AN ATTEMPT TO REFORM THE CONSTITUTIONAL SYSTEM OF THE 16TH CENTURY POLAND. A STUDY ON THE UNKNOWN BILL OF 1587

Anna Karabowicz
(Jagiellonian University, Cracow)

In 1587 the Kingdom of Poland and the Grand Duchy of Lithuania constituted one common, united, inseparable state – "the body" according to the Union Act of Lublin of 1569[1]. One year before, on the 12th of December 1586, king Stephen Bathory died unexpectedly. For the third time during the period of merely 15 years, the so called Polish-Lithuanian *Res Publica* of the Two Nations experienced the period of *interregnum*. The first one lasted from 1572, i.e. from the moment when there died the last king of the Jagiellonian dynasty, Sigismund Augustus, until 1573 when Henry de Valois was elected to the Polish throne. The second period without king began from the time when on the 18th of June 1574 Henry de Valois returned to France[2] and the Polish estates – senators and land deputies – announced *tempus interregni*[3]. This second interregnum ended in 1575 when the Polish gentry elected to the throne of the Commonwealth prince of Transylvania, Stephen Bathory[4].

During the first *interregnum,* on the 17th of May 1573 the Elective Parliament (in the old Polish terminology : *Sejm Elekcyjny*) issued an act which formulated the conditions that the candidates to the throne were expected to accept under oath. From that time on, every newly elected Polish king before being crowned had to take an

---

[1] See : *Volumina Constitutionum*, vol. II, 1, 1550-1585, ed. S. Grodziski, I. Dwornicka, W. Uruszczak, Warszawa, 2005, p. 232-238.

[2] After the death of his brother, king of France Charles IX.

[3] They did it at the Convention held in Stężyca in May 1575 when Henry de Valois was found to have failed to return to Poland within the period of time offered to him for that purpose.

[4] In 1575 the Elective *Sejm* made the double election : the Senate headed by primate of Poland Jakób Uchański proclaimed Emperor Maximilian II the king of Poland ; but the mass of gentry, while opposing the senators' decision, elected Anna Jagiellonka queen of Poland and selected Stephen Bathory for her husband, thereby making him king of Poland ; W. Zakrzewski, *Po ucieczce Henryka. Dzieje bezkrólewia 1574-1575*, Kraków 1878, p. 424-438, Ś. Orzelski, *Interregni Poloniae Libros 1572-1576*, [in] *Scriptores Rerum Polonicarum,* vol. 12, p. 467-476.

oath in which he promised to observe these conditions[1]. This act, called – after the name of the first freely elected Polish king – by the name of the Henrician Articles[2], laid down the foundations for the main constitutional lines of the Polish-Lithuanian *Res Publica*[3]. Although the Articles are discussed further at length it is advisable to say briefly at this point that they inter alia provided for the regular sessions of the Polish-Lithuanian parliament. In addition, they made it possible to impeach and dethrone the monarch whenever he dared violate the law and, last but not least, they introduced the religious toleration.

In June 1587 the Polish primate Stanisław Karnkowski, while acting in the capacity of *interrex,* summoned the Elective Parliament (in the Polish terminology : *Sejm*). This happened after Stephen Bathory's death. The parliamentary records of this *Sejm* show day by day the proceedings of this Diet. The manuscript of these records has survived until the present. It is available in the Library of the Polish Academy of Arts and Sciences in Cracow[4]. In the volume containing these records on the pages 119-130 we can find the project of the parliamentary act (referred to, in the old Polish terminology, as *constitutiones, konstytucje*) as filed by its author with the Marshal (equivalent to the English Speaker) of the *Sejm* on the 30th of June 1587. The title of the project was :

The Constitutions formulated on occasion of the Elective Sejm held close to Warsaw at the time of interregnum after the death of Stephen, the Great King of Poland, presented on the 30th of June, in order to persuade the newly elected King to confirm them under oath. A. D. 1587.

What is the resemblance between the act of 1573 and that of 1587 ? Both acts begin with indication of their authors which were the

---

[1] Fro that time on, the same list of conditions was submitted to each newly elected king for his acceptance. Apart from the Henrician Articles each monarch has also to make a promise under oath to obey so called *pacta conventa*. The latter contained another list of conditions that varied depending on the specific monarch.

[2] See the text of the Henrician Articles in *Volumina Constitutionum,* vol. II, 1, 1550-1585, *op. cit.*, p. 326-331.

[3] S. Plaza, « Próby reform ustrojowych w czasie pierwszego bezkrólewia (1572-1574) », [in] Zeszyty Naukowe *Uniwersytetu Jagiellońskiego*, CCXVI, *Prace prawnicze*, vol. 42, Kraków 1969, p. 178-180.

[4] *Odpisy dokumentów i utworów literackich z czasów Zygmunta III, Polska Akademia Umiejętności* (*PAU*)*,* manuscript n°638, microfilm n° 70, p. 119-130 ; edited by A. Sokołowski in *Scriptores Rerum Polonicarum*, vol. 11, Kraków 1887, p. 247-259.

Senate referred to as “the councils” and the representation of gentry referred to as the “estates” of the Polish Crown, the Grand Duchy of Lithuania and other countries which belonged to the *Res Publica* of the Two Nations : Poles and Lithuanians. The fact that at the moment of formulating these acts there was no king in Poland was the reason for mentioning the author of these acts. However, both acts were a part of an oath that the future kings were expected to swear during the crowning celebrations that were expected to take place at the Coronation *Sejms.* The acts listed the conditions which the candidates were required to observe when elected to the Polish throne. Moreover, these acts were supposed to be only one part of the conditions that the newly elected king promised to abide by[1]. Immediately upon being confirmed by the newly elected king, these acts had the force of the binding law. They were considered to be the statutory law even though the king as the third constituent of the parliamentary mechanism did not approve of them in the manner typically designed for his assenting to statutory laws. For this reason, they were supposed to be the acts with suspended effectiveness. Therefore they could become effective only after being confirmed by the monarch when he was formally crowned.

What is the link between these two acts ? In the introduction to the draft of the 1587 act there was the mention that if it were confirmed by the new king, it would enlarge the formula already existing Henrician Articles of 1573.

Spiritual and secular counselors and the estates of the entire Polish nation as well as that of Grand Duchy of Lithuania and other provinces included therein, submitted to us the items, listed beneath, discussed and concluded by them and designed to improve and multiply their rights and liberties, with the request that we should promise the observance of these items under oath. We, therefore, while integrating these items with the liberties and freedoms that our ancestors have granted to this Kingdom, and while integrating them with the Articles formulated on occasion of [king] Henryk election, promise to observe them under oath and oblige ourselves with our royal word to repeat this promise again on occasion of our future crowning ceremony, and firmly and unalterably consider these items to be eternal and inviolable rights.

What is the difference between these two acts ? The first act, the Henrician Articles, became an effective law only later than in 1573

[1] The rest conditions was listed in the above mentioned *pacta conventa*.

when they were produced. This was due to the fact that the newly elected king, Henry de Valois, refused to confirm these Articles during the Coronation *Sejm*[1]. Therefore, the Articles became effective only as late as on the 4th of May 1576 when the second elected king, Stephen Bathory, swore to observe them[2]. From that time on, the Henrician Articles began to function as the collection of the principles which constituted the cornerstone of the constitutional system of Poland-Lithuania for the next two centuries.

Unlike the Henrician Articles, the second act – that of 1587 – had never come into force. According to the known records of the *Sejm* of 1587 this act was not even presented during its sessions. Why ? Probably its author[3], Jan Zamojski and his faction, planned to introduce a lot of reforms into the Polish constitutional life. Among his various projected devices there was also the discussed draft. But it had never been raised to the position of the item to be debated and later it fell into oblivion. Most of the scholars are not even aware of its existence. Hence it has never hitherto been the subject of historical discussion[4].

In this paper I would like to present the novelties which the act of 1587 intended to introduce. It is necessary to compare them with the Henrician Articles of 1573[5]. As it has already been mentioned, the project drafted in 1587 tended toward integrating the principles of the

---

[1] He promised to obey these Articles under oath made in Cathedra of Notre Dame, Paris on the 19th of September 1573 but he did not confirm them during his crowning ceremony, S. Płaza, *op. cit.*, p. 158-171 ; see *Confirmatio iurium Henrici Regis* [in] *Volumina Constitutionum,* vol. II, 1, 1550-1585, *op. cit.*, p. 333-334.

[2] He made it by his *Confirmatio generalis,* see *ibidem*, p. 363-365 ; later on he repeated its main regulations in the Constitutions of the Coronation *Sejm* of the 30th of May 1576, *ibidem*, p. 367 ; S. Płaza, *op. cit.*, p. 171-177.

[3] Probably it was Jan Zamojski because we find him being mentioned in the diary of the Elective *Sejm* of the 30th of June, Zamojski with his cortege arriving at it. Apart from the information of that type there is scarcely any other one referring to the discussed act ; A. Sokołowski, *op. cit.*, p. 60.

[4] And it was only once reprinted in 1887 by A. Sokołowski *op. cit.*, in the same publication there are records of the *Sejm* of 1587 reprinted from the manuscript, p. 57-158 ; my attention toward this publication was drawn by prof. dr Stanisław Grodziski, co-editor of the volume of the old-Polish parliamentary legal acts, *Volumina Constitutionum.*

[5] In English about the Henrician Articles see L. Kos-Rabcewicz-Zubkowski, *Polish Constitutional Law*, [in] *Polish Law throughout the Ages*, ed. W. J. Wagner, Stanford, California 1931, p. 240-245, and J. Jędruch, *Constitutions, elections and legislatures of Poland, 1493-1993. A guide to their history,* New York, 1998, p. 83-86.

Henrician Articles with certain additional devices thereby consequently forming one fundamental law of the *Res Publica*.

I. The King, Executive Power, the Main Offices

The act of 1587 begins with the regulation of the position of the king and his officers.

The first article of the act of 1587 – like the first provision of the Henrician Articles – regulated the legal situation of the Polish king who, at the same time, performed the function of the Lithuanian Grand Duke and exercised the princely power over several other provinces of the Polish-Lithuanian state. The king was the centre of the government and executive power. In order to protect rights and freedoms of the gentry of the Crown, against the king's arbitrary maneuvers, his authority was limited by the institution which in fact has already been introduced by the act of 1573. According to the Henrician Articles every *Sejm* (which was held every 2 years) had to appoint 16 senators out of which 4, including 1 bishop, 1 voivod and 2 castellans were, in 6 months' intervals, obliged to reside at the royal court. The king was required to consult them in all matters, barring those which were within the competence of the parliament. The regulation of 1587 was mainly the repetition of the corresponding article of 1573 to which the 1587 project directly referred. The emphasis on this provision in the 1587 act was due to fact that Stephen Bathory (1576-1586), although he swore to observe the Henrician Articles, hardly tolerated the counseling senators at his court. Apart from this limitation of the king's power, the Henrician Articles forbade the Polish throne to be hereditary. From that time on, every Polish king was freely elected by the entire gentry who, by way of direct democracy, could form an elective *Sejm*, and choose their monarch. The act of 1587 continued this idea.

The only novelties introduced by the act of 1587 were caused probably by the poor effectiveness of the Henrician Articles. According to the Henrician Articles the so called "deputies", as the senators living at the king's court, were expected to report on the king's violation of law in each consecutive parliament. The act of 1587 provided that they had to make their report, first in the provincial dietines (so called general dietines[1]) and later in the *Conventio Magna*

[1] The constitutional structure of the old-time Poland provided for the three level hierarchy : the local dietines – 1 for each *ziemia* (headed by *starosta*) or voivodship

i.e. the general *Sejm*. The act of 1587 regulated also the situation when the senator residents neglected the obligation to report. If that took place they were questioned and subjected to interpellation by the representatives of the nobles and the senators sitting in the parliament.

Another problem that the 1587 act tried to deal with was the system of major offices functioning in central administration[1]. Most of the principles referring to them were based on custom and were plagued by a lot of ambiguities and chaotic interpretations.

The bill of 1587 regulated *primo loco* the offices of both Marshals : the Marshal of the Crown and that of the Court[2]. The act made reference to the statute of 1504 which regulated the system of main offices, at that time referred to as the "ministries[3]". According to both regulations the Marshals were the "masters of the ceremony" at the royal court. The project of 1587 suggested that at least the Court Marshal, who was considered to be the minor one, be permanently present by the king's side. At that time the Marshal's significant task was to decide about the precedence along which certain eminent individuals could function in the royal millieu. If the king violated the idea of precedence, thereby favoring some individuals to the detriment of others, the Marshal was obliged to make the parliament aware of that. Also according to 1587 act the partial treatment of the eminent persons by the king could be interpreted as the breach of that provision of the Henrician Articles which forbade the king to violate rights and liberties of his subjects. This provision of these Articles, which was the last provision of their text, deserves some attention. It allowed the citizens of the Polish-Lithuanian Commonwealth to be released from obedience to the monarch who violated the law. As can be seen, the 1587 act tried to enlarge the idea of violation by the cases of partial treatment of eminent personalities by the king.

(headed by voivod). Apart from them there were also provincial or general dietines – 1 for each province, such as *Polonia Minora* (*Małopolska*), *Polonia Maiora* (*Wielkopolska*), *Masovia* etc. Last but not least there was a *Conventio Magna* or General Diet (*Sejm Walny*) – 1 for the entire Polish-Lithuanian state.

[1] About the main officers as well as the organization of the king's court at the time of Stephen Bathory, see F. Fuchs, *Ustrój dworu królewskiego za Stefana Batorego*, [in] Studya Historyczne wydane ku czci Prof. Wincentego Zakrzewskiego, Kraków 1908.

[2] About the office of Marshals see : *ibidem*, p. 63-69.

[3] See the text of this provision in *Statuta Alexandri Regis Petricoviae sancita Anna 1504* [in] *Volumina Constitutionum*, vol. I, 1, 1493-1526, ed. S. Grodziski, I. Dwornicka, W. Uruszczak, Warszawa 1996, p. 128-130. It contains provisions regulating the offices of both Marshals, both Treasurers and both Chancellors *etc*.

The next provision of the discussed 1587 act was devoted to the Treasurers[1]. In 1587 the legislator wanted to repeat only the previous 1573 regulations. The act of 1573 specified the mode of securing the treasury of the Kingdom, its seat being in Cracow. It defined who kept the keys to it as well as the procedure of opening it. In addition, the Henrician Articles confirmed the principle that any tax could be imposed on the citizens of the Republic only when their representatives sitting in the parliament gave their consent to this.

Another problem raised by the 1587 act was that of the office of Chancellor[2]. Like in case of the Marshals, thus also in case of Chancellors, the discussed act required that the Chancellor of the Court (the minor one) be permanently present at the place where the king resided. The novelty introduced by the 1587 act consisted in the Chancellor being prohibited from appointing landless nobles or foreigners to some central or provincial offices. The offices which came into play on this occasion were those of *starosta*, bishop, prelate, abbot etc. The 1587 act required also that the individuals forming the millieu of the Court be Polish citizens only.

Another provision of 1587 project that deserves attention was the one that directly repeated the Henrician Articles clause on the introduction of peace *inter dissidentes de religione*. In fact this clause followed an earlier compromise, so called Warsaw Confederation of 1573, which was arrived at between the faithful of various Christian denominations (Catholics, Calvinists, Czechish Brothers)[3]. The representatives of these denominations promised to resign from demonstrating hostilities one to another. The idea of toleration was incorporated to the Henrician Articles. The king was expected to promise under oath to abide by it. The 1587 act tried to make this idea even more precise by imposing on the royal officers the duty to make an oath in which they would also promise the preservation of *confederationes de pace inter dissidentes de religione*.

---

[1] About the office of Treasurers see F. Fuchs, *op. cit.*, p. 71-78.
[2] About the office of Chancellors see *ibidem*, p. 69-71.
[3] See the text of Warsaw Confederation of 1573 in *Volumina Constitutionum,* vol. II, 1, 1550-1585, *op. cit.*, p. 306-307. The text may be also found in N. Davies, *God's Playground. A History of Poland*, Oxford 1985, vol. 1, p. 160.

II. Judicial Power

As regards the judiciary, the 1587 project provided for the idea of public inspectors (two in *Polonia Maiora* and two in *Polonia Minora* regions) whose task would be to see to it that customs, public peace, laws and freedoms be factually observed and implemented. Two of these inspectors would be Catholics, while another two would represent other Christian denomination. In case these inspectors detected the officers who exceeded their competence or violated the religious peace, and also if they found other individuals who infringed their public duties, they could bring them to responsibility before the Tribunal of law.

As regards the system of courts of law, the project of 1587 went beyond what was known in the Henrician Articles because in the period 1573 through 1578 the court system was fundamentally changed and the experience arising from its short functioning in the reformed shape encouraged the author of the project to suggest some slight amendments to it. The point was that following the Henrician Articles two Supreme Tribunals of law were formed in the *Res Publica* in 1578 and 1581[1]. These were the Crown Tribunal (for Poland) and the Lithuanian Tribunal. Their forming was possible since the king resigned from exercising his supreme judicial power in civil cases in favor of the gentry-controlled supreme judicial agencies. At the local dietines the nobles elected their judges to the Tribunals from among the landed gentry.

The 1587 project insisted on the arrival at larger objectivity on occasion of electing these judges. It was the business of the public inspectors to see to it that the judges be elected in an impartial way without the factions of local gentry being involved in supporting certain candidates.

Likewise, the 1587 act tried to amend the statute on creating the Crown Tribunal (1578). It provided for six ecclesiastical judges sitting together with six secular judges, recruited from among the landed gentry, whenever the dispute between the ecclesiastical party and the secular party was to be adjudicated. Since the gentry argued that it was too easy for the ecclesiastical party to draw to its side at least one

[1] See the text of the parliamentary Constitution of 1578 in *ibidem*, p. 406-419.

secular judge and thus affect the final decision[1], the act of 1587 introduced a fundamental amendment in this respect. It required that in mixed, secular-ecclesiastical cases, apart from six ecclesiastical judges, twelve secular ones would operate. The need to secure *paritas sententiarum* was raised as an argument supporting this solution.

As has already been said, the 1569 Act of the Union between Poland and Lithuania generated one "common body" instead of two different states. Nevertheless, the judiciary and the system of law were expected to remain separate in Poland and Lithuania. Hence two different Tribunals were formed : one for the Crown (1578) and another for Lithuania (1581). The 1587 project tended toward forming one Tribunal for the united countries. The Tribunal would meet in Piotrków (to adjudicate the cases from Poland, Masovia and Prussia) and in Brześć and Lublin (for disputes from Lithuania and Ruthenia)[2].

III. Legal system

What was also within the range of vision of the 1587 project was the unification of law.

In the 16th century a series of attempts to prepare so called *Correctura Iurium* for the Kingdom of Poland were made, the Grand Duchy of Lithuania having already its own compilation in the form of the Lithuanian Statute[3]. The adoption of *Correctura* would facilitate not only the compiling but also the amendment of the entire system. The 1587 project tended toward drafting one commonly-applied legal code for the entire *Res Publica*[4].

It is also worthwhile to note that the 1587 act insisted on introducing some control on the manner in which the king would interpret statutory laws and old privileges which at one time were granted to the nobiliary citizens. According to the 1587 project the king could interpret them only while consulting the deputies representing the gentry in Parliament. It seems that the requirement that this type of consultation be made might resemble what was required much earlier by the statutory law issued in 1505 and known

---

[1] See W. Zakrzewski, *Trybunał Koronny i restauracja katolicyzmu w Polsce*, [in] *I Sprawozdanie Dyrekcji Państwowego Seminarjum Nauczycielskiego Męskiego w Kielcach za rok 1917-18*, Kielce 1918, p. 7-29.

[2] For more details see A. Karabowicz, *Neither Eagle over the Pogoń, nor Pogoń over the Eagle*, in *Mokslinės minties šventė – 2006*, Vilnius 2006, p. 377-384.

[3] There were 3 of them : in 1526, 1566 and the last one in 1588.

[4] For more details see A. Karabowicz, *op. cit.*

as the statute of *Nihil novi*[1]. At one time this statute laid the foundations for the separation of powers (into legislative and executive) since it obliged the king to get the consent of the Parliament for issuing any new law. It was already then, therefore, that the king lost his legislative power which was fully vested in the two-housed legislative body. Now the idea of getting the parliamentary consent became applicable also to the cases of law interpretation. This naturally enlarged the Parliament's competence.

IV. The Parliament

Likewise, in the fragment discussing the parliamentary procedures, the 1587 project repeated the Henrician Articles formula of the *Sejm* summoned every two years for the six weeks' session. The novelty that the 1587 act tried to introduce was the ban on convening dietines immediately after the regular *Sejm* (*Conventio Magna*) had ended its debates. Thus the author of the project tried to put an end to so called "dispersed lower house device[2]". The latter consisted in the practice of convening by the king the provincial dietines immediately after the *Conventio Magna* in order to persuade the gentry that arrived at their local sessions to approve the decisions, particularly those referring to taxation, which the *Sejm* members as representatives of the gentry in the *Conventio Magna* had not accepted. By doing this the king usually reached his goal. The local gentry would resign from opposing the controversial measure if the latter was accepted by the majority of the *Sejm* during its regular sessions. At this point it is important to emphasize that in the Polish parliament the unanimous consent was required for adopting statutes and resolutions[3]. In fact

---

[1] See text of Constitution of 1505 in *Volumina Constitutionum*, vol. I, 1, 1493-1526, *op. cit.*, p. 138-143.

[2] K. Baran, *Procedure on Polish-Lithuanian parliament for the sixteenth to eighteenth centuries*, [in] *Parliament, Estates and Representation* 22, November 2002, International commission for the History of Representative and Parliamentary Institutions, 2002, p. 68.

[3] But until the mid-17th century what was required was the consent given by the representations of the respective *ziemias* and provinces, but not necessarily by every individual sitting in the lower house ; W. Uruszczak, *Sejm walny koronny w latach 1506-1540*, Warszawa 1980, p. 161 and following ; also W. Uruszczak, *The Nihil novi statutes of the 1505 General Seym in Radom*, [in] « Separation of powers and parliamentarism, the past and the present. Law, doctrine, practice. Five hundred years anniversary of the *Nihil Novi* statute of 1505 », [in] *Studies presented to the*

however there existed, until the mid-17th century, mechanisms that prevented ineffective debates caused by the opposition of the minority, one of these mechanisms being the aforementioned "dispersed lower house device". Since Stephen Bathory was the king who frequently applied "the dispersed lower house" method the author of the 1587 project tried to put a ban on it.

Likewise, the 1587 act opposed also the practice of convening by the king of so called convocations as unofficial assemblies of senators, officers or other persons whom the monarch considered particularly reliable. By opposing this practice the gentry expressed their concern about the growing power of such convocations. The gentry feared that they might challenge the competence of the *Sejm* itself.

It is also worthwhile to emphasize that the 1587 project explicitly demanded that any civil dispute between the monarch and his subject should be decided by a special court composed of parliamentary members : the senators and the provincial deputies representing the gentry of the entire country.

V. Interregnum

The discussed project tried also to lay down certain precise principles along which state agencies were expected to function during the interregnum. Previously the routine of interregnum was subject mostly to customary law and only fragmentarily to the *Sejm*-adopted statutes. The 1587 act tended toward specifying duties of officers of central organs to be performed upon the death of the king. Their duties included inter alia the securing of the monarch's personal property, informing whole state about the king's death, convening the provincial dietines, and forming, with the assistance of the latter, special tribunals for the interregnum period, and also preventing the potential corruption that might be generated by foreign influence and might affect election of the new monarch. The election would be decided by majority vote, the votes being cast publicly. The 1587 act promoted Lublin as the place of election instead of traditional Wola

near Warsaw[1]. The election would take place within 12 weeks period after the king's death.

VI. Curiosa

Last but not least, the 1587 act tried to introduce some extra devices. One of them, when judged by the 16th century standards, may seem interesting. And specifically, the discussed project involved the statutory obligation at one time imposed on the particular monastic abbots to educate in their monastic schools certain amount of young nobles[2]. Since the implementation of this statutory requirement was rather poor the 1587 project converted the duties laid on the abbots to a certain amount of money they would have to pay in order to establish a fund designed to support state school which would conduct the instruction to the nobles in ancient languages (Greek, Latin) and would familiarize them with the commonly applied national law. The graduates would then be employed in the military or in civil service. The 1587 project foresaw the forming of the commission which would decide about such details as the proportion of money to be paid by the respective abbots, the types of courses offered in the aforementioned school, the recruitment of their staff etc. The admission to this school would not be limited by the confession of candidates.

It is worthwhile to note that the 1587 project regulated some problems that dealt with the idea of protection of the nobiliary property. The project tended to introduce the provisions against prodigality of the young nobles and against the usury which was practiced in loan contracts.

While trying to arrive at some conclusion, it is worthwhile to note that the Henrician Articles of 1573 were a kind of the Bill of Rights of the Polish-Lithuanian Commonwealth. Poland-Lithuanian represented a constitutional monarchy in which the king was subject to law. He could be impeached if he violated it. The popular saying : "In Polonia lex est rex" was reflective of this. There were, therefore, already the Henrician Articles that were formative of the profound nobiliary democracy. They provided for the regularly convened *Sejms* in which the legislative power was vested. In the area of civic liberties

---

[1] Lublin was more advantageous for Lithuanians because of its location in the centre of the Polish-Lithuanian Commonwealth.

[2] It was the privilege given by Sigismund Augustus in 1550 : see *Volumina Constitutionum*, vol. II, 1, 1550-1585, *op. cit.*, p. 27.

and issues fundamental for the entire country, the king could not legislate, his business being only the implementing of the *Sejm*-adopted statutes.

The discussed Articles provided also for the free election of the new monarch when the throne became vacant. Each nobleman could directly participate in the election of his king unless prevented from doing this by everyday reasons. When viewed from the present day perspective, the king of the *Respublica* resembled rather president for life. In addition, the king was obliged to promise the observance of religious toleration and accept the presence, in his court, of the group of senators whose business was to control his policy.

As we have seen in the 1587 act there was an attempt made to bridle the activities of the monarch even on a larger scale. This was due to the fear of *absolutum dominium* that penetrated the minds of nobiliary masses. In addition, the 1587 project tried to make the parliamentary procedures more effective and tended toward unifying the law and judiciary of the *Respublica*. It tried also to work out some rules that would govern the interregnum period as well as the activities of the major officers of the state.

The project however never became discussed in the parliament and later fell into oblivion. Nevertheless the Henrician Articles which, as has been said, functioned as the Bill of Rights of the Republic were a sufficient instrument safeguarding the rule of law in the Commonwealth of the Two Nations[1].

[1] For more details on the parliamentary procedure in the Commonwealth of Poland-Lithuania see K. Baran, *op. cit.*, p. 57-69.