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Crediting donations towards the legitimate share according to the jurisdiction of the Krakow- and Lvov-based district courts in the Interwar period

Policzenie darowizn na zachowek według orzecznictwa sądów apelacji krakowskiej i lwowskiej w okresie międzywojennym

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Abstract: The Austrian Civil Code (ABGB), which was in force in the districts of the courts based in Lvov and Krakow in the Interwar period, stipulated the principle of freedom of testing by the testator. That freedom, however, could harm the inheritance rights of the persons who were the nearest to the testator. The institution protecting the rights of these persons was the legitimate share which they were entitled to as heirs-at-law. The basis to assess the height of the legitim was the size of inheritance. However, while estimating the legitimate share, donations which the heirs-at-law (persons entitled to the legitim), heirs and legatees had received from testators were taken into consideration as well. The ABGB provided that in the case where the legitim which the heirs-at-law were entitled to was depleted (not at full height) they could demand completion of it. Questions concerning which donations were taken into account and which were not while estimating the height of the legitim due to different practices in this respect were the subject of many courts' adjudgments. The jurisprudence in this sphere was not uniform. It stipulated compensation of the depleted legitimate share both in kind (in the form of proportional part of the donation) and as a financial benefit, with time evolving towards the latter to a greater and greater extent.

Keywords: ABGB, Krakow and Lvov district courts, donation, heirs-at-law, jurisprudence of courts, legitimate share

Abstrakt: Austriacki kodeks cywilny (ABGB) obowiązujący w okręgach sądów apelacji lwowskiej i krakowskiej w okresie międzywojennym przewidywał zasadę swobody testowania przez spadkodawcę. Swoboda ta mogła jednak niekiedy godzić w prawa spadkowe osób najbliższych spadkodawcy. Instytucją chroniącą prawa tych osób był zachowek, który należał się im jako dziedzicom koniecznym. Podstawą obliczenia wysokości zachowku była wielkość masy spadkowej. Przy obliczaniu zachowku brano jednak pod uwagę także darowizny, jakie otrzymali od spadkodawcy dziedzice konieczni (osoby uprawnione do zachowku) oraz spadkobiercy i legatariusze. ABGB przewidywał, że w przypadku gdy należny dziedzicom koniecznym zachowek był uszczuplony (w niepełnej wysokości), mogli oni domagać się jego uzupełnienia. Kwestie dotyczącego tego, jakie darowizny były brane pod uwagę, a jakie nie przy obliczaniu wysokości zachowku, wskutek różnych praktyk w tym zakresie były przedmiotem wielu orzeczeń sądów. Orzecznictwo sądów w tym zakresie było niejednolite. Przewidywało wyrównanie uszczuplonego zachowku zarówno w naturze (w postaci proporcjonalnej części darowizny), jak i w postaci świadczenia pieniężnego, z czasem coraz bardziej ewoluując w tym kierunku.

Słowa kluczowe: ABGB, apelacja krakowska i lwowska, darowizna, dziedzice konieczni, orzecznictwo sądów, zachowek

One of the progressive principles accepted in the Austrian Civil Code of 1 June 1811 (ABGB) with respect to the inheritance law, which was underlined in the literature on the subject, was the stipulated freedom of testing. It was expressed in the independent disposal of the property by the testator. That freedom could at times harm the inheritance rights of the persons remaining the closest to the testator, though, and – as a result – restrictions with reference to the will of the latter were introduced into the law. The institution in question stipulated in the ABGB, which protected the rights of the closest persons in case the testator should decide to avail himself/herself of the testamentary disposition was that of legitimate share. Thus, persons, entitled to the legitim were called heir-at-law (*heredes necessarii*), deriving from Roman law (Longchamps de Bérier 2018: 12).

In a survey on the reform of the inheritance law and division of land, which was carried out by the Ministry of Agricultural Reforms in 1924, it was stated that "citizens very often make use of the freedom of making last will and are well informed on limitations of the legitimate share which the heir-at-law is entitled to, frequently they are capable of establishing and precisely calculating this legitim" (Ankieta Ministerstwa Reform… 1924: 100, 106). However, this optimistic finding by the Ministry, with regard to the functioning of legitim did not fully reflect the then true reality, since in practice it posed numerous problems to parties as well as courts.

The institution of securing the rights of heirs-at-law in the ABGB raised not only disputes in the doctrine itself, but – first of all – a great deal of emotions of practical nature. Claims arising from the legitimate share were the subject of numerous court rulings (Zarzycki 2019: 616).

According to Para 729 ABGD, if a person who the testator was obliged to leave part of their heritage on the power of the act, suffered harm because of the declaration of last will, they could call the regulation of the act and claim legally the due part of the inheritance. Here it is worth paying attention to the fact that in compliance with Para 755 ABGB also adopted children – in the case of statutory order of inheritance – held the same right to inherit property of the adopter (testator) as legitimate children. They were exclusively not entitled to inherit property of the testator's relations or the spouse if the latter did not give their consent to adoption. They did however have the right to inherit property of their natural parents and relations. The right of the heir-at-law was purely a property right, not dependent on the personal relation of the heir-at-law with the testator. As such it was part of inheritance, therefore – according to Para 537 ABGB, as an inherited one, it was transferred on heirs of the person entitled to legitim. In connection with the above, also heirs of the heir-at-law held the right to claim legitimate share or its complementing, which was confirmed in the ruling of the Supreme Court (file no. III. 1. R. 346//31) of 21 October 1931 (OPSN.dc 1933: 15, poz. 28 A). The analogous stance was accepted by the Supreme Court in its ruling of 27 May 1930 (file no. III. 1. Rw. 2565/29), concerning the case heard earlier by the District Court in Stanisławów (file no. Cg. I. a. 128/28) (OPSC.dc 1931: 89, poz. 248 A). On the other hand, the ruling of the Supreme Court of 3 July 1929 r. (file no. III. Rw. 1350/29), which stated that if the claim of legitim was not submitted by the heir-at-law during his/her life, then it was not transferable to their heirs, should be regarded as disputable and contrary to the case law (OPSN.dc 1930: 17, poz. 61 A).

It needs underlining that the right of legitim could not be seized by writ of execution by a creditor of the heir-at-law for as long as the latter did not claim the legitimate share they were entitled to at the court of law or outside it. This found its confirmation in the ruling of the Supreme Court of 31 October 1933 (file no. C II R 642/33), in the case heard earlier by the Municipal Court in Tyczyn (sentence of 13 May 1932, file no. II C 210/32) and the District Court in Rzeszów – Decision of 27 February 1933 (file no. I 4 Bc 894/32) (*Zbiór Orzeczeń Sądu Najwyższego. Orzeczenia Izby Cywilnej* 1934: 654-655, poz. 334). Prior to this, the same stance was taken by the Supreme Court in its ruling of 30 December 1930 (file no. III. 1 R. 807/30) (OPSN.dc 1931: 148, poz. 425 A).

On the power of the resolution of seven judges of the Supreme Court of 21 October 1931 (file no. 346/31) concerning the case heard earlier by

the Municipal Court in Sądowa Wisznia (Decision of 3 October 1930, file no. A. 235/29) and the District Court in Przemyśl (Decision of 14 February 1931, file no. II. R. 25/31), inheritance of the legitim right was acknowledged to be a legal principle and was entered in the book of legal principles of the Supreme Court. Taking such a decision, the Supreme Court stressed that the right of legitim was a form of strengthening and protecting the rights of the heir entitled to statutory inheritance and did not expire in consequence of the death of the entitled person. In this way the nearly ninety-year-old stance was rejected, which was expressed in the court decree of 31 January 1844 (No. 781 Collection of judicial acts), according to which the right of legitimate share, constituting the heir's-at law liability towards the testator, absolutely expired at the moment of the heir's demise. What is more significant, in compliance with that decree, the right of legitim was not included in the inheritance law (*Głos Prawa* 1932: 117-118, poz. 8; Bartz 1934: 40). Thus, as we can see, the standpoint expressed by the Supreme Court in the legal principle of 1931 with reference to the right of legitimate share brought in an enormous change in relation to the then case law in this respect.

The regulations which the person who was harmed by the testator's declaration of last will could invoke were the rules of the second part of the first section of Chapter 14 ABGB under the title: "On the legitim and crediting towards the legitim or part of the inheritance" (Paras 762-796).

The height of the legitim assumed in Paras 765 and 766 ABGB was dependent on what circle of intestate heirs the entitled person belonged to (Longchamps de Bérier 2018: 12). In the case of the testator's children the legitimate share amounted to a half, while in the case of the remaining heirs-at-law – one third of what they would be entitled to, according to the statutory order of inheritance if the testator had not made their will.

The above-mentioned principles decided that in the case of the heirs entitled to the legitim it was extremely important for them to finally establish the value of the property which the value of the legitim was tied to in turn. The manner of administering and assessing them was defined by Para 784 ABGB which was invested with the new wording following the third amendment of ABGB of 1916.

From among all the heirs-at-law who were entitled to the legitim, the legislator paid particular attention to the testator's closet relatives who were their parents and children. Therefore, according to Para 785 ABGB, upon demand from a child entitled to the legitim, while calculating the value of the heritage one had to take into account also donations that the testator had made when still alive. The object of such donations ought to be added to the heritage, according to their value defined on the basis of Para 794 ABGB. In compliance with it, if whatever the given person had received from the testator was an

immovable object, its value was assessed according to the moment of its receipt by the beneficiary. On the other hand, if the thing they had received from the testator was a movable item, then its value was determined according to the moment when the heritage was due.

Time and life brought along subsequent cases of donations counting into the legitim. In compliance with the ruling of the Supreme Court of 25 August 1931 (file no. III. 1. Rw. 320/31), in the case heard earlier by the District Court in Rzeszów (file no. I. Cg. 129/28), the court decided that the value of services which the entitled beneficiary had received for paid-for activities for the testator should also be included in the donations credited towards the legitim (OPSN. dc 1931: 268-269, poz. 746 A).

Crediting towards the legitim, in compliance with Para 788 ABGB, included also whatever the testator had given to their daughter or granddaughter as a dowry, to their son or grandson in the form of equipping, or still directly when the latter were taking an office, or to commence any business, or as payment of debts of a major child. With reference to daughters, in compliance with Para 788 ABGB, it was only the dowry given to them by father, which was credited towards the legitimate share. They did not have to – like their brothers – count the received equipping into it, which – in the understanding of Para 1218 ABGB – was not a dowry. According to the ruling of the Supreme Court of 15 February 1936 (file no. C II 2308/35), in the case heard earlier by the Court of Appeal in Lvov (file no. CA 15/35) and the District Court in Sambor (file no. I Cg 78/30), the costs of organized weddings were not credited towards the legitim, either (PPiA 1936: 152, poz. 103). Nevertheless, in compliance with the ruling of the Supreme Court of 5 May 1937 (file no. C II 3014/36), in the case heard earlier by the Court of Appeal in Krakow (file no. II CA 806/36), a lawsuit was admissible for establishing that a part of the beneficiary's inheritance was exhausted by the equipping received while the testator was alive (PPiA 1937: 544, poz. 342).

Paragraph 785 stipulated, however, that the above-mentioned donations taken account of while establishing the height of the legitim which the person was entitled to did not cover those which: 1) the testator made at the time when he did not have children entitled to the legitimate share; 2) the testator made from income, which did not result in depletion of their wealth; 3) compensated the moral obligations resting on the testator or were necessary out of decency; 4) were made for causes connected with public utility; 5) were made by the testator to the benefit of persons not entitled to the legitim earlier than two years before the testator's death. And in the case of the spouse this period was binding solely when the marriage was dissolved or there followed a separation. Not including the testator's spouse by the ABGB in the circle of persons entitled to the lawful share raised considerable controversy.

A particular position regarding the circle of statutory beneficiaries was also taken by the testator's spouse who was still alive. According to the ruling of the Supreme Court of 14 December 1926 (file no. III Rw. 785/26) concerning the case heard earlier by the District Court in Wadowice (file no. Bc. III 283/25) and the County Court in Jordanów (file no. C. II 153/25), the statutory part of the inheritance did not include the objects donated to them by the spouse when alive unless such an inclusion was stipulated in the donation agreement and if the donation did not infringe on the rules of Paras 785 and 951 ABGB. The things donated by the testator during their life to their spouse ceased to be inheritance wealth (PPiA.oM 1927: 24-241, poz. 198). The burden counting in the inheritance, which was taken into account while assessing the legitim, did not include either – according to the ruling of the Supreme Court of 24 October 1930 (file no. III. 1. Rw. 496/30) in connection with the case heard earlier by the District Court in Lvov (file no. II. a. Cg. 390/28) – costs of the beneficiary's treatment borne by the testator. It was decided that offering medical aid to one's own spouse is a regular behavior in a marriage (OPSN. dc 1931: 148, poz. 426).

The legitimate share was calculated irrespective of the records and other burdens resulting from the testator's last will. It is until the final allotment, according to Para 786 ABGB, that the legacy – due to incomes and damages still running – should be regarded as relatively joint wealth of the primary beneficiaries and the heirs-at-law, with the assumption that the basis for calculating the legitim – if there did not occur a sale of objects being inherited by the beneficiary without an unexcused dire necessity at the moment of the testator's death and before the actual assignment of the inheritance at the price that was lower than the assessed real value – should be accepted to be the value of the inheritance at the moment of settlement in the sentence on demand of the legitim, being the moment of the actual allotment of the legitimate share. Thanks to that, while calculating the value of the pure inheritance it was possible to include in it its subsequent augmenting or diminishing, in which case the heir-at-law – on the power of Paras 786, 830 and 837 ABGB – had the right to demand submission of relevant accounts to assess the relative share in the income or the loss, as well as in fruits of the inheritance which they were entitled to from the moment of the testator's demise until the actual assignment of the legitim. This was pointed to by the Supreme Court in the ruling of 20 June 1933 (file no. C. II. R. 415/33), in the case heard earlier by the District Court in Krakow (file no. I. Cg. J. c. 2449/30) (OPSN.dc 1933: 152, poz. 400). The above-given principle resulted from the wording of the rule Para 786 ABGB, in particular from the words used in it: "until the actual a" of the legitimate share. It was confirmed in many court's rulings, among others that of Supreme Court of 13 March 1937 in the case heard earlier by the

Court of Appeal in Lvov (file no. I CA 300/36) and the District Court in Lvov (file no. I 2 CJ 441/33) (PPiA 1937: 475, poz. 298). Also, in the ruling of the Supreme Court of 7 September 1932 (file no. III. 1 Rw. 902/32), concerning the case heard earlier by the District Court in Sambor (file no. Cg. III. 39/27), where it accepted the identical stance (OPSN.dc 1933: 68, poz. 158 A).

The owner (testator) had the right to dispose of their property. According to Para 944 ABGB, they could present a given person with the whole of their wealth or with a half of the prospective wealth. They should do this in compliance with statutory regulations, though. Therefore, the whole equipping of their children by the testator, which exceeded the appropriate level stipulated by the rules, ought to be seen as a donation not indifferent from the point of view of the heirs'-at-law right to lawful share. That standpoint was confirmed by the Supreme Court in the ruling of 15 June 1926 (file no. III Rw. 907/26) dealing with the case heard earlier by the District Court in Tarnopol (file no. Bc. III 4/26) and the County Court in Trembowla (file no. C. II 128/25) (PPiA.oM 1927: 12-13, poz. 15).

While establishing the height of the legitim, in accordance with Para 787 ABGB, everything that the heirs-at-law received from the legacy in the form of a gift by will or the testator's other decisions made to their benefit earlier was taken into account. On the other hand, if – at the moment of determining the legitim – donations were to be included – then each heir-at-law had to allow for detraction from the increase in the legitim, resulting from the donations which, according to Para 785 ABGB, could be added to the legacy and which they themselves had received from the testator. The beneficiary who relinquished the inheritance was to be regarded as non-existing while calculating the height of the obligatory part of the legitim.

Therefore, if upon including donations it turned out that the legacy did not suffice to cover the legitim, then – on the power of Para 951 ABGB the heir-at-law could demand from the beneficiary to be given a gift to compensate the missing quota of the legitim. It was to this effect that the Supreme Court ruled in its sentence of 10 February 1932 (file no. III. Rw. 119/32) (OPSN.dc 1933: 111, poz. 290 A). Moreover, the Supreme Court presented different possible forms of satisfying the heir's-at-law claim regarding the missing quota of the due legitimate share in its extensive ruling issued on 17 December 1930 (file no. III. 1. Rw. 1296/30), concerning the case heard earlier by the District Court in Lvov (file no. Cg. II. b. 531/28). In accordance with that ruling, the situation was the easiest to handle if the object of the donation was a given sum of money. Then the satisfaction of the heir's-at-law claim followed through payment of a sum of money. However, the situation got complicated if the object of the donation was a real estate. Then, in compliance with Para 962 ABGB, the heir-at-law could demand the claim to be satisfied from that property,

which could follow through transferring the rights of ownership of the donations onto them. In practice, however, it was impossible, since the beneficiaries many a time had already made various contributions to the property donated to them, or – what was more relevant – developed the land which they had obtained as a donation. That made the possibility of surrendering the property to the heir-at-law unrealizable (OPSN.dc 1931: 271, poz. 752 A).

The beneficiary most frequently endeavored to evade surrendering the donation to cover the missing quota of the legitim through paying the due sum. The interpretation of the courts which – with reference to the situation stipulated in Para 951 ABGB – automatically admitted the possibility of complementing the missing legitim through payment of the suitable sum of money was acknowledged by the Supreme Court as erroneous, though. It underlined that the nature of the claim stipulated in Para 951 ABGB consisted in questioning the donation made, not its height. That is why, according to the ruling of the Supreme Court of 2 June 1925 (file no. III Rw. 803/25), in the case heard earlier by the Court of Appeal in Lvov (file no. Bc. III 676/24) and the District Court in Przemyśl (file no. Cg. I 132/23), the heir-at-law – if they claimed the legitimate share diminished by the donation – could demand from the beneficiary to be given such a part of the donated object in kind (not its financial value) which corresponds to the value of the missing part of the legitim, augmented by adding the value of donations included in the inheritance. This was particularly significant if the object of the donation was a real estate (PPiA.oM 1926: 119-120, poz. 103). Witold Steinberg disagreed with the above-presented standpoint as he argued that the heir-at-law, harmed by excessive donations bestowed during the testator's life, did not hold any rights to a relative share both in movable and immovable property as part of the legacy. This author stressed – at the same time – that in consequence of the amendment of Para 951 ABGB, the position of the beneficiary in relation to the heir-at-law suffered a substantial violation, since as a result the heir-at-law became not only *de nomine* the heir, but indeed was the pecuniary claimant of the inheritance, as well (Steinberg 1931: 514-515).

The line of ruling with reference to Para 951 ABGB, which was represented by the courts, was not uniform and often underwent changing. For instance, the ruling of the Supreme Court of 1929 (file no. III. 1. Rw. 832/29), concerning the case heard earlier by the District Court in Przemyśl (file no. Cg. I. c. 998/28), admitted dualism with reference to both the person receiving the donation and the form of return by them of the donation received to the benefit of the person entitled to the legitim. In compliance with that ruling, if the recipient was not an heir-at-law, then they were obliged to surrender the gift received in kind. On the other hand, if the recipient was an heir-at-law, they were not obligated to surrender the legitim to the harmed party in kind, but were

responsible financially for the surplus of the value of the gift beyond the due legitimate share (OPSN.dc 1930: 104, poz. 365 A). It was only in the pecuniary form that it was possible to return the diminished legitim when the recipient did not possess the object bestowed any longer. Compensation claim in this case was the more justified since restoration of the object to its primary state was impossible as the contentious reality was already in the hands of a third party, with whom the person obliged to complement the legitim did not remain in any legal relationship and from whom the latter had no right to claim surrendering the object. The Supreme Court confirmed this in its ruling of 22 January 1930 (file no. III. 1. Rw. 270/29), in the case heard earlier by the District Court in Lvov (file no. Cg. IX. 286/27) (OPSN.dc 1930: 182, poz. 629 A).

The Supreme Court, assuming the dualistic standpoint, returned also to the first line of ruling within the scope of Para 951 ABGB, admitting the possibility of complementing the lack in the legitim through payment of an appropriate sum of money. In its ruling of 12 May 1931 (file no. III. 1. R. 61/31), concerning the case heard earlier by the District Court in Krakow (file no. XI. Cg. J. 899/29), the Supreme Court stated that the entitled heir-at-law had both the right to claim from the beneficiary such a part of the donated object in kind (could even demand that the given area of land be given to them) that matched the value of the shortage in relation to the whole. It is, however, the defendant (the heir) who had the right to choose in what form they were to satisfy the claim of the entitled heir-at-law relating to the due legitimate share: whether to physically surrender to the former the determined part of land or pay the relevant financial benefit at the assigned height (OPSN.dc 1931: 184, poz. 518 A).

Also, in the literature on the subject we can encounter different interpretations of Para 951 ABGB. In the opinion of Oziasz Rast, the heir-at-law had only a financial claim with regard to the beneficiary, but not the right to surrender the object which was donated. Still, satisfying the above-mentioned financial claim was expected to be executed through realizing the object of donation to which the beneficiary had to agree (Rast 1930: 414-415). On the other hand, Rafał Kanner underlined that compensating the missing sum of the due legitim by the beneficiary protected them from personal responsibility towards the heir-at-law who was harmed in law regarding the legitimate share. In this way there followed a restriction of their property accountability only to the equal financial value of the object of donation received from the testator (Kanner 1938: 157-158). Fryderyk Kurzer, observed that the solution accepted in Para 951 ABGB referred to that contained in Para 2329 of the German Civil Code of 18 August 1896, which ordered that the donation should be surrendered "according to the rules of surrendering an unjustified benefit". That, in turn, in compliance with Para 818 of the German Code, was executed in kind (Kurzer 1932: 437, 446). The intention of the legislator, when it came to

amending Para 951 ABGB, in Michał Kwasik's opinion, was also that covering the missing part of the quota of the legitim – in the first place – was to be made by the legal beneficiary or other persons listed in the disposition of the testator's last will (Kwasik 1938: 242-243).

The regulations of Paras 785 and 951 ABGB, treating about counting donations into the inheritance, were applicable when in the inheritance – as the result of donations made during the testator's life – there was nothing left. At the same time, it was stressed that the amendment of Para 785 ABGB, which was introduced in 1916, was unfavorable to the potential heirs-at-law since it admitted the possibility of crediting donations towards the legitim, which were made by the testator to persons not entitled to the legitimate share only within the period of two years before their death. It was confirmed by the Supreme Court in the ruling of 3 February 1927 (file no. III Rw. 2440/26), in the case heard earlier by the Court of Appeal in Lvov (file no. Bc. III 531/26) and the District Court in Sanok (file no. Cg. I a) 634/25) (PPiA 1927: 12, 121-122, poz. 105).

A claim for the legitim was not the testator's personal debt and did not arise until the moment of their death; it could not be transferred onto the decedent's estate, therefore the complaint of the obligatory part of the heritage, that is the legitimate share, was not lodged against the estate, but against the heirs participating in the succession, even when the decree on inheritance had not been issued yet. According to Para 783 ABGB, it could be lodged against heirs in tail or legatees who were obliged to contribute proportionately to satisfying the claim of the heir-at-law. Part of the representatives of practice did not agree, however, with the above-presented interpretation of Para 783 ABGB, underlining that the rule did not normalize against whom the heir-at-law was entitled to submit their claim of being paid the legitim and merely defined the internal relation between the heir and the legatees. Also, the Supreme Court, in its ruling of 15 April 1931 (file no. III. 1. Rw. 291/31) concerning the case heard earlier by the District Court in Przemyśl (the judgement of 8 February 1930, file no. Cg 144/28) and the Court of Appeal in Lvov (the judgement of 29 August 1930, file no. II. Bc. 526/30), accepted a similar stance (OPSN.dc 1933: 16, poz. 32 A; *Głos Prawa* 1932: 127-129, poz. 17). And it confirmed this a year later in its ruling of 21 June 1932 (file no. III. 1. Rw. 1210/32) in the case heard earlier by the District Court in Brzeżany (file no. I. 1. Cg. J a. 317/30) (OPSN.dc 1933: 49-50, poz. 116 A).

Pursuance of a claim for the legitim, as dealt with in the ABGB, was not dependent on obtaining by the heir-at-law the decree of inheritance to their benefit or conducting inheritance proceedings. Establishment of the property of inheritance and assessment of its value, which were advanced in the inheritance proceedings, were not absolutely binding as regards the conflict of establishing the legitim.

They could then be made in cases of determining the legitim – as the Supreme Court concluded in its ruling of 18 January 1933 (file no. III. 1. Rw. 2464/32) concerning the case heard earlier by the District Court in Nowy Sącz (file no. I. Cg. J. 338/31) – in an individual manner (OPSN.dc 1933: 49, poz. 115 A).

The heir-at-law, entitled to the legitim, could lodge a complaint of contributing to payment of the legitim to them against both all the beneficiaries and individual ones of this group. Nevertheless, they could not claim more from each of them than this individual heir proportionally inherited (OPSN. dc 1931: 56, poz. 163 A) in compliance with the ruling of the Supreme Court of 18 January 1933 (file no. III. 1. Rw. 2464/32).

As already mentioned, a claim for the legitim – beside the one the most often lodged against the beneficiaries participating in the succession – could also be lodged against the legatees. Their responsibility for the legitim in this case – according to Para 783 ABGB – equaled that of the heirs. Their obligation to pay out the legitim was not annulled even by the lack of declaration on acceptance of the legacy, since this was not demanded by the rules of law. Again, this was confirmed by the Supreme Court in its ruling of 5 February 1930 (file no. III. 1. Rw. 1331/29), in the case heard earlier by the District Court in Sambor (file no. Cg. I. 86/27) (OPSN.dc 1930: 182, poz. 628 A i 196, poz. 680 A).

It was possible to lodge a claim for establishing the legitim or its complementing, or revoking the donation because of the beneficiary's ingratitude, or still sue the beneficiary for restricting the donation in compliance with Para 1487 ABGB, within three years following the day of the testator's demise unless there was implemented succession proceedings in the case, on the basis of the testator's last will, in which case the commencement of the three-year period began on the day of declaration of the last will. After the above-mentioned period the claims expired. The question of the statutory limitation of the time of pursuing claims for the legitim was the subject of many court rulings, among others, that of the Supreme Court of 14 June 1938 (file no. C II 3243/37) concerning the case heard earlier by the Court of Appeal in Lvov (file no. I CA 371/37) (PPiA 1938: 494, poz. 297), and also the ruling of the Supreme Court of 31 October 1938 (file no. C II 692/38), in the case heard earlier by the Court of Appeal in Lvov (file. no. I CA 673/37 (PPiA 1939: 14(2), 164).

Even if the entitled person was not aware of their right to legitim, which they held, in compliance with the decision of Chamber III of the Supreme Court of 4 June 1924 (file no. Rw. 1079/23), they were entitled to lodge such a claim (PPiA.oM 1925: 4, poz. 4). The right to pursue the legitim was not dependent, either, on that in the course of inheritance proceedings it should be established that the legitim was violated, being the effect of donations which had been made by the testator. The deadline for claiming the legitim included also the postal time limits stipulated in compliance with Para 89 of the Act

on court organization regarding the time necessary to deliver documents by post. Thus, posting the claim for the legitim at the post office before the expiry of the three-year period following the death of the testator, yet receiving the claim by the court after the statutory term, in accordance with Para 1487 ABGB, resulted in the claim being ineffective and treated as one barred by expiry of a limitation period. This was confirmed by the Supreme Court in its ruling of 8 November 1932 (file no. III. 1. Rw. 1621/32), sustaining the decision taken in this case by the District Court in Nowy Sącz on 10 September 1931 (file no. I. Cg. 34/31) (OPSN.dc 1933: 5, poz. 10 A).

The three-year period of barring claims for the legitim was binding also in compliance with the ruling of the Supreme Court of 12 January 1933 (file no. III. 1 Rw. 2679/32), concerning the case heard earlier by the District Court in Brzeżany (file no. I. Cg. J. a. 36/31), with reference to persons entitled to the legitim, who were settled abroad on the permanent basis. Their abiding outside the country was, in the said case, regarded as absence arising from their fault, which did not make an exception to justify the breech of Para 1485 ABGB, with reference to persons living abroad (OPSN.dc 1933: 139, poz. 364 A). The lapse of time stipulated in Para 1487 ABGB, on the other hand, did not cause any effects if the sued party (obliged to contribute the legitim) in the inheritance proceedings fraudulently and deliberately concealed the fact of existence of claimants (persons) who were entitled to the legitim, like it was decided in the case concluded with the ruling of the Supreme Court of 15 June 1932 (file no. III. 1 Rw. 770/32), heard earlier by the District Court in Tarnopol (file no. Cg. J. a. 39/30) (OPSN.dc 1933: 96-97, poz. 247 A).

Prolongation of the limitation time – and this by ten times – to lodge a claim for the legitim could follow when the testator had left the legitim to their heir-at-law as a legacy. Then the heir-at-law could base their claim on the legal title to the legacy and – at the same time – to the legitimate share. Such a claim was statutorily time-barred after thirty years. The very height of the legitim itself was established, however, relative to the value of the inheritance property at the time of assigning the legitim (OPSN.dc 1930: 133-134, poz. 464 A), that is generally sooner than the lapse of thirty years.

The testamentary beneficiary – the one who received the inheritance – was obliged to pay the legitim to the existing heirs-at-law. If, however, the former did not inherit anything, then – in accordance with the ruling of the Supreme Court of 25 May 1926 (III Rw. 2444/25), concerning the case heard earlier by the Court of Appeal in Lvov (Bc. III 388/25) and the District Court in Przemyśl (Cg. I c) 712/24), they could not be made to either fully or partially satisfy the obligatory part falling to the heirs-at-law (PPiA.oM 1926: 336-337, poz. 291).

It was first of all the entitled persons themselves who were obligated to take care of the issues connected with the legitim, since – in compliance with

Para 162 of undisputed patent – this was not among the responsibilities of the court of inheritance, especially when it concerned majors. However, in the case where the heir-at-law was absent, the person with the rights to claim the legitim in the case of conflict was the guardian appointed by the court to represent the former. On the power of Para 276 ABGB, no rule of the act prevented appointing such a guardian (PPiA.oM 1926: 241-242, poz. 225). The legitim could be claimed solely in the way of court proceedings, in which sometimes not all heirs-at-law could take part, though. In particular, this concerned heirs-at-law who were minors at the time of the testator's death, in which case, in accordance with Paras 18 and 162 of the undisputed patent, if in the legal decision taken by the court of inheritance, which established the height of the legitim assigned to a minor heir-at-law, the parties had not had the way of settling the conflict reserved, then the heir-at-law could not demand a larger legitimate share; neither could the defendant (the party obliged to pay the legitim) lodge complaints concerning the height of the legitim established by the court of inheritance to be paid to the former. That standpoint was shared by the Supreme Court in the ruling of 14 February 1933 (file no. III. 1 Rw. 2513/32), in the case heard earlier by the District Court in Sambor (file no. I. Cg. J. 34/31) (OPSN.dc 1933: 140, poz. 365 A).

Belated though it was, the way out of the problems which could result on the ground of the ABGB with reference to pursuing the compensation of the diminished legitimate share was presented by Jan Gwiazdomorski in 1959. His solution consisted in that

> the person entitled to claiming the compensation of the legitim shall receive from the inheritance – before executing the division of the inheritance – an equivalent portion (in money) of the benefit which the beneficiary has received, following which – while conducting an eventual division of the inheritance later on, the division shall be settled as though the benefit subject to compensation did not occur (since compensation of it occurred before the division). If, on the other hand, the inheritance, which was a rule, does not include money due to be paid to the legal beneficiary entitled to claim the compensation, then the case shall be settled in such a way that before the division the beneficiary obliged to compensate pays to the ones entitled to claim compensation a part of the equivalent value of the benefit received by him, which corresponds to the height of the shares which the heirs are expected to inherit, and then later on, while conducting an eventual division of the inheritance, the benefit subject to compensation is not taken into account since the compensation was effected already before the division" (Gwiazdomorski 1959: 240, ref. 31).

Despite the fact that J. Gwiazdomorski considered the proposed solution to be the best method of compensating the legitim, possessing – in his opinion – exclusively advantages and no drawbacks at all, it never found any application (Koredczuk 2019: 163-164). In my opinion, it was too theoretical and not practical enough.

The 'partitions'-rooted origin of the inheritance law contained in the ABGB did not pose any problem to the pragmatics of the Polish private law (Longchamps de Bérier 2018: 24). On the contrary, it was the Austrian law that the regulations dealing with crediting donations towards the active condition of inheritance were modelled on. They were contained in the decree on inheritance law of 8 October 1946 (Dz.U. nr 60, poz. 328), which also accepted the system of legitimate share. In the decree, Paras 785 and 788 ABGB were made reference to in particular. On the other hand, despite the fact that the rules of the inheritance law of the Polish Civil Code of 23 May 1964 (Dz.U. nr 16, poz. 93 ze zm.), relating to the legitimate share (Articles 991-1011), which are currently in force, are indeed modelled on German and Austrian solutions, obviously, there is hardly any resemblance between them and the ABGB: the longer the point in time when the Austrian Civil Code ceased to be in force in Poland, the less strong its influence is (Księżak 2012: 63, 271).

List of abbreviations

ABGB – Patent cesarski z dnia 1 czerwca 1811 r. – Powszechna księga ustaw cywilnych dla wszystkich krajów dziedzicznych niemieckich Monarchii Austryiackiej (Dz.U.P. nr 87, 472) [The Emperor's Patent of 1 June 1811 – The Common Book of Civil Acts for all the hereditary countries of German Austrian Monarchy]

OPSN.dc – Orzeczenia Polskiego Sądu Najwyższego. Dział cywilny [Verdicts of the Polish Supreme Court. The Civil Department]

PPiA – *Przegląd Prawa i Administracji* [The Review of Law and Administration]

PPiA.oM – *Przegląd Prawa i Administracji. Orzecznictwo w zakresie Małopolski* [The Review of Law and Administration. Jurisdiction concerning Małopolska]

Zb. u. s. – *Zbiór ustaw sądowych* [The Collection of Judicial Acts]

Bibliography

Primary sources

Legal acts

ABGB. Patent cesarski z dnia 1 czerwca 1811 r. – Powszechna księga ustaw cywilnych dla wszystkich krajów dziedzicznych niemieckich Monarchii Austryiackiej (Dz.U.P. nr 87, 472).

Dekret nadworny z dnia 31 stycznia 1844 r. (Zb. u. s. nr 781).

Niemiecki kodeks cywilny z dnia 18 sierpnia 1896 r. (R.G.Bl. s. 195).

Case law

Orzeczenie Izby III S.N. z dnia 4 czerwca 1924 r., Rw. 1079/23; PPiA.oM 1925, R. L, s. 4, poz. 4.

Orzeczenie S.N. z dnia 2 czerwca 1925 r., III Rw. 803/25; PPiA.oM 1926, R. LI, s. 119-120, poz. 103.

Orzeczenie S.N. z dnia 25 maja 1926 r., III Rw. 2444/25; PPiA.oM 1926, R. LI, s. 336-337, poz. 291.
Orzeczenie S.N. z dnia 15 czerwca 1926 r., III Rw. 907/26; PPiA.oM 1927, R. LII, s. 12-13, poz. 15.
Orzeczenie S.N. z dnia 14 grudnia 1926 r., III Rw. 785/26; PPiA.oM 1927, R. LII, s. 240-241, poz. 198.
Orzeczenie S.N. z dnia 3 lutego 1927 r., III Rw. 2440/26; PPiA 1927, R. LII, s. 121-122, poz. 105.
Orzeczenie S.N. z dnia 3 lipca 1929 r., III. Rw. 1350/29; OPSN.dc 1930, R. V, s. 17, poz. 61 A).
Orzeczenie S.N. z dnia 6 listopada 1929 r., III. 1. Rw. 694/29; OPSN.dc 1931, R. VI, s. 56, poz. 163 A).
Orzeczenie S.N. z 1929 r., III. 1. Rw. 832/29; OPSN.dc 1930, R. V, s. 104, poz. 365 A).
Orzeczenie S.N. z dnia 22 stycznia 1930 r., III. 1. Rw. 270/29; OPSN.dc 1930, R. V, s. 182, poz. 629 A).
Orzeczenie S.N. z dnia 5 lutego 1930 r., III. 1. Rw. 1331/29; OPSN.dc 1930, R. V, s. 182, poz. 628 A) i s. 196, poz. 680 A).
Orzeczenie S.N. z 27 maja 1930 r., III. 1. Rw. 2565/29; OPSN.dc 1931, R. VI, s. 89, poz. 248 A).
Orzeczenie S.N. z dnia 24 października 1930 r., III. 1. Rw. 496/30; OPSN.dc 1931, R. VI, s. 148, poz. 426 A).
Orzeczenie S.N. z dnia 17 grudnia 1930 r., III. 1. Rw. 1296/30; OPSN.dc 1931, R. VI, s. 271, poz. 752 A).
Orzeczenie S.N. z dnia 30 grudnia 1930 r., III. 1 R. 807/30; OPSN.dc 1931, R. VI, s. 148, poz. 425 A).
Orzeczenie S.N. z dnia 15 kwietnia 1931 r., III. 1. Rw. 291/31; OPSN.dc 1933, R. VIII, s. 16, poz. 32 A) i *Głos Prawa* 1932, R. IX, nr 203, s. 127-129, poz. 17.
Orzeczenie S.N. z dnia 12 maja 1931 r., III. 1. R. 61/31; OPSN.dc 1931, R. VI, s. 184, poz. 518 A).
Orzeczenie S.N. z dnia 25 sierpnia 1931 r., III. 1. Rw. 320/31; OPSN.dc 1931, R. VI, s. 268-269, poz. 746 A).
Orzeczenie S.N. z dnia 21 października 1931 r., III. 1. R. 346/31; OPSN.dc 1933, R. VIII, s. 15, poz. 28 A).
Orzeczenie S.N. z dnia 10 lutego 1932 r., III. Rw. 119/32; OPSN.dc 1933, R. VIII, s. 111, poz. 290 A).
Orzeczenie S.N. z dnia 15 czerwca 1932 r., III. 1 Rw. 770/32; OPSN.dc 1933, R. VIII, s. 96-97, poz. 247 A).
Orzeczenie S.N. z dnia 21 czerwca 1932 r., III. 1. Rw. 1210/32; OPSN.dc 1933, R. VIII, s. 49-50, poz. 116 A).
Orzeczenie S.N. z dnia 7 września 1932 r., III. 1 Rw. 902/32; OPSN.dc 1933, R. VIII, s. 68, poz. 158 A).
Orzeczenie S.N. z dnia 8 listopada 1932 r., III. 1. Rw. 1621/32; OPSN.dc 1933, R. VIII, s. 5, poz. 10 A).
Orzeczenie S.N. z dnia 12 stycznia 1933 r., III. 1 Rw. 2679/32; OPSN.dc 1933, R. VIII, s. 139, poz. 364 A).
Orzeczenie S.N. z dnia 18 stycznia 1933 r., III. 1. Rw. 2464/32; OPSN.dc 1933, R. VIII, s. 49, poz. 115 A.

Orzeczenie S.N. z dnia 14 lutego 1933 r., III. 1 Rw. 2513/32; OPSN.dc 1933, R. VIII, s. 140, poz. 365 A).
Orzeczenie S.N. z dnia 20 czerwca 1933 r., C. II. R. 415/33; OPSN.dc 1933, R. VIII, s. 152, poz. 400 A).
Orzeczenie S.N. z dnia 31 października 1933 r., C II R 642/33; *Zbiór Orzeczeń Sądu Najwyższego. Orzeczenia Izby Cywilnej* 1934, z. V, s. 654-655, poz. 334.
Orzeczenie S.N. z dnia 15 lutego 1936 r., C II 2308/35; PPiA 1936, R. LXI, s. 152, poz. 103.
Orzeczenie S.N. z dnia 13 marca 1937 r., C II 2766/36; PPiA 1937, R. LXII, s. 475, poz. 298.
Orzeczenie S.N. z dnia 5 maja 1937 r., C II 3014/36; PPiA 1937, R. LXII, s. 544, poz. 342.
Orzeczenie S.N. z dnia 14 czerwca 1938 r., C II 3243/37; PPiA 1938, R. LXIII, s. 494, poz. 297.
Orzeczenie S.N. z dnia 31 października 1938 r., C II 692/38; PPiA 1939, R. LXIV, nr II, s. 164.
Orzeczenie S.A. w Krakowie, II CA 806/36; PPiA 1937, R. LXII, s. 544, poz. 342.
Orzeczenie S.A. we Lwowie, Bc. III 676/24; PPiA.oM 1926, R. LI, s. 119-120, poz. 103.
Orzeczenie S.A. we Lwowie, Bc. III 388/25; PPiA.oM 1926, R. LI, s. 336-337, poz. 291.
Orzeczenie S.A. we Lwowie, Bc. III 531/26; PPiA 1927, R. LII, s. 121-122, poz. 105.
Orzeczenie S.A. we Lwowie z dnia 29 sierpnia 1930 r., II. Bc. 526/30; OPSN.dc 1933, R. VIII, s. 16, poz. 32 A) i *Głos Prawa* 1932, R. IX, nr 203, s. 127-129, poz. 17.
Orzeczenie S.A. we Lwowie, CA 15/35; PPiA 1936, R. LXI, s. 152, poz. 103.
Orzeczenie S.A. we Lwowie, I CA 300/36; PPiA 1937, R. LXII, s. 475, poz. 298.
Orzeczenie S.A. we Lwowie, I CA 371/37; PPiA 1938, R. LXIII, s. 494, poz. 297.
Orzeczenie S.A. we Lwowie, I CA 673/37; PPiA 1939, R. LXIV, nr II, s. 164.
Orzeczenie S.O. w Brzeżanach, I. 1. Cg. J a. 317/30; OPSN.dc 1933, R. VIII, s. 49-50, poz. 116 A).
Orzeczenie S.O. w Brzeżanach, I. Cg. J. a. 36/31; OPSN.dc 1933, R. VIII, s. 139, poz. 364 A).
Orzeczenie S.O. w Krakowie, XI. Cg. J. 899/29; OPSN.dc 1931, R. VI, s. 184, poz. 518 A).
Orzeczenie S.O. w Krakowie, I. Cg. J. c. 2449/30; OPSN.dc 1933, R. VIII, s. 152, poz. 400 A).
Orzeczenie S.O. we Lwowie, Cg. IX. 286/27; OPSN.dc 1930, R. V, s. 182, poz. 629 A).
Orzeczenie S.O. we Lwowie, II. a. Cg. 390/28; OPSN.dc 1931, R. VI, s. 148, poz. 426 A).
Orzeczenie S.O. we Lwowie, Cg. II. b. 531/28; OPSC.dc 1931, R. VI, s. 271, poz. 752 A).
Orzeczenie S.O. we Lwowie, I 2 CJ 441/33; PPiA 1937, R. LXII, s. 475, poz. 298.
Orzeczenie S.O. we Lwowie, Cg. II. b. 531/28; OPSN.dc 1931, R. VI, s. 271, poz. 752 A).
Orzeczenie S.O. w Nowym Sączu z dnia 10 września 1931 r., I. Cg. 34/31; OPSN.dc 1933, R. VIII, s. 5, poz. 10 A).
Orzeczenie S.O. w Nowym Sączu, I. Cg. J. 338/31; OPSN.dc 1933, R. VIII, s. 49, poz. 115 A.
Orzeczenie S.O. w Przemyślu, Cg. I 132/23; PPiA.oM 1926, R. LI, s. 119-120, poz. 103.
Orzeczenie S.O. w Przemyślu, Cg. I c) 712/24; PPiA.oM 1926, R. LI, s. 336-337, poz. 291.
Orzeczenie S.O. w Przemyślu z dnia 8 lutego 1930 r., Cg 144/28; OPSN.dc 1933, R. VIII, s. 16, poz. 32 A) i *Głos Prawa* 1932, R. IX, nr 203, s. 127-129, poz. 17.
Orzeczenie S.O. w Przemyślu, Cg. I. c. 998/28; OPSN.dc 1930, R. V, s. 104, poz. 365 A).
Orzeczenie S.O. w Rzeszowie, I. Cg. 129/28; OPSN.dc 1931, R. VI, s. 268-269, poz. 746 A).
Uchwała S.O. w Rzeszowie z dnia 27 lutego 1933 r., I 4 Bc 894/32; *Zbiór Orzeczeń Sądu Najwyższego. Orzeczenia Izby Cywilnej* 1934, z. V, s. 654-655, poz. 334.
Orzeczenie S.O. w Samborze, Cg. III. 39/27; OPSN.dc 1933, R. VIII, s. 68, poz. 158 A).
Orzeczenie S.O. w Samborze, Cg. I. 86/27; OPSN.dc 1930, R. V, s. 182, poz. 628 A) i s. 196, poz. 680 A).

Orzeczenie S.O. w Samborze, I Cg 78/30; PPiA 1936, R. LXI, s. 152, poz. 103.
Orzeczenie S.O. w Samborze, I. Cg. J. 34/31; OPSN.dc 1933, R. VIII, s. 140, poz. 365 A).
Orzeczenie S.O. w Sanoku, Cg. I a) 634/25; PPiA 1927, R. LII, s. 121-122, poz. 105.
Orzeczenie S.O. w Stanisławowie, Cg. I. a. 128/28; OPSN.dc 1931, R. VI, s. 89, poz. 248 A).
Orzeczenie S.O. w Tarnopolu, Bc. III 4/26; PPiA.oM 1927, R. LII, s. 12-13, poz. 15.
Orzeczenie S.O. w Tarnopolu, Cg. J. a. 39/30; OPSN.dc 1933, R. VIII, s. 96-97, poz. 247 A).
Orzeczenie S.O. w Wadowicach, Bc. III 283/25; PPiA.oM 1927, R. LII, s. 240-241, poz. 198.
Orzeczenie S.P. w Jordanowie, C. II 153/25; PPiA.oM 1927, R. LII, s. 240-241, poz. 198.
Orzeczenie S.P. w Trembowli, C. II 128/25; PPiA.oM 1927, R. LII, s. 12-13, poz. 15.
Orzeczenie S.G. w Tyczynie z dnia 13 maja 1932 r., II C 210/32; *Zbiór Orzeczeń Sądu Najwyższego. Orzeczenia Izby Cywilnej* 1934, z. V, s. 654-655, poz. 334.
Głos Prawa. 1932, 9(2-3), 117-118, poz. 8.
OPSN.dc 1930, R. V, s. 133-134, poz. 464 A).
PPiA.oM 1926, R. LI, s. 241-242, poz. 225.

Secondary sources

Ankieta Ministerstwa Reform Rolnych w sprawie prawa spadkowego i podzielności gruntów. 1924. *Przegląd Notarialny*, 3(2-3), 100-107.
Bartz, Antoni Władysław. 1934. Zachowek jako przedmiot dziedziczenia. *Przegląd Sądowy*, 10(2), 39-46.
Gwiazdomorski, Jan. 1959. *Prawo spadkowe*. Warszawa: Państwowe Wydawnictwo Naukowe.
Kanner, Rafał. 1938. Ubezskutecznienie darowizny z Para 951 ust. austr. dla uzupełnienia uszczuplonego zachowku. *Głos Adwokatów*, 13(5), 156-158.
Koredczuk, Józef. 2019. *Dziedziczenie nieruchomości w świetle orzecznictwa sądów apelacji lwowskiej w okresie międzywojennym*. Wrocław: E-Wydawnictwo. Prawnicza Biblioteka Cyfrowa. Wydział Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego.
Księżak, Paweł. 2012. *Zachowek w polskim prawie spadkowym*. Warszawa: LexisNexis Polska.
Kurzer, Fryderyk. 1932. Odwołanie darowizny z powodu uszczuplenia zachowku. *Głos Adwokatów*, 7(8-9), 436-446.
Kwasik, Michał. 1938. Uwagi o nowelizacji roszczenia ze znowel. Para 951 austr. u. c. *Czasopismo Sędziowskie*, 12(5), 241-244.
Longchamps de Bérier, Franciszek. 2018. Stałość a zmienność szczegółowych regulacji prawa spadkowego Niepodległej. *Forum Prawnicze*, 2(46), 3-24.
Rast, Ozjasz. 1930. Do interpretacji Para 951 u. c. o odwołaniu darowizny z powodu ukrócenia zachowku wedle brzemienia III. noweli. PPiA 15, 412-415.
Steinberg, Witold. 1931. Odwołanie darowizny z powodu uszczuplenia zachowku. *Głos Prawa* 1931, 8(11), 513-519.
Zarzycki, Zdzisław. 2019. Uwagi nad książką Józefa Koredczuka pt. Dziedziczenie nieruchomości w świetle orzecznictwa sądów apelacji lwowskiej w okresie międzywojennym, E-Wydawnictwo. Prawnicza Biblioteka Cyfrowa. Wydział Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego, Wrocław 2019, ss. 289; ISBN 978-83-66066-57-1 (druk) i ISBN 978-83-66066-58-8 (online), *Krakowskie Studia z Historii Państwa i Prawa*, 12(4), 609-619.