

# FAMILY COUNCILS IN THE KINGDOM OF POLAND

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Hidden in the recesses of the archives are interesting documents of a genealogical nature: legal records called Family Councils. The creator of these records was Napoleon Bonaparte, who revolutionized Polish lawmaking in 1807. Despite the short life of the Napoleonic Code in Poland, lasting less than twenty years before it was replaced by the Civil Code of the Kingdom of Poland in 1826, the legal status of family councils persisted until 1946. The original term, according to the Napoleonic Code, was “Collegial family organ of the *pupil*” (*Pupil* is an old designation for an underage child or ward). But the name that came to be commonly used was *le Conseil de Famille*, or *Rada Familijna* in Polish, which translates as “Family Council”.

Family Councils were ad hoc in nature, and were convened in courts and in offices of towns and communities under the supervision of representatives of the same. Their main purpose was to provide care for underage children, which consequently was connected with guardianship over an inherited estate, if such existed. It is a significant fact that these councils were often called for the proverbial five minutes before a planned wedding of a ward because contracting marriage required the consent of the legal guardians of minors (those under the age of twenty-one). The other instances usually involved orphaned children endowed with material estates from their deceased parents—and they were not always dictated by noble intentions. A declaration of accepting the role of guardian was often nothing more than a pretext for obtaining material gain. Such situations undoubtedly did not apply to guardians of underage children whose parents had left their family nest for various reasons. In the documents, I came across several stories of the sort where, for instance, the mother had given herself over to vagrancy and there was no word about the father.

The council was summoned at the written request of the relatives, and took place over the course of three months, although many of them took place the same day. The members included a chairman (he could be a judge, the mayor, or the *wójt*), members of the family, and even persons not related. As a rule, three people represented the father’s side, and the same number for the mother’s side. The exact relations of the council’s members were described.

There were different forms of Family Council documents. Some were descriptive in nature and ran several pages, while we find others in a tabular, abbreviated system. The deliberations consisted of hearing the chairman’s explanations and the demands of all present, and ended with authorizing the choice of a chief guardian, also a “useful guardian” (an old term for a reserve or substitute guardian), and with the determination of obligations toward the ward, most often dealing with raising and educating the child and supervising the estate. On occasion, a second council would be called due to the death or obvious dishonesty of the former guardian, and then other members were summoned to join the council—frequently court officials.

The records of family councils are not easy to seek out in the archives. One should check the court, municipal, and district records, with no guarantee of positive results. The turmoil of war and natural disasters thinned many archival collections.

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