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Legislative Activity of 'Free' Sejms in the Times of the Permanent Council (1778–86)

Działalność ustawodawcza wolnych sejmów w czasach Rady Nieustającej (1778–1786)

The author discusses the legal framework of the legislative activity of 'free' (that is, not confederated) Sejms. He discusses parliamentary practice between 1778 and 1786 after a thorough analysis of the king's legislative initiative with special emphasis on proposals submitted by the throne, and the role played by the Permanent Council in drafting laws. The author argues that numerous bills drafted by envoys had little impact on the results of Sejms because after the election and control of the executive authorities ended, there was no time to examine the drafts. Sejm decisions could be divided into two categories: a) decisions made before the separation of two chambers – concerning elections (of executive and judiciary authorities) and vote of acceptance for the Permanent Council; and b) legislative decisions made during further proceedings, with a special subcategory in the form of provisions related to the control over executive powers. The author also provides a quantitative analysis of legislative output between 1778 and 1786.

Keywords: Sejm, parliamentarism, legislation, Permanent Council, control over executive power, Polish-Lithuanian Commonwealth in the 18th c.

W artykule omówiono prawne ramy działalności legislacyjnej sejmów wolnych (nieskonfederowanych). Przedstawiono praktykę parlamentarną w latach 1778–1786. Analizie poddano inicjatywę ustawodawczą króla, ze szczególnym uwzględnieniem propozycji od tronu oraz roli Rady Nieustającej w tworzeniu projektów ustaw. Wskazano, że niewielki wpływ na efekty prac parlamentu miały liczne projekty poselskie, gdyż po zakończeniu wyborów i kontroli władz wykonawczych brakowało czasu na ich rozpatrzenie. Decyzje sejmowe dzieliły się na dwie kategorie. Pierwszą stanowiły decyzje podejmowane przed rozłączeniem się izb sejmowych: uchwały o charakterze wyborczym (władze wykonawcze, organy sądowe) oraz o udzieleniu absolutorium Radzie Nieustającej. Do drugiej kategorii należały właściwe decyzje ustawodawcze uchwalane w dalszej części obrad; ich specyficzną podkategorią były postanowienia związane z kontrolą władz wykonawczych. W artykule dokonano także analizy dorobku ustawodawczego z lat 1778–1786 pod względem ilościowym.

Słowa kluczowe: Sejm, parlamentaryzm, legislacja, Rada Nieustająca, kontrola władz wykonawczych, Rzeczpospolita w XVIII w.

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I. Legislative activity of the Sejms between 1764 and 1776

The times of King Augustus III Wettin brought a deep crisis of the Sejm as a legislative body. After the Pacification Sejm of 1736, no constitution was passed by the Parliament between 1738 and 1762.[1] The breakthrough was made at the 1764 Convocation Sejm by the Czartoryskis' 'Familia' with military support from Russia. By declaring the Sejm as confederated, the Czartoryskis eliminated the possibility to use *liberum veto*. The proceedings, which lasted from 7 May to 23 June 1764, resulted in 186 resolutions.[2] The next three Sejms (the Election Sejm, 1764 Coronation Sejm, and the 1766 Ordinary Sejm) also deliberated under the rules of confederation convened on 23 June 1764, led by Voivode of Ruthenia August Czartoryski.[3] During the coronation session, lasting 18 days (from 3 to 20/21 December 1764[4]), 165 resolutions were passed.[5]

The Sejm of 1766 also adopted a considerable body of legislation, although the king and the *Familia*'s leaders, under pressure from Russia (supported by Prussia), had to withdraw from plans to further reform the Commonwealth.[6] The Sejm proceedings lasted from 6 October to 29/30 November under the staff of chamberlain (Polish: *podkomorzy*) of Lutsk Celestyn Czaplic and resulted in 134 resolutions.[7] How much the participants of the debates wanted to complete the parliamentary works efficiently is evidenced by the situation that took place at the last session, after the adoption of

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[1] H. Olszewski, *Sejm w dawnej Rzeczypospolitej. Ustrój i idee*, vol. 1: *Sejm Rzeczypospolitej epoki oligarchii (1652–1763). Prawo – praktyka – teoria – programy* (Uniwersytet im. Adama Mickiewicza w Poznaniu, Poznań, 2002), pp. 341–42.

[2] *Volumina Legum* (hereinafter: VL), vol. 7, ed. J. Ohryzko (Petersburg, 1860), pp. 7–90. Jerzy Michalski wrote that the convocation Sejm "passed over 180 constitutions", see *id.*, 'Sejm w czasach panowania Stanisława Augusta, in *id.* (ed.), *Historia sejmu polskiego*, vol. 1 (Państwowe Wydawnictwo Naukowe, Warszawa, 1984), p. 351. According to Robertas Jurgaitis, there were 179 of them: R. Jurgaitis, 'Priniatije zakonov v siejmie Rječi Pospolitoj v 1764–1793 gg.: Charaktier i struktura konstitucij, otnosiaščichsia k Vjelikomu Kniažjestvu Litovskomu', in A. Macuk, R. Jurgaitis (eds), *Parlamientaryzm u Vjalikim Kniastvie Litoŭskim u XVIII stagoddzi. Zbornik navukovych artykulaŭ*, Series: 'Aktual'nyja prablemy gistoryi i kul'tury', vol. 2 (Minsk, 2020), p. 217.

[3] Archiwum Główne Akt Dawnych w Warszawie (Central Archives of Historical Records in Warsaw; hereinafter: AGAD), Archiwum Publiczne Potockich (Public Archive of the Potocki Family; hereinafter: APP), ref. no. 313, vol. 1, pp. 321–42.

[4] The last Sejm session, opened on 20 december, ended already after midnight: L'vivs'ka nacional'na naukova biblioteka Ukrajiny imeni V. Stefanyka (Vasyl Stefanyk National Scientific Library of Ukraine in Lviv), fond 4, op. 1, 802, 'Diariusz seymu coronationis za panowania Stanisława Augusta d. 3 Xbris zaczętego 1764', fols 254–54^{v}.

[5] VL, vol. 7, 'Konstytucje sejmu walnego koronacyi... r.p. 1764', pp. 138–86. According to Jurgaitis, 170 constitutions were passed (*id.*, 'Priniatije zakonov', p. 217).

[6] Z. Zielińska, *Polska w okowach 'systemu północnego' 1763–1766* (Wydawnictwo Arcana, Kraków, 2012), pp. 592–655.

[7] VL, vol. 7, 'Konstytucje sejmu walnego ordynaryjnego... r.p. 1766...', pp. 192–244. The last Sejm session, opened on 29 November, ended in the early hours of the following day. See Biblioteka Zakładu Narodowego im. Ossolińskich we Wrocławiu (Ossolineum Library in Wrocław), MS 2620, 'Diariusz sejmu ordynaryinego in anno 1766', fols 34–34^{v}; AGAD, Zbiór Popielów (Popiel Family Collection; hereinafter: ZP), ref. no. 121, 'Diariusz sejmu ordynaryinego warszawskiego 1766', fol. 438.

41 bills, when soon after seven in the morning the Sejm marshal fainted and was unable to perform his duties for almost an hour. Some deputies did not want to continue the reading of the drafts when ailing Czaplica was to be replaced by a deputy of the Krakow Province (Voivodeship). There was even a proposal to terminate the proceedings. In this situation, the weakened Sejm marshal was brought back to the Sejm chamber, which made it possible to complete the already started procedure for the adoption of one of the constitutions.[8]

The abundant legislative output of the two successive confederated Sejm sessions called Delegated Sejms (1767–68, 1773–75) was related to circumstances that overshadowed over their decisions. The first of these was overt Russian violence, manifesting itself in military interference in the Sejm proceedings.[9] The second was the use, at the request of St Petersburg, of the formula of a Sejm delegation with legislative plenipotentiary power, which reduced the role of the opposition to a minimum.[10] These Sejms also sanctioned the role of the guarantor of the Polish-Lithuanian political system initially played by Russia (from 1768), and later by all the partitioning states. The legislation of the First Partition Sejm (1773–75) was particularly negatively assessed. The Sejm delegation served for the partitioning states as an instrument to ratify the partition conventions.[11] The set of Sejm resolutions, presented in 522 pages of the *Volumina Legum*, consisted to a large extent of awards for the 'well-deserving', or decisions to set up extraordinary judicial commissions to judge private matters, which was often a form of payment for services rendered to the Russian embassy.[12]

The 1776 Sejm was the last in the series of confederated Sejms in the first half of King Stanisław Augustus Poniatowski's reign. Again, the Russian troops interfered

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[8] *Dyaryusz Seymu walnego ordynaryinego odprawionego w Warszawie roku 1766* (Drukarnia J.K. Mci y Rzeczypospolitey Societatis Jesu, Warszawa, n.d.), p. gg2; W. Filipczak, *Życie sejmikowe prowincji wielkopolskiej w latach 1780–1786* (Wydawnictwo Uniwersytetu Łódzkiego, Łódź, 2012), p. 620.

[9] G.T. Łukowski, *The Szlachta and the Confederacy of Radom 1764–1767/68: A Study of the Polish Nobility* (Institutum Historicum Polonicum Romae, Roma, 1977), pp. 219–23; J. Michalski, 'Rejtan i dylematy Polaków w dobie pierwszego rozbioru', *Kwartalnik Historyczny*, vol. 93, no. 4 (1986), 998, 1003; D. Dukwicz, *Rosja wobec sejmu rozbiorowego (1772–1775)* (Instytut Historii PAN, Warszawa, 2015), pp. 181–88.

[10] W. Konopczyński, *Geneza i ustanowienie Rady Nieustającej* (Akademia Umiejętności, Kraków, 1917), pp. 201–09; R. Chojecki, 'Patriotyczna opozycja na sejmie 1773 r.', *Kwartalnik Historyczny*, vol. 79, no. 3 (1972), 550–53.

[11] R. Łaszewski, 'Delegacja sejmowa jako instrument ratyfikacji I i II rozbioru Polski', *Czasopismo Prawno-Historyczne*, vol. 23, no. 2 (1971), 91–5; M. Drozdowski, 'Przyjęcie traktatów rozbiorowych przez delegację i sejm polski w 1773 r.', *Roczniki Historyczne*, vol. 41 (1975), 81–122; D. Dukwicz, 'Restricted Sovereignty of the Sejm. The Plenipotentiary Delegation and Ratification of the First Partition Treaty', in W. Uruszczak, K. Baran, A. Karabowicz (eds), *Separation of Powers and Parlamentarism: The Past and the Present. Law, Doctrine, Practice* (Agencja Wydawnicza Sygnatura, Warszawa, 2007), pp. 461–67.

[12] VL, vol. 8, ed. J. Ohryzko (Petersburg, 1860), 'Konstytucje publiczne sejmu ekstraordynaryjnego warszawskiego 1773–1775', pp. 5–526; Michalski, 'Sejm w czasach panowania', pp. 370–71. According to Jurgaitis, the 1773–75 Sejm passed 1412 laws (*id.*, 'Priniatije zakonov', p. 217).

in the course of the sejmiks. The session in Warsaw, which took place from 26 August to 31 October, was also held under Russian pressure.[13] This time, the Russian ambassador Otto M. von Stackelberg cooperated with King Stanisław Augustus and paralysed the attempts of the leaders of the magnate opposition (Franciszek Ksawery Branicki, Adam Kazimierz Czartoryski, Ignacy Potocki) to persuade St Petersburg to change its policy towards the Commonwealth.[14] The confederation formed in the Permanent Council (23 August) made it possible for the Sejm to carry out limited changes in the political system, approved by Russia, primarily to strengthen the powers of the Permanent Council. Its competence was defined by the most important of the 146 laws passed by the Sejm.[15] The Military Department of the Council took over the power of the military commissions abolished at that time. The Permanent Council was given the power to suspend disobedient officials and institutions. This was the result, among other things, of the conflicts of 1775–76 between the Council and the military commissions, over which hetmans regained control during the Partition Sejm.[16] The Permanent Council was also given the right to 'translate' the law, i.e. to establish its legally binding interpretation, which would in future give rise to criticism of the Council for interfering with the powers reserved for the Sejm.[17]

II. Political and constitutional framework of 'free' Sejms in 1778–86

The 1776 Sejm turned out to be the last in a series of seven assemblies that introduced significant changes to the political system of the Commonwealth. It was not until the Great Sejm (1788–92) that the next reforms were pushed through. The stabilization of the system took place against the intentions of King Stanisław Augustus, who had hoped for, among other things, the merger of the Crown and Lithuanian treasury authorities.

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[13] W. Stanek, 'Konfederacja sejmowa z 1776 roku – narzędzie dworskiego zamachu stanu', *Acta Universitatis Nicolai Copernici. Nauki Humanistyczno-Społeczne. Historia*, vol. 28 (1993), 130–33.

[14] J. Michalski, 'O zmianę ambasadora w Warszawie (zabiegi magnackiej opozycji w latach 1775–1776)', *Kwartalnik Historyczny*, vol. 109, no. 3 (2002), 151–59.

[15] VL, vol. 8, 'Konstytucje sejmu ordynaryjnego warszawskiego roku 1776...', pp. 526–74; Stanek, 'Konfederacja sejmowa', pp. 142–43; G. Tomczyk, 'Stronnictwo królewskie na sejmie 1776 roku', *Acta Universitatis Lodziensis. Folia Historica*, vol. 49 (1993), 42–46.

[16] A. Czaja, *Między tronem, buławą a dworem petersburskim. Z dziejów Rady Nieustającej 1786–1789* (Państwowe Wydawnictwo Naukowe, Warszawa, 1988), pp. 70–71; M. Bąk, 'Reformy wojska Rzeczypospolitej w latach 1775–1776', part 1: 'Teoria', in Z. Hundert (ed.), *Studia nad staropolską sztuką wojenną*, vol. 2 (Wydawnictwo Napoleon V, Oświęcim, 2013), pp. 226–31.

[17] Z. Szcząska, 'Odpowiedzialność rządu w Polsce w latach 1775–1792', *Czasopismo Prawno-Historyczne*, vol. 27, no. 1 (1975), 70–71, 76–77; A. Stroynowski, *Opozycja sejmowa w dobie rządów Rady Nieustającej. Studium z dziejów kultury politycznej* (Wyższa Szkoła Studiów Międzynarodowych w Łodzi, Łódź, 2005), pp. 355–58; M. Głuszak, 'Rezolucje interpretacyjne Rady Nieustającej', *Czasopismo Prawno-Historyczne*, vol. 65, no. 2 (2013), 73–76.

It seems that the monarch considered two options: the merger of the two treasury commissions or even their replacement by the Treasury Department of the Council (modelled on the reform of military authorities).[18] Before next Sejm sessions, the king tried to obtain the consent of Empress Catherine II to confederate the parliament. However, he did not obtain it, even though (in 1782) his intents were supported by Stackelberg.[19] In this situation, the ordinary Sejms summoned every two years between 1778 and 1786 were held as non-confederated assemblies, or, as they were called at that time, free Sejms. This meant that it was impossible to decide on issues important for the state but controversial, because the *materiae status* – matters of state – were subject to the rule of unanimity (*liberum veto*) during free Sejms.[20] In addition, these sessions were to last no longer that six weeks, and a large part of the time was devoted to the elections and control of the executive authorities. This became an obstacle to more extensive legislative activity.[21] Only once, in 1786, the debates of the Chamber of Deputies were prolonged. At the session on 6 November, the date of the Sejm conclusion was postponed by a day. Thus, the final, joint meeting of the three estates of the Sejm (three legal entities: the king, the Senate, and the Chamber of Deputies) began on 7 November and lasted until 11 November 1786.[22]

The legislative activity of the free Sejms in times of the Permanent Council was divided into several stages. Their order resulted from the 'order of proceedings' of the Sejm, which framed the course of the session. The 1764 constitution (law) provided for the order in which legislative proposals were to be submitted. The first to be considered were 'proposals from the throne', which had to be announced earlier in the pre-Sejm universals (royal universal proclamations). Next, the Sejm was to deal with the resolutions of sejmiks regarding national affairs. At the end, the sessions were to be devoted to resolutions in matters related to voivodeships, lands and poviats (districts; Polish sing.: *powiat*, Latin: *districtus*), as well as private persons. Proposals in each category were

[18] Biblioteka Naukowa PAU i PAN w Krakowie (Scientific Library of the PAAS and the PAS in Cracow; hereinafter: BN PAU i PAN), MS 1649, 'Entretiens du Roi avec Mr le comte de Stackelberg... du 10 IV 1778', fols 118^{v}–19; W. Filipczak, *Sejm 1778 roku* (Wydawnictwo Naukowe Semper, Łódź, 2000), p. 47.

[19] E. Zielińska, 'Otto Magnus Stackelberg wobec projektu skonfederowania sejmu 1782 roku. Przyczynek do praktyki polityki rosyjskiej w Rzeczypospolitej przed Sejmem Wielkim', *Kwartalnik Historyczny*, vol. 106, no. 4 (1999), 79–85.

[20] In 1768, this group included 13 categories of cases concerning important issues of the political system and politics of the Commonwealth: VL, vol. 7, pp. 282–84; Michalski, 'Sejm w czasach panowania', p. 364. The matters of state included, among other things, decisions on the increase of taxes, on the increase of the number of troops (called the auction of the army), on war and peace, international alliances, summoning a mass levy, changing the scope of authority of offices and courts, the order of parliamentary sessions and of sejmiks, the prerogatives of tribunals.

[21] W. Filipczak, 'Sejm a władze wykonawcze w latach 1764–1786', in D. Kupisz, W. Uruszczak (eds), *Sejm Królestwa Polskiego i Rzeczypospolitej Obojga Narodów a europejskie reprezentacje stanowe* (Wydawnictwo Sejmowe, Warszawa, 2019), pp. 264–77.

[22] AGAD, APP 102, 'Diariusz sejmu ordynaryjnego warszawskiego roku 1786', pp. 41–44; A. Danilczyk, *W kręgu afery Dogrumowej. Sejm 1786 roku* (Wydawnictwo Neriton, Instytut Historii PAN, Warszawa, 2010), p. 176.

to be submitted only after the previous group had been processed.[23] At the 1766 Sejm, there were bills related to four types of matters: military, fiscal, 'jurisdictional' (concerning the judiciary) and proposals from the voivodeships. The drafts were to be printed and, after being read out in parliament, they were to be distributed for deliberation, and the decision could be taken only two days later.[24] The approved draft was to be signed by the Sejm marshal and deputies to the constitution, and then entered by the same Marshal in the court books of the town of the Sejm's session.[25]

III. Constitutional deputations in 1778–86

According to the 1768 legislation, the marshal of the Sejm, elected by the deputies, after swearing the oath and appointing the secretary of the Sejm, should nominate two deputies to the constitution from each province (Little Poland, Greater Poland, and Lithuania), who also had to swear an appropriate oath. The deputies to the constitution selected from among senators should be nominated by the king already during a joint session of two chambers, after the reading of the so-called *pacta conventa* (individual obligations of the king imposed on him at his election), the matters postponed by the previous Sejm, and the resolutions of the Senate councils.[26] Participation in the constitutional deputation generated great interest (probably because of prestige, as well as the possibility to influence the content of laws), as the deputies of the three voivodeships of Greater Poland, elected at the sejmik at Środa on 17 August 1778, sent a letter to the king in which they complained that at the previous Sejm (1776) none of the deputies from Greater Poland had been appointed as a deputy to the constitution.[27]

In accordance to the agenda of the parliamentary session, the Sejm should return to legislative matters after hearing the deputies to (and from) foreign courts and the activities related to the control and election of executive authorities, as well as after the presentation of senatorial opinions, i.e. *wota senatorskie* (all activities took place in the combined chambers). Legislative work was scheduled for deliberation after the chambers separated, which should take place "at the beginning of the third week at the latest".[28] Bills were to be handed over to the Sejm marshal and read out before the constitutional deputation. If its members noticed a contradiction between the proposal and the law in force, they should return it for correction. If the deputy bringing

[23] VL, vol. 7, 'O porządku sejmowania', p. 18; R. Łaszewski, *Sejm polski w latach 1763–1793. Studium historyczno-prawne* (Państwowe Wydawnictwo Naukowe, Warszawa–Poznań, 1973), p. 136; Filipczak, *Sejm 1778*, p. 277.

[24] VL, vol. 7, 'Sposób stanowienia praw', p. 211; Michalski, 'Sejm w czasach panowania', pp. 358; Filipczak, *Sejm 1778*, p. 277.

[25] VL, vol. 7, 'Sposób stanowienia praw', p. 211; Michalski, 'Sejm w czasach panowania', pp. 358–59.

[26] VL, vol. 7, 'Porządek sejmowania', p. 289; Łaszewski, *Sejm polski*, p. 74.

[27] AGAD, ZP, ref. no. 112, 'Posłowie wielkopolscy do króla', n.d. (October 1778), fols 74–75; Filipczak, *Życie sejmikowe*, pp. 308–09. The letter was signed by 17 deputies.

[28] VL, vol. 7, 'Porządek sejmowania', p. 290; Michalski, 'Sejm w czasach panowania', p. 366.

the proposal did not wish to accept the comments, the draft should be read as it was, but the Sejm was to be informed of the objections raised.[29] The drafts were to be read out and transcribed by the Sejm secretary. Next, the marshal of the Sejm passed them on to the first of the national marshals present at the Sejm (depending on where the session was held, to the Crown or Lithuanian Marshal) and to the deputies *ad deliberandum* "until the second day".[30] According to the law of 1768, economic matters were to be discussed before *materiae status*.

The law of 1768 regulated the decision-making procedure in detail (it was taking place simultaneously in both chambers). If there was no unanimous consent, bills were decided by a majority vote. In the case of lengthy drafts, their individual parts were approved separately. At the request of a deputy, a vote had to be taken three times: twice in public (*per turnum*, or periodically), and finally in secret.[31] After the estates assembled for the last time, the Marshal would order the laws prepared and signed by the deputies to be read out to monitor their conformity to the drafts. After the adopted laws were read out, they were to be signed by the Sejm marshal and the deputies to the constitution; next, they were to be entered into the court books.[32]

Some changes in the legislative procedure were made after the establishment of the Permanent Council in 1775. Article three of the act establishing the Permanent Council stipulated that it was to adopt "all projects useful to the country, which would be founded on the law". Those considered useful by the councillors (*konsyliarze, conciliarii*) were to be brought under debate at the forthcoming Sejm. The Permanent Council should also prepare "projects for the reform of laws, which it will submit to the Sejm for decision".[33]

In 1778–86, the Sejms deliberated in accordance with the Sejm procedure. The Sejm marshals appointed six deputies to the constitutional deputation (two from each province) at the second session in the Chamber of Deputies.[34] In 1786, however, the deputies

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[29] VL, vol. 7, 'Porządek sejmowania', p. 290; Łaszewski, *Sejm polski*, p. 74; Michalski, 'Sejm w czasach panowania', p. 366; Filipczak, *Sejm 1778*, p. 277.

[30] VL, vol. 7, 'Porządek sejmowania', p. 290; Filipczak, *Sejm 1778*, p. 277.

[31] VL, vol. 7, 'Porządek sejmowania', p. 290; Łaszewski, *Sejm polski*, pp. 144–45.

[32] VL, vol. 7, 'Porządek sejmowania', p. 291; Michalski, 'Sejm w czasach panowania', p. 367.

[33] VL, vol. 8, 'Ustanowienie Rady Nieustającej', p. 72; Czaja, *Między tronem*, p. 67.

[34] *Dyaryusz seymu walnego ordynaryinego warszawskiego szescio niedzielnego roku panskiego 1778 dnia 5 miesiąca pazdziernika odprawuiącego się*, ed. S. Sokołowski (Drukarnia J.K. Mci i Rzeczypospolitey u XX. Piarów, Warszawa, 1779) (hereinafter: *Dyaryusz seymu 1778*), p. 15; *Dyaryusz seymu wolnego ordynaryinego warszawskiego szescio-niedzielnego roku pańskiego 1780 dnia 2 miesiąca pazdziernika odprawuiącego się*, ed. S. Badeni (Drukarnia Nadworna Jego Królewskiey Mości, Warszawa, 1780) (hereinafter: *Dyaryusz seymu 1780*), pp. 7–8; *Dyaryusz seymu wolnego ordynaryinego warszawskiego szescio-niedzielnego roku panskiego 1782*, ed. P. Kiciński (Drukarnia Nadworna Jego Królewskiey Mości, Warszawa, 1782) (hereinafter: *Dyaryusz seymu 1782*), p. 8; *Dyaryusz seymu wolnego ordynaryinego grodzienskiego szescioniedzielnego roku panskiego 1784 dnia 4 miesiąca pazdziernika odprawuiacego się*, wyd. M. Tukalski-Nielubowicz (Drukarnia J.K. Mci i Rzeczypospolitey u XX. Piarów, Warszawa, 1785) (hereinafter: *Dyaryusz seymu 1784*), pp. 11–12.

were not nominated until the third session.[35] The delay was a consequence of the boisterous, two-day long *rugi* (checking the validity of deputies' mandates) due to the 'split' sejmiks in Podolia and Volhynia. A day or two later, after the chambers had joined together, one of the chancellors appointed senators to the deputations on behalf of the king. Details on the appointment of deputies are presented in Table 1.

According to the law, a deputation was always composed of six members of the Chamber of Deputies and four senators. The latter included a bishop[36] and three lay senators (one from each province – sometimes there were three voivodes [1780, 1784]).[37] In 1778, the castellan of Vilnius was also included in this group (in the Senate hierarchy, this office was ranked among the voivodes), and in 1786 the castellan of Sandomierz.[38] In 1782, besides Bishop Michał Poniatowski of Płock, the deputation included the voivode and two castellans. What was new was that that year, when delegating senators to the constitutional and control deputations, the representatives of the Grand Duchy of Lithuania were nominated by the Grand Chancellor of Lithuania Aleksander Michał Sapieha.[39] In the analysed period, the constitutional deputation was headed twice only by Bishop Józef Rybiński of Kujavia[40] (1778, 1786). The court usually tried to avoid declared malcontents in its composition. In 1782, however, the deputies included a leading representative of the magnate opposition, starosta general of Podolia and deputy from Vilnius Adam Kazimierz Czartoryski.[41] In Grodno in 1784, among the deputies for the constitution was, i.a., the active oppositionist (nephew of Grand Crown Hetman Franciszek Ksawery Branicki), deputy from Brest-Litovsk Kazimierz Nestor Sapieha,[42] and the deputy from Rawa and head of the king's military chancellery, Jan Komarzewski, fought by the malcontents.[43]

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[35] W. Filipczak, 'Rugi poselskie i losy 'rozdwojonych' sejmików przedsejmowych w latach 1778–1786', *Czasopismo Prawno-Historyczne*, vol. 69, nos. 1–2 (1997), 79–84; Danilczyk, *W kręgu afery*, pp. 134–38.

[36] Łaszewski, *Sejm polski*, pp. 74; A. Stroynowski, *„Wieczory sejmowe". Studia nad dziejami parlamentaryzmu w epoce stanisławowskiej* (Akademia im. Jana Długosza, Częstochowa, 2013), p. 155.

[37] *Dyaryusz seymu 1780*, pp. 16–17; *Dyaryusz seymu 1784*, p. 23; A. Stroynowski, 'Sojm u Goradni ŭ 1784 g. Ab'jadnanyja pasiadženni pałat 6–23 kastryčnika 1784 g.', *Arche*, vol. 152, no. 2 (2017), 201.

[38] *Dyaryusz seymu 1778*, p. 22; VL, vol. 9 (Polska Akademia Umiejętności, Kraków, 1889), 'Konstytucje sejmu walnego... 1786...', p. 41. The hierarchy of seats in the Senate was finally established in 1768; VL, vol. 7, 'Porządek senatus et ministerii', p. 292.

[39] *Dyaryusz seymu 1782*, p. 17.

[40] On the Bishop Józef Rybiński see Z. Anusik, A. Stroynowski, 'Rybiński Józef', in *Polski Słownik Biograficzny*, vol. 33 (1992), 334–37.

[41] *Dyaryusz seymu 1782*, p. 8.

[42] Ł. Kądziela, 'Sapieha Kazimierz Nestor', in *Polski Słownik Biograficzny*, vol. 35 (1994), 53–54; A. Stroynowski, 'Meandry kariery Kazimierza Nestora Sapiehy', in A.M. Januškievič (ed.), *Sapiegi: asoby, kar'jery, majontki* (Minsk, 2018), pp. 145–52; A. Danilczyk, '"Svoboda – naš deviz, dabrabyt gramadstva – naša meta". Pačatak palityčnaj kar'jery Kazimira Njestara Sapiegi', *Arche*, vol. 148, no. 3 (2016), 168–77.

[43] *Dyaryusz seymu 1784*, pp. 11–12. On the attitude of the opposition towards Jan Komarzewski see E. Rostworowski, *Sprawa aukcji wojska na tle sytuacji politycznej przed Sejmem Czteroletnim* (Państwowe Wydawnictwo Naukowe, Warszawa, 1957), pp. 142–59.

Table 1. Appointment of members to the constitutional deputation, 1778–86

Date of the session at which members of the deputations were appointed from the Chamber of Deputies	Sejm marshal appointing the deputies to the constitution	Date of the session at which members of the deputations were appointed from the Senate	The person who on behalf of the king appointed senators as deputies to the constitution
6 October 1778	Ludwik Tyszkiewicz, Lithuanian Grand Notary	8 October 1778	Crown Chancellor Andrzej Młodziejowski
3 October 1780	Antoni Małachowski, Crown Grand Secretary	5 October 1780	Crown Vice-Chancellor Antoni Onufry Okęcki
1 October 1782	Kazimierz Krasiński, Crown Quartermaster	2 October 1782	Crown Chancellor Antoni Onufry Okęcki; Lithuanian Chancellor Aleksander Michał Sapieha
5 October 1784	Franciszek Ksawery Chomiński, Starosta of Pińsk	6 October 1784	Lithuanian Vice-Chancellor Joachim Chreptowicz
4 October 1786	Stanisław Gadomski, Chamberlain of Sochaczew	5 October 1786	Crown Chancellor Antoni Onufry Okęcki

Source: *Dyaryusz seymu 1778*, pp. 15, 22; *Dyaryusz seymu 1780*, pp. 7–8, 16–17; *Dyaryusz seymu 1782*, pp. 8, 17; *Dyaryusz seymu 1784*, pp. 11–12, 23; AGAD, APP 102, 'Dyaryusz seymu... 1786', pp. 2–3.

The procedure for appointing a constitutional deputation was established, and the only doubts concerned the moment when the chancellors announced the appointees from the Senate. This usually took place after reading the register of candidates to the Permanent Council. In 1784, however, it happened even before this act. The matter was not regulated in the order of proceedings of the 1768 Sejm, as the Permanent Council did not yet exist. The above procedure was not in accordance with that law under which the nomination of delegates from the Senate should take place after reading out the *pacta conventa*, accounts of the Councils of Senate (the last one met in February 1773[44]), and 'proposals from the throne'. As we shall see, in the years 1778–86 they were presented at a later stage of the proceedings. The earlier start of the election procedure for the Permanent Council resulted from the constitution 'Establishment of the Permanent Council', under which the reading of the register of candidates was to be the first action after the Chamber of Deputies and the Senate began a joint session.[45] There has been preserved in the 1782 Sejm records a handwritten agenda of the Sejm proceedings, in which the nomination of delegates to the constitution from the Senate should take place immediately after the reading out of the candidates to the Council and presenting their names *ad deliberandum* – to deliberate on.[46]

[44] Konopczyński, *Geneza i ustanowienie*, p. 367.
[45] VL, vol. 8, 'Ustanowienie Rady Nieustającej', p. 66.
[46] AGAD, ZP 126, 'Porządek sejmowania' (MS from 1782), fols 172^{v}–73.

IV. The role of 'proposals from the throne' in the legislative process. Senatorial opinions

The next agenda point related to the legislative activity was the presentation of the 'proposals from the throne'. According to the Law of 1768, this should be one of the first steps after the separation of the chambers.[47] During the free Sejms of 1778–86, it was held after the election of the new members of the Permanent Council, the swearing-in of elected councillors, the election of Sejm judges (at provincial sessions), and the reading of the *pacta conventa*. Most often, the presentation of proposals from the throne took place at the eleventh session of the Sejm; only in 1786 was it the twelfth session (Table 2).

Table 2. Time of presentation of proposals from the throne at the Sejms of 1778–86

Date of the opening of the Sejm	The session at which the proposals were read out	Date of the session	Person presenting the proposals
5 October 1778	11th	16 October 1778	Crown Chancellor Andrzej Młodziejowski
2 October 1780	11th	14 October 1780	Crown Vice-Chancellor Antoni Onufry Okęcki
30 October 1782	11th	12 October 1782	Crown Chancellor Antoni Onufry Okęcki
4 October 1784	11th	15 October 1784	Lithuanian Vice-Chancellor Joachim Chreptowicz
2 October 1786	12th	16 October 1786	Crown Chancellor Antoni Onufry Okęcki

Source: *Dyaryusz seymu 1778*, pp. 33–35; *Dyaryusz seymu 1780*, pp. 31–33; *Dyaryusz seymu 1782*, pp. 39–41; *Dyaryusz seymu 1784*, pp. 40–42; AGAD, APP 102, 'Dyaryusz seymu... 1786', p. 10.

The content of individual proposals from the throne has already been presented in the literature on the subject.[48] Proposals from the throne are regarded as the second basic form of the king's legislative initiative, next to universals convening the Sejm.[49] This opinion, however, may raise doubts in relation to the analysed period. The pre-Sejm universals of 1778–86 did not contain specific legislative proposals, although they sometimes specified the final goal to be achieved.[50] Neither were there specific legislative bills

[47] VL, vol. 7, 'Porządek sejmowania', p. 289.

[48] Stroynowski, *Opozycja sejmowa,* pp. 136, 148, 166, 176, 195; Filipczak, *Sejm 1778*, pp. 182–84; *id.*, *Życie sejmikowe*, pp. 62–67, 93–94, 131–32, 182–83; Danilczyk, *W kręgu afery*, p. 172.

[49] Łaszewski, *Sejm polski*, p. 33.

[50] Stanisław August's universal of 22 May 1780: *Akta sejmiku kowieńskiego z lat 1733–1795*, ed. M. Jusupović (Instytut Historii PAN, Wydawnictwo Neriton, Warszawa, 2019), pp. 319–20. See also Filipczak, *Sejm 1778*, p. 45; *id.*, *Życie sejmikowe*, pp. 57, 86, 119, 162.

in the proposals from the throne, although sometimes they were announced. It is, therefore, difficult to talk about a legislative initiative in the strict sense of the word.[51] It seems that, in practice, the king's power to introduce draft bills was at that time largely taken over by the Permanent Council, which had formal grounds for doing so under the constitution establishing the Permanent Council.[52]

The proposals from the throne put forward between 1778 and 1786 did not present problems that were of major importance for the politics or political system of the Commonwealth (regarded as *materiae status*). This was due to Russia's lack of consent to confederate the Sejm, which would give the opportunity to make decisions by a majority vote. King Stanisław Augustus might have been afraid that controversial proposals would cause the Sejm to be blocked by *liberum veto*. Proposals from the throne were not extensive and included: seven (1778), eight (1782), nine (1780, 1784) or ten points (1786). The number of proposals presented slowly increased, although this was not a constant trend. In 1778, at least three from seven proposals were only desiderata indicating the need to solve certain problems, but without presenting any specific solutions (reform of the law on bills of exchange; finding money to finance the outstanding salaries of officers and teachers employed at the Academy of the Corps of Cadets and providing funds for its upkeep and maintenance; balancing the state's expenses and revenues). In the first proposal, King Stanisław Augustus proposed to postpone the debate on the draft of Andrzej Zamoyski's *Collection of Court Laws*, known as Zamoyski Code (which had just been published) until the next Sejm. Only the fourth proposal recommended the parliament to support specific proposals (*przełożenia*) of the Military Department of the Council. Although a similar formulation can be found in the item recommending the work of the Commission of National Education, it was of a more general nature.[53] At the session of 4 November 1778, three (later passed) bills were read out, implementing the ideas included in the proposals from the throne (the so-called *Kaduki*, i.e. escheat, 'Condition of the Army of the Two Nations', and 'Explanation of the Law on Bills of Exchange'); three days later the bill 'Easing the Debt of the Corps of Cadets' was presented.[54]

In 1780, the proposals from the throne were also more a catalogue of matters that the king expected to be settled rather than bills: salaries for the deputies to Tribunal, funds for the maintenance of border judges, financing of court archives and court militias, establishing a fund for searching for ores and salt, and the conversion of the percentage tax

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[51] *Cf.* P. Kędziora, 'Inicjatywa ustawodawcza w prawie polskim', PhD dissertation written under the quidance of dr. hab. W. Orłowski, Maria Curie-Sklodowska University in Lublin (Lublin, 2019), pp. 9–10 (<http://dlibra.umcs.lublin.pl/Content/32678/K%C4%99dziora%20P.LBN_rozprawa_wersja_III_art.pdf>, accessed: 20 May 2021).

[52] VL, vol. 8, 'Ustanowienie Rady Nieustającej', pp. 72–73. *Cf.* Łaszewski, *Sejm polski*, pp. 33, 133.

[53] Biblioteka Narodowa (National Library of Poland; hereinafter: BN), Biblioteka Ordynacji Zamoyskich (Library of the Zamość Entail), MS 964, 'Propozycje od Tronu... Stanom Rzeczypospolitej na Sejm 1778 zgromadzonym', fols 587^{v}–89; Filipczak, *Sejm 1778*, pp. 182–84.

[54] *Dyaryusz Seymu 1778*, pp. 204–05; Filipczak, *Sejm 1778*, pp. 280–81, 285, 288–92.

on tobacco in Lithuania into a monopoly.[55] The next two points of the proposal were of a different nature. One of them provided for the appointment of a six-person commission (three members of the Senate and three of the 'knightly estate') to consider Zamoyski Code. The next proposed to extend the term of office of the Commission of National Education members.[56] Only two proposals from the throne (concerning recruitments on behalf of foreign states and to the army) announced the submission of bills drafted by the Permanent Council.[57] At the session of 30 October 1780, the bills 'The Army' and 'The Recruitment' were read out, which implemented what the king had announced.[58] At the same session, however, three other bills were presented – 'The Treasury's Revenue of the Grand Duchy of Lithuania' (the introduction of a tobacco monopoly in Lithuania to replace a percentage tax), 'Olkusz Mountains' (ore mining), and 'Expenses of the Crown Treasury' (the army, ore and salt exploration, salaries of deputies to the Tribunals and border judges) – which were the implementation of other proposals from the throne.[59] Three drafts on matters not mentioned in the king's proposal were also read out at that time.[60]

In 1782, out of eight proposals from the throne, four announced the submission of legislative bills (in three cases, their title was given). One of these, 'Salt, ores, mint', in which Stanisław Augustus returned to the idea of a fund for the exploration of salt and ores, was to be proposed in the king's name. Two others ('On coinage and silver', in which the monarch handed over the supervision of the mint to the treasury commission and the *Decreta executionis*) were presented as prepared by the Permanent Council.[61] In another project, concerning the increase in the number of Lithuanian senators, the proposals from the throne did not indicate by whom it was to be brought. The king

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[55] AGAD, ZP 110, 'Propozycye od Tronu... Stanom Rzeczypospolitey na Seym 1780 zgromadzonym' (print), fols 13–14^{v}; *Dyaryusz seymu ordy[naryj]n[e]go warszawskiego roku 1780 dnia 2go pazdziernika zaczętego w Warszawie...* (Drukarnia J. Królewskiej Mci, Grodno, 1780), pp. 35–42. See also S. Zawadzki, 'Kryzys solny i próby jego przezwyciężenia w Rzeczypospolitej po pierwszym rozbiorze', in P. Ugniewski (ed.), *„Skłócony naród, król niepewny, szlachta dzika"? Polska stanisławowska w świetle najnowszych badań* (Wydawnictwo Neriton, Warszawa, 2020), p. 190.

[56] AGAD, ZP 110, 'Propozycye od Tronu... 1780', fols 13^{v}, 14^{v}; Filipczak, *Życie sejmikowe*, pp. 63, 67.

[57] AGAD, ZP 110, 'Propozycye od Tronu... 1780', fols 13^{v}–14; Filipczak, *Życie sejmikowe*, pp. 62–64.

[58] *Dyaryusz seymu 1780*, pp. 311–12; AGAD, ZP 110, fols 46–47, 51.

[59] *Dyaryusz seymu 1780*, pp. 310–14; AGAD, ZP 110, fols 45–45^{v}, 77–77^{v}; Filipczak, *Życie sejmikowe*, pp. 66–67; *id.*, 'Wojsko i obronność Rzeczypospolitej na sejmie w 1780 r.', in A. Kalinowska, A. Perłakowski, D. Rolnik, F. Wolański (eds), *Między obowiązkami, przywilejami a prawem Rzeczypospolitej XVI–XVIII wieku. Społeczeństwo w obronie państwa polsko-litewskiego* (Zamek Królewski w Warszawie – Muzeum, Warszawa, 2018), pp. 272–73. See also A. Danilczyk, 'Werbunek austriacki i pruski na ziemiach Rzeczypospolitej w okresie rządów Rady Nieustającej', in I. Dacka-Górzyńska, A. Karpiński, M. Nagielski (eds), *Społeczeństwo a wojsko* (Wydawnictwo DiG, Warszawa, 2015), p. 305.

[60] These were the following projects: *Decreta executionis*, 'Szpitale w Koronie i W. Ks. Lit.', 'Warunek starostw dożywotnich posesyi' (*Dyaryusz seymu 1780*, pp. 314–18). On the draft bill prepared by the Permanent Council concerning hospital commissions, see T. Srogosz, *Problemy sanitarno-zdrowotne w działalności administracji Rzeczypospolitej w okresie stanisławowskim* (Akademia Medyczna w Łodzi, Łódź, 1993), pp. 139–43.

[61] *Dyaryusz seymu 1782*, pp. 40, 126. See also Zawadzki, 'Kryzys solny', pp. 190–91.

recommended to the Sejm the desiderata of the Military Department. The royal initiative of 1780 on the salaries of deputies to the Tribunal was also renewed.[62] The first point called for the ratification of the demarcation between the Commonwealth and Russia.[63] The king also called for the granting of *indygenat* (naturalisation of foreigners and recognition of nobility) to persons 'of princely blood' (this was a *materia status*), who were not mentioned by name.[64] In a speech before the separation of the chambers (23 October), Stanisław Augustus announced the submission of royal projects to the Chamber of Deputies. He particularly recommended proposals relating to the army.[65] He was probably referring to the projects prepared by the Military Department approved by the Permanent Council (6 March and 16 April 1782).[66] However, they were not dealt with in time due to the protracted disputes between the court and the opposition, and votes on the repeal of the Permanent Council's resolution on Bishop Kajetan Sołtyk of Krakow.[67] On 24 October, the ratification of the border with Russia was presented as a 'matter from the throne' and approved.[68] At the session of 4 November (the last session in the Chamber of Deputies), the draft *Decreta executionis*, adopted by the Permanent Council on 17 September 1782,[69] was read out. Still, due to the opposition of the deputy of Podolia Antoni Złotnicki, the Sejm did not decide on the matter.[70] During the proceedings on 4 November, a discussion on the question of persons deserving *indygenat* also started.[71]

At the Grodno Sejm of 1784, the court returned to recommending the need to resolve certain issues without announcing the submission of specific bills. This could be due to the poor legislative results of the previous Sejm. The only bill mentioned in the proposals

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[62] *Dyaryusz seymu 1782*, pp. 40–41; W. Filipczak, 'Organizacja sądownictwa w świetle uchwał sejmików koronnych 1778–1786', in S. Achremczyk, J. Kiełbik (eds), *Między barokiem a oświeceniem. Prawo i bezprawie* (Ośrodek Badań Naukowych im. Wojciecha Kętrzyńskiego, Olsztyn, 2018), p. 107.

[63] It was the demarcation completed in January 1781. See E. Zielińska, 'Sprawa polsko-rosyjskiej komisji granicznej w latach 1778–1780', in U. Kosińska, D. Dukwicz, A. Danilczyk (eds), *W cieniu wojen i rozbiorów. Studia z dziejów Rzeczypospolitej XVIII i początków XIX wieku* (Wydawnictwo Neriton, Warszawa, 2014), pp. 367–68.

[64] *Dyaryusz seymu 1782*, p. 41. *Cf.* VL, vol. 8, 'Materie status', p. 282.

[65] *Dyaryusz seymu 1782*, p. 239; 'Mowa J.K. Mości... 23 X 1782 miana', in *Zbior mow roznych w czasie szescio-niedzielnego seymu roku 1782 mianych* (Drukarnia J.K.M. przy Akademii, Wilno, n.d.).

[66] AGAD, ZP 126, Draft of the Military Department approved by the Council on 16 April 1782, and Draft of the Military Department of 3 March 1781 (approved by the Council on 6 March 1781), fols 318–19, 327–28.

[67] K. Rudnicki, *Biskup Kajetan Sołtyk 1715–1788* (Druk W.L. Anczyc i spółka, Warszawa–Kraków, 1906), pp. 227–42; Stroynowski, *Opozycja sejmowa*, pp. 158–64; W. Filipczak, 'Stanisław August i Elżbieta Sapieżyna. Spór wokół losów sejmu 1782 roku', in Z. Anusik (ed.), *Władza i polityka w czasach nowożytnych* (Wydawnictwo Uniwersytetu Łódzkiego, Łódź, 2011), pp. 57–65.

[68] *Dyaryusz seymu 1782*, pp. 254–55; VL, vol. 9, 'Ratyfikacja dzieła komisyi granicznej...', pp. 4–5.

[69] AGAD, so-called Metryka Litewska (Lithuanian Metrica), VII, ref. no. 41, 'Protokół Rady Nieustającej z 17 IX 1782', fols 57–58^{v}; Filipczak, *Życie sejmikowe*, p. 94.

[70] *Dyaryusz seymu 1782*, pp. 395–405. According to Antoni Złotnicki, the lenght of the project made it impossible to take a decision quickly.

[71] *Ibid.*, p. 405.

from the throne was the *Decreta executionis*, already presented at the two previous Sejms. The bill had previously been sent to the boroughs for the information of sejmiks.[72] As regards several other proposals from the throne (ratification of the Russian-Courland trade treaty of 1783, or the reduction of customs duty on the border of the Voivodeships of Kyiv, Podolia and Bracław with Russia), the draft laws were not mentioned in the speech of Vice-Chancellor Joachim Chreptowicz of 15 October 1784.[73] Still, they were read out during the session in the Chamber of Deputies. At the session on 3 November, the Sejm Secretary presented draft ratification of the trade convention between Russia and Courland with Semigallia (a formal fief of the Commonwealth), concluded in Riga in May 1783, and the accession of the District of Pilten to it. This was preceded by the presentation on 2 November 1784 of a translation of both documents (or rather a biased summary).[74]

Concerning the customs duties on the south-eastern border, the draft entitled 'The settlement of trade of the Commonwealth Nations' was read out and approved on 5 November.[75] Two days earlier, the draft entitled 'Indygenat' was presented and passed, implementing the aims of one of the proposals from the throne; the candidates for *indygenat* were presented on 3 November by the Lithuanian artillery General Kazimierz Nestor Sapieha, a deputy from Brest-Litovsk[76] (*indygenat* was granted to Duke Frederick d'Anhalt-Koeten and Charles de Nassau Siegen).[77] The bill entitled *Jus gentium* (on the provision of efficient judicial protection to foreign diplomats), implementing another point of the royal proposal, was read out at a session on 8 November but was met with opposition.[78]

The first of the proposals from the throne in 1784 was not a legislative initiative, as it was about the vote of approval for the executive authorities, which had failed, apart from the Permanent Council, to obtain discharge at the previous Sejm due to disputes surrounding the case of Bishop Sołtyk.[79] Four proposals repeated the ideas put forward at the previous Sejms: an increase in the salaries of marshals and deputies of the Tribunal and funds for court guards and archives (in one point); the formation of court militias to replace the army in the execution of decrees; a reform of the recruitment system and the creation of a fund for invalids; an increase in the number of

[72] *Dyaryusz seymu 1784*, p. 42; a registration of the bill entitled *Decreta executionis:* AGAD, Łęczyckie grodzkie oblaty (Łęczyca court books), ref. no. 106, fols 310–13.

[73] *Dyaryusz seymu 1784*, pp. 41–42.

[74] *Ibid.*, pp. 449–60, 469–70; Z. Zielińska, 'Rosyjsko-kurlandzki traktat handlowy z 1783 r.', in Ugniewski (ed.), *Skłócony naród*, pp. 220, 253–55.

[75] *Dyaryusz seymu 1784*, pp. 516–17; A. Stroynowski, *Obrady sejmu grodzieńskiego 1784* (Uniwersytet Humanistyczno-Przyrodniczy im. Jana Długosza, Częstochowa, 2020), p. 114.

[76] *Dyaryusz seymu 1784*, pp. 471–72; Stroynowski, *Obrady sejmu*, pp. 107–08.

[77] *Dyaryusz seymu 1784*, pp. 499–500; VL, vol. 9, p. 24.

[78] *Dyaryusz seymu 1784*, p. 541; Stroynowski, *Obrady sejmu*, p. 118.

[79] *Dyaryusz seymu 1784*, p. 41; W. Filipczak, 'Sejmowa kontrola Komisji Skarbu Koronnego w 1784 r.', in M. Durbas (ed.), *Najjaśniejsza Rzeczypospolita. Studia ofiarowane Profesorowi Andrzejowi Stroynowskiemu* (Uniwersytet Humanistyczno-Przyrodniczy im. Jana Długosza, Częstochowa, 2019), pp. 145–54. *Cf.* Szczą-ska, 'Odpowiedzialność rządu', pp. 79–80; Filipczak, 'Sejm a władze', pp. 273–74.

Lithuanian senators.[80] The royal proposals in military matters were recalled and supported during the control of the Military Department.[81]

Probably for tactical reasons, the project of paying off royal debts, spurred by King Stanisław Augustus, was not included in the proposals from the throne of 1784. The monarch had also made careful preparations to carry it out.[82] The bill was entitled 'A fund to pay the rest of our royal debts' and was submitted on 3 November 1784 by the deputy of Lublin, Grand Crown Secretary Michał Granowski.[83] The law was passed on 4 November, unanimously in the Chamber of Deputies, with two votes against in the Senate.[84]

In his speech delivered on 16 October 1786, Chancellor Antoni Onufry Okęcki announced the ratification of the convention with Austria concluded in Warsaw on 4 July 1785. It was related to the exchange of ecclesiastical funds concerning the erection of Tarnów Bishopric in that part of the Krakow Diocese, which was outside the borders of the Crown.[85] The draft on this matter was read out at the session on 6 November. Despite solid opposition (the deputy from Gniezno Jan Suchorzewski even blocked the proceedings), it was adopted in a slightly altered form.[86] Three proposals from the throne announced the projects concerning: the ratification of the Polish-Prussian treaty on the delimitation of private estates on the border of Greater Poland and Silesia, and the indemnification of those affected by this convention; changes in the red zloty exchange rate from 16.75 Polsih zloty to 18 Polish zloty; a draft prepared by the Military Department on the conscription of recruits, which was sent to sejmiks in July 1785 (on 15 July in the Crown met deputational sejmiks, i.e. sejmiks to elect deputies to the Tribunal).[87]

[80] *Dyaryusz seymu 1784*, pp. 41–42; Stroynowski, *Opozycja sejmowa*, p. 176.

[81] *Dyaryusz seymu 1784*, p. 186; Rostworowski, *Sprawa aukcji*, p. 148.

[82] AGAD, ZP 128, Note entitled 'Mający mówić w interesie królewskim' and 'F.K. Chomiński do króla z 3 XI 1784', fols 221–22^{v}; W. Filipczak, 'Sejmy Rzeczypospolitej w dobie stanisławowskiej', in H. Gmiterek, S. Piątkowski, J. Wrona (eds), *Między konstytucją nihil novi a ustawodawstwem nowoczesnej demokracji. Parlamentaryzm polski XVI–XX wieku* (Radomskie Towarzystwo Naukowe, Radom, 2005), p. 74.

[83] *Dyaryusz seymu 1784*, p. 487; A. Stroynowski, 'Przeprowadzenie spłaty długów królewskich na sejmie 1784 roku', in M. Karkocha, P. Robak (eds), *Sic erat in votis. Studia i szkice ofiarowane Profesorowi Zbigniewowi Anusikowi w sześćdziesiątą rocznicę urodzin. Rzeczpospolita w czasach nowożytnych* (Wydawnictwo Uniwersytetu Łódzkiego, Łódź, 2017), p. 374.

[84] *Dyaryusz seymu 1784*, pp. 498, 505–09; Stroynowski, 'Przeprowadzenie spłaty', pp. 375–77.

[85] AGAD, ZP 132, 'Propozycye od Tronu... 1786...', fol. 171; Danilczyk, *W kręgu afery*, pp. 172–73; R. Butterwick, *Polska rewolucja a Kościół katolicki 1788–1792*, transl. M. Ugniewski (Wydawnictwo Arcana, Kraków, 2012), pp. 166–67; Filipczak, *Życie sejmikowe*, pp. 182–83.

[86] AGAD, Archiwum Królestwa Polskiego (Archives of the Kingdom of Poland; hereinafter: AKP), ref. no. 356, 'Diariusz sejmu 1786 r.', pp. 317–24 (according to a new page numbering); AGAD, ZP 27, 'Ratyfikacja zamiany funduszów dla erekcyi biskupstwa tarnowskiego' (a manuscript with corrections and the signature of the Sejm marshal), fol. 59; VL, vol. 9, p. 37; Danilczyk, *W kręgu afery*, pp. 172–74; Filipczak, *Życie sejmikowe*, pp. 183–84.

[87] AGAD, ZP 132, 'Propozycye od Tronu... 1786...', fols 171–71^{v}. On the attitude of the Crown sejmiks to the draft see Rostworowski, *Sprawa aukcji*, pp. 149–51; L. Ratajczyk, *Przezwyciężenie kryzysu militarnego Rzeczypospolitej przed reformami Sejmu Czteroletniego* (Wojskowa Akademia Polityczna, Warszawa, 1975), pp. 87–89; Filipczak, *Życie sejmikowe*, pp. 140–42.

The bill on the confirmation of the delimitation of private estates on the Silesian-Greater Poland border was read out on 6 November 1786. After a short discussion and minor alterations, it was approved.[88] A different procedure was followed for the bill changing the exchange rate of the red zloty. At the session on 4 November, the bill was submitted by Kazimierz Nestor Sapieha as a supplement to the vote of approval (Polish: *kwit*) for the Lithuanian Treasury Commission.[89] It is unknown whether a draft of the new recruitment system came up for debate, which could result from the negative attitude of a large number of deputies towards the military policy of the Military Department.[90]

The other proposals did not become the subject of debates, although a bill approving the grain warehouses established in the winter of 1785/1786 by the Crown Treasury Commission was drafted.[91] It is more difficult to see the relationship between the proposals from the throne and the project put forward by the Poznań deputy Maciej Mielżyński, related to the 'clearing' of the Obra and Nida Rivers, presented by the monarch. It recommended that the Treasury Commission make the Warta River navigable in the following year, which was not mentioned in the proposals from the throne.[92] The above bills were never passed into laws, unlike two others, submitted on behalf of the king, although they were not mentioned in the proposals from the throne. These were the acts 'Declaration' (*Deklaracja*) and 'Civic Vigilance' (*Czułość obywatelska*)[93] concerning Adam Kazimierz Czartoryski and Franciszek Ksawery Branicki, in relation to the so-called Dogrumowa Affair, which in 1785–86 deepened the conflict between King Stanisław Augustus and the opposition leaders.[94] These drafts were read out at the session on 4 November 1786, and approved by the Sejm two days later.[95] Their content was negotiated between the court and the malcontents, mediated by the ambassador Otto M. von Stackelberg.[96]

The proposals from the throne were closely related to senators' opinions (*wota*), after 1768 not obligatory,[97] which lost their importance in the analysed period. In 1778 and 1780, only one senator participated in the *wota*, Crown Grand Marshal Stanisław

[88] AGAD, ZP 27, a printed version of the bill with handwritten corrections and the signature of the Sejm marshal, fol. 60; AGAD, AKP 356, 'Diariusz sejmu 1786 r.', pp. 323–26. More on the convention and ratification debate see Filipczak, *Życie sejmikowe*, pp. 145–47, 184.

[89] AGAD, AKP 356, 'Diariusz sejmu 1786 r.', pp. 307–08; Danilczyk, *W kręgu afery*, pp. 160–61.

[90] Rostworowski, *Sprawa aukcji*, pp. 151–59; W. Filipczak, 'Rola spraw wojskowo-skarbowych w walce politycznej na sejmie 1786 roku', *Acta Universitatis Lodziensis. Folia Historica*, vol. 49 (1993), 52–62.

[91] AGAD, ZP 23, cz. IV, 'Postanowienie raz na zawsze magazynów zbożowych w krajach Rzpltej' (MS), fol. 19. *Cf.* AGAD, ZP 132, 'Propozycye od Tronu... 1786...', fols 171^{v}–72.

[92] AGAD, ZP 23, part IV, 'Ułatwienie przeszkód do defluitacyi rzeką Wartą i wyczyszczenie rzeki Obry i Nidy w wdztwie sandomir[skim]', fol. 14. *Cf.* AGAD, ZP 132, 'Propozycye od Tronu... 1786...', fol. 172; Filipczak, *Życie sejmikowe*, p. 326 (here, the River Nida was omitted in the title of the project).

[93] VL, vol. 9, pp. 37–38; Danilczyk, *W kręgu afery*, pp. 181–82.

[94] A. Danilczyk, 'Afera Dogrumowej a konsolidacja opozycji antykrólewskiej w latach 1785–1786', *Kwartalnik Historyczny*, vol. 111, no. 4 (2004), 51–81.

[95] AGAD, AKP 356, 'Diariusz sejmu 1786 r.', pp. 305–08, 325–26.

[96] Danilczyk, *W kręgu afery*, pp. 178–80.

[97] VL, vol. 7, 'Porządek sejmowania', p. 290; Łaszewski, *Sejm polski*, pp. 123–124.

Lubomirski, one of the leaders of the magnate opposition.[98] Later, the number of senators giving opinions increased a little; in 1782, three senators took the floor, and in 1784 as many as ten (the vast majority of them were royalists).[99] The record for the period under review was set on 26 October 1786, when fifteen senators voiced their opinions on the proposal from the throne, including the leading politicians of the court camp, Primate Michał Poniatowski and Grand Crown Marshal Michał Mniszech.[100]

V. Involvement of the Permanent Council in the initiation of bills

Under the Act of 1775, the Permanent Council also could present bills. However, there was no time for delivering such initiatives in the previously adopted order of the Sejm proceedings. Thus, the relations of the deputies controlling the executive authorities, especially the Permanent Council and its Military Department, were often used for this purpose.[101] In 1778, in his report of 22 October, Lithuanian Court Marshal Władysław Gurowski, a member of the controlling deputation, presented the 'demands from the army of both nations' formulated by the Military Department. However, these were not drafts, but desiderata of the military authorities addressed to the Sejm.[102] During the 1776–78 term, the Permanent Council repeatedly dealt with the preparation of bills for parliamentary deliberations. Many of them were considered, but it seems that only the law on bills of exchange mentioned above was related to the Council's work.[103]

In 1780, the bills prepared by the Military Department were submitted to the joint deliberations of both chambers (21 October) by one of the deputies to its control, Pomeranian Voivode Władysław Łoś.[104] I shall omit their further fate, as this issue has already been discussed in the literature on the subject.[105] In 1782, the desiderata of the Military Department was presented (on 22 October) by the deputy from Pinsk, Franciszek Ksawery Chomiński.[106] Earlier, on 17 October, during the control of

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[98] S. Lubomirski, 'Zdanie... 24 X 1778...', in *Zbior mow roznych w czasie seymu ostatniego szescioniedzielnego roku 1778 mianych* (Drukarnia Królewska Akademicka, Wilno, [1779]); *Dyaryusz Seymu 1778*, pp. 112–14; *Dyaryusz Seymu 1780*, pp. 182–84; Filipczak, *Sejm 1778*, pp. 184–86. See also J. Michalski, 'Lubomirski Stanisław', in *Polski Słownik Biograficzny*, vol. 18 (1973), 54–55.

[99] *Dyaryusz Seymu 1782*, pp. 248–52; *Dyaryusz Seymu 1784*, pp. 296–323; Filipczak, 'Sejmy Rzeczypospolitej', p. 77; Stroynowski, 'Sojm u Goradni', pp. 219–22.

[100] AGAD, APP 102, 'Diariusz sejmu... 1786', pp. 22–23; Danilczyk, *W kręgu afery*, pp. 172–73.

[101] On the deputations controlling the treasury commissions, see P.M. Pilarczyk, 'Praca komisji skarbowych w ocenie deputacji kontrolujących Sejmu Wielkiego', *Studia Iuridica Lublinensia*, vol. 25, no. 3 (2016), 734–45.

[102] W. Gurowski, 'Relacya... 22 X 1778 miana', in *Zbior mow roznych w czasie seymu ostatniego*; *Dyaryusz Seymu 1778*, pp. 68–71; Filipczak, *Sejm 1778*, pp. 207–08.

[103] Filipczak, *Sejm 1778*, pp. 179–82.

[104] *Dyaryusz Seymu 1780*, p. 130.

[105] W. Filipczak, 'Wojsko i obronność', pp. 266, 272–78.

[106] *Dyaryusz Seymu 1782*, pp. 197–99.

Commission of National Education, Castellan of Kowal Piotr Sumiński (a member of the inspection deputation), announced that the Commission would submit legislative bills.[107] However, because of the stormy debates on the Sołtyk case, it is not known whether this happened. In Grodno, at the session on 21 October 1784, Ignacy Kurzeniecki, a standard-bearer (*chorąży*) and deputy from Pinsk, also presented to the Sejm 'the *desideria* from the Military Department of the Two Nations'. Demands concerning the Crown army were presented in nine sections, and those concerning the Lithuanian army were in seven. In relation to the troops of both parts of the Commonwealth, it was also stipulated that other demands would be presented in separate drafts.[108] One of them was probably the bill 'Recommendation to the Treasury of Grand Duchy of Lithuania', which concerned the payment of outstanding debts to the Lithuanian army, which was necessary to supplement the army's total headcount. It was read on 4 November 1784 but initially met with opposition from some deputies.[109] Discussion on the matter was resumed the next day. After the questioned provision concerning the pays of generals was removed, the draft was approved.[110]

VI. The Sejm *recesy*

Among the matters mentioned in the 'Order of the Sejm proceedings', there was also a group of 'matters sent back in the *recesy* from the previous Sejm', a *reces* being an issue postponed until the next Sejm session. Under the Law of 1768, they were to be read out immediately after the propositions from the throne.[111] There were not many such projects in the analysed period. The Sejm in 1778 should deal with two such registered issues. The first was about the order in which representatives of the sejmiks that did not receive a decision in 1776 would submit their desiderata. The second was about compensating Andrzej and Józef Załuski's heirs for their expenses incurred by the bishops to fund a public library in Warsaw.[112] In 1778, drafts were prepared on this matter, but they were not implemented, so the problem was postponed again.[113] In 1780, however, a law was passed which placed the Załuski Library under the management of the Commission of National Education and introduced an obligation to provide a copy of every new book for it (in Lithuania – for the Vilnius Library).[114] At the session on 14 October 1782,

[107] P. Sumiński, 'Mowa... 17 X 1782 na sessyi seymowey miana', in *Zbior mow roznych w czasie szescio-niedzielnego seymu*; *Dyaryusz Seymu 1782*, p. 88; P. Dumanowski, 'Sumiński Piotr', in *Polski Słownik Biograficzny*, vol. 45 (2008), 604.

[108] *Dyaryusz Seymu 1784*, pp. 188–91; Stroynowski, *Obrady sejmu*, p. 71.

[109] *Dyaryusz Seymu 1784*, pp. 502–05; Stroynowski, *Obrady sejmu*, p. 112.

[110] VL, vol. 9, p. 12; *Dyaryusz Seymu 1784*, p. 510; Jurgaitis, 'Priniatije zakonov', p. 219.

[111] VL, vol. 7, 'Porządek sejmowania', p. 289; Michalski, 'Sejm w czasach panowania', p. 366.

[112] VL, vol. 8, 'Recessa', p. 564; Filipczak, *Sejm 1778*, p. 278.

[113] AGAD, ZP 112, 'Wdzięczność sukcessorom krwi y imienia Załuskich za Bibliotekę' (print), fol. 117; VL, vol. 8, 'Reces powtórny do przyszłego sejmu', p. 581; Filipczak, *Sejm 1778*, pp. 278–80.

[114] VL, vol. 8, 'Powiększenie Biblioteki Publicznej', pp. 587–88; Stroynowski, *Opozycja sejmowa*, p. 403.

Marshal Krasiński, referring to the Law of 1768, demanded that the postponed draft concerning the Załuski successors be read.[115] In 1778, the Parliament tabled two more matters until the next session. The 'Condition for the army of both nations' provided, among other things, that the next Sejm would decide by a majority of votes on the increase of troops, both of low ranks and the cavalry.[116] The motion was passed into law on 4 November 1780, after numerous changes under the title 'Army'. Under the pressure of deputies, the court, which wanted changes in the army modelled on foreign militaries, had to make concessions in favour of the national cavalry.[117]

The Sejm of 1780 put on hold the financial claims of Karol and Hieronim Radziwiłł against the Polish-Lithuanian Commonwealth. Out of the 4 million zlotys allocated to them, the next Sejm was to decide by a majority of votes how to pay out 2 million zlotys. A similar decision was also made in the case of 400,000 Polish zlotys due to the successors of Lithuanian Field Hetman Hrehor (Grzegorz) Ogiński.[118] In 1782, at the joint session of two chambers (14 October), the Sejm secretary read out a *reces* entitled 'Satisfaction to the Radziwiłł Princes'.[119] However, the Chamber of Deputies debates were dominated by disputes over the case of Bishop Sołtyk; the voting alone took as many as five sessions.[120] Although on 4 November, many Lithuanian deputies tried to push through the bills concerning the Radziwiłłs and heirs of Ogiński,[121] there was no time for further discussions, as on that day, the estates assembled for the final session. Ultimately, the law covering both these matters was passed at the Grodno Sejm in 1784, at the session on 5 November.[122]

VII. Bills submitted by sejmiks, provincial sessions and land deputies

Under the laws of 1764, after the drafts resulting from proposals from the throne (they were to be formulated by the Sejm marshal and deputies to the constitution), the next step was to consider the recommendations of the sejmiks relating to national matters; and finally, the bills concerning the interests of provinces, lands and districts,

[115] *Dyaryusz Seymu 1782*, p. 47.

[116] Until the next Sejm, the care of improving the state of the army was entrusted to the king and the Military Department: VL, vol. 8, 'Warunek wojsku obojga narodów', p. 579; Filipczak, *Sejm 1778*, p. 288.

[117] VL, vol. 8, 'Wojsko', p. 584–85; Rostworowski, *Sprawa aukcji*, p. 152; W. Filipczak, 'Wojsko i obronność', pp. 272–79. In the printed Sejm record, the session no. 29 has an incorrect date (*Dyaryusz Seymu 1780*, p. 399). It took place on 4 November 1780, see BN PAU i PAN, MS 661, 'Diariusz sejmu 1780', fol. 70^{v}. In the article: Filipczak, 'Wojsko i obronność', pp. 277–78, the session of 4 November is described as taking place on 5 November 1780.

[118] VL, vol. 8, 'Satysfakcja Książętom Radziwiłłom', p. 588. The Radziwills were to be compensated for the remaining 2 million Polish zlotys by royal estates transferred to them under hereditary rights.

[119] *Dyaryusz Seymu 1782*, p. 53 (printed incorrectly as 55).

[120] Filipczak, 'Sejm a władze', pp. 273–74. *Cf.* Stroynowski, *Opozycja sejmowa*, p. 163.

[121] *Dyaryusz Seymu 1782*, pp. 395–96, 405–06.

[122] *Dyaryusz Seymu 1784*, pp. 510–14; VL, vol. 9, p. 15.

as well as private persons.[123] These were often parliamentary bills, submitted in a manuscript or printed form, and signed by one or several deputies (e.g. of one sejmik).[124] A particular form of parliamentary initiatives were bills agreed at provincial sessions. In 1780, at the session of 4 November, the deputy from Grodno Ignacy Daszkiewicz submitted three drafts agreed at the Lithuanian provincial session.[125] No further details are available, but one of them was probably a draft on the alternate place (the so-called *alternata*) of the Sejm sessions (under King Stanisław Augustus, the first Sejm at Grodno was held in 1784). Its reading at the session of 6 November 1780 was demanded by the standard-bearer and deputy from Lida, Józef Narbutt.[126] In Grodno, on 6 November 1784, Sejm Marshal Chomiński allocated the following day, i.e. Sunday 7 November, for provincial sessions.[127] The result of the deliberations of the Lithuanian deputies was the motion 'Improvement of the process in the Grand Duchy of Lithuania', which was tabled on the following day.[128] After a short discussion, but bringing a quite significant change (the introduction of secret voting in the Lithuanian Tribunal[129]), it was approved on 8 November under a slightly different title: 'Judicial Process in the Grand Duchy of Lithuania'.[130]

It is not known what effect the other provincial sessions had. It is also uncertain whether they met in the traditional way (Lithuania, Little Poland, Greater Poland).[131] These doubts arise from an account given by the deputy from Czersk,[132] Pius Kiciński, head of Stanisław Augustus's Cabinet, given at the electoral sejmik at Czersk on 19 September 1785.

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[123] VL, vol. 7, p. 18; Łaszewski, *Sejm polski*, p. 136; Filipczak, *Sejm 1778*, p. 277.

[124] Examples of collections of Sejm bills: AGAD, ZP 23, part IV, fols 2–53, part V, fols 57–73 (1786); AGAD, ZP 107, fols 128–256 (1784); AGAD, ZP 110, fols 41–101 (1780); AGAD, ZP 112, fols 158–234 (1778).

[125] *Dyaryusz Seymu 1780*, p. 415. There is an incorrect date of the session in the register (p. 399); *Cf.* BN PAU i PAN, MS 661, 'Diariusz sejmu 1780', fol. 70^{v}.

[126] *Dyaryusz Seymu 1780*, p. 443; A. Stroynowski, 'Znaczenie alternaty sejmów dla Wielkiego Księstwa Litewskiego w epoce stanisławowskiej', *Przegląd Nauk Historycznych*, vol. 17, no. 1 (2018), 126.

[127] *Dyaryusz Seymu 1784*, p. 531; Stroynowski, *Obrady sejmu*, p. 159.

[128] *Dyaryusz Seymu 1784*, pp. 534, 536.

[129] See also A. Stankevič, *Lietuvos Vyriausiojo Tribunolo veikla XVIII a. II pusėje: bajoriškosios teisės raiška*, PhD dissertation, Vilniaus universitetas (Vilnius, 2013), pp. 361–62 (<http://epublications.vu.lt/object/elaba:1946723/index.html>, accessed: 20 May 2021). In 2018, the monograph was published: K. Frejlich, review: 'Adam Stankevič, *Lietuvos Vyriausiojo Tribunolo veikla XVIII amžiaus antroje pusėje*, Lietuvos istorijos institutas, Vilnius 2018, pp. 528, il., ISBN 978-609-8183-42-9', *Rocznik Lituanistyczny*, vol. 4 (2018), 172–75.

[130] VL, vol. 9, pp. 19–23; *Dyaryusz Seymu 1784*, pp. 534–41; Jurgaitis, 'Priniatije zakonov', p. 223.

[131] Łaszewski, *Sejm polski*, pp. 104–05. See also W. Szczygielski, 'Rola sesji prowincjonalnych początkach obrad Sejmu Wielkiego', in J. Daszyńska (ed.), *Konstytucja Stanów Zjednoczonych Ameryki. Reminiscencje w 220. rocznicę uchwalenia* (Wydawnictwo Uniwersytetu Łódzkiego, Łódź, 2009), pp. 159–82.

[132] BN PAU i PAN, MS 8320, 'Laudum ziemi czerskiej, Czersk 19 IX 1785', fol. 476^{v}; W. Filipczak, 'Sejmiki ziemi czerskiej 1780–1786', *Przegląd Nauk Historycznych*, vol. 9, no. 1 (2010), 161. More on Pius Kiciński, see J. Michalski, 'Kiciński Pius', in *Polski Słownik Biograficzny*, vol. 12 (1966), 383–85; R. Butterwick, 'Faworyt – demagog? Pius Kiciński na Sejmie Czteroletnim', in M. Markiewicz, R. Skowron (eds), *Faworyci i opozycjoniści. Król a elity polityczne w Rzeczypospolitej XV–XVIII wieku* (Zamek Królewski na Wawelu, Kraków, 2006), pp. 485–92.

The speech prepared for the sejmik reveals that, at the deputies' request, the Voivode of Mazovia Antoni Małachowski convened provincial sessions with the participation of senators and deputies representing ten lands. A 'Project of the Duchy of Mazovia' was then prepared, containing one point from each of the ten instructions. Only proposals on public matters (e.g. changing the term of office of local courts, the security of archives) were included. There were also plans to formulate instructions for the entire province of Greater Poland, but there was not enough time for it.[133] Perhaps similar measures were taken two years later, as on 7 November 1786, the Sejm adopted the law on the change of the term of office of the Czersk and Liw land courts.[134] However, it is uncertain whether this was a project of the entire province, as it was signed by Ignacy Cieciszowski, a land judge and deputy from Liw.[135] Moreover, during the Sejm debate, due to the objections of the starosta and deputy from Nursk Karol Wodziński, changes were made to it.[136] At the same session, Zakroczym deputy Krzysztof Frankowski submitted the draft passed as the constitution 'Change in the term of Zakroczym's land courts' office.[137] The Sejm's records, regardless of the disputes which arose between the province's representatives, registered the drafts as submitted by the Duchy of Mazovia or the deputies of Mazovia.[138] These were the first drafts containing desiderata of provinces, lands, and districts to be passed by the parliament in the period under discussion. Although already in 1784, the Sejm changed the term of office of courts in the Trakai Voivodeship (this also applied to the Vawkavysk [Wołkowysk] and Braslav [Brasław] counties or poviats), but at that time, the above change was included in the constitution concerning the whole of Lithuania 'Judicial process in the Grand Duchy of Lithuania' prepared at the provincial session.[139] At the session of 6 November 1786, the Sejm approved four drafts for the Lithuanian province, and therefore probably agreed at the provincial session, but some of them were of a supra-local nature.[140] The need for further debate on the demands of the voivodeships became the basis for the decision made to prolong the discussions in the Chamber of Deputies by one day.[141]

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[133] AGAD, ZP 107, 'Relacja P. Kicińskiego z sejmu 1784 r.', fols 314^{v}–15^{v}; Filipczak, 'Sejmiki ziemi czerskiej', pp. 170–71.

[134] VL, vol. 9, p. 39; AGAD, AKP 356, 'Diariusz sejmu 1786 r.', pp. 329–31.

[135] AGAD, ZP 27, 'Odmiana kadencyi sądów ziemskich czerskich i liwskich' (a manuscript with the signatures of Ignacy Cieciszowski and Sejm Marshal Stanisław Gadomski), fol. 63; W. Filipczak, 'Sejmiki ziemi liwskiej 1780–1786', *Przegląd Nauk Historycznych*, vol. XVII, no. 2 (2018), pp. 141–42.

[136] AGAD, AKP 356, 'Diariusz sejmu 1786 r.', pp. 329–30; see also AGAD, ZP 27, 'Odmiana kadencyi sądów ziemskich czerskich i liwskich', fol. 63.

[137] AGAD, ZP 27, 'Odmiana kadencyi sądów ziemskich zakroczymskich' (a manuscript with the signatures of Krzysztof Frankowski and Sejm Marshal Stanisław Gadomski), fol. 64; VL, vol. 9, pp. 39–40; W. Filipczak, 'Sejmiki ziemi zakroczymskiej 1778–1786', *Przegląd Nauk Historycznych*, vol. 14, no. 2 (2015), 117–18.

[138] AGAD, AKP 356, 'Diariusz sejmu 1786 r.', pp. 329–30.

[139] VL, vol. 9, p. 23; *Dyaryusz Seymu 1784*, p. 541; A.B. Zakrzewski, *Sejmiki Wielkiego Księstwa Litewskiego XVI–XVIII w. Ustrój i funkcjonowanie: sejmik trocki* (Liber, Warszawa, 2000), pp. 117–18.

[140] Projekty dotyczyły m.in. zmiany lokalnych kadencji sądowych, dóbr egzulanckich oraz procedury sądowej: VL, vol. 9, pp. 38–39; Danilczyk, *W kręgu afery*, pp. 175; Jurgaitis, 'Priniatije zakonov', p. 223.

[141] AGAD, AKP 356, 'Diariusz sejmu 1786 r.', pp. 325–27.

It is not possible to discuss initiatives of deputies in detail – there were hundreds (if not thousands) of them, and most of them were not even read out. For example, during the session of 6 November 1778, Marshal Ludwik Tyszkiewicz reported that more than 200 bills had already been submitted to the Sejm[142] (deliberations in the Chamber of Deputies continued until 9 November). It is worth noting that there were far fewer concerning local issues among the laws passed in the years 1778–86 than private matters (not all the bills concerning them were initiatives of deputies). The principle provided for in the constitution of 1764 that the monarch's proposals took precedence over those of the Sejm was not always followed. Deputies' proposals were submitted even before reading the initiatives resulting from the proposals to the throne.[143] There were even accusations that, contrary to the constitution of 1768, *materiae status* were brought before the completion of economic matters. It often resulted from disputes over the category to which a particular motion belonged, which even allowed temporary obstruction of the proceedings (26 October 1782, 6 November 1784, 6 November 1786).[144] However, the problem of lodging protests during deliberations on *materiae status* is a separate issue that requires detailed analysis, which is why it will be omitted here.[145]

VIII. Parliament's decisions on the vote of approval to the executive authorities

A separate category of parliamentary legislation between 1778 and 1786 were decisions related to granting a vote of approval to the executive authorities**.** With regard to the Permanent Council, resolutions on granting discharge were adopted during debates in the Senate before the chambers split up.[146] Thus, similarly to the decisions related to the election of executive authorities by the parliament, they were not subject to the complete legislative procedure (although they were placed among the parliamentary constitutions). The Sejm marshal registered these resolutions, signed by himself and deputies to the constitution, in the court books after this part of the session concluded (e.g. in 1778, it was on 26 October).[147] In 1778 a practice developed that, irrespective of granting

[142] *Dyaryusz Seymu 1778*, p. 235; BN, MS 6989, 'Diariusz sejmu ordynaryjnego roku 1778', fol. 26; Filipczak, *Sejm 1778*, p. 323.

[143] *Dyaryusz Seymu 1780*, pp. 307–10.

[144] *Dyaryusz Seymu 1782*, pp. 277–79; *Dyaryusz Seymu 1784*, p. 530; AGAD, AKP 356, 'Diariusz sejmu 1786 r.', pp. 311–16.

[145] See Danilczyk, *W kręgu afery*, pp. 173–74; Filipczak, *Życie sejmikowe*, pp. 320, 325–26.

[146] Szcząska, 'Odpowiedzialność rządu', p. 78.

[147] Biblioteka Książąt Czartoryskich w Krakowie (Princes Czartoryski Library in Cracow; hereinafter: BCz), MS 881, 'Konstytucje sejmu 1778' (z podpisami marszałka sejmu i deputowanych do konstytucji), pp. 5–22; AGAD, APP 313, vol. 9, 'Oblaty uchwał sejmowych z 26 X 1778', pp. 281–88; Filipczak, *Sejm 1778*, p. 335.

discharge to the Council, the Sejm reserved the right to repeal its resolution after the chambers had separated, which actually happened.[148]

The situation was different with the approval of the remaining executive authorities: the treasury commissions (of the Crown and Lithuanian ones), the Commission of National Education and the Military Department of the Council (the rules applied here were those in force for the military commissions abolished in 1776).[149] As they were granted discharge after the chambers had split up, it offered an opportunity to make legislative decisions, e.g. concerning the rules of the functioning of executive authorities. In 1778, the resolution on the granting discharge to the Lithuanian Treasury Commission changed its term of office and the rules for its submission of 'accounts' to the Sejm.[150] Two years later, the law on the 'Income of the Treasury of the Grand Duchy of Lithuania' (*Dochód skarbu W. Ks. Lit.*) was passed, also as a result of a debate on granting discharge to the Lithuanian Treasury Commission (it did not receive approval in consequence of the political fall of Court Treasurer Antoni Tyzenhauz). Not only did it change the taxation system in Lithuania (the tax on sums of interest were replaced by tobacco taxation), but it also abandoned the term model of the functioning of the Commission.[151] In 1784, on the occasion of discharging the Military Department, the Sejm annulled the royal universal abolishing the possibility of selling military ranks.[152] The royalist party could not count on the unconditional approval of the court's military reform programme, although at that time, it had the support of the vast majority of deputies and senators. Drawing conclusions from this situation, in 1786 the magnate opposition pushed through its projects in the form of additions to approvals for the Military Department (adopted unanimously) and the Crown Treasury Commission. At the session on 4 November 1786, the malcontents gained the support of the vast majority of deputies' votes (142 to 26), which was not offset by the dominance of the opponents of the supplement among the senators (4 to 57).[153] The royalists also made use of this method. When granting the discharge for the Commission of National Education,

[148] VL, vol. 8, pp. 576, 584; vol. 9, pp. 4, 10–11, 33–34. In 1782, due to disagreements over the discharge to the Council, no resolution of the Council was repealed (Szcząska, 'Odpowiedzialność rządu', pp. 78–79; Filipczak, 'Sejm a władze', pp. 275–76).

[149] Filipczak, *Sejm 1778*, pp. 191–93.

[150] VL, vol. 8, 'Ostrzeżenie kadencyi Komisyi Skarbu Litewskiego', p. 578; W. Filipczak, 'Kontrola Komisji Skarbu Litewskiego na sejmie z 1778 roku', *Acta Universitatis Lodziensis. Folia Historica*, vol. 67 (2000), 198–99.

[151] *Dyaryusz seymu 1780*, pp. 370–72, 380; VL, vol. 8, 'Dochód skarbu W. Ks. Lit.', pp. 586–87. See also R. Rybarski, *Skarbowość Polski w dobie rozbiorów* (Polska Akademia Umiejętności, Kraków, 1937), pp. 264–65; S. Kościałkowski, *Antoni Tyzenhauz. Podskarbi nadworny litewski*, vol. 2 (Wydawnictwo Społeczności Akademickiej Uniwersytetu Stefana Batorego w Londynie, Londyn, 1971), pp. 412–34.

[152] *Dyaryusz seymu 1784*, pp. 428–33, 443; VL, vol. 9, 'Ostrzeżenie względem przedaży szarż w wojsku obojga narodów', pp. 11–12; Rostworowski, *Sprawa aukcji*, pp. 142–43.

[153] The addition allocated 300,000 Polish zlotys from the treasury inventory for the purchase and storage of snuff, in order to resign from the Snuff Company after the contract with it expired. The treasury commission was also to take over the management of the lottery: BCz 800, 'Diariusz sejmu 1786 r.' (sesja 28), pp. 320–21; VL, vol. 9, pp. 34–35; Rybarski, *Skarbowość Polski*, p. 175; Filipczak, 'Rola spraw', pp. 56–57; Danilczyk, *W kręgu afery*, p. 157.

a clause was attached to the approval to extend the term of office of its current members for another six years (this had previously been done in 1780). This was accomplished at the session on 6 November 1786, despite the resistance of three opposition deputies, who believed that it belonged to the matters of state. They even threatened to block the session, but eventually they withdrew the protest.[154]

In 1786, the opposition's tactic of pushing their proposals as additions to the approval votes proved effective. If they gained the support of deputies, it was much more difficult to block than separate proposals. At the Sejm of 1778–86, voting took place quite rarely, usually when the executive power was under scrutiny or in procedural matters. As a rule, legislative bills were passed unanimously, even if they concerned economic matters. The reason was that after the scrutiny had been completed and before the final joint session of both chambers (which should have taken place no later than on the first day of the sixth week of sessions[155]), the Sejm had too little time to use it on voting procedures. In 1778, after the end of the scrutiny over executive authorities, debates on legislative proposals in the separated chambers were held over five sessions (4–7 and 9 November),[156] in 1780 – at seven sessions (28, 30–31 October, 2–4 and 6 November),[157] in 1782 – at just one session (4 November),[158] in 1784 – at seven sessions (30 October, 2–6 and 8 November).[159] In 1786, under a prorogation passed on 6 November, the chambers were to meet for a joint session on the following day,[160] but even so, only two sessions (6 and 7 November) were left for legislative proposals (excluding decisions related to the control of the executive authorities).[161]

IX. Final deliberations in joint chambers. Legislative output of the Sejms in 1778–86

After the three estates of the Sejm joined for a combined session (in 1786, excluding Monday, 6 November), the last week of parliamentary debates in the analysed period was mainly ceremonial. It was no longer a long-standing parliamentary conclusion that often determined the outcome of the parliament.[162] In 1778, the Sejm estates met five

[154] BCz 800, 'Diariusz sejmu 1786 r.' (sesja 29), pp. 322–24; Filipczak, *Życie sejmikowe*, pp. 179–80.

[155] VL, vol. 8, 'Porządek sejmowania', p. 291; Łaszewski, *Sejm polski*, p. 150.

[156] *Dyaryusz seymu 1778*, pp. 204–84; Filipczak, *Sejm 1778*, pp. 280–323.

[157] *Dyaryusz seymu 1780*, pp. 307–446. In the printed Sejm record, the session no. 29 has an incorrect date (*Dyaryusz Seymu 1780*, p. 399). It took place on 4 November 1780, see BN PAU i PAN, MS 661, 'Diariusz sejmu 1780', fol. 70^{v}.

[158] *Dyaryusz seymu 1782*, pp. 394–409.

[159] *Dyaryusz seymu 1784*, pp. 433–550.

[160] AGAD, AKP 356, 'Diariusz sejmu 1786 r.', p. 327; VL, vol. 9, 'Prorogacja', p. 39.

[161] AGAD, AKP 356, 'Diariusz sejmu 1786 r.', pp. 317–35; Danilczyk, *W kręgu afery*, pp. 173–76.

[162] S. Ochmann-Staniszewska, Z. Staniszewski, *Sejm Rzeczypospolitej za panowania Jana Kazimierza Wazy. Prawo – doktryna – praktyka*, vol. 2 (Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław, 2000), p. 223; R. Kołodziej, *„Ostatni wolności naszej klejnot". Sejm Rzeczypospolitej za panowania Jana III Sobieskiego* (Wydawnictwo Poznańskie, Poznań, 2014), pp. 421–23.

times during this stage of the proceedings. On the first day (9 November), only occasional speeches were delivered. Two days later, the deliberations were quickly postponed, as the constitutional deputation had not yet completed its work, which consisted of reading, rewriting the laws and confronting them with original bills.[163] At the last two sessions (13 and 14 November), the secretary of the Sejm, Serafin Sokołowski, read out the passed laws that the deputies signed – this is how the parliamentary legislative work ended; there were only ceremonial speeches remaining to conclude the session.[164] The final phases of the following free Sejms in the times of the Permanent Council followed a similar pattern. In 1780, the Sejm estates met together in the last week of deliberations only three times (6, 10, and 11 November[165]). Also three times (4, 7, and 9 November) they met in 1782, but the reading and signing of a small set of passed constitutions took place on Thursday, 7 November.[166] At the 1784 Grodno Sejm, the three Sejm estates also met for joint sessions three times during the last week (8, 11 and 13 November).[167] As can be seen, time was not used efficiently at this stage of the session. Thus, the decision taken in 1786 to delay the joint session of the chambers by a day was therefore understandable, though taken too late.

It is hard for historians to determine the exact number of resolutions passed by parliament due to the way in which they were published in the *Volumina Legum*. This is because the legislation of individual Sejm sessions was not always issued consistently with the actual form of the constitution.[168] Their arrangement can be reconstructed by referring to the original manuscripts of laws signed by the Sejm marshal and deputies to the constitutions.[169] The problem may be illustrated by the constitutions of the 1784 Sejm. Based on their numbering in the *Volumina Legum*, it can be assumed that the parliament adopted 46 resolutions. In fact, however, their number was smaller. Individual parts of the *Decreta executionis* draft approved by the Sejm are listed under separate numbers (from 25 to 27).[170] The same is the situation with the law 'Judicial Process in the Grand Duchy of Lithuania', which, according to the above numbering, consists of as many as ten constitutions (30–39).[171] The 1784 Sejm passed 35 resolutions, which is confirmed by their register published in the *Volumina Legum*.[172] It should also be remembered that not all decisions of the parliament included in the *Volumina Legum* are laws. Generally, they can be divided into two categories. The first is the decisions

[163] *Dyaryusz seymu 1778*, pp. 284–87; Filipczak, *Sejm 1778*, pp. 325–26.

[164] *Dyaryusz seymu 1778*, pp. 287–94; Filipczak, *Sejm 1778*, pp. 326–28.

[165] *Dyaryusz seymu 1780*, pp. 446–54.

[166] *Dyaryusz seymu 1782*, pp. 409–16.

[167] *Dyaryusz seymu 1784*, pp. 550–57.

[168] Individual Sejm resolutions are sometimes marked with Roman numerals, see VL, vol. 9, pp. 1–41. The ordering used in *Volumina Legum* was adopted by R. Jurgaitis: *id.*, 'Priniatije zakonov', p. 217.

[169] BCz 881, 'Konstytucje sejmu 1778 r.', pp. 5–153; BCz 883, 'Konstytucje sejmu 1780 r.', pp. 5–119.

[170] VL, vol. 9, pp. 15–19; *Dyaryusz Seymu 1784*, pp. 379–86.

[171] VL, vol. 9, pp. 19–23; *Dyaryusz Seymu 1784*, pp. 536–41. In AGAD, ZP 128, fols 303–03^{v}, the register of constitutions contains thirty items.

[172] VL, vol. 9, 'Regestr konstytucyi', p. 25.

made during the sessions in the Senate, even before the chambers separated. This category included: a) the election of executive authorities (in 1786, also of the Crown and Lithuanian assessors), judges from among the estate of knights, as well as the division of the parliamentary court for terms of office; b) resolutions concerning granting the discharge for the Permanent Council. They were passed separately after this phase of the Sejm had ended. They, too, could be signed by the Sejm marshal and the deputies to the constitution.[173] The second category is the laws going through the ordinary legislative procedure; in this group, one can distinguish resolutions on granting the discharge of other executive bodies and the repeal of their decisions. After being passed in the Chamber of Deputies and signed by the Sejm marshal, resolutions of this category went to the Senate, where they were signed by the Grand Marshal and senatorial deputies to the constitution.[174] Statistics for individual Sejms are presented in Table 3.

Table 3. Legislative output of the Sejms in 1778–86

Year of the Sejm session	Number of resolutions passed before the separation of the chambers	Number of laws passed after separation of the chambers (decisions related to the control of the executive authorities)	Total number of Sejm resolutions
1778	5	27 (7)	32
1780	6[a]	22 (6)	28
1782	6	4 (1)	10
1784	6	29 (9)	35
1786	8	20 (6)	28[b]

[a] Lists of parliamentary judges appointed for various terms of office (VL, vol. 8, pp. 583–4) were the only document: BCz 882, 'Regestr minut niektórych i oryginałów wszystkich konstytucyi sejmu 1780', p. 1.

[b] If we assume that the repeal of each resolution of the Permanent Council is a separate constitution, then there were 24 (10) resolutions after the separation of the chambers, for a total of 32. *Cf.* Jurgaitis, 'Priniatije zakonov', p. 217.

Sources: BCz 881, pp. 5–153; BCz 882, pp. 1–151; BCz 883, pp. 5–119; VL, vol. 8, pp. 575–90; VL, vol. 9, pp. 1–6, 25, 41.

The legislative output of the Sejms gathered between 1778 and 1786 looks modest against the background of the abundant legislation of 1764–76. During the reviewed period, the parliament passed 133 resolutions, of which 60 (over 45 per cent) concerned the elections and approval for the executive bodies, as well as the composition of central judicial institutions. Although essential for the functioning of the Commonwealth, the election of the executive authorities and their control significantly limited the possibility of conducting a more effective legislative activity. The deputies submitted

[173] BCz 883, 'Osoby do Rady Nieustającej wybrane *ex pluralitate*', pp. 5–6.

[174] AGAD, APP 313, vol. 10, pp. 231–65. Acts of the 1780 Sejm with the signatures of the Sejm marshal, the Grand Marshal of the Crown and the senatorial deputies to the constitution.

proposals in order to extend the Sejm sessions, even by two (1786) or three weeks (1784).[175] There were also other reasons why the Sejms between 1778 and 1786 could not make decisions on matters of crucial importance for the state. The first of these was that the principle of unanimity was retained in *materiae status*, which meant the resignation from initiating matters that could have met with strong opposition. The most important limitation, however, was the Russian protectorate over the Polish-Lithuanian State. Without the consent of St Petersburg as the guarantor of the political system of the Commonwealth, it was not possible to carry out any significant reforms. Only the change in the international situation before the Four-Year Sejm made it possible to regain sovereignty and restructure the Commonwealth profoundly.

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[175] *Dyaryusz Seymu 1780*, p. 419; AGAD, ZP 107, 'Czas sejmu dziewięcio-niedzielny' (project of 1784), fol. 134; Stroynowski, *Opozycja sejmowa*, pp. 310–11; Filipczak, 'Sejmy Rzeczypospolitej', p. 77; Danilczyk, *W kręgu afery*, p. 171.

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