

CONSTITUTIONAL LAW-MAKING PROCESS IN THE POLISH COMMONWEALTH IN THE 16-18TH CENTURIES

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Abstract: The aim of this work is to present the constitutional law-making process in the Commonwealth of Poland, which was established as a merger of Poland and Lithuania in 1569. The system of the state was defined in the constitution of the Coronation Sejm of King Stefan Batory in 1576, adopted on the basis of a resolution prepared during the Election Sejm of the first elected king, Henry de Valois, 1573. The provisions of the resolution were called *Articuli Henriciani* after the king. The constitution provided for a hierarchy of norms determining the position of the organs: the King, the Sejm and the Council of the Kingdom, which were united in one supreme sovereign state organ with the power to make law achieved by consensus.

Keywords: Polish Commonwealth 16-18th Century, Articuli Henriciani, Polish General Sejm, law-making, constitutionalism

I. INTRODUCTION: FOUNDATION OF THE POLISH COMMONWEALTH

The process of law-making in the Polish-Lithuanian Commonwealth between the 16th-18th centuries was a part of the state institutions activities that existed in the constitutional system structure of the Commonwealth. The Polish-Lithuanian Commonwealth was founded by the Act of Union concluded in Lublin (1st July 1569) and ended almost two hundred years of different state forms, experiences and political relations between Poland and Lithuania. Formerly, these relations were initiated with the Union in Krewo in 1385, when one joint state was erected, sealed with the marriage of the Polish Queen Jadwiga (Hedwig) and Grand Duke of Lithuania, future King of Poland, Władysław Jagiełło (Ladislaus Jagiello)¹.

¹ *Przywilej około Uniey Wielkiego Xięstwa Litewskiego z Koroną, na Walnym Seymie lubelskim, od Panow rad duchownych y świeckich, y posłów ziemskich roku pańskiego 1569 uchwalon; Potwierdzenie unii między narody Polskimi i litewskimi, na seymie walnym lubelskim, roku 1569 skończoney; Konstytucje sejmu koronnego lubelskiego, Oboyga Narodow uniowanego, polskiego y litewskiego roku 1569, Volumina legum, Józafat Ohryzko, Petersburg, 1859, t. 2, pp. 87-92; Stanisław Grodziski, [et al. edit.], *Volumina Constitutionum*, T. 2. 1550-1609, Vol. 1. 1550-1585, Wydawnictwo Sejmowe, Warszawa, 2005, pp. 232-238; Stanisław Kutrzeba, Władysław Semkowicz,*

Although the very name of the Polish Commonwealth had been officially used in the Act of 1569, the Union of Lublin established a common state consisting of the Polish Crown and the Grand Duchy of Lithuania. Although certain separate institutions which had been present in the structure system of former Poland and Lithuania, such as some inherent Ministerial posts, the army organization, and the Supreme Judicial Tribunals, were maintained in each part of the unified state, the Commonwealth was perceived as one entity in international relations.

II. CONSTITUTIONAL SYSTEM OF GOVERNMENT

Basing the state's system on an act of a fundamental nature was crucial. The constitution of King Stefan Batory's Coronation Sejm of May 30, 1576² became such an act. The constitution was initially formulated on May 12, 1573 as a resolution of the elective assembly during the first free election³. The election took place in times of crisis caused by the extinction of the Jagiellonian dynasty (its last representative, King Zygmunt August, died on July 7, 1572)⁴. As a result, Prince Henry de Valois,

Akta unii Polski z Litwą 1385 – 1791 [Files of the Union of Poland with Lithuania 1385 – 1791], Polska Akademia Umiejętności, Kraków, 1932, n° 148, pp. 331-347; Stanisław Kutrzeba, *Unia Polski z Litwą* [The Union of Poland with Lithuania], en: Stanisław Kutrzeba, *Polska i Litwa w dziejowym stosunku* [Poland and Lithuania in a historical relationship], Gebethner i Wolff, Warszawa, 1914, pp. 447-658; Oskar Halecki, *Dzieje unii jagiellońskiej* [The history of the Jagiellonian Union], Polska Akademia Umiejętności, Kraków, 1920, t. 2, pp. 248 – 353.

² *Litterae confirmationis articuloꝝ Henrico Regi antea oblatorum, Volumina legum*, op.cit., t. 2, pp. 896-903; Stanisław Grodziski, [et al.], *Volumina Constitutionum*, op.cit., pp. 356-359; Dariusz Makiła, *Artykuły henrykowskie (1573-1576). Geneza-Obowiązywanie-Stosowanie. Studium historyczno-prawne* [Henrician Articles (1573-1576). Genesis-Validity-Application. Historical and legal study], Vizja Press & IT, Warszawa, 2012, pp. 103-104.

³ Dariusz Makiła, *Artykuły henrykowskie (1573-1576). Geneza-Obowiązywanie-Stosowanie. Studium historyczno-prawne*, op.cit., pp. 38-49.

⁴ Świętosław Orzelski, *Bezkrólewia książę ośmiu, czyli dzieje Polski od zgonu Zygmunta Augusta r. 1572 aż do r. 1576 skreślone przez Świętosława z Borzejewic Orzelskiego, starostę radziejowskiego. Przełożył z rękopisu Cesarskiej Publicznej Biblioteki, przypisami i życiorysem uzupełnił Włodzimierz Spasowicz* [The interregnum of eight books, that is, the history of Poland from the death of Sigismund Augustus in 1572 until 1576 deleted by Świętosław from Borzejewice Orzelski, the starost of Radziejów. Translated from the manuscript of the Imperial Public Library, completed with footnotes and a biography by Włodzimierz Spasowicz], Wolff, Petersburg, 1856, t. 1, pp. 78-151; *Interregni Poloniae libri VIII*, Edward Kuntze edit.), Polska Akademia Umiejętności, Kraków, 1917, pp. 69-133; Tadeusz Piliński, *Bezkrólewie Auguście i elekcyja króla Henryka* [Interregnum after Sigismund Augustus and election of King Henry], Uniwersytet Jagielloński, Kraków, 1872, pp. 84-108; Eduard Reimann, „Die polnische Königswahl von 1573“, *Historische Zeitschrift*, Bd. 11, 1867, pp. 58-128; Wincenty Zakrzewski, *Po ucieczce Henryka. Dzieje bezkrólewia 1574-1575* [After Henry's escape. The history of the interregnum 1574-1575], Akademia Umiejętności, Kraków, 1878; Stefan Gruszecki, *Walka o władzę w Rzeczypospolitej po wygaśnięciu dynastii Jagiellonów 1572 – 1573* [The struggle for power in the Commonwealth after the end of the Jagiellonian dynasty 1572 – 1573], Państwowe Wydawnictwo Naukowe, Warszawa, 1969; Paweł Skwarczyński, „Pierwsze trzy wolne elekcyjne wiritim 1573-1578 (Zagadnienia wybrane)” [„The first three free elections of wiritim 1573-1578 (Selected issues)”], *Teki Historyczne*, t. 10, 1959, pp. 142-144; Stanisław Płaza, *Próby reform ustrojowych w czasie pierwszego bezkrólewia [1572-1574]* [Attempts of structural reforms during the first interregnum [1572-1574]], Uniwersytet Jagielloński, Kraków, 1969; Ewa Dubas-Urwanowicz, *Koronne zjazdy szlacheckie w dwóch pierwszych bezkrólewicach po śmierci Zygmunta Augusta* [Nobility Convocations in Polish Crown in the first two interregnums after the death of Sigismundus

brother of the French king, Charles IX, was elected to the Polish throne. Initially, the resolution of the Election Sejm adopted during the election was submitted to the king-elect Henry for approval by the delegation of the Polish estates sent to France, announcing his election. King-elect Henry approved and sworn the resolution at the Notre Dame Cathedral in Paris. The resolution was presented to King Henry as a royal privilege. To make it more understandable to the king-elect, who came from the French tradition, the act was named after him - *Articuli Henriciani*⁵. King-elect Henry, having arrived in Poland in February 1574 for his coronation, avoided re-confirming the resolution during the oath ceremony. Thus, it did not become binding law⁶. Due to the fact that King Henry left for France in June 1574 to the French throne after his deceased brother, in August 1575 at the assembly of estates in Stężyca it was found that the king, not returning to Poland on the summons of the estates within the prescribed period (until May 12, 1575), gave up the throne and his rights to the throne expired. An interregnum was announced again and a new election was scheduled⁷. The resolution Election Sejm of 1573, in an effort to convince King Henry to accept it, was portrayed as a royal privilege. Later, the resolution became the subject of measures leading to its adoption by the next king-elect, Stefan, the prince of Transylvania, elected in December 1575. The resolution, functioning in the form of a privilege, was approved and sworn in by King Stefan

Augustus], Wydawnictwo Uniwersytetu w Białymstoku, Białystok, 1998; Ewa Dubas-Urwanowicz, „Bezkrólewie - czas integracji czy podziałów” [„Interregnum - a time of integration or divisions”], *Przegląd Historyczny*, t. 85, 1994, z. 1-2, pp. 35-43; Jan Dziegielewski, *Sejmy elekcyjne. Elektorzy. Elekcje 1573-1674* [Election sessions. Electors. Elections 1573-1674], Wyższa Szkoła Humanistyczna im. Aleksandra Gieysztora, Pułtusk, 2003, pp. 34-64; Dariusz Makiła, *Artykuły henrykowskie (1573-1576). Geneza-Obowiązywanie-Stosowanie. Studium historyczno-prawne*, op.cit., pp. 29-50; Maria Rhode, *Ein Königreich ohne König. Der kleinpolnische Adel in sieben Interregna*, Harrassowitz Verlag, Wiesbaden 1997, pp. 21-85.

⁵ Dariusz Makiła, *Artykuły henrykowskie (1573-1576). Geneza-Obowiązywanie-Stosowanie. Studium historyczno-prawne*, op.cit., pp. 29-39, 59, 91-92; Emmanuel Henri de Noailles, *Henri de Valois et la Pologne*, Michel Lévy Frères Libraires Éditeurs, Paris, 1867, t. 3, p. 162; Wacław Sobieski, *Trybun ludu szlacheckiego* [Tribune of the noble people], Państwowy Instytut Wydawniczy, Warszawa, 1978, pp. 50-51; Stanisław Płaza, *Próby reform ustrojowych w czasie pierwszego bezkrólewia [1572-1574]*, op.cit., pp. 47-48.

⁶ Dariusz Makiła, *Artykuły henrykowskie (1573-1576). Geneza-Obowiązywanie-Stosowanie. Studium historyczno-prawne*, op.cit., pp. 92-100

⁷ Ewa Dubas-Urwanowicz, *Koronne zjazdy szlacheckie w dwóch pierwszych bezkrólewicach po śmierci Zygmunta Augusta*, op.cit., pp. 11-210; Ewa Dubas-Urwanowicz, *Kiedy problemy lokalne stają się racją państwa. Konfederacje dwóch pierwszych bezkrólewici w XVI-wiecznej Rzeczypospolitej* [When local problems become the raison d'être of the state. Confederations of the first two interregnums in the 16th-century Polish Commonwealth], en: Zbigniew Anusik (edit.), *Spory o państwo w dobie nowożytnej. Między racją stanu a partykularyzmem* [State disputes in the modern era. Between raison d'état and particularism], Wydawnictwo Uniwersytetu Łódzkiego, Łódź, 2007, pp. 59-68; Jan Dziegielewski, *Sejmy elekcyjne. Elektorzy. Elekcje 1573-1674*, op.cit., pp. 34-65; Paweł Rybak, *Zjazd szlachty w Stężycy (maj-czerwiec 1575 r.). Na tle drugiego bezkrólewia* [A convention of the nobility in Stężyca (May-June 1575). Against the backdrop of the second interregnum], Wydawnictwo Adam Marszałek, Toruń 2002; Witold Kamieniecki, „Zjazd Jędrzejowski w 1576 r.” [„Convention of Jędrzejów in 1576”], en: *Studia historyczne wydane ku czci prof. Wincentego Zakrzewskiego* [Historical studies in honor of prof. Wincenty Zakrzewski], Uniwersytet Jagielloński, Kraków 1908, pp. 173-201; Edward Opaliński, „Zjazd w Jędrzejowie w 1576 roku” [„Convention in Jędrzejów in 1576”], *Kwartalnik Historyczny*, t. 109, 2002, z. 2, pp. 15-39;

during the coronation, and then finally adopted as an act of the Sejm at the end of the coronation Sejm on May 30, 1576. Thus, it became binding as a Sejm Act, but kept its former name - *Articuli Henriciani*⁸.

The Sejm constitution of 1576, the adoption of which resulted in a three-year process of its formation, did not regulate the entire system, which was still evolving. However, it contained explicit provisions concerning the organization of the state and the rights and freedoms of its citizens. From the constitutional point of view, the most important thing in the act was to organize all the basic elements constituting the power of the Commonwealth of Poland: the King, the Sejm and the Council of the Kingdom. At the same time the act established their mutual relations based on legal and assumed competences, which were divided between these institutions⁹. The *Articuli Henriciani*, due to their function and significance, were a constitutional act which, reflecting the state system, did so based on a hierarchy of norms. In this sense, the Commonwealth of Poland was a constitutional state where the relations between the ruling and the ruled were regulated by law, and the actions of all organs of government were subject to the law. There were also institutions that guaranteed society, though first of all it was gentry, a real influence on public affairs, that is, representative and parliamentary institutions.

The arrangement of the organs of the Commonwealth of Poland, which in fact constituted the public authority, was shaped in the *Articuli Henriciani*. However, it allowed to define the position of these organs in the entire state system. The division of powers into three elements, which was adopted in the provisions of *Articuli Henriciani* constitution, was not, however, made in order to limit the activities of any of the elements of the system. In fact, such a construction was rather used to show the place of these constitutional components in the political system. In the ideological sense, all the above-mentioned components of the system (the King, the Sejm and the Council of the Kingdom) constituted a whole of power that was mutually balanced and combined in the highest organ of power, which was the Sejm. In fact, the constitutionally established sovereign power was created in the *Articuli Henriciani*. The system of organs of power, united in one, the highest organ of the Republic, decided about the law, having the power to create it. At the same time, however, this agreement meant that it was also impossible to legislate, if no

⁸ Dariusz Makilla, *Artykuły henrykowskie (1573-1576). Geneza-Obowiązki-Stosowanie. Studium historyczno-prawne, op.cit.*, pp. 104-106; Władysław Sobociński, *Pakta konwenta. Studium z historii prawa polskiego [Pacta conventa. A Study in the History of Polish Law]*, Uniwersytet Jagielloński, Kraków 1939, pp. 40-42; Władysław Sobociński, „O ustawie konstytucyjnej państwa polskiego z 1573 r.” [“On the constitutional law of the Polish state of 1573”], *Czasopismo Prawno-Historyczne*, t. 1, 1948, pp. 78-79.

⁹ Dariusz Makilla, „Artykuły henrykowskie (1573-1576). Zakres wprowadzanych zmian w ustroju Rzeczypospolitej oraz ich ocena” [„Henrician Articles (1573-1576). The scope of introduced changes in the political system of the Commonwealth and their assessment”], en: Jan Dziegielewska, Krzysztof Koehler, Dorota Muszytowska (edit.), *Rok 1573. Dokonania przodków sprzed 440 lat [Year 1573. Achievements of ancestors from 440 years ago]*, Wydawnictwo Naukowe Uniwersytetu Kardynała Stefana Wyszyńskiego, Warszawa, 2014, pp. 155-168; Dariusz Makilla, *Artykuły henrykowskie (1573-1576). Geneza-Obowiązki-Stosowanie. Studium historyczno-prawne, op.cit.*, pp. 121-292.

consensus was reached between the authorities¹⁰. Law-making was the highest hallmark of sovereignty.

III. LAW-MAKING PROCESS PARTICIPANTS

The King was the Head of State and he wielded full authority between the periods when the General Sejm was not convoked and did not proceed¹¹. The General Sejm a primary parliamentary institution, was made up of three estates of the sejm: the King who entered separately into the General Sejm becoming, during the Sessions, the first and the most important estate, the representatives of all lands, both from Poland and Lithuania elected at local estate assemblies, operating in every district, forming a Representatives' Chamber and members of Senate deriving from the former King's Council and containing all the state dignitaries (senators) becoming, during the General Sejm sessions, a Senate of Commonwealth debating also as a separate Chamber¹².

The local assemblies, the member of which could be every nobleman taking decisions important for local communities, played a crucial role in the state system¹³. The King as the Head of the Commonwealth, the General Sejm and the

¹⁰ Dariusz Makiła, „O doktrynalnych źródłach konstytucjonalizmu w XV-wiecznej Polsce” [„On the doctrinal sources of constitutionalism in 16th-century Poland”], en: Łukasz Cybulski, Krzysztof Koehler (edit.), *Retoryka, Polityka, Religia w Pierwszej Rzeczypospolitej* [Rhetoric, Politics, Religion in the First Polish Republic], Wydawnictwo Naukowe Uniwersytetu Kardynała Stefana Wyszyńskiego, Warszawa, 2019, pp. 39-51.

¹¹ Waław Uruszczak, *Sejm walny koronny w latach 1506-1540* [The Crown General Sejm in the years 1506-1540], Państwowe Wydawnictwo Naukowe, Warszawa, 1981, pp. 12-15; Dariusz Makiła, *Artykuły henrykowskie (1573-1576). Geneza-Obowiązywanie-Stosowanie. Studium historyczno-prawne*, op.cit., pp. 177-228; Włodzimierz Kaczorowski, „Udział króla w stanowieniu prawa na sejmach Rzeczypospolitej od końca XV w. do pierwszej połowy XVII w. (W 500. Rocznice uchwalenia konstytucji Nihil novi)” [“King's participation in lawmaking at the Sejms of the Republic of Poland from the end of the 15th century to the first half of the 17th century (on the 500th anniversary of the adoption of the Nihil novi constitution)”], en: Piotr Sadowski (edit.) [et al.] (edit.), *Historia prawa w służbie sprawiedliwości. Materiały z I Opolskiego Colloquium Prawno-Historycznego* [The history of law in the service of justice. Materials from the First Legal and Historical Colloquium in Opole], Międzywydziałowy Instytut Prawa i Administracji Uniwersytetu Opolskiego, Opole, 2006, pp.13-28.

¹² Antoni Prochaska, „Geneza i rozwój parlamentarizmu za pierwszych Jagiellonów” [„The genesis and development of parliamentarism during the first Jagiellons”], *Rozprawy Akademii Umiejętności*, Wydział Historyczno-Filozoficzny, Ser. II, 13, 1899, pp. 50-182; Waław Uruszczak, *Sejm walny koronny w latach 1506-1540*, op.cit., pp. 15-58; Anna Sucheni-Grabowska, *Sejm w latach 1540-1587* [The Sejm in 1540-1587], en: Jerzy Michalski (edit.), *Historia sejmu polskiego* [History of the Polish Sejm], Państwowe Wydawnictwo Naukowe, Warszawa, 1984, pp.166-178; Juliusz Bardach, „Sejm dawnej Rzeczypospolitej jako najwyższy organ reprezentacyjny” [„The Sejm of the former Republic as the highest representative body”], *Czasopismo Prawno-Historyczne*, z. 1, 1983, pp. 138-143; Henryk Olszewski, „The Sejm of the Old Polish Republic as a Subject of Power and Center of Legal Culture”, en: Waław Uruszczak, [et al.]: *Separation Powers and Parliamentarism. The past and the Present. Law, doctrine, practice. Five Hundred Years Anniversary of the Nihil novi Statute of 1505. 56th Conference of International Commission for the History of Representative and Parliamentary Institutions in Cracow and Radom (5-8 September 2005). Studies Presented to the International Commission for the History of Representative and Parliamentary Institutions Volume 84*, Wydawnictwo Sejmowe, Warszawa, 2006, pp. 316-325.

¹³ Adolf Pawiński, *Sejmiki ziemskie, początek ich i rozwój aż do ustalenia się postów ziemskich w ustawodawstwie sejmu walnego 1374-1505* [Land assemblies, their beginning and development

local assemblies were just these three participants of different proportions in the process of law-making in the Commonwealth's system.

The special place and legislative roles of the General Sejm were constitutionally recognized simultaneously, pursuant to the principle of the earlier *Nihil novi* constitution, adopted during the Sejm in Radom in 1505. This Sejm was convened by King Alexander from the House of Jagiellon (1501-1506) as the Sejm of all countries that recognized the authority of the king (*dieta universis dominiis nostris generalis*). Its goal was to establish a parliamentary union of the Kingdom of Poland, the Grand Duchy of Lithuania and Prussia, which, however, still did not happen at that time. However, the *Nihil Novi* Constitution, adopted only by the Sejm of Poland, created a legal guarantee of the integrity of the legal system of the Kingdom of Poland and all subsequent states that will join it¹⁴.

This constitution specified that the General Sejm became the supreme organ of the state power as the only one that was entitled to provide all of state norms¹⁵. One of the legal principles accepted in the *Nihil novi* constitution of 1505 was a possibility of all estates participating in the law-making process, although in the law of 1505 it was not decided to what extent the participation in this process was obligatory. However, despite the settlements of the *Nihil novi* constitution of 1505, the problem of the reciprocal relations between the King and the more and more active General Sejm availing itself of an opportunity of financial needs of the monarchy to increase his participation in the state politics was undergoing a special evolution still under the reign of last Jagiellonian Kings¹⁶. It is possible to distinguish, for this time, two basic principles for competences of the contemporary General Sejm. The first one was acquiring the joint consent

until the land deputies were established in the legislation of the general parliament 1374-1505], Warszawa, 1895; Wacław Uruszczak, *Sejm walny koronny w latach 1506-1540*, op.cit., pp. 92-126; Anna Sucheni-Grabowska, *Sejm w latach 1540-1587*, op.cit., pp. 128-144; Władysław Czapliński, *Sejm w latach 1587-1696* [*The Sejm in 1587-1696*], en: Jerzy Michalski (edit.), *Historia sejmów polskiego*, Państwowe Wydawnictwo Naukowe, Warszawa, 1984, pp. 217-238; Adam Lityński, „Z problematyki klasyfikacji sejmików ziemskich” [*On the issue of classification of land assemblies*], *Prace Naukowe Uniwersytetu Śląskiego, Prace Prawnicze*, № 1, 1970, pp. 89-105; Stanisław Płaza, *Sejmiki i zjazdy szlacheckie województw poznańskiego i kaliskiego. Ustrój i funkcjonowanie (1572-1632)* [*Territorial assemblies and noble conventions of the Poznań and Kalisz voivodships. Political system and functioning (1572-1632)*], Uniwersytet Jagielloński, Kraków 1984.

¹⁴ Wacław Uruszczak, „*Sejm walny wszystkich państw naszych. Sejm w Radomiu z 1505 roku i konstytucja Nihil novi*” [*The general parliament of all our countries. The Sejm in Radom from 1505 and the Nihil novi constitution* “], *Czasopismo Prawno-Historyczne*, t. 57, 2005, z. 1, pp. 11-24.

¹⁵ *Quoniam iura communia et constitutiones publicae non unum, sed communem populum afficiunt (...) aequum et rationabile censuimus, ac etiam statuimus, et deinceps futuris temporibus perpetuis, nihil novi constitui debeat per Nos et successores Nostros sine communi Consiliarorum et Nuntiorum Terrestrium consensu, quod fieret in praejudicium gravamenque Reipublicae, et damnum atque incommodum cujuslibet privatum, et innovationemque juris communis et publicae libertatis.* *Konstytucja sejmów radomskiego z 1505 r. De non faciendis constitutionibus sine consensu Consiliarorum et Nuntiorum Terrestrium, Volumina legum*, op.cit., t. 1, p. 137; Stanisław Grodziski, [et al. edit.]: *Volumina Constitutionum*, T. 1. 1493-1549, Vol. 1. 1493-1526, Warszawa: Wydawnictwo Sejmowe, 1996, p. 138; Fryderyk Papée, *Aleksander Jagiellończyk*, Polska Akademia Umiejętności, Kraków, 1949, pp. 100-106

of the King, the Senate, and local land representatives, which was necessary for the validity of legal acts. The other competence of the General Sejm was to create legal norms that had to be passed at a General Sejm session, however, dependant upon the King's will or the decision of both the King and the Senate¹⁷. It secured, for the General Sejm, the participation in the process of making the decisions connected with the interest of their participants or the interest of the Kingdom requiring, according to the common law, the consent of the community. Mostly, these were past rights connected with tradition, and derived from customs, laws, and freedoms in force¹⁸. The permission of other questions directed at General Sejm sessions always depended on the King's consent. As a rule, for the session to be valid, the King had to be present and of full awareness. From his end, the King still disposed of the laws towards his interest. The King participated in the General Sejm standing at the Head of the General Sejm, who personally decided on passed laws. He kept an adequate distance from the General Sejm, maintaining his superiority over it, preserving also his old prerogatives for the law-making process. These included, for example, the right for convocation of the General Sejm, its closing, but also for making a decision concerning his subjects. Remaining above the exclusive interest of only one estate, he was aware of his duty to protect the rights of all subjects. Although the ruler was limited with the rights of his subjects, he was still able to dispose freely of legal decisions outside the General Sejm. These decisions could target individuals and even groups of subjects in the shape of privileges and other monarch decisions. He also used his rights to moderate and interpret the laws, not avoiding this even in this situations of conflicts with estates¹⁹.

IV. CONSTITUTIONAL LAW-MAKING PROCEDURE

In the 16th and the 17th century the procedure of law-making was not regulated by a made law but still was contained in a canon of customs. The initiative in law-making, which means the presentation of matters which were to

¹⁷ Dariusz Makilla, *Artykuły henrykowskie (1573-1576). Geneza-Obowiązki-Stosowanie. Studium historyczno-prawne*, op.cit., pp. 229-271

¹⁸ Henryk Olszewski, „Funkcjonowanie sejmu dawnej Rzeczypospolitej” [*Functioning of the Sejm of the former Republic of Poland*], *Czasopismo Prawno-Historyczne*, t. 35, 1983, z. 1, pp. 152-154; Henryk Olszewski, „*The Sejm of the Old Polish Republic as a Subject of Power and Center of Legal Culture*”, op.cit., pp. 318-321.;

¹⁹ Wacław Uruszczak, *Sejm walny koronny w latach 1506-1540*, op.cit., pp. 182-190; Anna Sucheni-Grabowska, „*Sejm w latach 1540-1587*”, op.cit., pp. 166-169; Anna Sucheni-Grabowska, „*Kilka uwag o miejscu króla w sejmach 'złotego wieku'*” [*A few remarks about the king's place in the parliaments of the 'golden age'*], en: Krystian Matwijowski, (et al.edit.), *Studia z dziejów Rzeczypospolitej* [Studies in the history of the Polish Commonwealth], *Acta Universitatis Wratislaviensis, Historia*, N° 56, 1988, pp. 79-83; Janusz Ekes, *Trójpodział władzy i zgoda wszystkich. Naczelne zasady „ustroju mieszanego” w staropolskiej refleksji politycznej* [*The division of powers and the agreement of all. The main principles of the „mixed system” in the old Polish political reflection*], Instytut Historii Akademii Podlaskiej, Siedlce, 2001, pp. 74-124; Konstanty Grzybowski, *Teoria reprezentacji w Polsce epoki Odrodzenia*, op.cit., pp. 191-206.

be admitted to the General Sejm, was still dependent on the King's wish. While preparing a General Sejm session long before the formal convocation of the General Sejm, the King would approach several senators asking for their opinions called 'deliberations'²⁰. Having received those opinions, the monarch took his initiative in convoking the General Sejm and in sending the King's legations to the local estate assemblies. They contained the so-called 'proposals from the throne', which were the matters that the King as the Head of the state intended to submit to the General Sejm sessions. It was on these suggestions that the discussion at the local assemblies should concentrate. The cases involved different subjects showing the course of the King's government's current policy and the presentation of matters that the court considered fundamental and requiring legal regulations. There were especially tax and military questions. In this way 'the proposals from the throne' sent during the legations to the local land assemblies could be treated more as the King's exposé concerning the current politics with the suggestions for potential legal regulations of some of the questions. The local assemblies, while making the reception of the King's legations, and while preparing the instructions for their representatives, enclosed, apart from the answers to the problems indicated by the King in the legations, also their own matters to be considered during the General Sejm sessions²¹.

The matters indicated in the representatives' instructions the questions important in their mind for the Kingdom which were not addressed in the King's legations and then the local assemblies' proposals acted as their supplement. The local assemblies could also raise, in the instructions, the common matters that did not find their place in legations at all but which in an event of convocation of the General Sejm ought to have been addressed in the opinion of the landed gentry, that should have received a widespread acceptance. Exclusive matters of local societies could also be heard in the Chamber. These were often submitted

²⁰ Waław Uruszczak, *Sejm walny koronny w latach 1506-1540*, op.cit., pp. s. 59-62; Henryk Olszewski, *Sejm Rzeczypospolitej epoki oligarchii 1652 - 1763. Prawo, praktyka, teoria, programy* [The Sejm of the Republic of Poland in the epoch of the oligarchy 1652 - 1763. Law, practice, theory, programs], Printer, Poznań, 2002, pp. 49-53; Izabela Lewandowska-Malec, *Sejm walny koronny Rzeczypospolitej i jego dorobek ustawodawczy. 1587-1632*, Księgarnia Akademicka, Kraków, 2009, pp. 113-119; Robert Kołodziej, „Ostatni wolności naszej klejnot”. *Sejm Rzeczypospolitej za panowania Jana III Sobieskiego* [„Our last jewel of liberty”. The Sejm of the Republic of Poland during the reign of Jan III Sobieski], Wydawnictwo Poznańskie, Poznań, 2014, pp. 20-31.

²¹ Konstanty Grzybowski, *Teoria reprezentacji w Polsce epoki Odrodzenia*, op.cit., pp. 48-89; Waław Uruszczak, *Sejm walny koronny*, op.cit., pp. 45-55; Anna Sucheni-Grabowska, „Rola mandatu poselskiego w dawnej Polsce na tle porównawczym” [„The role of the deputy mandate in former Poland against a comparative background”], en: Cezary Kuklo (edit.), *Między polityką a kulturą* [Between politics and culture], Wydawnictwo Naukowe PWN, Warszawa, 1999, pp. 119-137; Henryk Olszewski, *Sejm Rzeczypospolitej epoki oligarchii 1652 - 1763. Prawo, praktyka, teoria, programy*, op.cit. pp. 53-63; Izabela Lewandowska-Malec, *Sejm walny koronny Rzeczypospolitej i jego dorobek ustawodawczy. 1587-1632*, op.cit., pp. 143-171; Dariusz Makilla, „Prerogatywa królewska wobec sejmików w polskim prawie ustrojowym drugiej połowy XVI w.” [“Royal prerogative to land assemblies in the Polish system law of the second half of the 16th century”], en: Dariusz Kuźmina (et al. edit.), *Szlachta polska i jej dziedzictwo. Księga na 65 lat Prof. dr hab. Jana Dzięgielewskiego* [Polish nobility and their heritage. Book for 65 Years Prof. dr hab. Jan Dzięgielewski], Oficyna Wydawnicza ASPA-JR, Warszawa 2013, pp. 99-110.

by nobility assemblies and considered issues that could not be settled through provincial assemblies due to the legal and structural separation of competences. However, they could be regulated by the central organ, no matter how local the issue was. The acceptance of the local land representatives' instructions and the enclosed matters conducted in practice the recognition of the rights of the local assemblies to a wider participation in the work of the General Sejm through the mediation of their representatives during the common General Sejm session²².

Another question was a problem of the law-making during the General Sejm sessions. In the 16th and 17th century, the King's participation in this process was partial and temporal, in situations when he became a part of the General Sejm and only then when he wished to do so, especially during sessions devoted to the process of making a common law. The King's attitude was an important cause for the development of the contemporary hierarchy of the laws²³. Still, a part of the law-making process remained in the hands of the King, the other part was made in the General Sejm, yet with his participation. The General Sejm sessions often resulted in more and more matters being put forward amongst the postulates of local land representatives needing a new law. Sometimes these postulates were even imposed on the King. At the same time, the King could oppose the claims made by the radical wing of nobility that the law could be made only in a common consent (*In conventu generali ne quid novi sine consensu auctoritate senatu et nunciorum*

²² Wacław Uruszczak, *Sejm walny koronny w latach 1506-1540*, op.cit., pp. 79-87, 92-124; Konstanty Grzybowski, *Teoria reprezentacji w Polsce epoki Odrodzenia*, op.cit., pp. 102-122; Anna Sucheni-Grabowska, *Sejm w latach 1540-1587*, op.cit., pp. 179-192; Władysław Czapliński, *Sejm w latach 1587-1696*, op.cit., pp. 237-241; Henryk Olszewski, *Sejm Rzeczypospolitej epoki oligarchii 1652 - 1763. Prawo, praktyka, teoria, programy*, op.cit., pp. 68-82, 101-138; Edward Opaliński, *Sejm srebrnego wieku 1587-1652. Między głosowaniem większościowym a liberum veto* [*The Sejm of the Silver Age 1587-1652. Between majority vote and liberum veto*], Wydawnictwo Sejmowe, Warszawa, 2001, pp. 38-48-122; Izabela Lewandowska-Malec, *Sejm walny koronny Rzeczypospolitej i jego dorobek ustawodawczy. 1587-1632*, op.cit., pp. 119-152; Robert Kołodziej, „Ostatni wolności naszej klejnot”. *Sejm Rzeczypospolitej za panowania Jana III Sobieskiego*, op.cit., pp. 50-59.

²³ Konstanty Grzybowski, *Teoria reprezentacji w Polsce epoki Odrodzenia*, op.cit., pp. 191-206; Stanisław Grodziski, „Sejm dawnej Rzeczypospolitej jako najwyższy organ ustawodawczy. Konstytucje sejmowe - pojęcie i próba systematyki” [“The Sejm of the former Republic of Poland as the highest legislative body. Sejm constitutions - the concept and an attempt at systematics”], *Czasopismo Prawno-Historyczne*, t. 35, 1983, z. 1, pp. 163-175; Stanisław Salmonowicz, Stanisław Grodziski, „Uwagi o królewskim ustawodawstwie” [“Notes on Royal Legislation”], en: Jerzy Malec (et. al. edit.) *Parlamentaryzm i prawodawstwo przez wieki. Prace dedykowane Prof. Stanisławowi Płazie w siedemdziesiątą rocznicę urodzin* [*Parliamentarism and legislation through the ages. Works dedicated to Prof. Stanisław Płaza on the seventieth anniversary of his birth*], Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków, 1999, pp. 149-160; Izabela Lewandowska-Malec, *Sejm walny koronny Rzeczypospolitej i jego dorobek ustawodawczy. 1587-1632*, op.cit., pp. 239-256; Dariusz Makiła, „Król w prawie ustrojowym Rzeczypospolitej po 1573 r. Próba systematyki” [“King in the systemic law of the Republic after 1573. An attempt at systematics”], en: Karol Łopatecki (et. al. edit.), *Nad społeczeństwem staropolskim. Kultura-Institucje-Gospodarka w XVI-XVIII stuleciu* [*Over the Old Polish Society. Culture-Institutions-Economy in the XVI-XVIII centuries*], Wydawnictwo Uniwersytetu w Białymstoku, Białystok, 2007, pp. 28-32; Tomasz Kucharski, „Konstytucje „egzorbitacyjne” w Rzeczypospolitej w latach 1607-1648. Zarys problematyki” [“Exorbitative” constitutions in the Commonwealth in the years 1607-1648. Outline of the issue”], *Czasopismo Prawno-Historyczne*, t. 64, 2012, z. 2, pp. 127-158.

*terrestrium constitui possit*²⁴). The King made his own law everywhere where it was not treated earlier as *ius commune*²⁵. However, the King very often submitted to the General Sejm sessions matters that were not accounted for in the scope of common law but they belonged to his exclusive competences. It enlarged the circle of the matters taken through the General Sejm because it was a usual practice at this time to consider all cases submitted to the General Sejm to become its matters²⁶.

The General Sejm sessions were followed without a written order of debates. The order of the Chamber session was regulated by a custom regulation prepared in a long years of practice. The procedural principles had a flexible character and could be modified according to the needs and especially then when all the General Sejm's participants expressed their consent. The General Sejm sessions were opened when came the participants of all provinces. After the ceremonial greetings with the King it was presented in the General Sejm proposals from the throne which were usually delivered in the name of the King by one of the Chancellors. In the proposals, the most important matters were considered –with the suggestion to the local land representatives and senators for their positive settlement²⁷.

The debate proceeded from the throne after the proposals were presented. The debate consisted in different common and separate sittings of the King with the Senate or Representatives' Chamber, but also narrower groups of senators and local land representatives, trying to agree their post in the matters. The Representatives' Chamber debated first, as they prepared the projects of constitutions containing answers and their own proposals in the matters submitted to the General Sejm sessions by the King and Senate. There were also drafted a postulates the so called articles, based on the representatives instructions given by the local land assemblies. The general aim of this debate was achieving an agreement of all local representatives what came through the reciprocal persuasiveness up to the becoming silent an opposition²⁸.

²⁴ *De non faciendis constitutionibus sine consensu Consiliariorum et Nuntiorum Terrestrium, Volumina legum*, op.cit. t. 1, p. 299; Stanisław Grodziski (et al. edit.), *Volumina Constitutionum*, op.cit., T. 1. 1493-1549, Vol. 1. 1493-1526, p. 138.

²⁵ Waław Uruszczak, *Sejm walny koronny w latach 1506-1540*, op.cit., pp. 127-138; Dariusz Makieła, *Artykuły henrykowskie (1573-1576). Geneza-Obowiązanie-Stosowanie. Studium historyczno-prawne*, op.cit., pp. 248-271.

²⁶ Waław Uruszczak, *Sejm walny koronny w latach 1506-1540*, op.cit., pp. 13-22; Konstanty Grzybowski, *Teoria reprezentacji w Polsce epoki Odrodzenia*, op.cit., pp. 218-282; Anna Sucheni-Grabowska, *Sejm w latach 1540-1587*, op.cit., pp. 114-216; Henryk Olszewski, *Sejm Rzeczypospolitej epoki oligarchii*, op.cit., pp. 139-145; Edward Opaliński, *Sejm srebrnego wieku 1587-1652. Między głosowaniem większościovym a liberum veto*, op.cit., pp. 51-122; Izabella Lewandowska-Malec, *Sejm walny koronny Rzeczypospolitej i jego dorobek ustawodawczy. 1587-1632*, op.cit. p. 257-400; Robert Kołodziej, „Ostatni wolności naszej klejnot”. *Sejm Rzeczypospolitej za panowania Jana III Sobieskiego*, op.cit., pp. 296-315.

²⁷ W. Czaplński, „*Sejm w latach 1587-1696*”, op.cit., pp. 258-259; Edward Opaliński, *Sejm srebrnego wieku 1587-1652. Między głosowaniem większościovym a liberum veto*, op.cit., pp. 123-146; Izabela Lewandowska-Malec, *Sejm walny koronny Rzeczypospolitej i jego dorobek ustawodawczy. 1587-1632*, op.cit., pp. 153-186.

²⁸ Waław Uruszczak, *Sejm walny koronny w latach 1506-1540*, op.cit., pp. 155-182; Anna Sucheni-Grabowska, „*Sejm w latach 1540-1587*”, op.cit., pp. 172-178; Władysław Czaplński, „*Sejm w latach 1587-1696*”, op.cit., pp. 262-274; Henryk Olszewski, „Funkcjonowanie sejmu w

First of five days before the end of the General Sejm session came to an ordinary plenary session, while the separate debate of the two Chambers had to prepare a post in the matters presented later during the plenary sessions continued together with the King. On these plenary sessions were submitted all the proposals and answers of the motions of debating sides. The senators that already earlier debated separately or sometimes together with the King on the projects of the General Sejm constitutions especially the projects of the tax resolutions, meeting from time to time with Representatives' Chambers, now on the plenary session had given their opinions (*vota*). The Senate decisions resolved a form of recapitulation (*conclusion*) of all votes, that was made by the King usually through the offices of Chancellors²⁹.

On the plenary General Sejm sessions was also taken a common agreement (a conclusion) of all Proceedings Estates what in effect came to the end the General Sejm's resolutions. In practice it appeared in the lack of an objection for the last answer of the King and the senate. It concerned also as well the proposals initiated by the King or senate as a legal postulates of the Representatives' Chamber³⁰.

After the conclusion and solemn farewell of the Representatives' Chamber, the formal session of the General Sejm connected with the law-making was closed by the King. The most important work became then the drawing up the texts of constitutions and other documents by the King's Chancellery. It gave the King the possibility to moderate the final text of constitutions according to his wishes, because independent of the proposals of the constitutions prepared during the General Sejm Sessions by the Representatives' Chamber, the real ground for the text of constitution was the King's answer earlier discussed with the Senate and given on the last plenary session. This procedure also led to eventual misuses, giving the King and the Court the chance to modify the constitutions according to their will³¹.

dawnej Rzeczypospolitej", op.cit., pp. 151-154; Edward Opaliński, *Sejm srebrnego wieku 1587-1652. Między głosowaniem większościowym a liberum veto*, op.cit., pp. 147-160; Izabela Lewandowska-Malec, *Sejm walny koronny Rzeczypospolitej i jego dorobek ustawodawczy. 1587-1632*, op.cit., pp. 473-489; Robert Kołodziej, „Ostatni wolności naszej klejnot”. *Sejm Rzeczypospolitej za panowania Jana III Sobieskiego*, op.cit., pp. 221-257.

²⁹ Wacław Uruszczak, *Sejm walny koronny w latach 1506-1540*, op.cit., pp. 168-170; Anna Sucheni-Grabowska, „*Sejm w latach 1540-1587*”, op.cit., pp. 182-192; Edward Opaliński, *Sejm srebrnego wieku 1587-1652. Między głosowaniem większościowym a liberum veto*, op.cit., pp. 151-166; Izabela Lewandowska-Malec, *Sejm walny koronny Rzeczypospolitej i jego dorobek ustawodawczy. 1587-1632*, op.cit. 454-538; Robert Kołodziej, „Ostatni wolności naszej klejnot”, op.cit., pp. 214-221; Jan Seredyka, „*Sposoby uchwalania ustaw na sejmach w ostatnich latach panowania Zygmunta III (1626-1632)*” [„*Ways of passing laws at the Sejms in the last years of the reign of Sigismund III (1626-1632)*”], *Acta Universitatis Wratislaviensis. Historia*, N° 31, 1979, pp. 27-35;

³⁰ Wacław Uruszczak, *Sejm walny koronny w latach 1506-1540*, op.cit., pp. 182-187; Anna Sucheni-Grabowska, *Sejm w latach 1540-1587*, op.cit., pp. 192-200; Władysław Czapliński, „*Sejm w latach 1587-1696*”, op.cit., 292-295; Edward Opaliński, *Sejm srebrnego wieku 1587-1652. Między głosowaniem większościowym a liberum veto*, op.cit., pp. 174-177; Izabela Lewandowska-Malec, *Sejm walny koronny Rzeczypospolitej i jego dorobek ustawodawczy. 1587-1632*, op.cit. pp. 473-489; Robert Kołodziej, „Ostatni wolności naszej klejnot”. *Sejm Rzeczypospolitej za panowania Jana III Sobieskiego*, op.cit., pp. 397-422.

³¹ Wacław Uruszczak, *Sejm walny koronny w latach 1506-1540*, op.cit., pp. 184-190; Władysław

The General Sejm constitutions had no special form. They came in the name of the King and were very similar to the other King's acts. The original drafts of the constitutions were entered in the official register of the public acts (the Crown Metrics) and at the same time the Chancellery prepared the official examples sent to the starosts (land administrators) for their publication and execution³².

V. CONCLUSION

The law-making process was realized within the system of political institutions existing in the Commonwealth in the 16th and 17th centuries, and was based on entrenched customary norms. However, the political and structural crises that touched the Commonwealth in the middle of the 17th Century affected mainly the Parliament³³. The parliamentary crisis became apparent after 1652, when the so-called *liberum veto* was introduced into parliamentary political practice. The use of this destructive institution in the General Sejm's activity brought about the right to break of parliamentary sessions what resulted in the functional paralysis of parliament³⁴.

The inefficiency of the General Sejm in particular led to a situation in which laws were not enacted, and thus problems vital to the State and local communities were neither solved nor regulated by law. The General Sejm even if convoked did not make laws. This related to such issues as public safety, financial matters, organization of an army, or other current affairs that sometimes required immediate legal regulation as well as a definite enforcement. The local estate assemblies began to undertake their own political actions and administrative tasks³⁵.

Czapliński, „*Sejm w latach 1587-1696*”, op.cit., pp. 294-295; Edward Opaliński, *Sejm srebrnego wieku 1587-1652. Między głosowaniem większościowym a liberum veto*, op.cit., pp. 182-183.

³² Wacław Uruszczak, *Sejm walny koronny w latach 1506-1540*, op.cit., pp. 187-190; Władysław Czapliński, „*Sejm w latach 1587-1696*”, op.cit., pp. 294-295; Edward Opaliński, *Sejm srebrnego wieku 1587-1652. Między głosowaniem większościowym a liberum veto*, op.cit., pp. 183-185.

³³ Jan Dziegielewska, *Kryzys staropolskiego parlamentaryzmu a regulacje proceduralne [The crisis of the old Polish parliamentarism and procedural regulations]*, en: Janusz Dorobisz, Włodzimierz Kaczorowski, *Studia historyczno-prawne. Prace dedykowane Profesorowi Janowi Seredyce w siedemdziesiątą rocznicę urodzin i w czterdziestopięcioletcie pracy naukowej [Historical and legal studies. Papers dedicated to Professor Jan Seredyce on the seventieth anniversary of his birth and the forty-fifth anniversary of his research work]*, Uniwersytet Opolski, Opole 2004, pp. 73-78.

³⁴ Władysław Czapliński, *Dwa sejmy w roku 1652 [Two Sejms in 1652]*, Wydawnictwo Zakładu im. Ossolińskich, Wrocław, 1955, pp. 115-130; Stefania Ochmann-Staniszevska, Zdzisław Staniszevska, *Sejm Rzeczypospolitej za panowania Jana Kazimierza Wazy. Prawo, doktryna, praktyka [The Sejm of the Republic of Poland during the reign of Jan Kazimierz Waza. Law, doctrine, practice]*, Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław, 2000, t. 2, pp. 259-261; Henryk Palkij, *Sejmy 1736 i 1738 roku. U początków nowej sytuacji politycznej w Rzeczypospolitej [Sejms of 1736 and 1738. At the beginning of a new political situation in the Republic of Poland]*, Polska Akademia Umiejętności, Kraków 2000, pp. 169-212; Robert Kołodziej, „*Ostatni wolności naszej klejnot*”. *Sejm Rzeczypospolitej za panowania Jana III Sobieskiego*, op.cit., pp. 454-458.

³⁵ Adolf Pawiński, *Rządy sejmikowe w Polsce 1572-1795 na tle stosunków województw kujawskich [Land assemblies governments in Poland 1572-1795 in the context of relations between the Kuyavian provinces]*, Drukarnia Józefa Bergera, Warszawa, 1888; Adam Lityński, *Szlachecki samorząd gospodarczy w Małopolsce (1606-1717) [Noble economic self-government in Małopolska (1606-1717)]*, Uniwersytet Śląski, Katowice 1974; Adam Lityński, „*Sejmiki ziemskie koronne Rzeczypospolitej w*

At the same time, however, the crisis at the most important organ of the state authority, the General Sejm, opened up perspectives and opportunities for the characteristic reorganization of the state central governmental system. It led, following the intensions of the Crown, to the strengthening the position of the King, who became the most stable element of the Commonwealth's political scene. Those tendencies manifested themselves also in establishing numerous advisory and consultative bodies attached to the Court, whose members, mainly the King's followers, dealt with the current state affairs and performed executive duties. They were thus taking over the competencies of the General Sejm, which was enabled to handle all the problems that was entrusted with the local land assemblies. The King failed, however to introduce some material changes that might have resulted in a lasting transformation of the state. What did result from the King's activities, was an awareness of the need for changes in the political centre, which also related to local authorities³⁶.

The concern for their own interests that was manifested by the gentry hindered the development of royal tendencies, but at the same time it restored, at last formally, the status of the General Sejm. It also put an end to the development of local establishment (constitutions of 1717, set up by the so called *Silent Sejm* under the pressure of Russia)³⁷. By depriving the local estate assemblies of their position

okresie oligarchii" [„*Crown land assemblies of the Republic of Poland in the period of the oligarchy*”], *Czasopismo Prawno-Historyczne*, t. 35, 1983, z. 1, pp. 177-192; Józef Andrzej Gierowski, *Szlachecki samorząd województw i ziem w XVI-XVIII w.* [Noble government of voivodeships and lands in the 16th-18th centuries], en: Krystian Matwijowski (et al. edit.), *Studia z dziejów Rzeczypospolitej szlacheckiej* [Studies in the history of the nobles Commonwealth], Uniwersytet Wrocławski, Wrocław, 1988, pp. 151-159; Wojciech Kriegseisen, *Samorząd szlachecki w Małopolsce w latach 1669-1717* [The gentry self-government in Małopolska in the years 1669-1717], Państwowe Wydawnictwo Naukowe, Warszawa 1989; Dariusz Makiła, *Władza wykonawcza w Rzeczypospolitej. Od połowy XVII w. do 1763 r. Studium historyczno-prawne* [Executive power in the Republic of Poland. From the mid-17th century to 1763. Historical and legal study], ELVA, Toruń 2003, pp. 181-219; Michał Zwierzykowski, *Komisja Skarbowa Poznańska. Z dziejów sejmikowej administracji i sądownictwa skarbowego w Wielkopolsce w XVII i XVIII wieku* [The Poznań Tax Commission. From the history of the sejmik administration and fiscal judiciary in Greater Poland in the 17th and 18th centuries], Wydawnictwo Poznańskie, Poznań 2003; Michał Zwierzykowski, *Samorząd sejmikowy województw poznańskiego i kaliskiego w latach 1696-1732* [Local government of the Poznań and Kalisz voivodeships in the years 1696-1732], Wydawnictwo Poznańskie, Poznań 2010.

³⁶ Dariusz Makiła, *Władza wykonawcza w Rzeczypospolitej. Od połowy XVII w. do 1763 r. Studium historyczno-prawne*, op.cit., pp. 110-180; Dariusz Makiła, *Die Gewaltentrennung in der Praxis. Die Staatsorganisation der Adelsrepublik Polen von der Mitte des 17. Jhs bis zur Mitte des 18. Jhs im Spannungsfeld zwischen Recht und Not*, in: URUSZCZAK, W. [et al. Edit.], *Separation Powers and Parliamentarism. The past and the Present. Law, doctrine, practice. Five Hundred Years Anniversary of the Nihil novi Statute of 1505. 56th Conference of International Commission for the History of Representative and Parliamentary Institutions in Cracow and Radom (5-8 September 2005). Studies Presented to the International Commission for the History of Representative and Parliamentary Institutions Volume 84*, Wydawnictwo Sejmowe, Warszawa, 2006, pp. 434-439; Stanisław Płaza, *Sejmiki i zjazdy szlacheckie województw poznańskiego i kaliskiego. Ustrój i funkcjonowanie (1572-1632)*, op.cit., pp. 13-20; A. Lityński, “W kwestii suwerenności wewnętrznej Rzeczypospolitej w epoce oligarchii” [„On the internal sovereignty of the Republic of Poland in the era of oligarchy”], *Prace Naukowe Uniwersytetu Śląskiego, Prace Prawnicze*, № 2, 1971, pp. 143-163.

³⁷ Henryk Olszewski, *Sejm Rzeczypospolitej epoki oligarchii 1652 - 1763. Prawo, praktyka, teoria, programy*, op.cit., pp. 419-422.

(leaving in their authority only current administrative affairs), which they acquired during the years of their autonomy at the turn of the 17th and 18th century, the precarious separation of the centre and provinces was done away with³⁸. The action undertaken from the period from the mid- 17th century until the mid-18th century in the development of the Commonwealth's government structure left behind an awareness of the necessity for a thorough reform of the state. This bore fruit in the latter half of the 18th century when the modernization of the state was carried out, paving the way to restore the constitutional model of the state³⁹.

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³⁸ Dariusz Makieła, *Władza wykonawcza w Rzeczypospolitej. Od połowy XVII w. do 1763 r. Studium historyczno-prawne*, op.cit., pp. 221-253.

³⁹ Jerzy Michalski, „Sejm w czasach panowania Stanisława Augusta” [„*Sejm during the reign of Stanisław August*”], en: Jerzy Michalski (edit.), *Historia sejmu polskiego*, Państwowe Wydawnictwo Naukowe, Warszawa, 1984, pp. 350-419; Ryszard Łaszewski, *Sejm polski w latach 1764-1793* [*The Polish Sejm in 1764-1793*], Państwowe Wydawnictwo Naukowe, Warszawa 1973; Witold Filipczak, *Sejm 1778 roku* [*The Sejm of 1778*], Wydawnictwo Naukowe Semper, Warszawa 2000; Wojciech Szczygielski, *Sejm Wielki (1788-1792). Studium z dziejów łagodnej rewolucji* [*The Great Sejm (1788-1792). A Study of the History of the Gentle Revolution*], Łódź: Łódzkie Towarzystwo Naukowe, Łódź 2015.