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**CONDITIONS OF RIVER/WATERS CROSSING AND COLLECTING THERE FEES
IN THE KINGDOM OF POLAND IN CONSTITUTIONAL AND PASKIEVICH ERA****M. Rutkowski****(Bialystok University of Technology, Bialystok, Poland)**

Introduced in Kingdom of Poland in 1818 entirely new law on river/waters crossings and fees charged there seem to represent clearly visible Polish first half's of 19th century tendency to strongly modernize this part of transportation issue. The case was very important during the whole period, both in so-called Vienna Treaty Congress Kingdom of Poland of constitutional era, and continued to remain so afterwards, i.e. in Paskievich times, that started after the fall of November Uprising. Even if the new law was well prepared and thought, just during the very early process of implementing of these new articles it became, however, obvious that there were few things necessary to change or to improve in the law on river/waters crossing law text; or perhaps some important matters occurred not to be mentioned directly in official law order. It is enough to admit here that it was the high level of present at the time in Poland “care” for horses that, undoubtedly, was the fundamental reason due to which in October 1821 some state authorities became intensely interested in improving of basic conditions of entrances/bridges leading to river/waters crossings. Later on, in February 1822, another basic extension of these crossing prime provisions originated from the recognition of existence of pressing need for improvement of constantly appearing lack of any proper regulation of several more issues connected with travel through watercourses. As it became more and more visible with the passage of time, some additional changes in law didn't prevent the whole system from being insufficiently introduced and kept. One can, for instance, point out that the clear failure of any full compliance of civil administration to many safety requirements combined with river/waters crossings, especially evident during the period of mid-fifties of 19th century, forced another implementation of new surveillance system, this time handed over to the local chiefs of counties. In general recapitulation, despite some evident problems with proper maintaining and charging of river/waters crossing in Vienna Treaty Kingdom of Poland of constitutional and Paskievich periods, and – most of all – taking into account the modernisation aspect of this phenomenon, one can easily evaluate it in a positive manner.

Key words: river crossings; waters crossing; Kingdom of Poland; first half of 19th century.

Запровадження у Царстві Польському 1818 р. закон про річкові/водні переправи і збори, що стягувались на них, чітко демонструє тенденції польської адміністрації першої половини ХІХ ст. кардинально модернізувати цю частину транспортної системи. Справа була дуже важливою для Царства Польського як під час Віденського Конгресу та конституційної епохи, так і в часи Паскевича, після поразки Листопадового повстання.

Хоча новий закон був добре підготовленим і продуманим, із самого початку його застосування стало очевидним, що деякі позиції необхідно змінити або покращити; з іншого боку, деякі питання не було необхідності згадувати в тексті закону. Слід також визнати, що закон демонструє високий рівень “догляду” за кінями, що мав місце на той час у Польщі і, безперечно, був основною причиною того, чому у жовтні 1821 р. деякі державні органи стали інтенсивно цікавитися покращанням утримання підходів/мостів, що вели до річкових/водних переправ.

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З плином часу стало все більше помітно, що деякі зміни в законодавстві не змогли утримати всю систему на належному рівні ефективності. Це особливо проявилось у середині 1850-х рр., що змусило запровадити нову систему нагляду, переданого місцевим начальникам округів.

У цілому ж систему, не зважаючи на деякі явні проблеми з належним підтриманням і оподаткуванням річкових/водних переправ у Царстві Польському часу Віденського Договору, конституційного періоду та режиму Паскевича, а також з урахуванням їх модернізації, можна оцінити позитивно.

Ключові слова: річкові переправи; водні переправи; Королівство Польське; перша половина XIX ст.

Problem formulation. In the first half of 19th century, with the overwhelming role of land and water transportation, one of the main issues combined was the maintenance of river and waters crossings as well as the problem (obstacle) of charges, being introduced and forced there. Basing solely on both written and printed research material from Kingdom of Poland of this era, author of this article endures to reveal the complicated problem of maintenance and financing of these crossings.

Purpose of the article. The research aim of this article, divided into five main parts, is to focus attention on such problems as: specifying charges and fees for river/waters crossing in the Kingdom of Poland according to the rules of decree introduced on the 21st of July 1818; deliberation process on small entrance(s) and exit bridges on the river/waters crossings that took place in the year of 1821; clarification of rules for river/waters crossing and bridges fees in 1822; the issue of police regulations regarding river/waters crossings, dated as of 1821/22 and finally: description of conditions of these crossings and their control in crisis period of 1848 and 1854. Thus, basing on this description, one can see the whole process of state legislative initiative concerning river/waters crossings that was going on in so-called Vienna Treaty Kingdom of Poland in the first half of 19th century, and its final outcome.

Main material. 1. Decree of 21st of July 1818 specifying charges and fees for river/waters crossing in the Kingdom of Poland.

It was as early as in 1818 when Government Commission of Internal Affairs and Police presented for evaluation in the body of General Assembly of (Ist) Council of State a draft law, containing specifications of water crossing charges and fees; classification of such services; as well as the security and police measures for maintaining proper functioning of boat and ferry transport on any kind of waterways¹. Namely, during meeting of Administrative Council dated as of the 12th of May 1818, there was deliberated – previously written and described by minister of interior – a pressing need to standardize any means of water transport and collection of fees and charges there. As a result of Polish government internal hearing on this matter, this project was then directed by tsarist governor of post Vienna Conference Poland for detailed consideration in General Assembly of the (Ist) Council of State². On 21 July 1818 the proposed legal solutions were adopted by Administrative Council and signed by royal governor himself. Without a doubt, the purpose of a new law was to ensure an effective application of state full control over all dealings having place in waterways transport in the Kingdom of Poland.

¹ Postanowienie zawierające prawo zasadnicze opłat od przewozów [na rzekach], taryfę opłat, środków bezpieczeństwa, policję i szczegółowe urządzenia, preambuła, Rada Administracyjna, 21 lipca 1818 roku.

² Rada Administracyjna, protokół posiedzenia, 18 czerwca 1818 roku.

Just as it also previously took place, while preparing and writing down the law on bridge crossing procedures (i.e. on transportation via bridges), the decree from 21st of July 1818 recommended and commanded the rapidest (in this case: within two months from the moment of its proper and formal publication) notification to the district commissioners by all landlords, owners of land properties (also these belonging to the government), or by authorities of any municipalities about existing “*public transport water crossings*”, altogether with presenting the original licenses allowing to maintain services there. This regulation was to refer to “*all kinds of transport designed for the convenience of passengers*”.

The delivered data had to include details about location of a water passages as well as about road or highway by which the water crossing itself was located, and about type of vessels or boats used for transporting travelers, animals and staff (goods) across the river. Another required information was related with quoting the exact amount of charging for crossing, while there were “*small and large waters*”³.

The basic obligation put on each district commissioner focused itself on collecting down all the necessary data, and then passing them to local provincial committees. This had to be done while allowing to keep by – trying to prove their rights and submitting original evidence – persons some suitable credentials and possibly, at their explicit request, copies of originals only. Strict rule was introduced, giving the possibility of treating as benefitting from unauthorized profits criminals, these people, who did not submit to authorities original evidence of their rights, eventually did not deliver required data on the request of local authorities. These recalcitrant possessors of water passages and crossings would be subdued to appropriate penalties⁴.

The basic tariffs for passage of men and goods through rivers were divided by the decree of 21st of July 1818 into four classes; each of them separated in two, depending on season collecting time, different tolls: a) spring-summer season charges and fees were in force since the 1st of May till the 31st of October, b) autumn-winter season fees and charges were mandatory since the 1st of November till the 30th of April each year. It was assumed that formally approved cost of transportation to the other bank of any rivers should cover all the so-called “*side payments*”.

According to the act of July 1818, collection of transportation tolls on river/waters crossings throughout Kingdom of Poland was fixed in springtime/summertime as follows.

Table 1⁵

List of fees charges and fees on 1st class water crossings: 1st of May – 31st of October

Tnsporation subject/object	Amount of payment in Polish zloties and groshes
Man	2 gr
Horse in team or in bulk; cattle – charge for one animal	6 gr
Sheep, goat, pig– charge for one animal	2 gr
Car unladen (empty)	6 gr
Car loaded (load); carriage	12 gr
Carter car, loaded	1 pln -

³ Prawo zasadnicze opłat od przewozów rzecznych..., 21 lipca 1818. – Art. 1, 3

⁴ Ibid. – Art. 2, 3

⁵ Source for tables no 1–4: Prawo zasadnicze opłat od przewozów rzecznych..., 21 lipca 1818. – Art. 4

Table 2

List of fees charges and fees on 2nd class water crossings: 1st of May – 31st of October

Tnasportation subject/object	Amount of payment in Polish groszes
Man	2 gr
Horse in team or in bulk; cattle – charge for one animal	5 gr
Sheep, goat, pig– charge for one animal	2 gr
Car unladen (empty)	5 gr
Car loaded (load); carriage	10 gr
Carter car, loaded	25 gr

Table 3

List of fees charges and fees on 3rd class water crossings: 1st of May – 31st of October

Tnasportation subject/object	Amount of payment in Polish groszes
Man	1 gr
Horse in team or in bulk; cattle – charge for one animal	3 gr
Sheep, goat, pig– charge for one animal	1 gr
Car unladen (empty)	3 gr
Car loaded (load); carriage	6 gr
Carter car, loaded (big)	15 gr

Table 4

List of fees charges and fees on 4rh class water crossings: 1st of May – 31st of October

Tnasportation subject/object	Amount of payment in Polish groszes
Man	1 gr
Horse in team or in bulk; cattle – charge for one animal	2 gr
Sheep, goat, pig– charge for one animal	1 gr
Car unladen (empty)	2 gr
Car loaded (load); carriage	4 gr
Carter car, loaded (big)	12 gr

Transportation fees taken during the winter season were presenting themselves slightly differently. That is shown in following tables, presented below.

Table 5 ⁶

**List of fees charges and fees on 1st class water crossings:
1st of November – 30th of of April**

Tnasportation subject/object	Amount of payment in Polish zloties and grosches
Man	4 gr
Horse in team or in bulk; cattle – charge for one animal	12 gr
Sheep, goat, pig– charge for one animal	4 gr
Car unladen (empty)	12 gr
Car loaded (load); carriage	24 gr
Carter car, loaded	2 zł -

Note: In addition, the presence of large ice floes could still raise tolls as follows: instead of 4 gr – gr 6; instead of 12 gr – 18 gr; instead of 2 pln – 3 pln, etc.

Table 6

**List of fees charges and fees on 2nd class water crossings:
1st of November – 30th of of April**

Tnasportation subject/object	Amount of payment in Polish grosches
Man	2 gr
Horse in team or in bulk; cattle – charge for one animal	10 gr
Sheep, goat, pig– charge for one animal	4 gr
Car unladen (empty)	10 gr
Car loaded (load); carriage	20 gr
Carter car, loaded	1 zł 20 gr

Note: During floating of large ice floes there would be possibility to raise tolls as follows: instead of 4 gr – 6 gr; instead of 10 gr – 15 gr; instead 1 pln, 20 gr – 1 pln 80 gr, etc.

Table 7

**List of fees charges and fees on 3rd class water crossings:
1st of November – 30th of of April**

Tnasportation subject/object	Amount of payment in Polish zloties and grosches
Man	2 gr
Horse in team or in bulk; cattle – charge for one animal	6 gr
Sheep, goat, pig– charge for one animal	2 gr
Car unladen (empty)	6 gr
Car loaded (load); carriage	12 gr
Carter car, loaded (big)	1 zł -

Note: In addition, the presence of large ice floes could still raise tolls as follows: instead of 2 gr – 3 gr; 9 gr – instead of 6 gr; instead 1 pln – 1 pln 50 gr, etc.

⁶ Source for table sno5–8: Prawo zasadnicze opłat od przewozów wrzecznych..., 21 lipca 1818. – Art. 4.

**List of fees charges and fees on 4th class water crossings:
1st of November – 30th of April**

Transportation subject/object	Amount of payment in Polish groshes
Man	2 gr
Horse in team or in bulk; cattle – charge for one animal	4 gr
Sheep, goat, pig– charge for one animal	2 gr
Car unladen (empty)	4 gr
Car loaded (load); carriage	8 gr
Carter car, loaded	24 gr

Note: During floating of large ice floes there would be possibility to raise tolls as follows: instead of 2 gr – 3 gr; 6 instead of 4 gr – 6 gr; instead of 24 gr – 36 gr, etc.

It should be noted that both owners of crossings as well as carriers or ferrymen themselves could not charge – under any circumstances or in any event – any higher freight rates than those that were specified in the officially approved tariff. For these overcharging the official amount of collected tolls, there was threat of administrative penalty in the sum from 30 to 60 zloties. When found guilty of repeat offenses, they were treated as criminals committing fraud⁷.

After establishing and fixing the exact conditions of subscription of fees for river/waters crossing, Administrative Council ordered in July of 1818 creation of a special procedure, leading to verifying the whole reality observed on these crossings, and – consequently – to accepting or rejecting any further powers and abilities to charge for crossing of rivers and waters. The above described idea was concerning both places where crossings were already established, and additionally new services on the rivers, too. This procedure first of all involved earlier sending in place of the crossing by local provincial committee (at the appropriate time of year) supervising district commissioner, being advised at least by one engineer of roads and waters.

Their duties were solely limited to dealing with some very important issues. Firstly they had to mark or “tag” the very width of river/watercourse at the place of formal crossing; what they were obliged to do in the exact periods of occurrence of: the smallest, largest and the average water status. The other part of mission was to draw up a visited site detailed architecture plan. Secondly, district commissioner along with engineer were instructed to describe on-site, all of the ships and vessels used to carry passengers across the river/watercourse. Thirdly, it was necessary to determine boundary conditions of keeping crossings safe at any time of a year; including: type of ships, number of required tools, number of carriers/ferrymen, etc. Fourthly, more obligations of visiting commissioner and engineer included further verifying and explaining how to arrange on-site any “saving” dikes or small bridges (needed as entrances and exits to and from crossings). At the end and fifthly, it was needed to establish and identify the police measures necessary to ensure safety of crossing of rivers/waters at any time of a year.

⁷ Prawo zasadnicze opłat od przewozów rzecznych..., 21 lipca 1818. – Art. 18.

The detailed “verbal argument” was written down in order to describe all of above indicated steps. Such a procedure had to be done in presence of the owner of crossing, or at least or at least with his best knowledge. Subsequently, district commissioner and engineer of roads and waters jointly presented outcome of their investigations to local provincial committee. After taking into account estimated costs of building or establishing/keeping of crossing, they proposed – in an attached opinion sheet – an assignment for the supervised crossing to one of formally designated four “classes” of taxation and fees ⁸. Only then provincial committee – after receiving “verbal arguments” altogether with the “hard evidence” itself – was able to consider each aspect of case at stake separately, sending finally to Government Commission of Internal Affairs and Police an application for approval (or not) individual transport conditions and fees proposals for one and only crossing. The Government Commission of Internal Affairs and Police had altogether its right to publish – after receiving such authorization from Administrative Council, of course, – “the fee schedule for each crossing functioning in the course of public highway or road”. After the very fact of approval of these tariffs by ministry, its authorities delivered (bearing proper signatures and seals) ministerial decision to local provincial committee “for giving it to the owner [of crossing]” ⁹.

The 8th article of the law dated as of the 21st of July 1818 specified rules for affixing tariffs for public view by owner of river/waters crossing. It was assumed that this would be the very original presented; or at least its formal copy, confirmed by district commissioner. The list of charges was usually placed on a visible spot on one or even two banks of the river in such a way, that it would be strongly protected from any damage, and that it could be easily read by travellers. Given hypothetical situation of any loss of such a tariff, or appearing first signs of difficulty with its reading, the owner of crossing was forced to report it to the local district commissioner; and consequently apply for delivering to him another official copy (i.e. sealed) of traffic fee list.

For evident failure to posting of any tariff, and possibly for keeping it in a kind of unreadable status, there was once again personally responsible owner of the crossing. In case of confirming of this exact “misconduct”, police penalty was established at the amount of 50 to 100 zloties. In case for another time this kind of breaking of law was confirmed, the police penalty sum was doubled ¹⁰.

Permanent and steady keeping the water crossings in good shape required precise definition of a wide range of order provisions that – what was quite understandable anyway – were most of all already included in the law on river transport, dated as of 1818. These articles gave the explanation, inter alia, that the management and supervision of river/watercourse crossings were clearly and entirely under the supervision of appropriate local provincial committee ¹¹. We also learn from this lecture that Government Commission of Internal Affairs and Police could at any time recommend (or refuse to allow so) keeping the float of ships/running of ferries traveling alternately in two opposite directions ¹². Another important provision worth mentioning here was a requirement of employment as ferrymen and carriers only these people who “could harbor that,” and would be constantly sober, and who in addition had to demonstrate a kind of written testimony from their former work, derived from at

⁸ Ibid.

⁹ Ibid. – Art. 6.

¹⁰ Ibid. – Art. 7.

¹¹ Ibid. – Art. 8.

¹² Ibid. – Art. 9.

least three other places of crossing”. Such “certificate of conduct” would be confirmed by a competent mayor, i.e. by administrative authority¹³.

It was also adopted as a general principle, that in March and October of each year there was projected as a rule to have overall review of the entire servicemen staff, vessels and gear at all river crossings in the country. The aim was to determine if there were properly conducted and run, in obligation with all the necessary, forced by law provisions. It was in this situation obvious that owners or tenants of crossings had – in case of need – to successfully carry out new shopping of gear as well as to conduct needed repairs of ships, equipment and perhaps of small entrance bridges, etc¹⁴. When it was officially declared that the maintenance of crossing as well as carrying out of repairs or purchasing of new necessary equipment were not in good shape or stage, and were not performed due to existing law obligations (for instance, within given time limits), local provincial committee might have decided to conduct a sort of public tender for leasing ships and transport tools at stake, namely operating within unproperly stocked and functioning crossing (which in this case started to be considered as a part of public domain). The person eventually winning forced bid of a rundown crossing, most of all had to bring it back to proper functioning shape, in particular by introduction to use of new suitable tools and vessels. Such sums spent on improvements or repairs were obviously lowering the exact amount of auctioned rental tenure. On the other hand, administrative authorities were called to provide any necessary assistance to owner or tenant of crossing, while arranging the travel passage itself; eventually leveling the nearby river banks or places, where passengers boarded and disembarked from riverboats¹⁵.

In addition, in every province of Kingdom of Poland authorities defined “safety and precautionary measures to maintain at each water crossing”. Other issues dealt with district committees were: principles of taking on board of ship/ferry/raft/vessel passengers and freight; disembarkation transport ships, etc.; and connecting with transport ships of any kryps or canoes¹⁶.

Finally, the article no 17th of the act of July 1818 contained an affirmation of solid principle of the necessity to maintain by carriers or ferrymen “fast and continuous” crossings of rivers and waters at any time of the year. It would be not without reason to admit here that any such infringement of existing in these matters law was subject to a penalty, in the amount of 12 to 30 zloties. For bringing the situation leading directly or indirectly to endangering of health and lives of travellers, complete loss of transport certificate as well as direct prosecution in criminal court was foreseen¹⁷.

The complicated text of law on crossings and their fees seem to represent clearly visible tendency to modernize this part of transportation issue, so important in the post Vienna Congress Kingdom of Poland of constitutional period.

2. The deliberation on small entrance and exit bridges on the river/waters crossings in 1821.

At the entrances and exits leading to and from river/waters crossings (on ships, rafts, or different kinds of vessels, kryps and canoes) solid small bridges should have been built. This necessity was also introduced by provision given by Government Commission of Internal

¹³ Ibid. – Art. 13.

¹⁴ Ibid. – Art. 16.

¹⁵ Ibid. – Art. 10–11.

¹⁶ Ibid. – Art. 12, 14.

¹⁷ Ibid. – Art. 17.

Affairs and Police on the 21st of July 1818. In reality, however, as a mean of direct accession to crossings lined fascine was mostly used. In a consequence, many horses were breaking legs, while enterenig crossings and stepping on the ground covered with the fascine.

Hence, state counselor Stanislaw Staszic, writing on the 31st of October 1821 on behalf of minister presiding in Government Commission of Internal Affairs and Police, asked each and every provincial commissions that they ensure proper implementation of legislation existing in this regard. Therefore, Staszic clearly commanded that at literally all of entrances and exits leading to and from river/waters crossings, solid wooden bridges would be installed. For any failure of compliancing with this order, police action of punishable origin was declared, which would be applied to a person having the right to maintain the water passage and holding responsibilities for it ¹⁸.

The high level of presented by authorities official care for horses was undoubtedly the first and fundamental reason due to which state counselor Staszic became in October 1821 so interested in conditions of entrances/brigdes leading to and from – located all over the country – crossings. This conclusion might not change in any way this simple fact that mentioned here provision could provide a basis for fundamental standardizing and improvement of overall condition of approaching to crossings in the Kingdom, thus contributing as such to the general improvement of transport network in Kingdom of Poland.

3. The clarification of rules for river/waters crossing and bridges fees in 1822.

Despite introduction in July 1818, discussed above, fairly detailed explanation of the way of collecting, their amounts, as well as the range itself of any fees charged for crossing by men and freight of rivers and waters, in this specific field of law appeared relatively soon a quite number of arbitrary interpretations. In view of possible strong nevatve financial consequences coming out of these various, often not only diverse, but even contrary interpretations, Tadeusz Antoni Mostowski (minister presiding in Government Commission of Internal Affairs and Police) tried to dispel existing doubts by – treated as a ministerial rescript – note, dated as of the 20th of July 1822. Mostowski decided to expain in this writing of his that any exemptions from collecting transport tolls of fees could be used only in cases strictly specified in law act of 1818 ¹⁹.

Out of reading the exact this rescript no. 257/754 one could for example get acquainted with proper understnading what the lawgivers meant by using in disputed articles the sentence contatning for instance phrases about charging a “man fee”. Thus, minister stated that charging such a fee would be only acceptable while dealing with a person traveling on foot. In contrast, while using ferry or boat/having passage through bridge, people riding on horses or in carriages were consequently forced to pay fee only for beasts or burden, eventually for other animals, or for the car itself. According to Tadeusz Mostowski, law in force would not allow to collect two separate fees both for the wagon and men riding on it. Similarly, minister presiding in Government Commission of Internal Affairs and Police specified when a car could be considered as loaded one (with load). Here, he strongly rejected this kind of interpretation that was suggesting

¹⁸ Rozporządzenie zastrzegające, iż przy przewozach mają być zaprowadzone mostki drewniane do wjazdu i wyjazdu, Komisja Rządowa Spraw Wewnętrznych i Policji, pismo podpisane w imieniu Ministra prezydującego przez radcę stanu Stanisława Staszica, 31 października 1821 rok, nr 459/1770 ; Rozporządzenie Komisji Rządowej Spraw Wewnętrznych i Policji, 21 lipca 1818 roku.

¹⁹ Rozporządzenie objaśniające taryfy opłat od przewozu, Komisja Rządowa Spraw Wewnętrznych i Policji, reskrypt podpisany przez ministra prezydującego Tadeusza Mostowskiego, 20 lipca 1822 roku, nr 257/754.

recognition of car as loaded, when “traveler is carrying in it his personal belongings s needed for purpose of having good condition of voyage”. Tadeusz Mostowski clearly embraced the possibility of describing a car as loaded only when someone was carrying it it any goods destined for sale, and only when possibly that quantity of items found there would represent a significant value occurred.

By adopting common-sense position that would prevent excessively high or just unfair men or freight taxation on water crossings and bridges, minister of Government Commission of Internal Affairs and Police showed in practice his attitude of fairly “conservative” position, blocking however in the same moment any occurrence of establishing further exemptions from the necessity of paying the transportation toll.

4. The police regulations regarding river/waters crossings.

As is was apparent from regulation of Government Commission of Internal Affairs and Police dated as of the 31st of October 1821, provisions of the earlier ministerial law of 21st of July 21 1818 (also referring to crossing transportation matters) were not too much respected at the time in the Kingdom of Poland. Therefore, on the 9th of February 1822, Government Commission of Internal Affairs and Police was forced to officially publish again the above mentioned bill, paying particular attention to its original tenth article. It spoke about authorities’ s formal responsibilities in the field of providing solid security status for travellers, namely that the local administration “should render constant revisions of ships, tools, and servicemen at any crossings”.

Signing in February of 1822 another important order of the Commission of Internal Affairs, state counselor Stanisław Staszic was reminding at the same time about tryptical duties and responsibilities of owners of water passages. These most of all consisted of the necessity of an immediate removal of any irregularities: a) when transport ships/vessels/rafts etc. were in poor condition; b) when evident lack of any tools needed for proper functioning of the transportation was observed; c) and where (as mentioned in part two of this article) bridges leading to entries and exits to river/waters crossing were made from fascine, instead of wood, which made them dangerous both for animals and men.

In view of possible failure of meeting all of these criteria of even only one of these conditions, owners of the crossing were supposed to be summoned – under the threat of police penalty – to correct promptly any possible shortcomings. If it turned out that even impositions of eventual police penalties would not improve the bad situation of crossing, for the authorities it was necessary to apply for disproportionately devastating punishment, provided by twelfth article of the decree dated as of the 21st of July 1818. Another issue raised by Staszic was related with the need to checking: a) whether the number of employees working at a particular crossing would be sufficient; b) whether they could be always found close to the crossing itself; c) whether they would work in a sober condition. In other words, state counselor demanded strictly from carriers” to provide crossing continuous, fast and secure”. Finally in February of 1822 there was expressed concern of Government Commission of Internal Affairs and Police for strict maintaing the idea of charging crossing fees and tolls or not higher level than in was described in so-called “formal tariff” (for which offense another police penalties were provided, given in articles seventeenth and eighteenth of the Act of the 21st of July 1818) ²⁰.

Taking place in February 1822, at the initiative of Stanisław Staszic, repetition and basic extension of river/water crossing prime provisions dated as of July 1818 (following introduction of a key order on installing wooden entry and exit bridges in October of 1821), undoubtedly

²⁰ Rozporządzenie obejmujące przepisy policyjne o przewozach, Komisja Rządowa spraw Wewnętrznych i Policji, pismo podpisane w imieniu Ministra prezydującego przez radcę stanu Stanisława Staszica, 9 lutego 1822 roku, nr 506/785.

originated from the recognition of significant and pressing need for improvement of constantly appearing lack of any proper regulation of diverse issues connected with travel through water-courses. One might, by the way, post a important question here about the real effectiveness of previous provisions, especially since the authorities would have to appeal to them after a few years once again.

5. The contition of crossings and their control caused by emergency matters: 1848–1854.

The next important changes in regulations concerning river/waters crossings came in the time of Spring of Nations. After releasing by director presiding in Government Commission of Internal and Spiritual Affairs in Spring of 1848 an important warrant, establishing “the extraordinary guard for crossings and bridges, composed out of local peasants”, and then after the liquidation of such peasant guard at the beginning of February 1849, landlords having on their proprieties “paid” crossings (or bridges) were forced to control their condition and protect them against any possible hostile actions. What more, the decree at stake ordered “to widen similar oversight /.../ also to these major crossings, where fees are not collected, in particular in dominions obliged to maintain complex of them”²¹.

It is worth mentioning that on the 28th of January 1850 Board of 13-th District of Land and Water Communications in a letter no 2988 urged the Warsaw authorities to order provincial governments to send to separate heads of counties one very important comand. On the basis of it, county adminstratives were requested to send to central transport authorities of the Kingdom of Poland (in May and December of each year) detailed information about the development and stage of transportation in various districts. As it, however, was apparently revealed from the rescript of Board of 13-th District of Communications, such ordinances happened to be not fully executed. As a kind of pure evidence of this poor stage of transportation management was visible in the mid-fifties of nineteenth century in main aspect of its activity – it was observed that provincial authorities were not very strict in complying with laws requiring constant surveillance of river/wates crossings²².

So it was not a surprise, that despite diverse introductions coming out of a number of provisions, including the police ones, condition of river/waters crossings as well as protection against drownings raised at the beginnings of fifties of 19th century quite a numerous reservations. These dengers were mostly exposed in rescript no. 11 393, written by director presiding in the Government Commission of Internal and Spiritual Affairs, dated as of 23rd of June 1852. Minister’s conclusions were derived form: a) collected data; b) administrative reports; c) and court records, gathered during investigations undertaken in response to sudden drownings. Then, in the wake of received objections, civilian governors were addressing in this matter their subordinates and other responsible individuals. As did the governor of Kilece gubernia, who twice – both on the 24th August 1851 (in a rescript no. 63 583) and on 19th of July 1852 (in note no. 47 695) called local policemen to be consistent with safety regulations, while checking the water crossings or bathing places.

²¹ Gubernator Cywilny Guberni Radomskiej, pismo z 17 lutego / 1 marca 1849 roku, nr 12 023/3 023 // Dziennik Urzędowy Guberni Radomskiej. – Dodatek do nr 9 z 17 lutego / 1 marca 1849 roku. – S. 65–66.

²² Rozporządzenie zastrzegające, że burmistrzowie miast i wójci gmin czuwać mają nad stanem przepraw i mostów, a Naczelnicy Powiatowi składać Zarządowi Komunikacji periodyczne raporta o stanie dróg, mostów i przewozów, Zarząd XIII-go Okręgu Komunikacji, pismo podpisane przez Naczelnika Okręgu Księcia Mikołaja Teniszewa, 26 czerwca / 8 lipca 1854 roku, nr 1901.

Kielce civic governor – Białoskurski – reminded most of all that, despite a number of regulations including “the most accurate rules for executives bodies, describing safety procedures of crossings through rivers, lakes as well as dealing with protection of bathers”, in the meantime drowning accidents occurred very often, what mostly happened “only by fault of open negligence of sound public security by police surveillance”. Gubernia governor reminded in his statements about possible punishment awaiting these police officials who were committing offences of negligence and disregard of this crucial subject.

As it occurred once again out of governor’s rescripts, despite the existence of numerous regulations and introduction of penalties for not enforcing them police officials (ie. not exercising adequate control of crossings. etc), with the passage of time one could observe increasing number of incidents of death by drowning. These happened in diverse situations, when, however, “only a single victim, or not even a few dozen [of persons] at a time” were drawn. According to governor, the obvious cause of these accidents was almost always “absence of proper surveillance of keeping law order concerning crossings, especially manifested by often presence of damaged ships; allowing for drunk or inexperienced staff to carry people across rivers/waters; overloading of vessels with diverse goods; allowing crossing during big waters or in the storm; neglecting signs warning about dangerous deep in places used for swimming for humans and cattle wallowing”.

Białoskurski decisively saw the main reason for emerging and maintenance of such negligences in general failure of police activities, especially when it happened very often that local administrative authorities received court/prosecution files containing demanding of punishment for neglecting their duties by police officials. As it was proved, policemen indeed often let float on rivers/waters, lakes and canals used for transportation of people or goods “fragile ships and these of impractical construction”. Also policemen allowed to work as carriers in crossings for inexperienced or drunk people. Kielce civic governor expressed by the way in his rescript of 19th of July 1852 his concern that the court records also showed that accidents happening at crossings were most often caused by: a) overloading of ships; b) transporting of people and goods during storms, strong winds or ice flowing. Other causes of accidents at crossings were: c) no indication with panicles places to travel across rivers/waters during freezing time; d) the lack of determination with fertilizer and straw ways through ice-covered waters²³.

Further ensuring of actual state of crossings took place in 1854. Only then, on the 8th of July 1854, the Board of 13-th District of Land and Water Communications observed (with regard to condition of crossings) further lack of strict compliance with various provisions in force. Duke general Tenishev remained then in his report no. 1901 of the Transportation Board regulation dated as of the 15th of January 1844, requiring that provincial governments – in accordance with the recommendation of the tsarist governor Zajączek dated as of the 21st of July 1818 – were obliged to undertake revisions of vessels, rafts, ships and ferries involved and working at river/waters crossings at least two times during the year, ie. in March and October. What was more, taking into account the genuine need to maintain in Polish transport at least basic safety rules, the Board of 13-th District Communications urged again provincial governments in July of 1854 to instruct for another time mayors and commune administrators – via orders given by heads of counties – not only to supervise general condition of crossings (and bridges), but also to control the implementation of their duties by all persons concerned with these kind of transport service²⁴.

²³ Dziennik Urzędowy Guberni Radomskiej. – Nr 31 z 19/31 lipca 1852 roku. – S. 605–606.

²⁴ Rozporządzenie zastrzegające, że burmistrzowie miast i wójci gmin czuwać mają nad stanem przepraw i mostów, a Naczelnicy Powiatowi składać Zarządowi Komunikacji periodyczne raporty o stanie dróg, mostów i przewozów, Zarząd XIII-go Okręgu Komunikacji, pismo podpisane przez Naczelnika Okręgu Księcia Mikołaja Teniszewa, 26 czerwca / 8 lipca 1854 roku, nr 1901.

It seems evident that not too strict compliance of civil administration at provincial and district levels to the requirement of periodic reporting about conditions of crossings (and bridges as well as roads) caused, at least in the mid-fifties of nineteenth century, main reason for which those aspects of the surveillance of communication were directed to the hands of chiefs of counties. Such solution, focusing the whole responsibility for reporting on conditions of crossings etc, only on one level of civil administration, in theory was meant as a tool for acceleration and improvement of such surveillance.

Conclusions and further researches directions. Obviously, there were some evident problems with proper maintaining and charging of river/waters crossing law and practice in Kingdom of Poland of constitutional and Paskievich periods. Despite, however, some evident obstacles visible in the long process of proper forcing of these highly desired and planned solutions, one can evaluate the researched phenomenon in a decisively positive way. The main reason for such a final judgement would be most of all connected with the evident modernisation aspect of the whole idea of implementing of new crossings laws.