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Poland's Constitution of 1791

Historical

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Preamble

In the name of God, One in the Holy Trinity.

Stanisław August, by the grace of God and the will of the people King of Poland and Grand Duke of Lithuania, Ruthenia, Prussia, Mazowsze, Żemudz [Samogitia], Kiev, Wołyn [Volhynia], Podole, Podlasie, Livonia, Smolensk, Severia and Chernihiv, together with the confederated estates in dual number representing the Polish people.

Recognizing that the destiny of us all depends solely upon the establishment and perfection of a national constitution, having by long experience learned the inveterate faults of our government, and desiring to take advantage of the season in which Europe finds itself and of this dying moment that has restored us to ourselves, free of the ignominious dictates of foreign coercion, holding dearer than life, than personal happiness the political existence, external independence and internal liberty of the people whose destiny is entrusted to our hands, and desiring to merit the blessing and gratitude of contemporary and future generations, despite obstacles that may cause passions in us, we do for the general welfare, for the establishment of liberty, for the preservation of our country and its borders, with the utmost constancy of spirit ordain this Constitution and declare it to be entirely sacred and inviolable until the people, at the time by law prescribed, by their clear will recognize a need to alter any of its articles. To which Constitution the further statutes of the present Sejm shall apply in everything.

I. The Dominant Religion

The dominant national religion is and shall be the sacred Roman Catholic faith with all its laws. Passage from the dominant religion to any other confession is forbidden under penalties of apostasy. Inasmuch as that same holy faith bids us love our neighbors, we owe to all persons, of whatever persuasion, peace in their faith and the protection of the government, and therefore we guarantee freedom to all rites and religions in the Polish lands, in accordance with the laws of the land.

- Source of constitutional authority
- Political theorists/figures
- God or other deities
- Preamble

- Constitution amendment procedure
- Motives for writing constitution
- Reference to country's history

- Freedom of religion
- Official religion

II. The Landed Nobility

Reverencing the memory of our ancestors as the founders of a free government, we most solemnly assure to the noble estate all liberties, freedoms, prerogatives, and precedence in private and public life, and more particularly we confirm, assure and recognize as inviolable the rights, statutes and privileges justly and lawfully granted to that estate by Kazimierz the Great, Louis the Hungarian, Władysław Jagiełło and his brother Witold, Grand Duke of Lithuania, and no less those by Władysław the Jagiellonian and Kazimierz the Jagiellonian, by Jan Albert, the brothers Alexander and Zygmunt the First, and by Zygmunt August, the last of the Jagiellonian line. We acknowledge the dignity of the noble estate in Poland as equal to any degree of nobility used anywhere. We recognize all the nobility to be equal among themselves, not only in seeking for offices and for the discharge of services to the country that bring honor, fame or profit, but also in the equal enjoyment of the privileges and prerogatives to which the noble estate is entitled, and above all we desire to and do preserve sacred and intact the rights to personal security, to personal liberty, and to property, landed and movable, even as they have been the title of all from time immemorial, affirming most solemnly that we shall permit no change or exception in law against anyone's property, and that the supreme national authority and the government instituted by it shall lay no claims to any citizen's property in part or in whole under pretext of *jurium regaliū* [royal rights] or any other pretext whatever. Wherefore we do respect, assure and confirm the personal security of, and all property by rights belonging to, anyone, as the true bond of society, as the pupil [zrenica] of civil liberty, and we desire that they remain respected, ensured and inviolate for all time to come. We recognize the nobility as the foremost defenders of liberty and of this Constitution, and we charge unto the virtue, citizenship and honor of every nobleman the reverence of its sanctity and the safeguarding of its durability, as the sole bulwark of the country and of our liberties.

III. The Cities and Their Citizens

We desire to maintain in its entirety, and declare to be part of this Constitution, the law passed at the present sejm under the title, Our Free Royal Cities in the States of the Commonwealth, as a law that provides new, genuine and effective force to the free Polish nobility for the security of their liberties and the integrity of our common country.

IV. The Peasants

Both from justice, humanity and Christian duty, as from our own self-interest properly understood, we accept under the protection of the law and of the national government the agricultural folk, from under whose hand flows the most copious source of the country's wealth, and who constitute the most numerous populace in the nation and hence the greatest strength of the country, and we determine that henceforth whatever liberties, assignments or agreements squires authentically agree to with peasants of their estates, whether those liberties, assignments and agreements be done with groups or with individual inhabitants of a village, shall constitute a mutual obligation, in accordance with the true sense of the conditions and provisions contained in such assignments and agreements, subject to the protection of the national government. Such agreements and the obligations proceeding therefrom, freely accepted by a landowner, shall so bind not only him but also his successors or purchasers of the right, that they shall never arbitrarily alter them. Likewise peasants, of whatever estate, shall not withdraw from agreements freely entered into, or from assignments accepted, or from duties therewith connected, except in such manner and with such conditions as stipulated in the provisions of said agreements, which, whether adopted in perpetuity or for a limited time, shall be strictly binding upon them. Having thus guaranteed squires in all profits due them from the peasants, and desiring as effectively as possible to encourage the multiplication of the people, we declare complete freedom to all persons, both those newly arriving and those who, having removed from the country, now desire to return to their native land, insofar as every person newly arrived from any part, or returning, to the states of the Commonwealth, as soon as he set foot upon Polish soil is completely free to use his industry as and where he will, is free to make agreements for settlement, wages or rents as and to such time as he agree, is free to settle in city or countryside, and is free to reside in Poland or to return to whichever country he wish, having previously acquitted such obligations as he had freely taken upon himself.

V. The Government, or Designation of Public Authorities

All authority in human society takes its origin in the will of the people. Therefore, that the integrity of the states, civil liberty, and social order remain always in equilibrium, the government of the Polish nation ought to, and by the will of this law forever shall, comprise three authorities, to wit: a legislative authority in the assembled estates, a supreme executive authority in a King and Guardianship, and a judicial authority in jurisdictions to that end instituted or to be instituted.

VI. The Sejm, or Legislative Authority

The Sejm, or the assembled estates, shall be divided into two chambers: a Chamber of Deputies, and a Chamber of Senators presided over by the King.

The Chamber of Deputies, as the image and repository of national sovereignty, shall be the temple of legislation. Therefore all bills shall be decided first in the Chamber of Deputies: primo, as to general laws, that is, constitutional, civil, criminal, or for the institution of perpetual taxes, in which matters proposals submitted by the throne to the provinces [województwa], districts [ziemie] and counties [powiaty] for

discussion, and by instructions coming to the Chamber, shall be taken for decision first; secundo, as to resolutions of the Sejm, that is, temporary levies, degree of coin, contraction of public debt, ennoblements and other incidental rewards, disposition of public expenditures ordinary and extraordinary, war, peace, final ratification of treaties of alliance and trade, any diplomatic acts and agreements involving the law of nations, the quitting of executive magistracies, and like matters corresponding to the chief national needs, in which matters proposals from the throne shall come directly to the Chamber of Deputies and shall have priority of procedure.

The duty of the Chamber of Senators, comprising bishops, province chiefs [wojewodowie], castellans and ministers, presided over by the King, who is entitled to cast a votum [vote] of his own, and secondly to resolve paritas [parity: an equal division of votes] in person or by sending his judgment to that Chamber, is: primo, to adopt, or to retain for further deliberation by the nation, by the majority vote provided in law, every law which, having formally passed the Chamber of Deputies, shall immediately be sent to the Senate. Adoption shall confer the force and sanctity of law. Retention shall only suspend a law until the next ordinary Sejm, at which, if it be agreed to once again, the law suspended by the Senate shall be adopted; secundo, to decide every resolution of the Sejm in the above-enumerated matters, which the Chamber of Deputies shall immediately send to the Senate, together with the Chamber of Deputies by majority vote, and the conjoint majority, provided by law, of both Chambers shall be the judgment and will of the estates.

We stipulate that senators and ministers shall not have a votum decisivum [decisive vote] in the Sejm in matters concerning their conduct of office, either in the Guardianship or in commission, and at such time shall have a seat in the Senate only to give explication upon demand of the Sejm.

A legislative and ordinary Sejm shall be ever ready. It shall begin every two years and last as provided in a law on Sejms. A ready Sejm, convoked in exigencies, shall decide only about the matter in which it be convoked, or about an exigency befallen after it be convoked. No law shall be abrogated at the ordinary Sejm at which it has been enacted. A Sejm shall comprise the number of persons provided by lower law, both in the Chamber of Deputies and in the Chamber of Senators.

We solemnly confirm the law on regional sejms [sejmiki], enacted at the present Sejm, as a most essential foundation of civil liberty.

Inasmuch as legislation cannot be conducted by all, and the nation to that end employs as agents its freely elected representatives, or Deputies, we determine that Deputies elected at regional sejms shall, in legislation and in general needs of the nation, be considered under this Constitution as representatives of the entire nation, being the repository of the general confidence.

Everything, everywhere, shall be decided by majority vote; therefore we abolish forever the liberum veto ["free veto"], confederations of any kind, and confederate sejms, as being opposed to the spirit of this Constitution, subversive of government, and destructive of society.

Preventing on one hand abrupt and frequent changes of the national constitution, and on the other recognizing the need to perfect it after experiencing its effects upon the public weal, we fix a season and time for revision and amendment of the Constitution every twenty-five years. We desire that such a constitutional sejm be extraordinary in accordance with the provisions of a separate law.

- Division of labor between chambers
- Eligibility for second chamber
- Second chamber selection

- Legislative oversight of the executive

- Size of first chamber
- Length of legislative sessions
- Size of second chamber

- First chamber selection
- Subsidiary unit government

- Constitution amendment procedure

VII. The King, the Executive Authority

• Name/structure of executive(s)

No government, be it the most perfect, can stand without strong executive authority. The happiness of peoples depends upon just laws, the effect of the laws--upon their execution. Experience teaches that neglect of this part of government has filled Poland with misfortunes. Therefore, having reserved unto the free Polish people the authority to make laws for itself and the power to keep watch upon all executive authority, as well as to elect officials to magistracies, we confer the authority of supreme execution of the laws to the King in his council, which council shall be called the Guardianship of the Laws.

• Duty to obey the constitution

The executive authority is strictly bound to observe the laws and to carry them out. It shall act of itself where the laws permit, and where they need supervision, execution, or even forceful aid.

• Supreme/ordinary court judge removal

Obedience is owed to it always by all magistracies; we leave in its hand the power to press magistracies that be disobedient or remiss in their duties.

• Foreign affairs representative
• International law

The executive authority shall not enact or interpret laws, impose taxes or levies by any name, contract public debts, alter the distribution of treasury revenues established by the Sejm, wage war, or definitive[ly] conclude peace or treaties or any diplomatic act. It shall be free to conduct only interim negotiations with foreign states, and to take temporary and timely measures requisite for the security and peace of the country, of which it shall inform the next assembly of the Sejm.

• Political theorists/figures
• Head of state selection
• Eligibility for head of state
• Reference to country's history

We desire and determine that the throne of Poland shall be forever elective by families. Experience of disastrous interregnums periodically overturning the government, the obligation to safeguard every inhabitant of the Polish land, the sealing forever of avenue to the influences of foreign powers, the memory of the former grandeur and happiness of our country under continuously reigning families, the need to turn foreigners away from ambition for the throne, and to turn powerful Poles toward the single-minded cultivation of national liberty, have indicated to our prudence that the throne of Poland be passed on by right of succession. We determine, therefore, that following the life that Divine beneficence shall grant to us, the present-day Elector of Saxony shall reign in Poland. The dynasty of the future kings of Poland shall begin with the person of Frederick Augustus, present-day Elector of Saxony, to whose male successors de lumbis [from the loins] we reserve the throne of Poland. The eldest son of the reigning king shall succeed his father to the throne. Should the present-day Elector of Saxony have no male issue, then the consort, with the consent of the assembled estates, selected by the Elector for his daughter shall begin the male line of succession to the throne of Poland. Wherefore we declare Maria Augusta Nepomucena, daughter of the Elector, to be infanta of Poland, reserving to the people the right, which shall be subject to no prescription, to elect another house to the throne after the extinction of the first.

• God or other deities
• Oaths to abide by constitution

Every King, on ascending the throne, shall execute an oath to God and to the Nation, that he will preserve this Constitution and the *pacta conventa* ["agreed-to agreements"] that shall be drawn up with the present-day Elector of Saxony, as destined to the throne, and which shall bind him even as those of the past.

• Head of state immunity

The person of the king is sacred and secure from everything. Doing nothing of himself, he shall be answerable for nothing to the nation. He shall not be autocrat but father and chief to the nation, and as such this law and Constitution deems and declares him to be. The incomes as they shall be provided for in the *pacta conventa*, and the prerogatives proper to the throne as stipulated by this Constitution to the future Elect, shall not be touched.

All public acts, tribunals, courts of law, magistracies, coin and stamps shall go under the King's name. The King, to whom shall be left every power of beneficence, shall have *ius agratiandi* [the right to pardon] those sentenced to death, except in

- Cabinet selection
- Designation of commander in chief
- Head of state powers
- Selection of active-duty commanders
- Power to pardon
- Second chamber selection

criminiibus status [in crimes of state]. To the King shall belong the supreme disposition of the country's armed forces in wartime and the appointment of army commanders, howbeit with their free change by the will of the nation; it shall be his duty to commission officers and appoint officials pursuant to the provisions of lower law, to appoint bishops and senators pursuant to the provisions of that law, and ministers, as the prime officials of the executive authority.

- Advisory bodies to the head of state

The Guardians, or royal council, added to the King for supervision of the integrity and execution of the laws, shall comprise: primo the Primate, as chief of the Polish clergy and as president of the Educational Commission, who may substitute for himself among the Guardians the first bishop *ex ordine* [in rank], neither of whom shall sign decisions; secundo five ministers, to wit, a minister of police, a minister of the seal, a minister belli [of war], a minister of the treasury, and a minister of the seal for foreign affairs; tertio two secretaries, of whom one shall keep the protocol of the Guardians, the other the protocol of foreign affairs; both without a decisive *votum*.

- Minimum age of head of state
- Oaths to abide by constitution

The Successor the Throne, having emerged from minority and executed an oath to uphold the Constitution, may be present at all sessions of the Guardians, but without a vote [voice?: the Polish *głos* may mean either].

- Powers of cabinet
- Customary international law
- Emergency provisions
- Extraordinary legislative sessions
- Advisory bodies to the head of state

The Marshal of the Sejm, elected for two years, shall be of the number serving among the Guardians, without entering into their decisions, solely in order to convoke a ready Sejm in the event that he recognize in the cases requiring the mandatory convocation of a ready Sejm, a true need, and the King demur at convoking it, when said Marshal shall issue to the Deputies and Senators circular letters convoking them to a ready Sejm and stating the causes of its convocation. The only cases requiring the mandatory convocation of a Sejm are the following: primo, in an exigency involving the law of nations, more particularly in the event of war hard by the borders; secundo, in the event of internal disorder that threatens revolution in the country or collision between magistracies; tertio, in evident danger of famine; quarto, in the country's bereavement by death of the King, or in his dangerous illness. All decisions in the council of Guardians shall be discussed by the above-mentioned body of persons. The royal decision shall prevail after all opinions have been heard, that there be a single will in the execution of law. Therefore every decision from the Guardians shall issue under the King's name and with the signature of his hand, but it shall also be signed by one of the ministers seated among the Guardians, and thus signed, it shall oblige obedience, and shall be carried out by the commissions or by any executive magistracies, but particularly in such matters as are not explicitly excluded by this law. In the event that none of the seated ministers wish to sign the decision, the King shall abandon the decision, but should he persist in it, the Marshal of the Sejm shall request convocation of the ready Sejm, and if the King delay convocation, the Marshal shall convoke it.

- Advisory bodies to the head of state

Even as to appointment of all ministers, so also is it the King's right to summon one of them from every department of administration to his council of Guardians. This summoning of a minister to sit among the Guardians shall be for two years, with the King's free reconfirmation of it. Ministers summoned to the council of Guardians shall not sit in commissions [i.e., ministries].

- Cabinet removal
- Joint meetings of legislative chambers

In the event that a two-thirds majority of secret votes of the two conjoint Chambers of a Sejm demand change of a minister either in the Guardians or in an office, the King shall immediately appoint another in his place.

Desiring that the Guardians of the National Laws be bound to strict accountability to the nation for any and all their misdeeds, we determine that, when ministers be charged with breach of law by a deputation designated to examine their deeds, they shall answer in their own persons and property. In any such impeachments, the assembled estates shall by simple majority vote of the conjoint Chambers send the inculpated ministers to sejm courts for their just punishment equalling the crime or, their innocence being demonstrated, their release from proceedings and punishment. For the orderly carrying out of executive authority, we institute

separate Commissions, having connection with the council of Guardians and bound in obedience to it. Commissioners shall be elected to them by the Sejm to carry on their offices for a time set by law. These Commissions are: primo of Education, secundo of Police, tertio of the Armed Forces, quarto of the Treasury.

The provincial [województwie] commissions of order instituted at this Sejm, also subject to the supervision of the Guardians, shall receive orders through the above-mentioned intermediary Commissions, respective[ly] as to the objects of the authority and obligations of each of them.

VIII. The Judicial Authority

The judicial authority shall not be carried out either by the legislative authority or by the King, but by magistracies instituted and elected to that end. And it shall be so bound to places, that every man find justice close by, that the criminal see everywhere over him the formidable hand of the national government.

We institute, therefore:

Primo. Courts of first instance for every province [województwo], district [ziemia] and county [powiat], to which judges shall be elected at regional sejms. The courts of first instance shall be ever ready and vigilant to render justice to those in need of it. From these courts, appeal shall go to chief tribunals that shall be for each Region [prowincja], comprising also persons elected at regional sejms. And these courts, both of first and of last instance, shall be landed proprietors' courts [sady ziemianskie] for the nobility and for all landowners in causis juris et facti [in matters of law and fact] with anyone.

Secundo. We secure judicial jurisdictions to all cities, pursuant to the law of the present Sejm on the free royal cities.

Tertio. We shall have separate referendary courts for each Region [prowincja] in matters of free peasants under former laws subject to this court.

Quarto. We preserve chancery [zadworne], assessorial, relational and Kurlandian courts.

Quinto. The executive Commissions shall have courts in matters pertinent to their administration.

Sexto. In addition to courts in civil and criminal matters for all the estates, there shall be a supreme court, called a Sejm Court, to which persons shall be elected at the opening of every Sejm. To this court shall be subject crimes against the nation and the King, or crimina status [crimes of state].

We command that a new code of civil and criminal laws be drawn up by persons designated by the Sejm.

• Subsidiary unit government

• Right to appeal judicial decisions
• Structure of the courts
• Ordinary court selection
• Mentions of social class
• Subsidiary unit government

• Structure of the courts

• Structure of the courts

• Structure of the courts

IX. Regency

The council of Guardians shall be also a Regency, headed by the Queen, or in her absence by the Primate. A Regency may have place in only three cases: primo, during the King's minority; secundo, during an infirmity causing permanent mental alienation; tertio, in the event that the King be taken in war. Minority shall last only until 18 years of age; and infirmity respecting permanent mental alienation shall not be declared except by a ready Sejm, by majority vote of three parts against the fourth of the conjoint Chambers. In these three cases, the Primate of the Polish Crown shall immediately convoke the Sejm, and if the Primate be slow in this obligation, the Marshal of the Sejm shall issue circular letters to the Deputies and Senators. The ready Sejm shall arrange the order of seating of the ministers in the Regency and shall empower the Queen to take the place of the King in his duties. And when the King in the first case emerge from minority, in the second come to complete health, in the third return from captivity, the Regency shall tender him account of its deeds and answer to the nation for the time of its office, even as is prescribed of the council of Guardians at every ordinary Sejm, in their own persons and property.

X. The Education of Royal Sons

Royal sons, whom the Constitution destines for succession to the throne, are the first sons of the nation, wherefore attention to their good education is a concern of the nation, without prejudice, however, to parental rights. Under the government of the King, the King himself, together with the Guardianship and with a supervisor of the education of the King's sons designated by the estates, shall see to their education. Under the government of a Regency, the Regency, together with the afore-mentioned supervisor, shall have the education of the Kings's sons entrusted to them. In either case, the supervisor designated by the estates shall inform every ordinary Sejm about the education and conduct of the royal sons. It shall be a duty of the Educational Commission to submit a scheme of instruction and education of the royal sons for confirmation by the Sejm, so that in their education uniform rules continually and early instill in the minds of future Successors to the Throne religion and love of virtue, country, liberty and the national constitution.

XI. The National Armed Force

The nation bears a duty to its own defense from attack and for the safeguarding of its integrity. Therefore all citizens are defenders of the national integrity and liberties. The military are nought but a defensive force drawn and ordered from the general force of the nation. The nation owes reward and esteem to its military because they dedicate themselves solely to the nation's defense. It is the military's duty to protect the nation's borders and general peace, in a word, to be its strongest shield. That the military fulfill this charge unfliningly, they shall remain always in obedience to the executive authority, as prescribed by law, and shall execute an oath of fidelity to the nation and to the King and to the defense of the national Constitution. Thus the nation's military may be used for the general defense of the country, for the safeguarding of fortresses and borders, or in aid of law, if any not be obedient to its execution.

- Minimum age of head of state
- Head of state removal
- Head of state replacement
- Joint meetings of legislative chambers

- Duty to serve in the military
- Oaths to abide by constitution

Our Free Royal Cities in the States of the Commonwealth

[A Sejm act, adopted 18 April 1791, and declared integral to the later May 3rd Constitution: see the Constitution, article III.]

Obl[ata] de 21 aprilis 1791 {Latin: "Registered, 21 April 1791"}

Article I: On the Cities

- 1-o. We recognize all the royal cities in the lands of the Commonwealth as free.
- 2-o. We recognize the citizens of these cities as free people, and the land within the cities inhabited by them, their homes, villages and territoria that lawfully now belong to them, as their hereditary property, which fact shall not impede pending litigation.
- 3-o. We the King shall issue to cities whose foundation charters have been lost, upon proof of their previous existence, diplomata renovationis [renewed charters of privileges] together with the grant of land that they now indubitably possess.
- 4-o. We the King shall issue foundation charters, if they do not yet have them, to royal cities in which district regional seyms are designated.
- 5-o. If a settlement of free people in a happily situated place on royal lands shall give its abode the pleasing form of a city, in that event we the King shall issue to that settlement diploma erectionis [a founding charter] for the new city, together with a grant of land.
- 6-o. Likewise squires on their lands shall have the right to establish cities or to confer freedom upon the husbandmen, and to make their cities locally hereditary; such settlements, however, shall not enter the rolls of free cities, except the squire shall by instrument of foundation grant them hereditary land, and then we the King shall, upon the squire's own request, issue diploma confirmationis [a document of confirmation] of this instrument and shall command the squire's instrument of foundation to be inscribed into said diploma.
- 7-o. Inasmuch as there is a single law for all cities, a citizen of any city whatever shall enjoy equal privileges under the present law.
- 8-o. All citizens of a city, whether of noble or civic birth, who wish to conduct commerce in pounds, cubits, etc., if they have or shall obtain property in the cities, of whatever dignity, profession or craft they may be, shall be obliged to accept and abide by civic law. Others of the nobility may accept civic law.

9-o. Acceptance of civic law shall take place in the following manner. Everyone accepting civic law, on coming before the civic authorities in person or through a plenipotentiary, shall make declaration in the following words: "I, N.N. [Latin abbreviation for nomen nescio, "I do not know the name"], shall be faithful to His Majesty the King and to the Commonwealth, I take obedience to the laws and statutes of the Sejm as the strictest duty, I wish to be subject to the superior authority of the city of N [Latin abbreviation for nomen, "name"], to which I am joined in citizenship, and shall keep every obligation, all of which I pledge both for myself and for my heirs." After the execution of the declaration, he shall be inscribed into the book of citizens of the city.

10-o. The cities shall not refuse admission to citizenship, and inscription into the civic book, of any honest foreigners, nor of any craftsmen, free people, or Christians not by law subject to anyone, and that without fee.

11-o. Nobles by birth as well as those citizens of the civic estate who shall be admitted to the dignity of nobility, shall henceforth in no way be damaged or demeaned, either themselves or their heirs, in the dignity or prerogatives of nobility, by accepting civic citizenship, abiding in it, holding offices, conducting commerce, or maintaining manufactures.

12-o. The election, by the citizens of the cities, of their own civic authorities, to wit, of mayors, aldermen and all and sundry officials, as an attribute of liberty, abides with the liberty of the city. Likewise shall the cities have power to make dispositions as to internal order and see to their execution, about which they shall inform the Commission of Police through reports.

13-o. Wherefore all citizens of a city who are inscribed in the civic book and own a hereditary property, may elect and be elected to all civic offices by a majority of opinions. But no one may unite an executive office and a landed proprietor's function with the office and function of civic plenipotentiary, under pain of invalidating both; nor may a currently serving military person be a civic official.

Article II: On the Prerogatives of Townspeople

1-o. We extend the cardinal law of *neminem captivabimus nisi iure victum* [Latin: "We shall imprison no one unless he be lawfully sentenced"] to persons residing in towns, save for guileful bankrupts who fail to post sufficient bail in court and who have been caught in the act.

• Requirements for naturalization

• Mentions of social class

• Municipal government

• Restrictions on the armed forces
• Municipal government

- Municipal government
- Subsidiary unit government

2-o. Cities wherein appellate courts are designated, shall before every ordinary sejm elect one plenipotentiary by majority vote from among citizens who own hereditary property in the cities, are suitable for public service, are crimine non notatos [not punished for a crime], are not under legal proceedings, and are distinguished by previous civic office, with freedom to choose said plenipotentiaries as well from other cities. These plenipotentiaries shall come on the day appointed for the sejm's opening to the city designated for sejms and shall give the marshal of the sejm the result of their election. At provincial [prowincjonalne] sessions, plenipotentiaries of the cities shall be elected to the commissions of Police, Treasury and the assessor, and at the selfsame sessions they shall be designated each to the commission and assessor to which they are to belong. But though all these may sit on the said commissions and the assessor as designated, still no more shall sit on the Commissions of Treasury and Police than two each, nor in the assessor more than three each from every province [prowincya]. The commissioners and assessors in these commissions and in the assessor shall have *vocem activam* [an active voice (vote?)] in matters pertaining to cities and commerce, and in other circumstances *vocem consultivam* [a consultative voice (vote?)]. If any or all the plenipotentiaries from the cities which have the right to elect plenipotentiaries shall be confirmed further, they may remain for a second two years. And in arranging the table of expenditures we shall establish a salary for these commissioners and assessors, for such number as is designated to sit on the commissions and on the assessor.

3-o. That the government's solicitude for all the cities shall deal proper justice to their requests, we permit our cities to bring the desideria [desires] of the cities before the sejm through the civic assessors or commissioners serving on the assessor and on the Commissions of Treasury and Police; and these, when it become necessary and they desire it, shall ask the marshal of the sejm for permission to speak [glos], and this shall not be denied them, and they shall argue in the manner today practiced, whereby delegates from the commissions take the floor.

- Mentions of social class

4-o. After two years' public service in the aforesaid commissions or assessor, the plenipotentiaries elected by the cities shall at the next sejm immediately be ennobled, without fee for the patent nobilitatis [of nobility], if they not yet be nobles.

- Right to own property
- Right to transfer property

5-o. Every townsman may henceforth acquire landed and other property as hereditament, own it entirely, and bequeath it to his heirs as his rightful successors, possess property by succession or *iure potioritatis* [by right of preference: a graduated priority of close family members in purchasing real property in the event of its sale by the current owner]; for which property, though they be townspeople, they shall be answerable to the court proper to property.

- Mentions of social class

6-o. Such townsman as shall purchase an entire village or town as hereditament that pays in taxes, every 10th grosz, at least 200 zlotych, shall by virtue of the present law at the very first sejm, if he submit written application for it through the sejm marshal to the estates, be ennobled.

• Mentions of social class

7-o. Additionally, at every sejm 30 townspeople who own hereditary property in the cities shall be admitted to the privilege of nobility, with first consideration given to those who distinguish themselves in the military, serve on civilian-military committees of order, establish manufactures, conduct commerce in products of the country, and upon recommendation by landed deputies and upon recommendation by the cities.

• Mentions of social class

8-o. In all the armed forces (excepting the national cavalry), in every corps and regiment, citizens of civic condition shall henceforth be eligible to attain officers' ranks. And he who attains the rank of Stabskapitän or company captain in the infantry, or captain of horse in a regiment, shall by virtue of the present law become a nobleman as well as his descendants, with all the prerogatives thereto pertaining, and we the King shall, upon showing of their commissions, issue diplomata nobilitatis [patents of nobility] to them, to which no stamp duty shall apply.

• Civil service recruitment

• Mentions of social class

9-o. Citizens of civic condition shall henceforth be eligible to serve in the chancelleries and palestras of all government commissions, court dicasteries, and other lesser courts, to act as court defender and to perform other services and to advance in rank in these offices according to their merits and abilities; and whoever of these attains the rank of chancery regent in government dicasteries, shall at the very next sejm be ennobled, and we the King shall issue such diploma nobilitatis without fee.

10-o. In the spiritual estate, persons of civic condition shall be eligible to hold prelatures and canonicates in collegiate churches, and doctoral canonicates in cathedrals, as well as all beneficia saecularia et regularia [secular and monastic benefices], excluding those that are established particularly for persons of noble birth.

11-o. Commissioners from cities lying within the ambit of the commissions may be elected to the civilian-military committees of order of provinces, districts and counties, three apiece to each committee, be they of noble birth or of civic condition, provided only they own hereditary property in the city.

12-o. Our cities of Gdansk and Torun, when they have requests, shall present them to the estates through their secretary to the marshal of the sejm or through their delegates, if they so choose, upon receiving from the marshal of the sejm permission to speak [głos], which shall not be denied them.

13-o. The penalty for falsely claiming possession of property shall be as follows: whoever give someone hereditary landed property in exchange for a promissory note, shall forfeit it in perpetuity, and the court shall grant the said property to him who demonstrates the promissory note. Even should it be the same person who holds the property in exchange for a promissory note who proves this status of the property, it shall be granted to him in perpetuity. And the landed-property court shall judge such cases praecisa appellatione [without appeal].

14-o. We abrogate all previous laws and statutes contrary to the present law on cities, and we proclaim the present act on cities to be constitutional law.

Article III: On Justice for Townspeople

- 1-o. Leaving the cities to their proper jurisdictions within the city limits, we remove and exclude the cities with their suburbs from under all other jurisdictions, to wit, tribunal, landed-property, provincial, county [staroscinskie] and castle [zamkowe], except for pending postcommission matters that have been sent to tribunals. We refer the marshal's jurisdiction, as pertaining only to the residential city of us the King, to the descriptions of the authority of that jurisdiction.
- 2-o. We abrogate secular and ecclesiastical jurisdictions and small towns created within lands initially granted to cities, if they are hitherto within the property, only as to judicature and police; we subject these jurisdictions to the jurisdiction of the civic authorities, while we reserve all rents and incomes of any nature for the owners of these lands in the jurisdictions.
- 3-o. Where, however, cities have hereditary landed villages, they shall answer in matters of those villages in jurisdictions proper to property.
- 4-o. All citizens owning property in a city and engaged in any commerce or craft shall submit to civic jurisdiction and pay taxes equally, without regard to any exemption.
- 5-o. In each city, the elected civic authorities shall constitute the judicial jurisdiction. In these magistracies, matters of all kinds shall be tried in prima instantia [in the first instance]. Cases not exceeding 300 zlotych or in a misdemeanor case entailing a punishment of three days' imprisonment, shall be concluded definitively in these magistracies without possibility of appeal. In larger cases, appeal to higher appellate courts shall be permitted.

• Duty to pay taxes

• Right to appeal judicial decisions
• Structure of the courts
• Ordinary court selection

- Structure of the courts

6-o. For such appellate courts we designate the following cities, namely, in the Lesser Poland Region [prowincya malopolska] the cities of: Krakow, Lublin, Lutsk, Zhitomir, Vinnitsa, Kamenets-Podolskiy, Drohiczyn. In the Greater Poland Region [prowincya wielkopolska], the cities of: Poznan, Kalisz, Gniezno, Łeczyca, Warsaw, Sieradz, Plock. In the Lithuania Region [prowincya], the cities of: Vilnius, Grodno, Kaunas, Novogrudok, Minsk, Brest-Litovsk, Pinsk. To the appellate court in Krakow shall belong the cities lying in Krakow Province [województwo] and in the counties of Sandomierz, Wislica and Chełciny. To the appellate court in Lublin shall belong the cities lying in Lublin Province, the Stezycza district, the counties of Radom and Opoczno, and the Chełm district. To the appellate court in Lutsk shall belong the cities in the provinces of Volhynia and Belz. To the appellate court in Zhitomir shall belong the cities of Kiev Province. To the appellate court in Kamenets-Podolskiy shall belong the cities of Podolia Province. To the appellate court in Vinnitsa shall belong the cities of Bratslav Province. To the appellate court in Drohiczyn shall belong the cities of Podlasie Province. To the appellate court in Poznan shall belong the cities of Poznan Province and the Wschowa district. To the appellate court in Kalisz shall belong the cities of Kalisz Province and Konin County, and to Kalisz shall belong the cities of that part of Pyzdry County that is on that side of the Warta River. To the appellate court in Gniezno shall belong the cities of Gniezno Province, Kcynia County, and that part of Pyzdry County that is on the Gniezno side of the Warta. To the appellate court in Sieradz shall belong the cities of Sieradz Province and of the Wielun district. To the appellate court in Warsaw shall belong the cities of the Duchy of Mazowsze and of the province of Rawa. To the appellate court in Łeczyca shall belong the cities of the provinces of Łeczyca, Brzeski, Kujawski and Inowroław. To the appellate court in Plock shall belong the cities of Plock Province, the Zawskrzym district, and the Dobrzyn district. To the appellate courts in the cities of the Grand Duchy of Lithuania Region [prowincya], namely: to the appellate court in the city of Vilnius shall belong the cities of Vilnius Province, the counties of Oshmiana, Lida, Ukmerge and Braslav, the province of Trakai and the county of Trakai. To the appellate court in the city of Grodno shall belong the cities of the counties of Grodno, Volkovysk and Merech. To the appellate court in the city of Kaunas shall belong the cities of the Duchy of Samogitia, of the counties of Kaunas, Prenska [?: powiat prenski] and Upita. To the appellate court in the city of Novogrudok shall belong the cities of Novogrudok Province and the counties of Slonim and Slutsk [?: powiat sluczoreski]. To the appellate court in the city of Brest-Litovsk shall belong the cities of Brest-Litovsk Province and of Kobrin County. To the appellate court in the city of Pinsk shall belong the cities of the counties of Pinsk, Transriverine Pinsk [powiat pinsko-zarzeczny], Mozyr and Rechitsa. To the appellate court in the city of Minsk shall belong the cities of the provinces of Minsk, Polotsk and Vitebsk, and of Orsha County.

- Eligibility for ordinary court judges
- Ordinary court selection
- Ordinary court term length

7-o. In these appellate cities, every two years, shall be elected 5 persons each, noble and non-noble, property-owning townspeople, even persons from the civic authorities of those cities, or from other cities of that department that are assigned to those appellate courts. And the persons elected shall constitute the appellate court, with the proviso that persons from the civic authorities and aldermen elected to the appellate court, while serving in appellate office, shall not sit on or judge in courts primae instantiae [of first instance] of the civic authorities from which they are chosen.

- Right to appeal judicial decisions

8-o. These courts shall judge matters on appeal from the civic authorities, whose value exceeds 300 zlotych or the penalty-- 3 days' prison, and does not exceed the value of 3,000 zlotych or the penalty--3 weeks' prison, and that, with finality, without possibility of appeal. In all matters of value greater than 3,000 zlotych, and penalty--than 3 weeks' prison, appeal as hitherto from the civic authorities *primae instantiae* we desire by the present law to proceed not to the appellate courts of the cities but to our chancery [zadworne] courts, both in the Crown [Poland proper] and in the Grand Duchy of Lithuania.

- Right to appeal judicial decisions
- Structure of the courts

9-o. Civic authorities shall not judge criminal matters but shall send them directly to appellate courts, which have power to judge these criminal matters, with the stipulation that a criminal sentenced to a term in prison shall be subject to execution of the decree. But when he is sentenced to perpetual imprisonment or to death, the appellate court shall send the inculpatory evidence and the decree to the assessor court. If the assessor court deems the decree of the appellate court, sentencing the culprit to perpetual imprisonment or to death, to be proper, only then shall the decree be executed. And we retain with the chancery courts matters of malfeasance by civic offices, as well as of owners' incomes from cities, and all others stipulated by the laws of the Commonwealth.

10-o. We stipulate that cities shall be subject to the Commission of Police in matters of internal government and general civic incomes.

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