

Decree
of the Polish Committee for National Liberation
of 6 September 1944
on the implementation of agrarian reform
(Journal of Laws No. 4, item 17)

Pursuant to the Law of the State National Council of 15 August 1944 on the provisional procedure for issuing decree-laws (Journal of Laws of the Republic of Poland, No. 1, item 3), the Polish Committee for National Liberation resolves, and the Praesidium of the State National Council approves, as follows:

Article 1.

(1) Agrarian reform in Poland is a matter of state and economic necessity, and it shall be implemented with the participation of the social component in accordance with the principles of the Manifesto of the Polish Committee for National Liberation.

The agricultural system in Poland shall be based on strong, healthy and productive farms being private property of their owners.

Since a substantial part of Poland is still under occupation, only a partial land allocation can take place at the present moment based on the land reserves in the already liberated territories.

(2) The implementation of the agrarian reform shall involve:

- (a) enlargement of the existing agricultural farms with less than five hectares of agricultural land;
- (b) creation of new self-sustaining agricultural farms for the landless, farm labourers and workers and small leaseholders;
- (c) creation of farms for horticultural and vegetable production, colonies and allotments for workers, clerks and craftsmen in the vicinity of towns and industrial centres;
- (d) reservation of suitable land for schools and state or local government managed centres for the improvement of agricultural conditions, seed production, livestock breeding and agricultural industry.

[keywords: agrarian reform, agrarian system, private property]

Article 2.

(1) The following land properties shall be allocated for the purposes of the agrarian reform:

- a) owned by the State Treasury under any title;
- b) owned by citizens of the German Reich and Polish citizens of German nationality;

- c) owned by persons validly convicted of high treason, of assistance given to the occupiers to the detriment of the State or the local population, or of other offences provided for in the Decree of the Polish Committee for National Liberation of 12 September 1944 (Journal of Laws of the Republic of Poland, No. 4, item 16);
- d) confiscated on any other legal grounds;
- e) owned or co-owned by natural or legal persons where their overall size exceeds either 100 ha in total or 50 ha of agricultural land, and in the provinces of Poznań, Pomerania and Silesia where their overall size exceeds 100 ha in total regardless of the size of agricultural land in that area.

The legal situation of land properties owned by the Catholic Church or religious communities of other denominations shall be decided by the Legislative Sejm.

All the land properties listed in Points b), c), d) and e) of Paragraph 1 of this Article shall in their entirety, immediately and without any compensation, become property of the State Treasury for the purposes set forth in Paragraph 2 of Article 1.

(2) A family legally *and* physically divided as to property rights before 1 September 1939 shall not be regarded as a single unit within the meaning of Paragraph 1(e) of this Article.

(3) A legal division within the meaning of Paragraph 2 of Article 2 shall mean a division under a court judgement, a court settlement, a deed drawn up before a notary under permission of the competent land authority, provided that the entry of the division in the mortgage register of the property did not take place due to the outbreak of war.

[keywords: land parceling, expropriation, state property, church property]

Article 3.

(1) A State Land Fund shall be established to implement the restructuring of the agricultural system, and shall be administered by the Head of the Ministry of Agriculture and Agrarian Reforms.

(2) The State Land Fund shall be comprised of:

- a) the assets of the current Agrarian Reform Operating Fund established under the Law of 9 March 1932 (Journal of Laws of the Republic of Poland of 1934, No. 40, item 364);
- b) receivables and proceeds from transactions relating to the restructuring of the agricultural system;
- c) land properties taken over for the purposes of the agrarian reform (Article 2);
- d) receivables and proceeds from property administration (Point c);
- e) receivables and proceeds from the disposal of real properties (Article 2) taken over for the purposes of the agrarian reform;
- f) interest-bearing cash held by the State Land Fund;
- g) subsidies from the State Treasury;
- h) other proceeds.

[keywords: State Land Fund]

Article 4.

(1) The Head of the Ministry of Agriculture and Agrarian Reforms may entrust the administration of the State Land Fund to the State Agricultural Bank to the extent of and on the conditions determined at his discretion, except for the direct administration of real properties (Article 3, Paragraph 2, Point c).

(2) Monetary transactions of the State Land Fund shall be carried out through the State Agricultural Bank.

[keywords: State Land Fund]

Article 5.

The State Land Fund shall be used to cover all expenses relating to the implementation of the agrarian reform, and to grant loans for farm equipment and investments.

[keywords: State Land Fund]

Article 6.

The Head of the Ministry of Agriculture and Agrarian Reforms shall, by 25 September 1944, assume state administration of the land properties listed in Article 2, including buildings and all livestock and fixed assets, as well as the agricultural industry enterprises located thereon.

[keywords: administration of land property]

Article 7.

District land offices shall - after the aforementioned assumption and by 10 October 1944 - draw up a detailed inventory of the properties concerned and carry out an appraisal of them with the participation of delegates of the district land commission. In the absence of cadastral or other official data concerning the area of the land properties taken over, measurement of the land taken over shall be undertaken without delay.

[keywords: inventory of properties]

Article 8.

(1) Municipal agrarian reform commissions shall be established to cooperate with the state

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authorities in carrying out the agrarian reform.

(2) The municipal agrarian reform commissions shall consist of members elected by all citizens of the commune — owners of agricultural farms of less than 5 hectares, small leaseholders and agricultural workers *and* labourers.

(3) The elections shall be held respective communities, with each community electing 2 delegates to the municipal agrarian reform commission.

(4) The municipal agrarian reform commission shall be chaired by a delegate of the municipal national council.

(5) In the territory liberated before 1 September 1944, the election of municipal agrarian reform commissions shall be completed no later than 20 September 1944.

[keywords: municipal agrarian reform commissions]

Article 9.

(1) By 10 October 1944, the municipal agrarian reform commissions shall conduct detailed inventories of agricultural farms with less than 5 hectares of agricultural land within their jurisdiction, detailing the overall area, the agricultural land area, the residential and farm buildings, the livestock and fixed assets stock, as well as listing the number of family members working on the farm.

(2) Within the same time limit, the municipal agrarian reform commissions shall draw up detailed lists of agricultural workers and labourers staying within their jurisdiction, as well as small leaseholders, showing the number of family members.

[keywords: municipal agrarian reform commissions, inventory of farms]

Article 10.

(1) After completing the actions referred to in Articles 7 and 9, the district land office shall consider the cases of all sites subject to allotment within its jurisdiction. A plan of division of each of these sites and a list of purchasers of individual plots shall be drawn up by the head of the district land office by 25 October 1944 taking into account the decisive vote of the delegates of the communities concerned sitting in the municipal agrarian reform commission. In doing so, consideration must be given that soldiers of the Polish Army, invalids of the current war and participants in the partisan struggle against the Germans for a democratic Poland shall have priority among eligible candidates. Furthermore, persons who have evaded or are evading their essential obligations towards the State or who have served the occupier shall be excluded from enjoying the benefits of the agrarian reform.

The district land office shall announce the aforementioned lists in writing in the district land office building and in the relevant municipality.

(2) The announcement shall be displayed where visible in a place for public announcements for 5 days.

(3) Within the following five days from the end of the time limit provided for in Paragraph 2, the persons concerned who have not been included in the planned division, or who have been included to an insufficient extent, may lodge a complaint against the plan with the district land office, which shall promptly refer the entire allotment report, including the complaints and the its proposed resolution, to the provincial land office for decision. The provincial land office, in cooperation with the provincial land commission, shall issue a final decision by 20 November 1944.

(4) Complaints lodged after the time limits provided for in Paragraph 3 of this Article shall not be considered.

[keywords: land grant, soldiers, war invalids, collaboration, complaint]

Article 11.

(1) After the receipt of the decision of the provincial land office (Article 10, Paragraph 3), the district land office shall issue the final decision concerning the sites subject to allotment and shall, by 20 December 1944, put the purchasers into possession of the acquired plots and transfer the ownership title onto them.

(2) The decision referred to in Paragraph 1 shall constitute the formal and legal title to acquire the property concerned and to make relevant entries in the mortgage (land) registers.

[keywords: acquisition of property, entry in land records]

Article 12.

The livestock and fixed assets seized from the farms subject to allotment shall be distributed among the farms newly created for the landless. The distribution shall be carried out by the district land offices at the request of the municipal agrarian reform commissions no later than two weeks after the property has been allotted.

[keywords: livestock]

Article 13.

(1) The area of newly created farms, as well as the area to which dwarf farms are to be enlarged, shall depend on the quality of the soil and the ratio of the local demand for land to the available land supply, and all persons eligible to benefit from the agrarian reform shall be allotted plots within the boundaries of their respective districts.

(2) The aforementioned area must not be greater than 5 ha of land of medium quality for agricultural farms, 2 ha for horticultural and vegetable farms, 2 ha for craftsmen's and villagers' allotments, or 1/4 ha for workers' allotments, etc.

[keywords: size of land]

Article 14.

(1) Farms created under this Decree must not be divided, sold, leased or pledged in whole or in part.

(2) In exceptional cases that merit special consideration, the transactions listed in Paragraph 1 may be authorised by district land offices.

[keywords: prohibition of disposal]

Article 15.

(1) The price for the land to be allotted to purchasers shall be set as equal to the average annual yield from the area of land concerned. The average yield to be assumed for Class III land (Regulation of the Minister of Agriculture and Agrarian Reforms of 16 March 1935 on the appraisal of land properties subject to compulsory acquisition in the course of the agrarian reform - Journal of Laws of the Republic of Poland of 1935, No. 19, item 107) shall be 15 metric hundredweight of rye. Purchasers may make either in-kind payments in rye or cash payments based on the price of rye on the free market. The price of 400 złoty for hundredweight of rye shall be adopted for the economic year 1944/5.

(2) New purchasers shall pay upfront 10% of the purchase price either in cash or in kind. The repayment of the remaining purchase price amount shall be spread over 10 years for small-holder farmers, and over 20 years for landless farmers.

(3) The landless may be granted a postponement of the first payment for up to three years by the district land office at the request of the municipal agrarian reform commission.

[keywords: land stiff price]

Article 16.

During the development of the land division plan, a certain amount of land shall be left undivided for the purposes of maintaining model farms in the interest of raising the level of the agricultural economy, for agricultural and common schools and for other important public service tasks.

A list of names of properties and parts of properties not subject to division shall be decided by

means of a regulation of the Head of the Ministry of Agriculture and Agrarian Reforms, after hearing the opinions of the provincial national councils, by 10 October 1944.

[keywords: land not subject to subdivision]

Article 17.

The owners of farms which, due to the lack of a sufficient supply of land, could not obtain up to 5 ha of medium-quality agricultural land or be enlarged to this standard, shall retain the right to exchange their farms for larger ones corresponding to the nationwide standard of 5 ha of medium-quality agricultural land. This right shall be exercised once the entire Poland has been liberated and the western borders of the Republic have been extended.

[keywords: the right to exchange the farm for a larger one]

Article 18.

Farmers of Polish nationality who are abroad regardless of their will, as well as soldiers of the Polish Army whose families are currently abroad, shall be taken into account in the distribution of land upon their return to the country or, as the case may be, after demobilisation.

[keywords: returnees]

Article 19.

(1) The expropriated owners or co-owners of land properties referred to in Article 2 Paragraph 1(e) may be granted self-sustaining agricultural farms outside the boundaries of the expropriated property under this Decree or, shall they opt not to exercise this right, they shall be paid a monthly allowance in the amount of the salary of a Group VI civil servant.

(2) The allowance referred to in Article 19 Paragraph 1 may be increased by the Head of the Ministry of Agriculture and Agrarian Reforms for those owners or co-owners who have distinguished themselves in the fight against the occupier or have been particularly harmed by the occupier.

[keywords: compensation for expropriation, land grant]

Article 20.

The purchaser shall receive the land free of any and all debts and burdens. The matter of the State Treasury's liability concerning the prior mortgage indebtedness shall be regulated by a

separate decree.

[keywords: legal status of the granted land]

Article 21.

This Decree shall enter into force on the date of its promulgation.

Upon the promulgation of this Decree, the Act of 28 December 1925 on the implementation of agrarian reform (Journal of Laws of the Republic of Poland of 1926, No. 1, item 1), as amended, shall be repealed.

[keywords: no *vacatio legis*]

Article 22.

The implementation of this Decree shall be entrusted to the Head of the Ministry of Agriculture and Agrarian Reforms.

[keywords: delegation]

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