924, 169–71; Hauser 2010, 193–212].

## 1. REQUISITIONING LEGISLATION ON POLISH SOIL AFTER 1918

The basis of the system of wartime contributions, including requisitioning, which gives the State, through authorised bodies, the right to demand these contributions from the population, and in particular handing over to the State, in return for payment, of ownership or the right to use movable and immovable property directly or indirectly needed for the purpose of supplying the army and defending the State, but only when the war broke out or when a partial or general mobilisation was ordered,<sup>9</sup> was the Act on Wartime In-Kind Contributions adopted on 11 April 1919.<sup>10</sup> The Act was to be in force provi-

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<sup>8</sup> Regulations concerning the laws and customs of land war annexed to the Fourth Convention adopted in The Hague on 18 October 1907, Journal of Laws of 1927, No. 21, item 161; Geneva Convention of 12 August 1949 for the Protection of Civilian Persons in Time of War, Journal of Laws of 1956, No. 38, item 171. Cf. Cybichowski 1914, 71–76. The famous Enlightenment philosopher Immanuel Kant (1724–1804) emphasised that “During a war it is permissible to impose forced deliveries and contributions on the defeated enemy. However, it is not permissible to plunder people, i.e. to take away from individuals what belongs to them (this would be plundering, as the war was not led by a defeated nation, but by a State under whose power it remained). Rather, it should be done by issuing orders of payment so that, once peace has been made, the burden imposed on a country or a province can be shared proportionately” [Kant 2006, 152].

<sup>9</sup> For more about mobilisation systems, see Zakrzewski 1938, 89–90; Berman 1964, 5–6; Koch 1980, 4–20; Stankiewicz 1981, 69–72; Orzechowski 1986, 91–94, 203–205.

<sup>10</sup> The Act on Wartime In-Kind Contributions of 11 April 1919, Journal of Laws of the Polish State No. 32, item 264 [hereinafter: JLPS]. The regulation introducing the obligation to provide

sionally for a period of one year<sup>11</sup> and when it came into force, all other acts and regulations on requisition and war duties ceased to be in force, provided, however, that these were requisition and wartime contributions to be ordered from the moment the Act came into force.

The introduction of the obligation to provide wartime contributions, the establishment of a deadline for the creation and cessation of this obligation, as well as the indication of items subject to obligatory provision, took place as a result of a joint Regulation of the Minister of Military Affairs and the Minister of Internal Affairs, which was issued on 29 April 1919.<sup>12</sup> In accordance with the provisions contained in this Regulation, the obligation of compulsory provision covered movables (draught animals and all means of transport, regardless of the force they are moved by, together with all tools, equipment and facilities necessary for their use),<sup>13</sup> as well as real estate (e.g. for accommodation purposes).<sup>14</sup>

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wartime contributions on 1 May 1919 was published on 29 April, see the regulation of the Ministry of Military Affairs and the Ministry of the Internal Affairs on introducing the obligation to provide wartime contributions, "Monitor Polski" No. 98 [hereinafter: M.P.].

<sup>11</sup> When the Act ceased to be in force, an act restoring its binding force was issued as early as on 23 April 1920, see the Act of 23 April on Restoring the Binding Force and Partial Amendment of the Act on Wartime In-Kind Contributions of 11 April 1919, Journal of Laws of 1920, No. 37, item 212.

<sup>12</sup> The Regulation of the Ministry of Military Affairs and the Ministry of Internal Affairs of 29 April 1919 on the introduction of compulsory wartime contributions, M.P. No. 98.

<sup>13</sup> This Regulation was then supplemented by two regulations issued on 1 November 1919, see the Regulation of the Minister of Military Affairs and the Minister of Internal Affairs on the introduction of the obligation to provide wartime contributions (supplement to the Regulation of 29 April 1919 – M.P. No. 98), National Library, ref. no. DŻS IA 6a6 Cim.; the Regulation of the Minister of Internal Affairs of 1 November 1919 on the declaration of possession of items necessary to supply the army with clothes, M.P. No. 246. Cf. the announcement of the Government Commissioner for the City of Warsaw of 13 July 1920 on the declaration of possession of items necessary to supply the army with clothes, Official Journal of the Government Commissioner for the City of Warsaw of 16 July 1920, No. 14. Another order for compulsory provision of the above mentioned items took place on 22 March 1920 by way of the Regulation of the Minister of Military Affairs and the Minister of Internal Affairs on the introduction of compulsory wartime contributions, Journal of Laws No. 30, item 177.

<sup>14</sup> See the Decree on the requisitioning of premises for the needs of public offices, JLPS. No. 14, item 197; Act of 8 April 1919 on the provision of housing for the needs of the army, JLPS No. 31, item 262; Act of 27 November 1919 on the obligation of municipal councils to provide premises, Journal of Laws No. 92, item 498; Act of 23 April 1920 on the extension of the Law of 3 April 1919 on the provision of housing for the army Journal of Laws No. 37, item 211; Order of the Ministry of Military Affairs of 22 February 1920 on the requisition of furniture seized by courts, Journal of Orders of the Ministry of Military Affairs [hereinafter: JOMMA] No. 7 of 9 March 1920, item 147; Order of the Ministry of Military Affairs of 10 April 1920 on the powers to requisition and manage premises for military purposes, JOMMA No. 13 of 27 April 1920, item 314.

On the basis of the provisions of the above-mentioned Act of 11 April 1919, the Central Army Supply Office was established at the Ministry of Military Affairs.<sup>15</sup> Its responsibilities included centralising and covering the general needs of the army. Demanding wartime contributions was effected by means of requisition orders, issued by competent administrative offices on the basis of demand documents, issued by military authorities, i.e. to the Minister of Military Affairs and to bodies authorised by him.<sup>16</sup>

As regards remuneration for wartime contributions, the Act on Wartime In-Kind Contributions provided that the rule should be immediate remuneration in the form of cash paid at prices set by the Ministry of Military Affairs in agreement with the Ministry of Treasury and other ministries concerned,<sup>17</sup> on the basis of an opinion issued by representatives of agricultural, handicraft, commercial and industrial organisations. In the event that payment was not possible immediately, the possessors were to receive requisition vouchers prepared according to the model determined by the Ministry of Military Affairs.<sup>18</sup> The payment against the requisition vouchers was to be made by the commissariat of the nearest general military district.<sup>19</sup> In the event of non-payment, no one could be held liable to fulfil the obligation to provide wartime contributions if the requisition voucher was not given to him.<sup>20</sup> Notification of requisition vouchers or receivables for effected war contributions was to take place under pain of losing the claim within 6 months from the date on which the general obligation to provide wartime contributions ceased. If the military

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<sup>15</sup> Act of 11 April 1919 on the establishment of the Central Army Supply Office, JLPS No. 32, item 265.

<sup>16</sup> As a result of warfare, the Council for State Defence issued a number of normative acts which separated the competences of civil and military authorities to secure and maintain public peace and order and to enforce material and personal contributions of the population. In areas considered by the Ministry of Military Affairs to be at war risk, a military governor could be appointed as Military Commander once executive power had been transferred to such areas. For the broad powers vested in the military governor, see the Regulation of the State Defence Council of 6 August 1920 on the establishment of a state of siege, Journal of Laws No. 69, item 460. For more on the legislative activities of the State Defence Council, see Marszałek 1995, 116–42; Idem 2011, 154–19.

<sup>17</sup> Cf. Order of the Command of Corps District No. 8 (Kielce) [hereinafter: CCD] on the requisition of hay and straw of 24 August 1920, Order of CCD No. 76, item 909, p. 4, which stipulated that until the date of commencement of the requisition (of hay and straw) purchases of these products were permitted at market prices.

<sup>18</sup> Order of CCD on the requisition of cattle of 14 October 1920, Order of CCD No. 104, item 10, 3; Order of the Ministry of Military Affairs of 21 December 1920 on the model of requisition receipt, JOMMA No. 48, item 1002.

<sup>19</sup> Order of CCD of 10 October 1920 on cashing requisition receipts, Order of CCD No. 102, item 22, 9.

<sup>20</sup> On payment for requisitions covered by informal receipts, see The Order of the Ministry of Military Affairs of 3 November 1920 on the payment for requisitions covered by informal receipts, JOMMA No. 40, item 868.

authorities, or military units, could not cover their needs by means of direct purchase or rental, they could ask the administrative authorities to order the population to deliver the necessary items.<sup>21</sup>

The owner of items subject to wartime contributions who did not receive payment for their contributions or for any reason felt aggrieved, had the right of complaint to the Regional Requisitioning Commission at the Military District Command. The decision of the Commission was also subject to the right of appeal to the Main Requisitioning Commission at the Ministry of Military Affairs within one month.<sup>22</sup> These commissions, together with the wartime contributions commissions operating at the *powiat* (municipal) level,<sup>23</sup> were collegiate bodies whose purpose was to assist in the enforcement of contributions or to resolve disputed issues arising from the enforcement.<sup>24</sup>

Let me add at the end of this thread of this analysis that, in view of the mass abuses of the army in the form of numerous robberies, looting and unlawful requisitions both during and, above all, after military operations, all military and civilian authorities were obliged to inform the nearest division's command or stage district command (outside the war zone: the command of general districts or military regions) of these criminal acts known to the civilian

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<sup>21</sup> The authorities and bodies entitled to demand wartime contributions, the entities on which the wartime contributions were to be imposed, the place, date and manner in which the contributions were to be provided, and the question of the excess of powers were set out in the Executive Regulation of the Minister of Military Affairs and the Minister of Internal Affairs to the Act on In-Kind War Contributions of 11 April 1919, Journal of Laws No. 32, item 264. These provisions were further specified in the Executive Regulation of the Minister of Military Affairs and the Minister of Internal Affairs to the Act on In-Kind War Contributions of 11 April 1919, Journal of Laws No. 32, item 264; M.P. No. 100–101. During the Polish-Bolshevik war in 1920, there were known examples of the provision of means of transport in the form of horses, and there were few instances of refusal to provide them [Juszkiewicz 1997, 276–77]. Cf. Order of the Ministry of Military Affairs of 21 December 1920 on the collection of horses by military units, JOMMA No. 48, item 995.

<sup>22</sup> The executive Regulation of the Minister of Military Affairs and the Minister of Internal Affairs of 12 December 1919 to Articles 10(3), 11 and 12 of the Act on In-Kind War Contributions of 11 April 1919, concerning the establishment of Main and District Requisition Committees, Journal of Laws No. 97, item 514. The rules of District Requisition Commission and the Main Requisition Commission were regulated on 1 October 1920, see the Regulation of the Minister of Military Affairs and the Minister of Internal Affairs on the rules of Main and District Requisition Commissions, M.P. No. 270, Cf. Zdziechowski 1928, 22–25.

<sup>23</sup> The appointment and remuneration of members of *powiat* (municipal) committees were governed by the Regulation of the Ministry of Military Affairs and the Ministry of Internal Affairs of 17 May 1919 on *powiat committees* for wartime contributions, M.P. No. 118.

<sup>24</sup> For more about the problems of the requisition practice, the activity of requisition commissions and appeals against the decisions of the Main Requisition Commission to the Supreme Administrative Tribunal, see Podolska–Meducka 2011, 324–88.

population or authorities, free of charge and as fast as possible.<sup>25</sup> Situations of abuse by the army were therefore a serious problem which, as we will see in a moment, the highest military authorities tried to limit by disciplining soldiers by military orders.

## 2. REQUISITIONING PRACTICE IN THE LIGHT OF ORDERS OF THE MINISTER OF MILITARY AFFAIRS

Since time immemorial, warfare has generated pathological phenomena behind the front line in the form of mass robberies, looting, arbitrary and illegal requisitions which, in the guise of the enforcement of contributions, have given rise to criminal behaviour.<sup>26</sup>

Polish military formations, as I have mentioned above, did not avoid numerous requisitioning abuses with features of prohibited acts between 1919 and 1920. The supreme State authorities tried, as far as possible, to curb acts of this nature, by means of a dynamic process of disciplining military troops by publishing detailed military orders, the subject of which were obligations, prohibitions and standards of responsibility for carrying out requisitions.

In one of the orders – dated 5 November 1920, i.e. almost a month after the signing of the armistice of Riga (12 October) between Poland and Soviet Russia – the Minister of Military Affairs outlined in an extremely poignant and emotional way the circumstances of the requisitioning abuses by Polish troops, while at the same time trying to stimulate the spirit of patriotism and national unity in Polish troops committing criminal acts.<sup>27</sup> It is worth recalling here a longer fragment of this interesting, noteworthy disquisition by the Minister of Military Affairs, which is thought-provoking as regards the extent of the arbitrary and unlawful requisitions of that time: “I have received complaints about repeated incidents of improper behaviour by individual units and military personnel, both on the front and inside the country, towards citizens,

<sup>25</sup> Regulation of the Ministers of Military Affairs, Internal Affairs, Posts and Telegraphs and Railway of 23 October 1920 on facilitating the reporting of information by civilians relating to illegal requisitioning and looting by military personnel, Journal of Laws No. 98, item 658.

<sup>26</sup> Under the provisions of the German Military Penal Code of 20 June 1872, “looting” fell into the category of offences against property. The subject of this crime was the private property of the population, but, as W. Makowski pointed out, “at the same time, however, there is a military duty to maintain the dignity of the army, hence looting is a military crime, although it has features in common with similar common crimes against private property” [Makowski 1921, 235]. This Code, in Chapter VIII (para. 127–36), entirely devoted to “crimes committed in the field against persons or property,” penalised behaviours related to wilful leaving a military unit for the purpose of robbery, looting things, plundering, destroying things in the field, etc., see the *German Military Penal Code*, 33–35.

<sup>27</sup> Order of 16 November 1920 on putting an end to abuses against the civilian population, JOMMA. No. 42, item 903.



through illegal requisitions and taking over their property. If war operations could, in some very exceptional cases, justify the omission of legal formalities when at stake was the success of combat operations or, directly related to them, the needs of the army and maintaining its efficiency and combativeness, then outside the combat area and taking into account the end of warfare, such conduct not only cannot be justified, but deserves the harshest condemnation. Any lawless or wilful acts, even if only committed by individual members of the military personnel, not only harm the population, which, in the face of economic difficulties, often has to endure severe privation, but also makes civilians averse to the army in general and causes a hundred times more serious harm to the public interest, of which the army must be a representative and defender. The aggrieved population, often deprived of food or farming tools, suffers on its own, loses the ability to provide agricultural produce, the scarcity of which may be a disaster for the entire nation – and morally, the population loses confidence in the army and in the ideals of freedom it represents, through the fault of the wilful and demoralised individuals who are becoming harmful enemies of the population, the army and the Homeland. A Polish soldier, who was able to fight for an independent and free Homeland under the most difficult conditions, should be a brother and a defender of the people. The people must have complete confidence in him and turn to him for help and care. I therefore demand that all soldiers, understanding their soldierly and civic dignity, stop all the excesses of wilfulness harming, and I trust that the civic feeling in the Polish Army will be strong enough to put an end to wilfulness and abuses, which harm so much the army itself.”<sup>28</sup>

In Order No. 904 – issued one day after the previous one, i.e. on 6 November<sup>29</sup> – the Minister pointed out that speed and repression of robberies and looting had not been up to the task, which inevitably means that for many months of warfare this problem was unsolvable in the Polish army. In view of the above, the Minister “demanded and ordered” that cases of robbery and looting should be prosecuted on an ad hoc basis, and that the right of clemency held by commanders should be exercised in truly exceptional cases. As can be seen, these were not isolated situations, but they happened on a significant scale.

It should be noted that problems related to requisitioning were known in independent Poland before the start of the conflict with Bolshevik Russia, and concerned the requisitioning of items by the occupying authorities, which, as we will see later, also became the subject of judicial decisions of

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<sup>28</sup> Ibid. The concept of “wilful acts,” mentioned several times in the Order, was understood as a pointless, unjustified by any interest, abuse of military force, which was subject to the same punishment as looting [Makowski 1921, 469–71]. Cf. Podolska–Meducka 2019, 25–42.

<sup>29</sup> Order of the Ministry of Military Affairs of 16 November 1920 on ad hoc proceedings in the event of robberies and looting, JOMMA No. 42, item 904.

administrative courts. Before I proceed to analysing these issues, however, I will draw attention to issues related to the requisitioning practice – mainly during the war with Bolshevik Russia, which often had pathological features and became the subject of legal regulations in the form of numerous military orders announced by the Minister of Military Affairs, aimed at putting an end to the practice of abuse and arbitrariness by the Polish army when carrying out requisitions.

Let me first mention at this point that already in the Order of the Minister of Military Affairs No. 698 of 25 February 1919, i.e. issued at the very beginning of the war, attention was drawn to the fact that commands of some military units carried out arbitrary requisitioning of privately-owned horses, while stressing that such requisitioning can only be carried out on the basis of the regulations of the relevant state authorities, and it was pointed out that until 18 February 1919 no regulations allowing for the requisitioning of horses had been announced.<sup>30</sup>

Therefore, in this Order, the Minister of Military Affairs categorically prohibited, under the personal responsibility of the commanders of individual military units, any requisitioning of horses or any other items that were private property.<sup>31</sup> However, the ban on requisitioning did not apply to horses, which by the occupying authorities were gathered in larger numbers in some parts of the country and at the beginning of the formation of Polish military units, after the exit of the occupants, they were given for safekeeping and temporary use by farmers due to the fact that it was not possible to take care of them. Those horses were the property of the military treasury and, being in the records of the military authorities, were to be returned to the army, and the number of such horses had to be notified to the Remount Section, specifying the troops in which the horses were included.<sup>32</sup>

In Order No. 79 of the Minister of Military Affairs of 1920, it was pointed out that although the ban on the requisitioning of state property under Order No. 1657 of 15 May 1919 was announced, there were incidents of requisitioning of foodstuffs intended for prisons. Therefore, it was decided that a certificate from the competent President of the Regional Court should be regarded as proof that the transport in question is intended for prisons, and, in the case

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<sup>30</sup> Cf. Requisitions of horses, State Archives in Poznań, fonds no. 295 files no. 197 (all cards), 198 (all cards), 199 (all cards), 651 (all cards); cf. requisition of horses, State Archives in Poznań, fonds no. 295, files no. 197, 198, 199 and 651; Order of CCD of 31 December 1920 on proceedings in cases of requisitioning horses during war operations in summer and autumn this year, the Order of CCD No. 140, item 8, 7.

<sup>31</sup> Cf. Order of CCD of 17 February 1920 prohibiting the requisitioning of any foodstuffs intended for food supply in prisons, The Order of CCD No. 24, item 28, ref. no. 4476/X, 6.

<sup>32</sup> Order of the Ministry of Military Affairs on the prohibition of arbitrary requisition of horses and other items, JOMMA No. 21, item 698. Cf. Order of CCD of 8 April 1920 on the resumption of activities of Remount Committees, No. 32, ref. no. 1726/VIII, 14–16.

of rail transports, waybills bearing the official signature and stamp of that Court. In the event of failure to comply with this Order, such conduct should be punished in the strongest possible terms.<sup>33</sup>

On 28 August 1920 – in view of the increasing scale of abuses by the Polish army carrying out arbitrary requisitions, and the fact that various abuses were committed in the course of the requisition, as well as illegal takeover of people's property under the guise of requisition<sup>34</sup> – the Minister of Military Affairs regulated in detail the responsibility for arbitrary and unlawful conduct of requisitions in the form of Order No. 728.<sup>35</sup>

The Minister for Military Affairs stressed in this Order that the behaviour of Polish troops, which was the reason for the Order, could not be tolerated in any state under the rule of law and in any regular army as incompatible with law, order, rigour and discipline.<sup>36</sup>

In accordance with the provisions of the Order, commanders of all ranks were obliged to instruct their subordinates, especially the privates, that the dignity of a soldier was high and honourable and that a soldier, under the pain of the most severe penalties, including the death penalty, must not reduce himself to the level of a robber or a bandit, because he was a defender of the

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<sup>33</sup> Order of the Ministry of Military Affairs of 17 February 1920 on the prohibition of requisitioning foodstuffs intended for use in prisons, JOMMA No. 4, item 79. More about field and summary proceedings in the Second Polish Republic [Szczygieł 2016, 59–81].

<sup>34</sup> “Illegal takeover of property” means the seizure, i.e. the removal of an item from the possession of another person, which is “simulated externally as a legitimate act of demanding wartime contributions, and consists in the fact that a military person, contrary to his or her own powers, or exceeding the limits of his or her powers, orders the population to provide in-kind contributions in ostensibly for the benefit of the army, but in fact for his or her own benefit” [Makowski 1921, 463–64].

<sup>35</sup> Order of the Ministry of Military Affairs of 14 September 1920 on requisition and the responsibility for arbitrary and illegal requisitioning, JOMMA No. 33, item 728. Cf. Order of CCD of 5 December on the arbitrary requisitioning of wood for coal mines by military units, The Order of CCD No. 128, item 11, 4–5.

<sup>36</sup> In Orders of the Minister of Military Affairs No. 797 and 798 of 1 October 1920, issued in order to categorically put an end to cases of robbery, looting and illegal requisitioning, it was provided that: (a) any officer who notices a robbery, looting or illegal requisitioning, even if he is not the official superior of a soldier who fulfils these crimes, shall be obliged to step in actively and prevent the crime; (b) in the course of these activities, any officer who steps in shall be subject to all the rights of the superior in relation to disobedient soldiers, including the right to enforce obedience by the use of weapons (para. 124 of the Military Penal Code); (c) an officer who, having observed that soldiers committed robbery, looted or illegally requisitioned, contrary to the said Order, has not actively entered and has not taken appropriate measures to stop the crime, will be considered guilty of failure to comply with an official order, resulting in a sentence of imprisonment of up to three years and expulsion from the army, see Order of the Ministry of Military Affairs of 12 October 1920 on combatting widespread abuse by soldiers, JOMMA No. 37, item 797; Order of the Ministry of Military Affairs of 12 October 1920 against robbery, looting and illegal requisitioning, JOMMA No. 37, item 798.

Homeland and of the civilian population, which should receive help and care from the soldier. The commanders were also to instruct their subordinates that the illegal and arbitrary removal of property from the population would in all cases, without exception, entail the most severe penalties, including the death penalty, and that lower and higher commanders were also to be punished if they did not immediately hold responsible those of abusing the requisitioning or illegal removal of property from the population.<sup>37</sup>

The way, which was supposed to protect Polish military units from arbitrariness during requisitioning to some small extent, was to provide the Supreme Command and General District Commands with laced books containing numbered requisition forms of receipts, prepared according to a prescribed model.<sup>38</sup> However, as D. Rodziewicz points out, the problem in the everyday practice of requisitioning activities was “writing requisition receipts by representatives of military units on informal prints, or rather on ordinary sheets of paper, which usually resulted in problems for people making the contributions when they wanted to cash them in commissariats” [Rodziewicz 2017, 55]. A way out of this situation was to allow, in the form of an order of the Minister of Military Affairs, the possibility of carrying out requisitions on non-formalised forms.<sup>39</sup>

As I have just mentioned, the Minister of Military Affairs in Order 728 regulated the personal scope and the requisition procedure,<sup>40</sup> repeating earlier

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<sup>37</sup> Cf. Announcement of the Lublin Voivode on combatting abuse during purchases and requisitions for the army from the civilian population, Official Journal of the Lublin Voivodeship of 12 November 1920, No. 5, item 100 [hereinafter: OJLV]; Announcement of the *Starostwo* of Radom concerning the order of the Ministers of Military Affairs and Internal Affairs “on combatting robberies, looting and illegal requisitioning committed by members of the military,” State Archives in Radom, fonds no. 206, ref. no. 271, card 1 [hereinafter: SAR].

<sup>38</sup> The requisition receipts were ordered by Department VII of the Ministry of Military Affairs in books of 50 pieces each, which were marked with serial numbers and individual receipts in a book were numbered in order from 1 to 25, so that two consecutive receipts were given one number. According to the instructions, the receipts were to be filled with a chemical pencil through carbon paper. One copy was then given to the provider and the other was left in the book, see Order of the Ministry of Military Affairs on the model requisition receipt, JOMMA No. 48, item 1002. In addition, all officers carrying out requisitioning were to have the appropriate identity cards. These identity cards were considered necessary in order to avoid likely misunderstandings with civil authorities, see Order of CCD of 28 February 1920 on identity cards for requisitioning officers, the Order of CCD No. 16 item 23, ref. no. 3718/X, 6.

<sup>39</sup> The phrase “not completely formal receipts” was understood to mean receipts either not written on the prescribed form, or without a date or stamp of the requisitioning unit, but bearing at least the signature of the requisitioning authority, as long as it did not raise doubts as to the authenticity of the signature and the existence of the requisitioning unit, see Order of the Ministry of Military Affairs of 3 November 1920 on the payment for requisitions covered by informal receipts, JOMMA No. 40, item 868.

<sup>40</sup> Order of CCD of 17 September 1920 on the procedure for carrying out requisitions, the Order of CCD No. 88, item 1135.

statutory provisions. The requisitioning procedure could only be ordered: (a) domestically, by the Minister of Military Affairs, General District Commands, and other military authorities, provided they were authorised by the Minister of Military Affairs; (b) in war zones, by the Main Quartermaster Department, Stage District Commands, and in cases of a direct emergency, by all commanders (military units, offices and institutions), provided they had their own economic committee.<sup>41</sup>

The order stressed that requisitions were not carried out by military authorities but, at their request by civil administrative authorities, such as: (a) *powiat* offices; (b) municipal offices of towns/cities with their own statutes and towns/cities with their own self-government, and in Warsaw, Lublin and Łódź, government commissioners; (c) *gmina* offices.<sup>42</sup> Exceptionally, the military authorities could carry out requisitions themselves, without the involvement of the civilian authorities, only in the following situations: (a) when, on a special basis in each individual case, they received a permit from the Minister of Military Affairs; (b) when in the immediate area of war operations, in the absence of the administrative authorities there, or in cases where there is a danger of a delay in war operation. In these cases, however, the commanders of units carrying out requisitions were obliged to select two persons of trust from among the local population, and the signatures of these persons had to appear on the requisition receipt, if one was issued.

The person conducting the requisition was obliged to immediately pay the total amount due for the requisitioned item, and if the payment could not be made, he was obliged to immediately issue a requisition receipt according to the agreed model. If no requisition form was available, the person conducting the requisition was obliged to immediately issue a requisition receipt with a stamp and signature on plain paper, with a precise indication of all the data provided for in the sections of a requisition receipt, i.e. the title, seal of the requisitioning unit, date, town, name and surname of the person making a contribution, type of the contribution – item, quantity, measure, weight, etc., indicate the payment office which was to make the payment, include the data of witnesses, provided that they assisted in the requisition, and include a legible signature of the person issuing the receipt. In addition to these data, each requisition receipt had to include the exact identification of the requisitioning

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<sup>41</sup> Cf. Order of the Ministry of Internal Affairs of 28 September 1920 concerning the relation of military authorities subordinate to the Ministry of Military Affairs to authorities subordinate to the Supreme Command of the Polish Army, concerning wartime contributions, JOMMA No. 35, item 765.

<sup>42</sup> Cf. Regulation of the Lublin Voivode of 25 June 1920 on the requisition of blade weapons in the Lublin Voivodeship, Official Journal of the Lublin Voivodeship of 15 July 1920 No. 3, item 49 [hereinafter: OJLV]; Regulation of the Lublin Voivode of 27 July 1920 on the requisition of saddles in the Lublin Voivodeship, OJLV of 31 July 1920 No. 4, item 59.

unit and the rank, assignment and name of the commander or the member of the military conducting the requisition.

The order provided that the forcible seizure of private property by military units or individual members of the military, made with the omission or violation of the regulations in question, constitutes an illegal act of arbitrariness. They were subject to disciplinary sanctions, and regardless of this, they were to be brought to court and punished for abuse of official authority, provided that the act did not have features of a more serious crime (theft, robbery with violence). In the latter case, the *ad hoc* procedure could involve the harshest penalties, including the death penalty.

At the same time as the Order was issued, it was ordered that all the following persons should be brought to court: (a) those who ordered or conducted a requisition in violation of that Order; (b) those who, under the guise of requisition, committed an offence; (c) commanders who did not immediately punish and bring to justice their subordinates who were guilty of the above-mentioned offences and abuses.

On 6 September 1920, the Minister of Military Affairs issued further orders aimed at stopping arbitrary and unlawful requisitions.<sup>43</sup> This time he forbade the requisitioning of livestock and horses both in the villages that had been occupied by the enemy and from individual refugees. This ban resulted from the factual circumstances faced by the Polish authorities, namely the situation in which the Bolsheviks almost completely stripped large areas of the Republic of Poland of their livestock, especially horses. As is well known, the lack of horses, especially during the autumn sowing season – as the Minister emphasised in the Order in question – created extraordinary difficulties for farmers, because it made it difficult, delayed and even prevented the cultivation of land for sowing, with the ultimate result of losses and, above all, hunger.

Incidentally, a similar ban was included in another order issued on the same day, which stipulated that all stocks of petrol and lubricants held in agricultural syndicates and purchased by them were not subject to requisitioning.<sup>44</sup>

In Order of the Minister of Military Affairs No. 1021 of 1920, all military bodies and units which had been from 12 July onwards requisitioning passenger cars, trucks, motorbikes, bicycles, and their spare or component parts were ordered immediately to: (1) transfer all files on the requisitioning of the above-mentioned items to the Requisitioning Commission of the Ministry of Military Affairs, Department II of the Motorised Forces Section, which was

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<sup>43</sup> See Order of the Ministry of Military Affairs of 21 September 1920 on the prohibition of the requisitioning of livestock and horses in the villages affected by the invasion of the enemy and from refugees, JOMMA No. 34, item 742. Cf. Order of CCD of 27 September 1920 on the prohibition of incorrect requisitioning, the Order of CCD No. 95, item 11, 5.

<sup>44</sup> See Order of the Ministry of the Internal Affairs of 21 September 1920 on the prohibition of requisitioning of petrol and lubricants in agricultural syndicates, JOMMA No. 34, item 743.

to receive them from individual committees of military formations for further processing; (2) conduct the valuation the requisitioned cars and motorbikes on the basis of the data presented and verified by the Requisitioning Commission of the Ministry of Military Affairs, to be carried out by the already existing and Interministerial Valuation Committee at the Motorised Troops Section, Department II of the Ministry of Military Affairs, on the basis of its competence and instructions, and the payment of the estimated sums for cars and motorbikes should be made each time to the budget account of the units of the Ministry of Military Affairs for which the requisition was conducted; (3) complaints concerning such requisitions were to be submitted to and dealt with by the Interministerial Committee for Complaints already functioning at the Motorised Troops Section of Department II.<sup>45</sup>

It should be remembered that after the end of World War I there were no manufacturers of automotive equipment in Poland, and just after the war the need for transport was met by vehicles (mainly trucks) from the military surplus of various armies. For patriotic reasons, and also because of the lack of regulated trade relations, purchases from Germany were avoided. Therefore, the army was often forced to supply itself with civilian equipment through requisitioning. In addition, in the early days of reborn Poland, “a common means of transporting goods and people was the railway, which provided more mass-scale and economic transport opportunities than cars that were just beginning to appear in the country. However, they required an efficient road network, the condition of which was lamentable in the first years of independence. Car traffic was concentrated in cities, but moving between them was not easy” [Szelichowski 2012, 14]. Thus, the main burden of transport services, apart from horse transport, was borne by the railway transport.<sup>46</sup>

In conclusion, it should be stressed that the Polish army during the Polish-Bolshevik war did not, as I demonstrated above, avoid numerous abuses in the field against civilians. Nevertheless, the fast reaction of the Supreme

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<sup>45</sup> See Order of the Ministry of Military Affairs of 28 December 1920 on the requisitioning of cars, motorbikes, bicycles and spare parts, JOMMA No. 49, item 1021. Cf. Announcement on the requisitioning of cars and motorbikes for military purposes, SAR, fonds no. 206, ref. no. 1668, card 1. In July 1920, the Polish Army owned 1,584 cars of various types (mainly German, Austrian, French and American-made), which came to Poland together with General Józef Haller’s army, or were purchased from French and American military surplus [Popławski 2008, 76; Jarno 2017, 233].

<sup>46</sup> See Act of 27 March 1920 on railways during war, Journal of Laws No. 27, item 160; executive Regulation of the Minister of Military Affairs and Minister of Railways of 25 June 1920 to the Act of 27 March 1920 on railways during war, Journal of Laws No. 55, item 342; executive Regulation of the Minister of Military Affairs, Minister of Railways and Minister of Treasury of 8 August 1920 on the implementation of the Act on Railways during the War, Journal of Laws No. 79, item 533; Order of the Ministry of Military Affairs of 21 December 1920 on the Temporary Instruction on Railway Services for the Army and the Principle of Mutual Settlement of Military and Railway Authorities, JOMMA No. 40, item 1000.

Command, which disciplined soldiers through a system of orders and penalties for these criminal behaviours, made it possible, at least to a small extent, to prevent illegal or defective requisitions.

### CONCLUSION

The analysis carried out above shows that requisitions on Polish soil by the Polish Army during the Polish-Bolshevik conflict were frequent and sometimes took on the form of illegal requisitions, looting and plundering of property. There is no doubt that the presence of military troops in a given operational area inhabited by local people was becoming an increasingly difficult burden to bear over time, mainly due to the scourge of various types of requisitions, which, sometimes took the form of common robbery. Requisitioning *podvodas*, often unpaid, was most bothersome and proved to be one of the most frequent causes of tensions between the stationed or marching army and the local population. This was, of course, due to the fact that requisitions of *podvodas* made work in the fields impossible. In addition to these abuses, there were also those that consisted in paying for the purchased (requisitioned) goods much below their market value, which resulted in not only the dissatisfaction of agricultural workers, but also in numerous complaints of landowners about the presence of Polish troops in their estates. However it should be stressed that there were situations in which the landowners asked the local military commanders to ensure security during periods of economic conflicts between the manor and the village [Cichoracki 2018, 276–77].

As I noted at the beginning my analysis, despite the existence of a fairly consistent system of requisitioning legislation during the period under consideration, the Polish Army did not manage to avoid, in the face of armed conflict, numerous requisitioning abuses, which the already heavily deprived Polish society had to suffer. Complaints by the population of eastern Poland about the repeated incidents of improper and illegal behaviour of individual military units to the chief military authorities resulted in the only rational reaction possible, namely the issuing of various relevant orders, the aim of which was to put an end to the wilfulness and abuse of the Polish army.

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