

Ganski U. A.,

Ph.D. in Economics, Associate Professor of the Department of Economics, Management and Economic Theory, Polotsk State University, Polotsk, Belarus

REGULATING THE USE OF TOURIST AND RECREATIONAL RESOURCES IN ECONOMIC ACTIVITIES IN THE SECOND POLISH REPUBLIC (1918-1939)

Abstract. *The article discusses the activities of public authorities of Second Polish Republic for sustainable use by citizens and economic entities objects of natural, historical and cultural heritage, which may be of interest to tourists or used for recreation; analyzes the legislation on this subject and the process of its adoption; discusses the process of creating the regulatory and supervisory institutions; provides an overview of responsibility for violation of legislation in the sphere of protection and rational use of natural, historical and cultural heritage.*

Keywords: economic history, history of tourism, history of law, tourist and recreational resources, environmental legislation, preservation of historical and cultural heritage.

Formulation of the problem. The relevance of the research topic is due to the increasing role of recreation and tourism in modern society, economic and socio-cultural development. The study of the history of state regulation of recreation and tourism and their major institutions will allow to re-evaluate the role and degree of influence of these institutions on the formation of national culture, to comprehend the contribution in moral education, education and health of the population, to identify the value that recreation and tourism are gaining in economic and spiritual development, dissemination of humanistic values in society. Historical experience may contribute to the subjects of recreation and tourism to become a full and integral part of modern social and economic system of society.

Analysis of recent researches and publications. The history of development and regulation of tourism in the interwar period explored in their works as Ukrainian (T. Kovalchuk, V. Dmytruk, Y. Vermenych, L. Bazhenov, N. Zastavetska, O. Zavadska etc.), Belarusian (I. Tsitovich, V. Miarchuk, A. Radziuk, A. Huzhalouski, A. Vabishchevich etc.), and Polish scientists (Z. Kulczycki, M. Lazarek, J. Chelmecki, J. Kras etc.).

Statement of the problem. The purpose of this article is the study of methods, tools and features of regulating the use of tourist and recreational resources in economic activities in the Second Polish Republic.

The main material of the study. The territory of having natural factors are called the natural environment of recreation and tourism. However, tourism can also be used urbanized areas and urban space. Objects, areas, events that are of interest to tourists are called tourist attractions. Depending on the origin identify the natural and anthropogenic, historical or cultural tourist attractions.

The question of nature protection are not covered in the main law Second Polish Republic, but the Constitution enacted on 17 Mar 1921 [1] in the section on general rights and obligations contained article on property ownership, in the text of which is given the constitutional basis for the restriction of the rights of citizens (including property rights) based on the requirements of the legislation on nature protection. In accordance with the final provision of article separate law had to determine what goods and in what quantity should be exclusively in state ownership, and in some cases citizens' rights to use land, water and other natural resources may be limited. It should be noted that on the territory of West Ukraine and West Belarus most part of all forest land was in private ownership.

Of what importance is the issue of nature protection for the newly formed Second Polish Republic, evidenced by the fact that even the Regency Council on 31 October 1918 issued a decree on the protection of monuments of nature, culture and art [17]. In article 12 of the decree contained a list of properties that are subject to legal protection, among which are individual objects of nature and historical and cultural heritage, natural and cultural landscapes, which could not be destroyed, modified, reconstructed, or augmented without permission.

30 December 1918 the Council of Ministers issued a decree on the protection and use of forests [2]. In accordance with article 1, mandatory state supervision of forestry was carried out at both the state and private territories. Supervisory and control institutions are the Department of protection of forests. The forest can be used for commercial purposes only on the basis of the approved forestry plan or with the permission of the relevant officials.

Departments of forest protection was established by decree of 16 January 1919 [3]. Their competence includes all issues regarding the content, economic use, sanitary and industrial logging, forest recovery. In addition, they had to make long-term plans of development of specially protected natural forest areas.

The definition of protected forest areas contained in article 3 of the regulations on protection of forests of Ministry of agriculture and natural resources [4]. Protected forest area was forest, the preservation of which corresponded to public and state interests, which is a valuable piece of nature and the habitat of rare and endangered animals located within the administrative boundaries of cities and within 10 km from administrative boundaries of cities with population over 50 thousand inhabitants, resorts, as well as in buffer zone around health centers (1 km).

The procedure for granting the status of specially protected forest areas was established by the decree of 16 January 1919 [3]. How was the article 27, with the request to provide the forest this status could apply to the departments of forestry administration and police, local authorities. The petition was authorized to take appropriate forestry inspectors and territorial forest departments, which were then referred them to the district commission of forest protection. The owner could challenge the decision in the Main Commission for the protection of forests, whose decision was final. Control over fulfillment of decisions of the commissions was the responsibility of the district inspector on the protection of forests.

An important role in the protection of forests played the inspectors of state forests and foresters. They were supposed in every working day and if necessary in public holidays and night to monitor the condition of forests and prevent illegal logging and export of wood, harm to vegetation, animals, soil, etc. They were responsible for the fire condition of the forest, watched over the observance of legality of detention, and catching of wild animals, and also carried out general supervision of the state forest.

To protect forests from excessive and illegal use of a population, which after the end of hostilities sought to restore the destroyed buildings and constructions, using wood as a building material 28 February 1919 a law was passed governing the receipt of poor rural and urban dwellers free construction materials from wood [5].

At the same time, 4 September 1919 the Ministry of religious denominations and public enlightenment issued a decree on protection of certain natural monuments, prohibiting the destruction, damage or export outside of the state specifically described 19 species of plants and 10 species of rare animals [6]. This decree is the first attempt to implement the regulatory legal support in the protection of flora and fauna. 24 September 1919 was formed national Museum of nature. The task of the Museum including was search, preservation, cataloging, and studying objects of nature that are of scientific or pedagogical value, as well as dissemination of natural history knowledge among the population.

On 17 December 1919 at the initiative of Ministry of religious denominations and public enlightenment took place inter-ministerial conference on the protection of nature in the Second Polish Republic, which was attended by delegates from various ministries and government departments, scientific societies, universities and Academy of knowledge. During the conference there was discussed the draft law on nature protection prepared by Ministry of religious denominations and public enlightenment, as well as composition and functions of State Commission for the protection of nature, which was to be formed under the Ministry of religious denominations and public enlightenment in advisory capacity. The Commission was instructed to create a unified cadaster of nature monuments.

For forest conservation were important, two decrees of President of the Second Polish Republic: the decree on the commercial use of forests under private ownership (24 June 1927) [7], as well as the decree on the commercial use of state forests (22 March 1928) [8]. In accordance with the first regulatory legal act of forests were under the protection of law and any commercial transaction with forest is permitted only with consent of Governor. Article 5 set out obligations of forest owners for resumption of forest land. In case of planting in areas not considered up to this forest, the owner was exempt from land tax for 30 years. For failure to comply with current legislation on use of forests in economic activity was introduced criminal liability. In accordance with article 19 of valuable forests and natural landscapes could be granted the status of especially protected natural territory without the right to downgrade this status and use in business activities. Some forests could be considered as a protected areas because of their special characteristics. Of these forests could be allocated the reservation where it was forbidden any economic activities.

The presidential order dated 28 June 1924 was established the state enterprise "Polish state forests", which were entrusted to the management of state forests [9]. The supervision of this enterprise by the Ministry of agriculture and natural resources. However, on 30 December of the same year the enterprise was abolished and in its place was created a new executive institution – the State forests administration.

The State forests administration has carried out the function of nature protection. On her initiative was composed of a single register of reserves and national parks on territory of the state forests. The administration also carried out publishing and research activities was compiled the inventory, proposals were made for the formation of new reserves. In September 1935 the General Directorate of state forests has developed even rules for the conduct of excursions on the territory of state forests and especially protected natural territories.

In 1936, a presidential decree was established the state enterprise "State forests" [10]. In accordance with articles 4 and 5 in carrying out economic activities and industrial wood harvest total forest area and forest territories the enterprise had no right to cut, and had to support the degree of coverage of forest of these territories at the same level.

On 10 March 1934 at the initiative of the Polish Tourist Association, other tourism associations and scientific societies, the Parliament adopted the law on nature protection [11]. Work on the bill was a long. In 1919 the Ministry of religious denominations and public enlightenment has prepared a draft law and sent it to all stakeholders. The bill received a negative assessment because of extremely narrow interpretation of conservation as only protection of monuments of nature. In September 1919 in the Ministry of culture and arts appeared the idea of developing a separate law on the protection of the landscape. Due to lack of consensus among specialists in law and in natural sciences, work on the bill it was decided to freeze, having studied during this time, the experience of regulation of relations in environment of other states.

In 1927 the training bill was assigned to Codification Commission, which sent it to Subsection of property rights. In work on final version of the bill also participated members of State Council of nature protection and relevant ministries expressed their comments to Commission. When the development of the bill was completed, he was sent to Ministry of justice for submission to Parliament as a government bill.

The law on nature protection consisted of 34 articles, grouped into 4 sections [11]. In the first article was the definition of the subject of protection of nature. The Ministry of religious denominations and public enlightenment received the right (in coordination with the Ministry of agriculture and agrarian reform and State Council of nature protection) to grant the status of a protected object new species of plants and animals. Expanded the powers of the Council of Ministers: he was entitled to the creation of national parks. In cases where the implementation of nature protection was impossible in any other way, the legislator has envisaged the options of alienation of the object of protection in favor of the state budget, namely, the Nature conservancy foundation.

For the purpose of nature protection was founded on the rights of the legal entity, the Nature conservancy foundation, accumulating funds from donations, taxes, fees and fines for violations of the law on nature protection. The law provided for the creation of the Inspection of environmental protection [11]. However, its establishment and maintenance was impossible due to the limited state budget. In the end, it was decided to give inspection of the nature of social initiatives and allocate its financial support between the public authorities and public organizations.

As a offences considered following: the deliberate appropriation of natural goods without appropriate permits from state environmental agencies; purchase nature's benefits received by a criminal way without appropriate permits from state environmental agencies; improper monitoring of a person prosecuted for violation of the law, if it entailed the exercise by that person of offences described above [11]. For committing these offences a person could be punished in the form of freedom restriction for a period of 2 to 6 weeks or in the form of a fine in the amount of 1 thousand PLZ [11]. The offender was to restore the original state of an object or compensate its cost recovery. In the absence of the possibility of such a recovery had to pay in favor of the Nature conservancy foundation a fine in the amount of damages.

In the estimates of the law is dominated by positive feedback, because it was aimed at preserving the original state of the objects of nature and the natural environment. However, when his creation was not taken into account the conceptual provisions, which treats environmental protection as an activity which adapts the natural environment to the needs of society, including recreation and tourism.

Legal protection received not only national parks, but smaller protected areas – forest, lake, marsh reservation for the protection of certain species of plants and animals. At the end of 1936 in the Second Polish Republic, there were 180 nature reserves, work continued on the creation of 68 more reservations. In the registry of the State Bureau of Council of environmental protection was 3930 monuments of nature and 538 monuments of inanimate nature. In 1939 there was 124 forest reserves 19 reserve for animals, 12 marsh reserves, and 3 water reserves [12, s. 449].

Legislation considered hunting primarily as an economic activity, fishing, but there were other aspects of hunting rights. Article 48 of the order of the President on the hunting law of 3 December 1927 [13] established absolute degree of protection of certain animal species for which fisheries have lost economic value. Article 49 introduced a protection period for the protection of animals especially valuable. On the basis of article 51 the Ministry of agriculture could extend the protection period for certain animal species or completely ban them fishing. The hunting right was not a perfect mechanism of regulation of protection of wild animals. A list of animals needing protection, were not included in the existing legislation. However, this regulatory legal act can be seen as a positive direction in the legislative sphere.

In 1932 the Second Polish Republic joined to the International Convention for the protection of birds [14], signed in Paris on 19 March 1902. The state for three years assumed the obligation to bring its legislation into conformity with the requirements of the Convention.

19 September 1922, a law was adopted introducing in the legislative system practice protection of water bodies [15]. In accordance with article 18, the owner of the lake could not pull water into it or other impurity, and also place items that may be contaminate it. Article 21 imposed a ban on draining into water bodies of sewage from the sewer. In the event of unauthorized pollution of water, the owner was prosecuted in accordance with the law. The same applies to individuals persons. The maintenance of the purity of the waters became active in the 1930s. Activities in this area conducted by the Ministry of internal affairs with the assistance of the concerned departments. The result of this activity was the establishment of the inter-Ministerial Commission for the protection of rivers from pollution, as well as inter-regional committees and research centers, which comprehensively studied the issues of protection and rational use of water resources. The question of protection of reservoirs was also raised in the fisheries act of 7 March 1932. [16], which prohibits the pollution of the reservoir volume which can harm fisheries. In accordance with article 79, was established the Fund of conservation of fisheries, which funds should have been directed to the cleaning of reservoirs.

According to the decree of the Regency Council on 31 October 1918, for the first time at the state level the question was raised about the protection of historical and cultural heritage [17]. According to the norms of this law were under the protection all the monuments of culture and art, which were in the borders of the state and was included in specialized lists. It was all movable and immovable objects older than 50 years. If the age of the object was less than 50 years, he could be recognized object of historical-cultural heritage on the basis of the decision of the Ministry of Religious Denominations and Public Enlightenment. Immovable heritage objects could not be demolished, rebuilt or reconstructed without a permit. For work in the immediate vicinity of the heritage site was also required permission from the authorities. In respect of movable objects of cultural heritage introduced a ban on their export abroad, except when the object of cultural heritage was in private ownership. The owners of the lands and the workmen were obliged immediately to inform the authorities about the facts of being in the ground for archaeological artifacts. On 28 January 1919 the Ministry of Internal Affairs issued a circular that for the works on dismantling of buildings and structures that may have historical and cultural value requires the permission of the Ministry of Culture and Arts [18].

The issues of the export of objects of historical-cultural heritage abroad was regulated by the circular of the Ministry of Finance [19], addressed to the customs authorities in 1919. In terms of the increase in the export of works of art, the Ministry of Finance together with the Ministry of culture and arts had banned the export abroad of movable objects of culture and art of previous eras, namely: paintings, icons, miniatures, engravings, parchments, books and manuscripts, collections of coins and stamps, religious objects, crosses, tapestries, weapons, armor, etc. In exceptional cases, on the export of these items could authorize the Ministry of Culture and Arts. In case of attempt of export of objects of historical-cultural heritage abroad, the customs authorities are obliged to confiscate this objects.

In October 1927 the Ministry of Religious Denominations and Public Enlightenment issued a circular, stating that the few keepers is not able to effectively resist the destruction of monuments, and the state does not have sufficient funds to support [20]. In this regard, first of all, society must bear the burden of protection of monuments of history and culture. To this end, the Ministry instructed the school authorities to organize education on the protection of historical and cultural monuments. The teachers themselves had to become acquainted with the historical monuments, temples, castles, historic places that are located near schools. And this knowledge then pass on to children in the lessons of history, geography, biology, etc. Also very important was the organization of tours for schoolchildren.

In accordance with the decree of the President dated 6 March 1928 the protection of monuments of history and culture carried out by local Executive bodies [21]. The Governor could issue a document outlining the value of

a heritage objects. Since the announcement of the historical and cultural value the object has acquired the status of a protected state. If it turns out that the object does not yet have the status of protected monument of history and culture, but potentially with all its characteristics, may be damaged or destroyed during construction or other contractors, public authorities have the right to suspend work or to prohibit them. During the next three months preparing the report of historical and cultural value of the object. Local authorities had to inform the Governor about the presence on their territory of objects that potentially have historical and cultural value.

To the owners of objects of historical and cultural heritage imposes the obligation to their maintenance in proper condition. The supervisory authorities may oblige the owner (legal entity, religious community or public Association) at their own expense to refurbish up the monument in a certain period of time. In case of a legal person or an Association wanted to sell the monument of history and culture, for legal enforcement of the transaction of purchase and sale was necessary for him to obtain permission from local executive bodies. Objects of historical and cultural heritage found during the excavations were placed at the disposal of central or local authorities.

17 July 1928 the Ministry of religious denominations and public enlightenment issued a decree on conducting the register of objects of historical and cultural heritage in regional offices [22]. The register does not include facilities owned by the Church, as well as objects of art, manuscripts and archival materials.

The government decree of 23 September 1932 settled the questions of protection of objects of historical and cultural heritage, which is the property of the state [23]. Also other regulatory legal acts concerning the preservation and use of cultural heritage. The protection of monuments was reflected in the decree of the President of the construction law and the building of settlements dated 16 February 1928 [24]. In areas where the landscape has a certain value, the government could refuse permission for the construction, reconstruction or restructuring, if the work entailed change it. Public authorities also had the right to prohibition to changes in the external appearance of the building (repair, placement of signs, additions, etc.), if it reduced the value of the object or its environment. If the appearance of the monument was changed without the authorization of the supervisory authorities, the owner was obliged to return to the monument original appearance.

Against monuments, the owners of which were religious communities of the Roman Catholic Church acted the provisions of the Concordat between the Roman Catholic Church and the Second Polish Republic, signed at Rome on 10 February 1925 [25]. According to the text of the Concordat, any changes in the attitude of the churches, monasteries and chapels had to be carried out in accordance with technical and architectural standards, and laws relating to the construction and preservation of monuments.

For accumulation, storage and preservation of cultural heritage in the arts, science and technology created museums, which could have social status or to be in private ownership. The draft law on museums was developed in April 1918, but was only approved by Parliament on 28 March 1933 [26]. Under this bill the owner of a public Museum could be a government, local authority, other public or commercial entity and the physical person if the collection will be available for inspection by the public. A spokesman for the museums during the Second Polish Republic was the Union of Polish museums. The Charter of this organization was approved at the I Congress of delegates of Polish Union of historical and artistic museums in Poznan, 1-3 August 1921 and was re-approved at the III Congress in Krakow in 1922. [12, s. 465].

Conclusions and prospects for further research in this direction. Thus, to the tourist and recreational resources are of cultural and historical attractions, as well as natural complexes and their components (relief, climate, waters, vegetation, fauna). Regulation of rational use in the economic activity of tourism and recreational resources in the Second Polish Republic at 1918-1939 was carried out in two main areas: preservation of natural features and preservation of monuments of historical and cultural heritage. In West Ukraine and West Belarus the main recreational resources were forests, rivers and lakes, for the protection which the state has taken a number of measures aimed at the prevention of the extinction of themselves, their flora and fauna as well as pollution (water area). The most common form of preservation of objects of wildlife was giving to the territory the status of a specially protected natural territory. Basic regulatory legal act in the sphere of protection and rational use of recreational resources was the law "On the conservation of nature", install for offenders including criminal liability. To prevent contamination of water bodies by state bodies establishes rules of conducting economic activities near water bodies that obliged entities to carry out water treatment operations. The main forms of preservation of monuments of historical and cultural heritage was a ban on export abroad of objects of historical and cultural value and prevent their destruction, damage, change of appearance. The study of this experience has value for the development of modern state policy in this sphere, which determines the relevance and significance of further research of this topic.

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