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*The Central Liquidation Commission in the Duchy of Warsaw between 1808 and 1812**

Abstract

The subject of the analysis concerns one of the administrative-legal aspects related to military requisitions in the period of the Duchy of Warsaw, namely, the claims of the population resulting from unsatisfied dues for war requisitions and material losses in households which occurred as a result of military operations conducted on Polish soil in the early 19th century. In light of the regulations adopted by the authorities of the Duchy of Warsaw, these claims were to be settled in the manner indicated, while future public burdens were to be settled on the basis of the principle of equity in the form of co-equation, i.e. the equalization of duties for the benefit of the army. The Central Liquidation Commission – the state body appointed to carry out the liquidation of claims – was established in 1808. Its main duty was to carry out activities such as the receipt, consideration and determination of claims against the State Treasury.

Keywords: Duchy of Warsaw, public burdens, wartime contributions, military requisitions

1. Introduction

The issues covered by this analysis are related to property administrative law, in particular the institution of expropriation of movable property and real estate, currently considered by legal sciences as a public burden for national defense purposes.¹ As a rule, expropriation is understood as a constitutive act by which the State takes away or restricts private property for a public purpose, for example those caused by the needs of war and

* This article is an English translation of the paper published in Polish in *Cracow Studies of Constitutional and Legal History* in 2022. See: Konarski, “Komisja Centralna Likwidacyjna.”

¹ See e.g. Szalewska, “Ciężary”, 550–1; Michalska-Badziak, “Dobra publiczne”, 109–10.

war consequences, in principle with compensation.² Generally speaking, this means that in emergencies when the very existence of the country is at stake, State authorities have the right to require citizens to sacrifice their lives and property in order to defend it.³ In the latter case, this is usually done through performance in kind, which take the form of military requisitions which often lead to significant property losses.

During the existence of the Duchy of Warsaw, those losses borne by individuals became the subject of the activities of the Central Liquidation Commission (Polish: Komisja Centralna Likwidacyjna, hereinafter abbreviated as CLC), the main responsibility of which was to determine the claims owed by the State to those aggrieved. It should be noted at this point that such liquidation bodies, namely decommissioning liquidation commissions, sometimes referred to as compensation commissions, were known not only to the relevant national law discussed herein but also to international law, since they were sometimes established in the past by peace treaties, which provided for special indemnification titles in order to settle liabilities towards third-country nationals in respect of forced services and supplies for the military, expropriations, etc.⁴

The Central Liquidation Commission covered by my scientific research was set up at the beginning of the existence of the Duchy of Warsaw with the purpose – as we read in the first draft of its organization of March 9, 1808 – of “rendering anyone his due, and with the desire to ensure for the government of our Duchy of Warsaw the trust which unites the country in terms of the value and nature of its Nation.”⁵ It was announced that the legitimate claims of the population resulting from outstanding debts due to war requisitions and household losses as a result of military action on Polish lands in the early 19th century would be met, and future public burdens would be settled on the basis of the principle of equity in the form of equalization of duty to the army.⁶

2. State of research and methodology

The issues covered by this paper have not been discussed in more detail in literature so far. Mentions of the institution covered by my research interest can be found in the studies by Józef Kaczkowski and Aleksander Kraushar – both from 1917,⁷ but it should be noted that the issues addressed by these authors were limited only to a more or less superficial description of the activities of the CLC, while leaving behind, among other things, the issues of its personnel and organization. In view of the above, it seems appropriate to thoroughly supplement these and other deficiencies, which is met by this article, being the first study of this kind on the main body of state administration in the system of settlement of claims for war damages in the period of the Duchy of Warsaw.

² See Montesquieu, *The Spirit of Laws*, 513; Jaworski, *Nauka prawa*, 166–7; Zimmermann, *Wywłaszczenie*, 8–11, 71–8, 120–1, 145, 241; Boć, *Wyrównanie strat*, 24.

³ Cf. Rundstein, *Szkody wojenne. Teoria*, 160–1.

⁴ See Rundstein, *Szkody wojenne a współczesne prawo*, 37.

⁵ AGAD, RSiRMKW, Ms. 154, 3.

⁶ See Kraushar, “Sprawa likwidacji”, 98.

⁷ See Kaczkowski, “Zasady”, 17–28; Kraushar, “Sprawa likwidacji”, 98–102.

In my research, I applied a number of methods to establish historical facts, such as the inductive or comparative methods, which need no further explanation here.⁸ Of course, it was necessary to perform a logical and linguistic analysis of legal norms contained in normative acts of both Polish and French law dating back to the turn of the 19th century, without which it was impossible, of course, to refer to interesting issues. A special role here is played by reference to French regulations, which, through the political and military alliance of the Duchy of Warsaw with Napoleonic France, was reflected in Polish legislation.

As regards the archival material forming the basis of the analysis, it consists primarily of documents from the collections of the Central Archives of Historical Records in Warsaw that had not been previously used by researchers. They include previously unpublished draft normative acts, opinions, etc., concerning the organization and functioning of the body of interest to me. In addition, printed sources in the form of *Protokoły Rady Stanu Księstwa Warszawskiego* (*Protocols of the Council of the State of the Duchy of Warsaw*) turned out to be useful, the individual volumes of which were compiled and published between 1960–1996 by Bronisław Pawłowski (1883–1962), Tadeusz Mencel (1912–1987) and Marian Kallas (1938–2020). As always, they are an indispensable source of information during research on the history of the Duchy of Warsaw.

The main research objective was – to the best possible extent – a multi-level and multi-dimensional analysis of issues related to the organization of the activities of the CLC against the background of the social and political relations of the period at issue. However, due to the limited editorial framework, it was not possible to discuss all the interesting issues here, so I leave them to be elaborated upon in a different form in the future. Nevertheless, it should be emphasized that the analysis presented below already fills the cognitive gap, supplementing the current state of research in the field of the history of the political system and the law of the Duchy of Warsaw.

3. French models of compensating for losses from requisition

As in other areas of the state's life, the law in the field of compensation for war losses and damages in the period of the Duchy of Warsaw was modeled upon the legislation of first revolutionary and then Napoleonic France⁹, which was founded on the principle of respecting the right of ownership, allowing its violation only in exceptional situations as provided by law. Therefore, before proceeding to further considerations, it is worth recalling at this point the basic solutions of French law at that time in the field of compensation for requisition-caused losses, which influenced the shape of legal regulations in this field in the Polish lands.

⁸ In more detail, see Handelsman, *Historyka zasady*, 44–8, 211–2; Topolski, *Metodologia*, 377–400; Bardach, *Themis*, 11–33.

⁹ It must be highlighted that adopting French models was often criticized for a lack of adjustment to local conditions. See Kallas, “Koncepcje”, 199. Cf. Cichoń, “Wpływy francuskie”, 1–18; Czuby, “Księstwo”, 386; Koredczuk, “Związek reform”, 233–41.

The first significant regulation in revolutionary France, which granted compensation to French citizens for property lost in whole or in part during the war, was the decree of August 11, 1792,¹⁰ with minor issues already addressed by the Decrees of July 5 and 8, 1791, under which the owner was entitled to compensation both in the event of the demolition of a house located on military territory for defense purposes or due to other activities of a defensive nature.¹¹

In August 1792, the French National Assembly recognized that if during a war aimed at preserving liberty, independence and the French Constitution (where every citizen owes to the State the sacrifice of his life and property), the state had to, in turn, protect the citizens devoting themselves to its defense and assisting those who devote themselves to this defense in the event of an invasion or temporary stay of the enemy on French territory and who may consequently lose all or part of their property.

Regretfully, this decree referred to losses resulting solely from the activities of foreign armies without providing compensation for the actions of their own French troops.¹² In view of this, a year later, the concept of the right to compensation was expanded upon by the Decrees of February 27 and August 14, 1793 (9 Ventôse and 27 Thermidor of the 1st Year of the Republic).¹³ According to Szymon Rundstein, this first decree was the first regulation to provide for an obligation to completely remedy war damage and gave citizens the rights of claim against the state.¹⁴ On the other hand, under the provisions of the Decree of August 14, the damage was to be registered by the commissioners appointed by local authorities and the commissioners of the Executive Council, who jointly determined the amount of compensation according to detailed rules. In the second decree adopted that day and supplementing earlier arrangements, it was decided¹⁵ that the Minister of the Interior was authorized to pay sums to municipalities which suffered losses in 1792 caused by enemy invasion or by the effects of the French army's actions for the purposes of common defense.

During the rule of the Directorate, the earlier right to compensation was questioned, and in accordance with the law of October 10, 1797 (19 Vendémiaire of the 6th Year of Republic), war was equated with events such as hail, fire, flooding and natural plagues.¹⁶ This meant that, in the case of material losses resulting from those events, the citizen did not have the full right to compensation, but the Minister of the Interior had sums of money intended to provide relief to people. The estimation of the losses locally was the responsibility of special commissioners, who were supposed to establish the facts and

¹⁰ Décret du 11 août 1792 relatif aux indemnités à accorder aux citoyens qui auraient perdu, dans le cours de la guerre, tout ou partie de leurs propriétés.

¹¹ Décret du comité militaire sur les places de guerre et postes militaires, lors de la séance du 5 juillet 1791; Décret du 8 juillet 1791, concernant la conservation et le classement des places de guerre et postes militaires, la police des fortifications et autres objets y relatifs.

¹² For more detail, see Henry, "La Révolution", 391–5.

¹³ Décret du 14 août 1793 relatif aux indemnités à accorder aux habitants des frontières qui ont été dévastées par l'ennemi.

¹⁴ See Rundstein, *Szkody wojenne. Teoria*, 6–7.

¹⁵ Décret du 14 août 1793 relatif aux indemnités à accorder aux communes qui, l'année dernière ont éprouvé des pertes par l'invasion de l'ennemi.

¹⁶ Loi du 19 Vendémiaire an VI relatif au mode de distribution des secours et indemnités à accorder à raison des pertes occasionnées par la guerre et les autres incidents imprévus antérieurement au 1^{er} vendémiaire an VI.

assess the loss and then submitted their reports to the departmental administration, which made the final decision to grant any relief and its amount.

After Napoleon Bonaparte became Emperor of France on May 25, 1804 (5 Prairial of the 12th Year of the Republic), a decree was announced granting full compensation to the residents of the departments who suffered losses from shelling by English troops.¹⁷ In subsequent years, the Napoleonic legislation expanded the provisions aimed at paying the requisition expenditure.¹⁸ In the course of the so-called Hundred Days, Napoleon promulgated a decree in April 1815 setting up an emergency fund for individual aid for the destruction that took place in 1814. The last two decrees, of course, were not introduced to the legal system of the Duchy of Warsaw, which was already under Russian occupation.

4. The case of military requisitions and compensation in 1807

Military requisitions on Polish lands resulting from the stationing or movement of troops – first Prussian, then Russian and French – caused material devastation to these lands by arbitrary action of some commanders demanding too much commitment from the Polish society. These activities brought about the economic collapse of towns and villages by military and civilian requisitions and the burden of maintaining French troops in Poland, which completely ruined agriculture in some parts of the country.¹⁹

The direct reason behind the Duchy's authorities undertaking to regulate the issue of compensation for requisitions was numerous requests for return of or payment for items or accommodation provided to the French as part of the requisitions (e.g. failure to pay the bills issued for the accommodation of officers). To this end, a deputation²⁰ was appointed to settle these claims:

[...] and having assessed the claim, will approve it or will add and correct as necessary, will return the commandeered items and equipment that can still be returned to the owners, and for all those supplies that have been consumed, it will, having strictly calculated, settle and square away, and where it recognizes the need for payment, it will show the way to seek it and devise the method of compensation.²¹

¹⁷ Décret du 5 prairial an XII qui accorde une indemnité aux habitants des départements du Pas-de-Calais, de la Seine-Inférieure, de la Manche et des Côtes-du-Nord qui ont éprouvé des pertes par les bombardements ou incursions des Anglais.

¹⁸ See Babiński, „Rejestracja”, 16.

¹⁹ See Zych, *Rok 1807*, 145; Krzos, *Z księciem Józefem*, 177–82. The disgraceful attitude of troops which had committed much abuse against the Polish population was pointed to by Julian Ursyn Niemcewicz and Aleksander Fredro. See Niemcewicz, *Pamiętniki*, 39; Fredro, “Trzy po trzy”, 127 and 135. For more detail on the situation of agriculture and the social and legal situation of the rural population in the Duchy of Warsaw, see Strzeszewski, *Kryzys*, 77–95; Konarski, “Legal reforms”, 93–123.

²⁰ Jan Nepomucen Małachowski was appointed the chairman, and the members were: Józef Wielopolski, Jan Onufry Gorczyzewski, Jan Horain and Karol Ludwik Kortum.

²¹ Rostworowski, *Materiały*, 572.

The Liquidation Deputation were to report their activities to the police director, who, due to the scope of his competences, was responsible for matters related to ensuring public order in the broadest sense, i.e. also those regarding accommodation of the army and the conduct of soldiers during their stationing, where they often committed abuses to the detriment of those providing accommodation. Likewise, the police authorities were responsible for providing supplies to the troops stationed in cities.²² After all, at the request of the former Mayor of Warsaw and the head of the police department in that city, Joachim Moszyński,²³ the request to settle all the requisitions made by the French army was approved.

Five weeks later, on April 23, 1807, the Governing Commission (Polish: Komisja Rządząca, hereinafter abbreviated as GC) adopted at the request of the liquidation commission a resolution “on the release from further actions”,²⁴ which of course meant termination of the work of this body. As regards the damage suffered by citizens as a result of requisitioning actions of individual servicemen, it was considered that these could not be truly proven nor assessed. Thus, the short activity of this body ended, which of course did not mean solving the problem of compensation, and the following months brought a return to the issue of military requisitions at the forum of GC.

At the 237th session, on August 28, the issue of claims for compensation for citizens for official military requisitions appeared again.²⁵ The administrative chambers were instructed to inform those concerned that all such claims should be addressed to these chambers and, following their receipt and classification, to send them to the Director of the Interior. The latter, in turn, was obliged to collect and arrange these claims and to submit them to the Commission without undue delay.

The ways of settling claims with tenants of national estates by administrative chambers were separately regulated and unified on June 8, 1807. According to those provisions:

[...] extraordinary requisitions by which the stocks of cereals, forage and other products have been taken from tenants of national estates and were used for the replacement of the contribution from particular districts, or were taken during the movement of troops, despite the repartition, should be allocated to the district and refunded to the tenants by the district.²⁶

At the same time, the rules provided that “any other claims towards the Treasury that are not backed with a document, as well as claims due to the movement of troops, cannot be compensated for, as they are a result of the state of war and considered as a result of public disasters.”²⁷

²² See Willaume, “Przesilenie”, 99–100; Mielnik, “Organizacja”, 312–3.

²³ J. Moszyński was appointed on December 4, 1806, as the Head of the Police Department of the City of Warsaw instead of Prussian officer Friedrich Tilly, who had held this position from 1799. See *Gazeta Warszawska* 97 (December 5, 1806), 1525–6. After establishing the departments by the Decrees of December 26, 1807, and February 7, 1809, J. Moszyński took the position of prefect of the Płock Department, but his term was the shortest of all prefects in the Duchy of Warsaw (only a month). Sobociński, *Historia*, 135; Kallas, *Organy*, 29; Knopp, “Prefekci”, 367.

²⁴ Rostworowski, *Materiały*, 613.

²⁵ *Ibid.*, 370.

²⁶ *Ibid.*, 694.

²⁷ *Ibid.*

The work on setting up a special body for the liquidation of claims was undertaken at the end of 1807 at the 34th (extraordinary) session held on December 28, 1807, when the Council of State ordered “to specify the draft organization and the persons to be designated by the departments for the final settlement of the requisitions made for the French army and supplied by the authorities for local works.”²⁸

5. Appointments and legislative work on the organization of the Central Liquidation Commission

In light of the provisions of the first draft document on the organization of the CLC of March 9, 1808, claims to the Treasury of the Duchy of Warsaw which had not yet been dealt with by the administrative chambers were to be immediately considered and calculated by the prefectures and sent to the CLC, which was to be subordinated to the Minister of the Interior.²⁹

The draft consisted of 19 editorial units (paragraphs) and assumed that CLC, in accordance with the instructions issued by the Minister, would consider the debts as actual and forward them to the Minister, who, upon confirmation of their settlement, would request the Minister of Treasury to issue relevant bonds with a face value of 100, 500 and 1,000 Polish zlotys. An unspecified part of the national assets to be auctioned was intended to back these bonds.³⁰

On May 13, 1808, at the request of the Minister of the Interior and the Minister of the Treasury, submitted via the Council of State, King Frederick Augustus issued a concise (composed of six articles) decree establishing the CLC,³¹ which was to replace the administrative chambers or prefecture in processing claims to the Treasury of the Duchy of Warsaw arising from war losses. Let us recall that the administrative chambers had been gradually replaced by a new organization of local authorities since the end of 1807.

According to the Decree of May 13, claims regarding the liquidation of war losses were to be dealt with immediately and calculated by prefectures and then sent with relevant evidence by the administrative chambers or prefectures to the CLC, which was based in Warsaw.

The CLC³² was composed of the president, who was Senator Walenty Faustyn Sobolewski,³³ and the members:³⁴ Jędrzej (Andrzej) Horodyski from the Warsaw department, Jakub Kęszycki from the Poznań department, Jacek Zakrzewski from the Kalisz

²⁸ Senkowska-Gluck, *Donacje*, 91.

²⁹ AGAD, RSiRMKW, Ms. 154, 3.

³⁰ *Ibid.*, 4. Cf. Mencil, Kallas, *Protokoły*, vol. 3, part 1, 103.

³¹ AGAD, RSiRMKW, Ms. 154, 8–9; Decree of May 13, 1808 (Dz.Pr.K.W. vol. 1 no. 11, 256–9).

³² The first list of CLC candidates was attached to the draft Decree of March 9, 1808, and contained the same names. AGAD, RSiRMKW, Ms. 156, 6.

³³ He held the position of the President of CLC until February 19, 1812, when he resigned, and Senator Feliks Józef Czarniecki was appointed in his place. AGAD, RSiRMKW, Ms. 100, 40.

³⁴ AGAD, RSiRMKW, Ms. 155, 3 and 4–5.

department, Mikołaj Glinka from the Płock department,³⁵ Count Fryderyk Skórczewski from the Bydgoszcz department³⁶ and Tadeusz Tyszkiewicz from the Łomża department. The army was to be represented by General Wincenty Aksamitowski. The decree emphasizes that the Minister of War assures that the duties of General W. Aksamitowski in the CLC will not interfere with his other military duties.³⁷ General W. Aksamitowski had already appeared in relation to the organizational reforms of the public administration, together with proceeding by the GC the proposal for the establishment of a food supply administration for the military.³⁸ Let us recall that at the 257th session of the GC on September 12, Count Jan Załuski was elected President of the Food Deputation (Polish: *Deputacja Żywności*), but at the 258th session of September 14, the President of the GC presented a letter from Count J. Załuski stating that he could not accept the position. In view of J. Załuski's refusal, the Commission, at the request of General Jan Henryk Dąbrowski, appointed General W. Aksamitowski, who also did not assume the office either.³⁹

CLC nominations were not of a permanent nature. In subsequent years, individual members resigned, which, however, was generally due to other official duties they had to fulfill in their departments or to military considerations. Thus, on June 12, 1810, King Frederick Augustus accepted J.(A.) Horodyski's request submitted through the Council of State to dismiss him from the role of duty as a member of the CLC and appoint a new candidate,⁴⁰ who was Feliks Józef Czarnecki, former President of the Criminal Court.⁴¹ Then, on January 27, 1810, the king sent, at the request of the Minister of War, a letter to all members of the Council of State, in which he instructed that the Council propose other civilian candidates as CLC members from the Poznań and Łomża departments in place of Colonel J. Kęszycki and Colonel T. Tyszkiewicz ("they transitioned from civilian to military service"), as in the case of General W. Aksamitowski ("now commanding a brigade in Radom") when it was requested to indicate another candidate from the army in consultation with the Minister of War⁴². Finally, J. Kęszycki was replaced by Appellate Judge Wiktor Szotorski (Szoldrski),⁴³ T. Tyszkiewicz was replaced by Ksawery Wilczewski, and Colonel Józef Nowicki⁴⁴ was appointed to replace General

³⁵ For more detail, see Rosner, "Sędziowie i urzędnicy", 665. On January 22, 1811, Warsaw Archdeacon Andrzej Wołłowicz was appointed in his place. AGAD, RSiRMKW, Ms. 154, 5 and 8.

³⁶ For more detail, see Nowicki, "Wizerunek Napoleona", 27–33.

³⁷ AGAD, RSiRMKW, Ms. 155, 5.

³⁸ For more detail, see Eile, *Dzieje administracji*; Zych, *Armia*, 38–40; Kowalczyk, "Aprovizacja", 7–24; Konarski, "Legal aspects", 99–128.

³⁹ See Konarski, "Legal aspects", 103.

⁴⁰ AGAD, RSiRMKW, Ms. 155, 30–1; Mencil, Kallas, *Protokoły*, vol. 3, part 1, 235.

⁴¹ AGAD, RSiRMKW, Ms. 155, 33; Mencil, Kallas, *Protokoły*, vol. 3, part 1, 253; Mencil, Kallas, *Protokoły*, vol. 3, part 2, 19.

⁴² AGAD, RSiRMKW, Ms. 155, 11.

⁴³ Mencil, Kallas, *Protokoły*, vol. 3, part 1, 103.

⁴⁴ AGAD, RSiRMKW, Ms. 155, 13. It should be noted at this point that K. Wilczewski's first name was not Ksawery but Jerzy. The mistake as to his first name became the subject of a letter to the President of the Council of State and Ministers dated March 23, 1810, containing a request for correcting the name. AGAD, RSiRMKW, Ms. 155, 18. Cf. Mencil, Kallas, *Protokoły*, vol. 3, part 1, 155–6. Several months later, Colonel J. Nowicki was appointed the chief of staff of a division, therefore his new duties prevented him from being a CLC member, as the Council of State was notified by the Minister of War via the Minister of Interior on May 3, 1810. AGAD, RSiRMKW, Ms. 155, 34.

W. Aksamitowski. This was the same case for F. Skórzewski, who, in 1810, was replaced by Castellan Antoni Besiekierski (a Knight of the Order of St. Stanislaus) after he assumed the chairmanship of the commission for the unification of taxes in the Bydgoszcz department,⁴⁵ while A. Besiekierski was dismissed at his own request on April 10, 1812.⁴⁶

The provisions of the decree appointed as city delegates the following people, most of whom were well-known and distinguished individuals: from Warsaw – Jakub Paschalis (merchant and landowner), from Toruń – Krystian Bogumił Steiner[t] (lawyer and historian),⁴⁷ the nomination of another member was reserved for Poznań in place of Bernard Rose (municipal president of Poznań).⁴⁸ With regard to the latter candidature, at the 164th session of the Council of State on August 9, 1808, the Minister of the Interior proposed two candidates to replace B. Rose,⁴⁹ who had been elected the mayor of Poznań: Andrzej Batkowski (lawyer, member of the Poznań municipal office),⁵⁰ and Samuel Teodor Kasyus (former city councilor).⁵¹ At the same time, in place of K.B. Steiner[t], “who cannot assume this function as he holds the office of the president of the criminal court in Toruń”,⁵² two other candidates, citizens of the city of Toruń, were proposed: Wilhelm Diestel and Hawelke. The next day, on August 10, at its 165th session, the Council of State confirmed the presentation of the candidates for the CLC to the king.⁵³

To accelerate the claim settlement work, the authorities of the Duchy of Warsaw decided to expand the composition of the CLC by co-opting one councilor from each ministry, which took place at the 492nd session of the Council of State held on March 2, 1810.⁵⁴ The intention behind this was to ensure a permanent *quorum* in the work of the Commission. In this way, the following officials were appointed: from the Ministry of Justice, Antoni Wyczechowski, from the Ministry of the Interior, Józef Netrebski, from the Ministry of Treasury, Piotr Bieliński, and from the Ministry of Police, Stanisław Ledóchowski.⁵⁵

The last appointments to the CLC took place on April 10, 1812, when, in order to ensure its continuous and uninterrupted operation, the following members were appointed at the request of the Minister of the Interior: Judge of the Court of Appeal, Count Załuski, President of the Administration of the Fire Society, Ksawery Gorczyzewski, Magistrate Franciszek Ksawery Rostworowski, former Judge Kosecki, Count Piotr Łubieński and Father Czyżewski from Rokitno.⁵⁶

⁴⁵ AGAD, RSiRMKW, Ms. 155, 20–4.

⁴⁶ AGAD, RMKW, Ms. 100, 48.

⁴⁷ For more detail, see Salmonowicz, “Krystian Bogumił Steiner (1746–1814)”, 134–40.

⁴⁸ AGAD, RSiRMKW, Ms. 155, 5. For more detail, see Krzymkowski, “Postępowanie”, 486 and 488.

⁴⁹ AGAD, RSiRMKW, Ms. 154, 26.

⁵⁰ *Ibid.* In April 1810, A. Batkowski requested the Minister of Interior for dismissal from the post of CLC member, substantiating that he could not concurrently properly fulfill the duties of Poznań city councilor. He proposed in his place a merchant from Poznań, Jan Samuel Gunprecht. AGAD, RSiRMKW, Ms. 155, 26–9.

⁵¹ AGAD, RSiRMKW, Ms. 154, 26; AGAD, RSiRMKW, Ms. 155, 8 and 10.

⁵² *Ibid.*

⁵³ *Ibid.*, 9.

⁵⁴ Mencil, Kallas, *Protokoły*, vol. 3, part 1, 102.

⁵⁵ *Ibid.*, 102–3.

⁵⁶ AGAD, RMKW, Ms. 100, 47.

The CLC was to be supervised by the Minister of the Interior, who, after issuing an appropriate instruction on the CLC's rules of procedure, was to present it to the king via the Council of State. The draft instruction was presented by the Minister at the 143rd session of the Council of State on July 2, 1808, and the case was subsequently assigned to Karol Woyda.⁵⁷ At the same time, "a copy of the letter dated June 15, written by Mr. Daru from Berlin to Mr. Chambon, and presented by the latter, where it was expressed that all expenditure spent on the French army, incurred before September 17, 1807, should be borne by the Duchy of Warsaw, and only the expenditure that was made later will be reimbursed" was submitted.⁵⁸

It was emphasized in the letter that it serves:

[...] as a general rule for the settlement of expenses, and that the letter changes nothing in the way of further proceeding; that is: that the Duchy of Warsaw should always prepay for expenses until the hospitals are taken back. The minister, explaining that circumstance, divides the Duchy's claims into three classes: In the first, he includes what was supplied to the 3rd corps of Marshal Davout until September 17, 1807, and confirmed by the stocks returned by the same Marshal to the administration of the national authorities. In the second, he places the expenses for the great army to which the Most Illustrious Emperor has transferred his debts from the loan, resulting from salt and from the provision of the artillery. In the third, he includes any claims that arose before 17 September 17, 1807, which are still a matter of dispute, that is, the French government is to repay them, since the statement in Mr. Daru's letter quoted above is considered by the Minister only as the opinion of the same: For Mr. Daru, when responding to the question of Mr. Chambon, i.e. the need of the French army before September 17, 1807, writes as follows: I think [*je pense*] that the decision on this question should be decided negatively.⁵⁹

The above-mentioned instruction for the CLC assumed that this body would be collegiate and consist of the president and 10 appointed commissioners. The president was entrusted with the organization of the CLC's office and the determination of the monthly budget, including the costs of the office, which was to be submitted to the Minister of the Interior for approval. From the letter sent by the Minister of the Interior to the Council of Ministers (July 15, 1810), we learn that "the budget of the office for June amounted to 1,051 zloty and 20 grosz."⁶⁰

In this letter, the Minister asked the Council of Ministers for the following sums, starting from the budget year 1810/1811: a) for the salaries of CLC's staff, 1,051 zloty and 20 grosz monthly, and 12,620 zloty annually; b) for heating, lighting, writing materials and the needs of the office, 448 zloty and 10 grosz monthly, and 5,380 zloty annually; c) for extraordinary expenses, 3,000 zloty annually. In total, this amounted to 21,000 zloty.⁶¹

The CLC's budget was also set by the king on June 8, 1812, with the same amount for the periods 1811/1812 and 1812/1813.⁶²

⁵⁷ AGAD, RSiRMKW, Ms. 154, 10–2 and 96–100.

⁵⁸ Pawłowski, *Protokoły*, vol. 1, part 1, 359.

⁵⁹ *Ibid.*

⁶⁰ AGAD, RMKW, Ms. 100, 1–2.

⁶¹ *Ibid.*

⁶² *Ibid.*, 49.

The salaries of six people employed in the CLC's office in the period from June 1 to 30, 1810, were as follows, depending on the position: Secretary Roman Rutkowski – annually: 4,500 zloty – monthly: 315 zloty; accountant Karol Hofman – annually: 3,500 zloty – monthly: 291 zloty; Jan Sękowski (no information about the position – MK) – annually: 1,500 zloty – monthly: 125 zloty; two office clerks – Tomasz Godlewski and Kajetan Górnicki – annually: 1,200 zloty – monthly: 100 zloty; servant Franciszek Rogulski – annually: 120 zloty – monthly: 10 zloty.⁶³

The full composition of the Commission was five people, and its sessions were held as often as deemed necessary by the president. In the event of a tie, the president's vote would decide. The Commission was to use an ordinary royal seal with the inscription: *Komisja Centralna Likwidacyjna* (Central Liquidation Commission).⁶⁴ The other provisions contained in the instruction concerned the scope of activities of the CLC and were the same as those finally found in the decree of March 1809, which will be discussed further herein.

The subject of the CLC's organization and operation reappeared on the agenda at the 150th session of the Council of State on July 15, 1808. After the changes were made, the draft was sent to all members of the Council of State on July 9.⁶⁵ It was divided into two parts consisting of 27 articles: the first title – on the internal proceedings in the Commission; the second title – on its responsibilities. In the discussions within the Council of State, two articles were deleted, of which “[...] one was prescribing for the Commission how to reduce the claims once acknowledged, one to 85 percent, other to 90, and yet another to 95 percent – while the second listed those that were not subject to any reduction.”⁶⁶ As we have learned, the reason why the Council of State did not previously mention which claims and to what extent they would be reduced was the belief that only after completion of the said settlement could a reduction (moderation) be considered, if the king decided so.

The draft was thus adopted by the Council of State and sent to the king. It should be added that the draft was accompanied by an explanatory note by the Minister of War, which included the presentation of a new candidate for the CLC, Mr. Spinka from Kamińsk, to replace the already appointed J. Zakrzewski, who asked the Minister of the Interior to dismiss him as a member of the CLC.⁶⁷ However, as early as August 12, at the 166th session of the Council of State, Spinka's appointment was suspended until presentation of a new candidate for the CLC to replace B. Rose,⁶⁸ which in fact had already happened.⁶⁹ At the same time, the decision on the draft instruction for the CLC was suspended.

The issue of the instruction was resumed by the Council of State at its 223rd session on November 23, when expecting an opinion on the draft of July 15, which was forwarded to the Minister of the Interior, from whom the draft originated, and to

⁶³ *Ibid.*, 4.

⁶⁴ AGAD, RSiRMKW, Ms. 154, 11, 20 and 96.

⁶⁵ *Ibid.*, 14–9 and 20–4.

⁶⁶ Pawłowski, *Protokoły*, vol. 1, part 2, 15–6.

⁶⁷ AGAD, RSiRMKW, Ms. 154, 25; AGAD, RSiRMKW, Ms. 155, 7.

⁶⁸ AGAD, RSiRMKW, Ms. 154, 26–7; Pawłowski, *Protokoły*, vol. 1, part 2, 60.

⁶⁹ *Ibid.*, 57. Finally, Ignacy Miączyński, a member of the Accounting Chamber of the Department of Kalisz, was proposed to replace Zakrzewski. AGAD, RSiRMKW, Ms. 156, 5 and 8.

K. Woyda, the official responsible for processing it.⁷⁰ A week later, on November 30, at the 227th session, the issue was revisited, and the Council of State considered some provisions of the CLC instruction,⁷¹ after which K. Woyda was again instructed to draft a report on the provisions of the draft relating to the distinction between the concepts of “debt” and “benefit”, in connection with the claims of those people who had previously been provided with financial assistance for building “in cities.” In the opinion of the official, these provisions should have been maintained “not as a national obligation and debt, but as an act of justice and good governance.”⁷² Further discussion on the draft for the CLC took place on December 16 at the 236th session of the Council of State, when K. Woyda again presented the amended draft.⁷³

At the same time, a decree on the repartition of food and forage for the troops of the Duchy of Warsaw between January 1, 1809, and October 31, 1809,⁷⁴ was adopted on December 12, 1808. The decree required all landowners under any title to supply the military with products in the form of wheat, rye, vegetables, oats, hay and straw, the delivery of which was to be remunerated at the average market price in Warsaw as of September 1809.

In light of the provisions of the decree, a receipt with the signature of the keeper and the inventory controller was to be issued for each commandeered delivery, which was intended to serve as a basis for accounting and compensation at a later date. These receipts were verified and certified by the subprefect. They were then presented to the prefect, who then forwarded them to the Food Committee together with a statement of delivered quantities expressed in the receipts juxtaposed with the actual state of stocks in his department.

Further discussions in the Council of State on the draft instructions for the CLC, prepared by K. Woyda, already took place in the new year of 1809. At the 291st session, held on March 13, extensive remarks from the Minister of the Interior were read, “from which the official took rules to be used in the drafts”, and “all this work has been forwarded for review and consideration to Councilor (Ignacy) Sobolewski, with an aim to verify the work of the official working on this subject.”⁷⁵ Moreover, the discussion on the draft instruction for the CLC also took place the next day, during the 292nd session of the Council of State, and this was the day the entire work on it was completed.

Three projects related to the liquidation of losses were ultimately the result of several months of work.⁷⁶ The first one, consisting of 18 articles, provided for the way in which the CLC was to proceed, listing the claims to be received from the CLC and divided them into three sections. Interestingly, the Minister of the Interior also wanted to submit a separate proposal concerning the claims of tenants of national estates, but he was corrected that the proposal already contained provisions that take into account their

⁷⁰ Pawłowski, *Protokoły*, vol. 1, part 2, 248.

⁷¹ AGAD, RSiRMKW, Ms. 154, 35–6.

⁷² Pawłowski, *Protokoły*, vol. 1, part 2, 263.

⁷³ AGAD, RSiRMKW, Ms. 154, 33–4; Pawłowski, *Protokoły*, vol. 1, part 2, 293.

⁷⁴ Bartel, Kosim, Rostocki, *Ustawodawstwo*, vol. 1, 165–7.

⁷⁵ Pawłowski, Mencil, *Protokoły*, vol. 2, part 1, 164.

⁷⁶ *Ibid.*, 165–6.

claims.⁷⁷ The second draft, consisting of 14 articles, addressed requisitions and reparations in villages during the recent war until September 1, 1807.

In light of the provisions of the first draft, these requisitions were not subject to accounting by the CLC, which meant that the second draft established equalization of obligations (meaning here requisition and repartition obligations) in districts (*powiats*) and departments. The third draft, on the other hand, composed of 11 articles, established similar equalization in cities. A significant provision to the detriment of those claiming losses was the reference in the last two drafts to “national authorities”, which was significant: “for the rejection of all receipts issued by French military officers during the war and other claims arising out of requisitions, which are not proven statements and would amount to an immeasurable sum.”⁷⁸ This meant that all those who suffered losses as a result of, for example, requisitions made not by “national authorities” could not expect any compensation. These provisions were so blatantly unjust that State Counselor Jan Paweł Woronicz called for at least describing these losses for the satisfaction of the aggrieved and as a historical account of “how much burden this country endured during the recent war.”⁷⁹ This appeal was answered that any detailed accounting of all claims, generally amounting to about 300 million zloty, was impossible. Indeed, it was an enormous sum by the standards of the time.

These three drafts were adopted by the Council of State and sent to the king, together with a comprehensive letter from the Minister of the Interior explaining this matter, replacing the previous draft instruction of July 15, 1808. Finally, on March 21, 1809, at the 303rd session of the Council of State, the instruction for the CLC, which took the form of a royal decree consisting of 18 articles, was read.⁸⁰ During that session, the equalization of obligations (requisition and repartition obligations) by municipal and town councils was also determined for requisitions carried out by the national authorities during the recent war in cities before September 1, 1807. According to the decree, the claims related to them were not assessed by the CLC. At the same time, the Minister of the Interior suspended the issuance of a similar decree for villages, to which the Council of State agreed, and then ordered that this opinion be sent to the king.⁸¹ A royal decree on this matter⁸² was read out as early as on March 28, at the 309th session of the Council of State, which was intended to compensate for these burdens resulting from requisitions and repartitions during the recent war. Further herein, we will return to the provisions of this decree.

The establishment of the personal composition of the CLC and the many months of work on its instruction were the starting point for the formation of this administrative body, the ultimate consequence of which was, as mentioned above, the decree on the proceeding by the CLC, signed by the king on March 16, 1809.⁸³ Unfortunately, just a month later, on April 14, 1809, the 30,000 7th Corps of Archduke Ferdinand d’Este crossed the border of the Duchy of Warsaw, starting the war between Austria and France, which of

⁷⁷ This matter was discussed at the 446th session of the Council of State on November 21, 1809. Pawłowski, Mencil, *Protokoły*, vol. 2, part 2, 279–80.

⁷⁸ Pawłowski, Mencil, *Protokoły*, vol. 2, part 1, 166.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*, 184.

⁸¹ *Ibid.*

⁸² *Ibid.*, 198; Decree of March 24, 1809 (Dz.Pr.K.W. vol. 1 no. 11, 281–4).

⁸³ Decree of March 16, 1809 (Dz.Pr.K.W. vol. 1. no. 11, 267–70).

course had an impact on the functioning of the CLC. In view of the threat of invasion and subsequent occupation of Warsaw by the Austrians, the activities of the Polish civilian administration, in fact subordinated to the military administration, generally remained dominated by the current military situation until mid-June 1809.

After the army of the Duchy of Warsaw entered Galicia, the Central Provisional Government of the Two Galicias (Centralny Rząd Tymczasowy obojga Galicji) was established in June 1809, whose several-month activity focused mainly on securing the supply needs of the Polish army, and thus on the distribution of duties imposed on the population of the Austrian partition.⁸⁴ The Galician population, due to the burden of military requisitions (mainly the obligation to provide food and forage), gave products amounting to over 48 million zloty, which was the value of products, on the basis of formal receipts, supplied to the three armies (Polish, Russian and Austrian) operating in Galicia. It should also be emphasized that due to other numerous encumbrances imposed on the population (transport services, accommodation), there were severe losses in livestock and buildings.⁸⁵

The scale of the burden imposed on the population is perfectly reflected in the lists of food products, forage, etc. (vegetables, chickens, oxen, flour, bread, beer, vodka, butter, oats, hay, straws and linen shirts) delivered both to warehouses and directly to individual units of the Polish army in May, June and July of 1809, which were prepared by the mayors of the municipalities of the Lublin Palatinate in summer 1818.⁸⁶ By way of example, the municipality of Turka in the district of Lublin delivered 3 *korce* (bushels, 1 *korzec warszawski* = 120.6 liters) of oats and 2 *cetnary* (hundredweight, 1 *cetnar warszawski* = 64.8 kilograms) of hay in June 1809.⁸⁷ At the same time, the municipality of Garbów supplied 20 *korce* of oats and 10 *cetnary* and 5 *beczki* (barrel, 1 *beczka* = 271.36 liters) of beer and 24 chickens.⁸⁸ By comparison, in the same period, the municipality of Łubki in the district of Kazimierz delivered 44 *korce* of oats and 48 *cetnary* of hay and as many as 975 loaves of bread and 67 *garnce* (gallons, 1 *garniec warszawski* = 3.77 liters) of vodka.⁸⁹ As we can see, the differences in supply volumes were considerable and depended mainly on the economic strength of individual areas and local population figures.

6. Responsibilities and activity of the Central Liquidation Commission

The Decree of March 16, 1809, consisted of 18 articles grouped in two titles, which defined the internal procedure of the Commission (Title I) and the Commission's responsibilities with regard to the claims processed by it (Title II).

⁸⁴ For more detail on the political reforms carried out after capturing Galicia, see Cichoń, "Zmiany", 31–48.

⁸⁵ See Krzos, *Z księciem Józefem*, 178–86.

⁸⁶ APL, KWL, Ms. 563, 1–95 (whole volume).

⁸⁷ *Ibid.*, 22.

⁸⁸ *Ibid.*, 26.

⁸⁹ *Ibid.*, 34.

Under the terms of that act, the CLC was to consist of the president and the commissioners, as mentioned above. The competence of the president of CLC included appointing the secretaries of the calculation office and the chancellery and to establish their monthly budgets together with the chancellery's costs. Having done this, he was obliged to submit a report to the Minister of the Interior for approval.

Where the president was unable to perform his duties, he was to be replaced by individual commissioners according to the order laid down in the decree. The full composition of the CLC consisted of five people, and a simple majority of votes was sufficient to make decisions, with the vote of the president deciding in the event of a tie. According to the decree, CLC sessions were to take place three times a week, and more often if necessary. The activities carried out during each session, as well as the presence of the commissioners, were recorded in the register. Liquidation records were drawn up separately, and the individual cards of them were to be marked. Apart from the above-mentioned guidelines regarding internal CLC procedure, the decree did not contain more detailed arrangements.

The second title of the decree, setting out the obligations of the CLC and the claims processed by it, first of all defined – quite generally – the substantive scope of its duties. According to this, the main duty of the CLC was to receive, consider and approve claims towards the Treasury. Subsequently, however, the cases to be referred to the Commission and received from it were identified.

The decree listed the following: (a) claims under contracts (agreements with the former Government), i.e. claims of tenants of national estates,⁹⁰ claims of entrepreneurs for construction and repartitions, claims of colonists for forest clearing, unfinished construction and the forage given during the period of tax relief despite the contract;⁹¹ (b) claims for outstanding salaries that have been established by the GC or the current Government, or for outstanding competences since the establishment of the GC, i.e. January 14, 1807; (c) claims for houses since the establishment of the GC, as well as claims for occupied barracks, military hospitals, warehouses and other military and public facilities;⁹² (d) claims, since the establishment of the GC, for materials supplied for the construction of fortifications, bridges, various structures or for ships supplied for the construction of bridges; (e) claims for houses dismantled for the needs of fortification and land taken for fortifications;⁹³ (f) claims of merchants for goods and claims of pharmacists for medicines delivered to the army; (g) claims of craftsmen and builders for public treasury

⁹⁰ Cf. Mencil, Kallas, *Protokoły*, vol. 3, part 2, 18.

⁹¹ These questions were regulated in more detail by the Minister of the Interior's instruction to the tenants of national estates and colonists (Instrukcja względem dzierżawców dóbr narodowych i kolonistów) of July 13, 1809, addressed to all prefects. AGAD, RSiRMKW, Ms. 154, 120–3.

⁹² AGAD, RMKW, Ms. 142, 20–1.

⁹³ See *Opinia Ministra Spraw Wewnętrznych z 6 września 1811 r. w sprawie żądań mieszczan toruńskich o wynagrodzenia za zabrane domy i grunty na budowę fortyfikacji* [Opinion of the Minister of the Interior of September 6, 1811, on the demands of Toruń burghers to be compensated for houses and land taken for the construction of fortifications]. AGAD, RMKW, Ms. 141, 18–9. Cf. the letter of the Minister of the Interior in this matter, dated March 2, 1812, AGAD, RMKW, Ms. 141, 48–9. Finally, the draft decree regarding this matter provided for compensation from the public treasury in the total amount of 416,370 zł and 15 gr for 239 owners of houses, plots and gardens in Toruń. AGAD, RMKW, Ms. 141, 50–65.

works; (h) other claims arising from contracts concluded with people by national authorities authorized to do so, also since the establishment of the GC.

As we can see, the scope of claim cases entrusted to the CLC remained extremely broad. Before proceeding with further analysis, it should be noted that under the provisions of the decree, none of these claims could be accepted if “not supported by due evidence and receipts necessary to justify public spending and not first recognized by the Prefectures and Prefecture Council as *debitum liquidum*.”⁹⁴

The decree also established the sequence of processing and liquidation of national debts, which meant that the CLC was to deal first with claims for houses demolished due to the construction of fortifications and plots of land earmarked for fortifications,⁹⁵ or liquidations representing debts that did not raise any doubts about their existence. All claims arising from contracts were classified in this category, as well as those for which the amounts receivable had already been established by the authorities. In the case of the latter amounts receivable, they bore interest at 4% and were due from the date the debt was assumed.

The issue of claims of the tenants of national estates provided for by the decree clearly concerned the squaring of tenants’ accounts with the public administration for damages made by the military or officials or for supererogatory supplies for the needs of the country. It should be pointed out that, despite the privileged status of national property, the tenants of national estates were not initially entitled to any relief in the supply of food in emergency situations. An exception was certain reliefs applied to them, such as to the number of conscripts enlisted or exemptions from certain charges.⁹⁶ Over time, in view of the dramatic material situation and the search for funds to ensure the proper functioning of the State apparatus, mainly including the military, which required both voluntary and forced loans, various deferrals, installments and partial exemptions from the payment of rent and public burdens began to be introduced.⁹⁷

As regards entrepreneurs’ claims within the interest of the CLC, they related to the contracts of their undertakings, which were a separate work contract, not mentioned by the Napoleonic Code. As Wojciech Witkowski notes, this type of contract “was treated as one of two types of rental contract, i.e. the rental of work next to the separate rental of tangible items.”⁹⁸ During the period in question, the claims of enterprises related primarily to the supply of food, forage, horses, etc. to the military⁹⁹ and resulted from dis-

⁹⁴ Dz.Pr.K.W. vol. 1 no. 11, 264.

⁹⁵ Cf. the administrative dispute of Count Stanisław Zamoyski concerning compensation for the seizure of buildings and land for military purposes in Zamość. AGAD, RSiRMKW, Ms. 24b, 1–51; AGAD, RMKW, Ms. 141, 2–5, 7–12 and 39–42. Let us recall that the assault on the Zamość fortress in 1809 caused the loss or damage of half of the buildings, and the authorities tried to obtain compensation for the victims of hostilities and for the owners of the land seized for the expansion of the fortifications in the foreground of the fortress. The city was to become national property with compensation, which was initially accepted by the king and the government in November 1811, but ultimately this did not happen.

⁹⁶ See Kallas, *Organy*, 51.

⁹⁷ See *ibid.*

⁹⁸ Witkowski, *Sądownictwo*, 136–7.

⁹⁹ Cf. Konarski, “Publiczne usługi transportowe”, 124–33; Konarski, “Legal aspects”, 111–23.

putes between providers and military or civil administrative bodies, e.g. concerning the amount of remuneration under the contract.¹⁰⁰

As mentioned above, the CLC's responsibilities also included matters related to claims for the materials delivered for the construction of fortifications, bridges and various structures since the establishment of the GC. However, at the turn of 1812, the case concerning this matter, but relating to the times before the establishment of the GC, was the subject of a letter from the Minister of the Interior dated December 16, 1811, addressed to the Council of Ministers, stating that these claims should be accepted by the CLC, which was supported by the fact that these delivered materials were already used in fortifications and other similar buildings held by the government, therefore "it would be wrong to encumber the inhabitants, through the equalization, with the burden for a property used by the Treasury."¹⁰¹ The Council of Ministers accepted the Minister's remarks on January 10, 1812, resulting in the Decree of January 22, 1812, which considered it a government debt and allowed the CLC to accept claims for the said materials even before the GC was established.¹⁰²

On the other hand, the subject of claims for demolished houses and seized land was the subject of a meeting of the Council of State at the 492nd session on March 2, 1810, the reason of which was numerous dramatic requests from the inhabitants of the town of Praga near Warsaw "to quickly settle these claims and, pending the settlement procedure, exempt them from paying taxes from those ruins and land."¹⁰³ It should be borne in mind that the tax base also included lost items, which meant that the people of Praga had to pay normal local taxes for the ruins or land they no longer owned, which was changed only in March 1810, when the charges were imposed on existing buildings, while exempting from the levy the land taken over by the state.¹⁰⁴ The case was referred to the Council of State by Stanisław Staszic. As a result, the Council agreed, "acting out of humanity and justice", to delete from the tax rate scale demolished homes and seized land if not deleted already.¹⁰⁵

The owners were divided into three classes: 1. citizens who had nothing left after the demolition of their houses; 2. citizens who had other buildings after the demolition of their houses; 3. citizens who still had land and gardens after demolition of their homes.¹⁰⁶ The sum necessary to pay compensation was estimated at 200,000 thalers, i.e. 1.7 million zloty, but the losses were not compensated for due to the war of 1812. However, the case of compensation for the demolition of a house, stables and carriages in Praga as a result of fortification works was successful, as it was concluded on December 24, 1811,

¹⁰⁰ See Witkowski, *Sqdownictwo*, 143–4.

¹⁰¹ AGAD, RMKW, Ms. 100, 34–5.

¹⁰² *Ibid.*, 36–9.

¹⁰³ Mencil, Kallas, *Protokoły*, vol. 3, part 1, 102. It should be noted that the inhabitants of Praga had struggled since December 1806 with the issue of compensation to be awarded for systematically demolished buildings. Despite numerous interventions of residents with the military authorities, including General Jean Lemarrois and then Marshal Louis N. Davout, fortification works continued to be carried out, and the owners of demolished houses still did not receive any compensation.

¹⁰⁴ See Belostyk, *Fortyfikacje*, 433.

¹⁰⁵ Mencil, Kallas, *Protokoły*, vol. 3, part 1, 102; AGAD, RMKW, Ms. 142, 1–6.

¹⁰⁶ AGAD, RMKW, Ms. 142, 8–17.

with the payment of damages for the house in the amounts of 4,616 zł and 6 gr, 256 zloty for the stable and 775 zł for the carriages.¹⁰⁷

Moreover, the CLC was obliged to deal with the arrears, but without charging percentage rates, as it was considered that percentage rates should not be added to them. Having calculated the amount of the claim, the CLC was obliged to include it in the debt table, at the same time issuing each creditor with a certificate confirming the existence of the debt, stating the amount owed. The debt tables were then to be sent to the Ministers of the Interior and the Treasury.

Only after the consideration of these claims were the others listed above in paragraphs (a) to (h) to be processed. The provisions of the decree indicated that, after drawing up an amicable settlement with each creditor and reducing them, a certificate was also to be issued, as in the case indicated above, and then also listed in the tables. On the other hand, the claims on which the amicable settlement could not be concluded were to be directly settled by the CLC. At the same time, it was pointed out that percentage rates could not be charged on the arrears or claims subject to the amicable settlement procedure.

The Ministry of the Interior was responsible for rewriting the sections under which the tables of creditors and treasury debts were to be drawn up, and the decree indicated that, in addition, an instruction was to be drawn up for the prefects and prefectural councils on the procedure for calculating and determining the claims which could not be referred to the CLC¹⁰⁸ until verified and prepared by the departmental administrative authorities. A detailed instruction was issued on July 13, 1809, by the Minister of the Interior and sent to the prefectures, together with the decrees organizing the CLC and providing for equalization of claim settlement in towns and villages.¹⁰⁹

As regards the aforementioned equalization in terms of burdens borne during war-time, the matter was regulated by two decrees of March 1809, the first (of March 16, 1809) referring to cities¹¹⁰, and the second of March 24, 1809, concerning villages.¹¹¹

The provisions of these two decrees were similar.¹¹² We learn from both that it was assumed that requisitions and repartitions carried out by national authorities in cities and villages by September 1, 1807, were not subject to settlement by the Central Committee and were subject to the equalization to be made by municipal and town councils, as well as district and departmental councils. All those who had made claims relating to uncompensated seizures of goods and other items were given the opportunity to assert sufficiently proven and justified claims before municipal or town councils and district and departmental councils.¹¹³ These authorities were obliged, after verifying the claims and acknowledging their correctness, to conclude settlements and establish a debt, after

¹⁰⁷ *Ibid.*, Ms. 141, 31 and 45.

¹⁰⁸ AGAD, RSiRMKW, Ms. 154, 64–73.

¹⁰⁹ *Ibid.*, 107–17.

¹¹⁰ *Ibid.*, Ms. 210, 5–10; Dz.Pr.K.W. vol. 1 no. 11, 267–70.

¹¹¹ AGAD, RSiRMKW, Ms. 210, 2–4; Dz.Pr.K.W. vol. 1 no. 11, 281–4.

¹¹² See the deliberations of Minister of the Interior Jan Łuszczewski on the rules of equalization of January 28, 1809, AGAD, RSiRMKW, Ms. 154, 74–81a. Cf. AGAD, RSiRMKW, Ms. 210, 17–8.

¹¹³ Sometimes, as a result of inactivity of these bodies, applications of the aggrieved for compensation for products commandeered by the military were submitted to the Minister of the Interior and the Council of State. See AGAD, RSiRMKW, Ms. 202, 1–4 and 39–41; AGAD, RMKW, Ms. 146, 1–4, 15–7, 27–8 and 30–4.

which a table of debts was drawn up and every creditor was issued a certificate confirming the recognition of his claim in the amount as certified.

The municipal and town councils, as well as district and department councils, would establish the debts arising from the repartition and then proportionately distribute the sums of the city's or municipality's total debt to all citizens¹¹⁴ who had been replaced by other persons at the time of the requisition or had not been charged in proportion to their assets at the repartition. At the same time, the decree decided that where too much burden was imposed on the city's inhabitants, the responsible authorities could request the department councils for assistance in order to distribute the burden of one of the cities to others after consulting the Minister of the Interior or the Council of State. No settlement could also be made until it was confirmed by the Ministry of the Interior.

Since neither the CLC's Decree of May 13, 1808, nor the CLC's Decree of March 16, 1809, set out the date by which the claims were to be accepted, on January 18, 1810, a decree was adopted¹¹⁵ which assumed that the last day of May 1809 would be regarded as the date by which the CLC was supposed to accept any claims.¹¹⁶ The matter was also discussed at the 446th session of the Council of the State held on November 21, 1809, during which the Council agreed with the Minister of the Interior's view that:

[...] The claims submitted for Commission's consideration are to be received by the end of May in the present year, because since June 1, the funds for national expenditure have been determined as part of fixed budgets, so any claims arising from administrative activities submitted after that date should no longer belong to the Liquidation Commission but may be processed under general rules of state's law.¹¹⁷

As can be seen from the letter of the Minister of the Interior of December 6, 1810, on the setting of the time limit for the filing of claims by interested persons with the CLC, the CLC's activities were subject to delays due to the tardiness of prefectural councils in sending the settlement of claims to the Treasury.¹¹⁸ In view of the above, the Minister of the Interior sent a draft of a new decree on the matter to the Council of Ministers.¹¹⁹ This draft was approved by the government and was sent for further proceeding as early as December 28, 1810.¹²⁰

The draft decree was adopted on December 29, 1810, which was intended to "expedite the completion of the Central Liquidation Commission's work."¹²¹ According to the provisions of the decree, all claims to the Treasury of the Duchy of Warsaw falling within the jurisdiction of the CLC were to be transferred to the Prefectural Council by June 1, 1811, and considered and sent back to the CLC by September 1, 1811. At the same time, it was emphasized that these time limits were final, and failure to meet them would result in the dismissal of all claims. On the other hand, in the event of failure through the fault

¹¹⁴ Cf. Report of June 15, 1811, on the equalization of duties in cities of 6 departments and 4 new departments. AGAD, RSiRMKW, Ms. 210, 11–6.

¹¹⁵ Dz.Pr.K.W. vol. 2 no. 15, 108–9; Mencil, Kallas, *Protokoły*, vol. 3, part 1, 59.

¹¹⁶ AGAD, RSiRMKW, Ms. 154, 141; and *ibid.*, Ms. 156, 2.

¹¹⁷ Pawłowski, Mencil, *Protokoły*, vol. 2, part 2, 279.

¹¹⁸ AGAD, RSiRMKW, Ms. 100, 14.

¹¹⁹ *Ibid.*, 15–6 and 22.

¹²⁰ *Ibid.*, 17.

¹²¹ *Ibid.*, 18–21; Dz.Pr.K.W. vol. 3 no. 26, 131–3.

of the prefectural council to meet the time limit set for September 1, 1811, personal liability for any losses was to be borne by the members of the council in question. It was stipulated that the fault of the prefectural council would be considered material when a claim brought before June 1, 1811, for consideration by the council was not processed and sent to the CLC by September 1, 1811.

However, the decree of December 29, 1810, was not implemented, so the time limit set for June 1, 1811, was not met, which the Minister of the Interior explained by the fact that the provisions of the decree had not reached many interested parties, both home and abroad.¹²² In view of the above, in accordance with the draft of the new decree of July 12, 1811,¹²³ it was decided on July 24, 1811, to take up this question again, this time with the intention of setting a sufficient time limit for the exact assessment and satisfaction of claims, which was extended to October 1, 1811.¹²⁴ In addition, the deadline for closing the claim settlement works by the prefectural councils was extended to January 1, 1812.

On January 3, 1811, King Frederick Augustus, following the incorporation of four new departments into the Duchy of Warsaw, asked the Council of State to nominate new candidates for CLC members.¹²⁵ At the same time, on January 15, 1811, work began on a draft decree extending the activities of the CLC to four new departments,¹²⁶ which was finally sent by the Minister of the Interior to the Council of State on April 5, 1811,¹²⁷ and adopted on June 26, 1811.¹²⁸ The purpose of the decree was to extend the provisions of the decree of May 13, 1808, to the citizens of newly incorporated lands.¹²⁹ Thus, according to the provisions of the decree, inhabitants of cities whose goods, grain, vessels, horses, houses or granaries and other objects were confiscated could claim compensation for them, while only claims supported by evidence, such as requisition receipts, were to be accepted.¹³⁰ This was one of the last pieces of legislation relating to the activities of the CLC before the capture of the Duchy of Warsaw by the Russian army in 1813. On January 18, 1812, a decree was adopted setting the rules of compensation for citizens of the following districts: Czersk, Orlów, Brzeziny and Rawa for food and forage supplied to the army of the Duchy of Warsaw during the war in 1809, which obliged the prefect of the Warsaw department to establish the claims of citizens and satisfy them, with the price of products being determined in relation to the market prices of 1809.¹³¹ In addition, a few days later, on January 22, 1812, the aforementioned decree was adopted, allowing the CLC to accept claims for material delivered for fortification structures also before the establishment of the GC.¹³² Finally, on November 28, 1812, the Council of Ministers extended the basis for granting relief in taxes and other public burdens to all those who

¹²² AGAD, RMKW, Ms. 100, 26–7 and 29–31.

¹²³ *Ibid.*, 28.

¹²⁴ *Ibid.*, 32–3; Dz.Pr.K.W. vol. 3 no. 34, 376–8.

¹²⁵ AGAD, RSiRMKW, Ms. 155, 36.

¹²⁶ AGAD, RMKW, Ms. 100, 22; AGAD, RSiRMKW, Ms. 156, 14–6.

¹²⁷ AGAD, RSiRMKW, Ms. 155, 38 and 39–40. Cf. reports of the internal affairs section of May 28 and June 19, 1811, on this draft act *ibid.*, 41–2 and 43–4.

¹²⁸ *Ibid.*, Ms. 210, 35–6; Dz.Pr.K.W. vol. 3 no. 33, 353–7.

¹²⁹ AGAD, RMKW, Ms. 141, 14–6.

¹³⁰ AGAD, RSiRMKW, Ms. 210, 37–8.

¹³¹ Bartel, Kosim, Rostocki, *Ustawodawstwo*, vol. 3, 188–9.

¹³² AGAD, RMKW, Ms. 100, 39.

suffered significant income losses due to the war in 1812,¹³³ the granting of that relief being subject to the rules laid down by the Decree of December 17, 1810,¹³⁴ which referred to cases of natural disasters such as crop failure, insufficient sowing, damage to draft animals, flooding of meadows, abandonment of arable land by peasants or poverty.¹³⁵

7. Conclusion

To sum up the above discussion, it is necessary to pay attention to several issues emerging from the analysis.

First, the very idea of regulating matters of settlement of war damages in the Duchy of Warsaw definitely deserves recognition, which, after all, was largely influenced by French legislation with the principle of satisfying legitimate claims and meeting social expectations in this regard. Admittedly, the work on organizing an appropriate body to deal with these matters did not initially advance quickly, but nevertheless did so steadily, and as early as 1809, a system was created, which, from the normative side, consistently provided for the rules of conduct of the CLC in terms of claims.

This system was based on a collegiate body of state administration established for the purpose of settlement of claims, whose area of activity in substantive and personal terms remained extremely extensive. As pointed out above, the CLC was composed of appointed members and operated using a developed administrative apparatus based on a procedure which can be considered good. Moreover, the authorities of the Duchy responded to the rapidly changing situation and social expectations, resulting in the provisions of the decrees of 1810–1812, which slightly modified the claim settlement rules, with a view to speeding up proceedings in cases which were not processed due to tardiness of the local authorities.

Secondly, as regards the assessment of the CLC's activities, the opinion of J. Kaczkowski may be mentioned, who pointed out years ago that "despite the adoption of regulations on the settlement and liquidation of losses, the work itself did not move in this direction",¹³⁶ which was mainly due to subsequent campaigns against Prussia, Austria and Russia. This general view is certainly close to the facts. Moreover, it must be noted that the CLC's limited activity was also based on personal considerations, namely rotation of the members of the Commission, which was due both to the current political and military situation of the country at that time and to the fact that those members sometimes also performed other functions, sitting in other bodies or carrying out other public and private activities in the military, the judiciary, the economy, etc. Due to the shortage of time to perform all these duties, members of the Commission often resigned, and new members had to be nominated to replace them, who also frequently applied for dismissal as a member of the CLC shortly thereafter. This, of course, did not

¹³³ Dz.Pr.K.W. vol. 4 no. 48, 419–20.

¹³⁴ Dz.Pr.K.W. vol. 3 no. 26, 125–31.

¹³⁵ See Witkowski, *Sądownictwo*, 158.

¹³⁶ Kaczkowski, "Zasady", 27.

encourage the Commission to come up with a single position on the matters entrusted to it or to motivate members to engage in its work.

The subsequent military confrontations in the period in question resulted in further considerable financial needs of the State, the burden of which was borne, of course, by the population of the Duchy, mainly in the form of cash and products.¹³⁷ As Rafał Kowalczyk quotes, “[...] in 1811, the expenditure on war with Russia amounted to 88% of the budget revenue, and in 1812, it increased to 93%. The payment of a soldier’s pay was stopped, the payment of salaries for civil servants was suspended, all budget expenses that were not related to the preparation of the war were cut.”¹³⁸ The budgetary restraints related to war with Russia also affected the CLC, whose activities at that time were significantly reduced.

When Russian troops entered the Duchy in 1813, requisitions once again became the most burdensome problem for the inhabitants.¹³⁹ The widespread poverty among the Duchy’s population amplified the losses resulting from the obligation to maintain the troops stationed in the country and the armies passing through it, while contingents of food and forage imposed by prefects and subprefects on districts and municipalities, taken by the army either from warehouses or directly from citizens (often with abuses), led the population to financial ruin.¹⁴⁰ The change towards requisitions by the Russian occupying forces took place due to the imperial decrees of September 18, 1813, and February 13, 1814, which, taking into account the proposals of the Interim Supreme Council, “brought some relief to the country, including banning military requisitions without prior royal sanction and abolishing previous requisitions, i.e. extraordinary contributions.”¹⁴¹ The question of losses and settlement resulting from the period of Russian occupation was to become the subject of attention of the future liquidation commission in Warsaw in the years to come after the fall of Napoleon in 1815 and the liquidation of the Duchy of Warsaw.¹⁴²

¹³⁷ Kowalczyk, *Spoleczne skutki*, 129–30, 132 and 138–9.

¹³⁸ *Ibid.*, 117–8.

¹³⁹ For more detail, see Przygodzki, “Rekwizycje”, 12–140.

¹⁴⁰ The products were selected on the basis of the tariff established on February 6, 1813, in Płock by the general quartermaster of the Russian army, J. Kankaryn, and approved by Field Marshal Mikhail Kutuzov. The provisions on requisitions were confirmed after the formation of the Supreme Provisional Council of the Duchy of Warsaw. Detailed lists of products supplied by individual departments to the Russian army are referred to by Przygodzki, *Rada Najwyższa Tymczasowa*, 118–35.

¹⁴¹ Gąsiorowska, *Rekwizycje*, 108.

¹⁴² For more detail, see Kaczkowski, “Zasady”, 28–35; Gąsiorowska, “Rekwizycje”, 110–27; Przygodzki, “Rekwizycje”, 138–9. On the issue of war losses in Lithuania after 1812, see Iwaszkiewicz, “Rejestracja”, 129–40.

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