



# ARCHIWA PAŃSTWOWE

ARCHIWUM GŁÓWNE  
AKT DAWNYCH

## STATE ARCHIVES MAIN ARCHIVE OF THE OLD ACTS

includes the Resolution on the Provisional Organisation of Courts adopted in June 1807 warning of the abuse of the law and the **abuse of the law unfortunately has a long tradition in our country.**

The occurrence of negative phenomena was recognised **more than a century ago** and **warnings of their effects were already being issued.**

As early as **1807**, there were **warnings and efforts to warn the public** against the use of the justice system to pursue their own partisan ends. Already at that time, it was recognised that the institutions set up to administer the law could be misled and used instrumentally - at the time, this phenomenon was also referred to as '*litigiousness*'. This term - and unfortunately also this problem - remain relevant today.

The ability to consult legal sources is valuable and we encourage to use them. Particularly when the self-governing bodies of the public trust professions fail and are not interested in fulfilling their basic duties (one can point to those of them that limit themselves to entertaining their members).

It is therefore worth going back to the roots, principles and conditions of entering into a dispute, which were formulated centuries ago. **We should remind and popularise these principles**, remembering that the place and role of defence counsel in the justice system were already defined in the abovementioned **Resolution on the Provisional Organisation of Courts adopted in June 1807** and included in the **Journal of Laws of the Polish State** (in the general provisions. This resolution is available in the State Archives - MAIN ARCHIVE OF THE OLD ACTS: <http://agad.gov.pl/pomoce/KRz174.xml#series1>). It stipulated that defenders appointed at the courts (bold text - AAK):

*“They «should not accept a complaint without preceding urgent consideration, much less incite the parties to litigiousness. They are obliged to explain the state of the case sincerely to the party requesting light, to record their opinions in a separate protocol, which they shall give to the court with the complaint, signed and sealed by the party. The clerk, after examining the protocol as to whether*

*the defence counsel has fulfilled his duty, shall return it to him. In one court, for one case, a party may have at most three recipients.» A lawyer to whom a case was committed at first instance could appear in it at all instances.”*