



Ustawa rządowa z 3 maja 1791 r. (Konstytucja 3 maja) - Tekst angielski

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

Stanisław August¹, by the grace of God and the will of the people King of Poland and Grand Duke of Lithuania, Ruthenia, Prussia, Mazowsze, Samogitia, Kiev, Volhynia, Podolia, Podlasie, Livonia, Smolensk, Siewierz, and Czernihów; together with the confederated estates in dual number² representing the Polish people.

Recognising 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 itself³ and of this fleeting 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, desiring as well to merit the blessing and gratitude of contemporary and future generations, despite obstacles that may cause passion in us, 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 the present Constitution and declare it to be entirely sacred and inviolable until the people, at the time by law prescribed, and by their clear will recognise a need to alter it in any of its articles. To which Constitution the further statutes of the present Sejm shall apply in everything.

I. The Established Religion

The established national religion is and shall be the holy Roman Catholic faith with all its laws. Renunciation of the established religion in favour of any other confession is forbidden under the penalties of apostasy. However, inasmuch as the same holy faith bids us love our neighbours, we owe to all persons, of whatever confession, 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.

¹ Stanisław August Poniatowski/Stanisław II Augustus (1732–98) was the last king of Poland (and Grand Duke of Lithuania). He co-authored the Third of May Constitution (enacted 1791). His reign coincided with severe hardships suffered by the Polish-Lithuanian Commonwealth, which faced the threat of destruction as a state. Stanisław Augustus took a series of initiatives to ameliorate the country's condition. He was one of those rulers whose contribution to the development of Polish culture and education is hard to exaggerate. The National Theatre (1765) and the Commission of National Education (1773), the first ministry of education in European history, were established on his inspiration. Poniatowski abdicated after the Third Partition of Poland-Lithuania in 1795.

² The parliamentary confederacy, extended in late 1790 and combined with a new election, led to a doubling of the number of deputies to 354, with the number of senators reaching 155.

³ Supported to this end by Austria, Russia had been waging a war since 1787 against Turkey, followed by a conflict with Sweden (which broke out in 1788). In its struggle to break from Russian tutelage, Poland-Lithuania tried to enter into an arrangement with Prussia and thus join the alliance of Prussia, Britain, and the Netherlands.

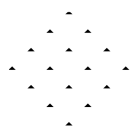


II. The Landed Gentry

Reverencing the memory of our ancestors as the founders of a free government, we most solemnly assure to the noble estate all liberties, freedoms, and prerogatives of precedence in private and public life, and more particularly we confirm, assure, and recognise 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 [Vytautas], Grand Duke of Lithuania, and no less those by Władysław the Jagiellonian [i.e. Władysław II Jagiełło] and Kazimierz the Jagiellonian, by Jan Albert, the brothers Alexander and Zygmunt the First [Sigismund I the Old], and by Zygmunt August [Sigismund II Augustus], 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 recognise 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 honour, fame or profit, but also in the equal enjoyment of the privileges and prerogatives to which the noble estate is entitled. Above all, we desire to preserve and do preserve sacred and inviolable the rights to personal security, to personal liberty, and to property, landed and movable, even as they have been from time immemorial; affirming most solemnly that we shall permit no change or exception in law against whosever'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 *iurium regaliū*¹ or under any other guise whatsoever. Wherefore we do respect, assure, and confirm personal security and all property by rights belonging to anyone, as the true bond of society, as the very heart of civil liberty, and we desire that they remain respected, ensured, and inviolate for all time to come.

We recognise the gentry as the foremost defenders of liberty and of the present Constitution. We commend unto the virtue, citizenship, and honour of every nobleman the reverence of the gentry's sanctity and the safeguarding of its perpetuity, as the sole bulwark of the fatherland and of our liberties.

¹ *iurium regaliū* – royal right (Lat.).

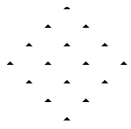


III. The Cities And Their Citizens

We desire to maintain in its entirety, and declare to be part of the present Constitution, the law passed at the present Sejm under the title, 'Our free Royal Cities'¹ in the states of the Rzeczpospolita', as a law that provides new, genuine and effective strength to the free Polish gentry for the security of their liberties and the integrity of our common fatherland. 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 whose hands 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 the peasants of their estates, whether those liberties, assignments, and agreements be made with groups or with individual inhabitants of a village, shall constitute a joint and mutual obligation, in accordance with the true meaning 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 have power to arbitrarily alter them. Likewise peasants, however propertied, 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 agreement, which, whether adopted in perpetuity or for a limited time, shall be strictly binding upon them.

¹ The titled of the law [Polish: Miasta nasze królewskie wolne w państwach Rzeczypospolitej], enacted April 18 was made an integral part of the Government Statute. See: Volumina Legum t. 9, pp. 215-219, <http://www.wbc.poznan.pl/dlibra/publication?id=47642&from=&dirids=1&tab=1&lp=1&QI=5F9DB6E9E0991D3DF948E175AC17FB32-4> (12.12.2017).



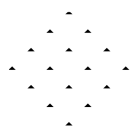
Having thus guaranteed squires in all profits due them from the peasants, and desiring as effectively as possible to encourage the multiplication of the people, we declare complete freedom to all persons, both those newly arriving and those who, having removed from the country, now desire to return to their native land, insofar as every person newly arrived from any part, or returning, to the states of the Rzeczpospolita, as soon as he sets 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 has its origin in the will of the people. Therefore, that the integrity of the states, civil liberty, and social order remain forever in equal balance, the government of the Polish nation ought to, and by the will of the present 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 voivodeships [provinces], lands, [ziemie] and counties [powiaty] for discussion, and by instructions coming to the Chamber, shall be taken for decision first.

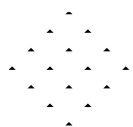
Secundo: As to resolutions of the Sejm, that is, temporary levies, degree of coin, contraction of public debt, ennoblement or other incidental rewards, disposition of public expenditures ordinary or extraordinary, war, peace, final ratification of treaties of alliance or trade, any diplomatic acts or 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, voivodes [heads of provinces], castellans, and ministers, presided over by the King, who is entitled to cast a vote of his own, and secondly to resolve *paritas*¹ either 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 be immediately forwarded 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, when accord is achieved 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.

¹ *Paritas* – a tie-vote (Lat.).



We stipulate that senators and ministers shall not have a *votum decisivum*¹ 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 ever be ready. It shall begin every two years and shall last as provided in the law on Sejms. Ready, convoked in exigencies, it 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 the most essential foundation of civil liberty.

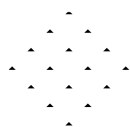
Inasmuch as legislation cannot be conducted by all, and the nation to that end employs as agents its freely elected representatives, or deputies, we determine that deputies elected at the regional sejms shall, in legislation and in general needs of the nation, be considered under the present Constitution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

Everything, everywhere, shall be decided by majority vote; therefore we abolish forever the *liberum veto*², confederations of any kind, and confederate Sejms, as being opposed to the spirit of the present Constitution, subversive of government, and destructive of society.

Preventing on one hand abrupt and frequent changes of the national Constitution, and on the other recognising the need to perfect it after experiencing its effect upon the public weal, we designate a season and time for review and amendment of the Constitution every twenty-five years, desiring that such a constitutional Sejm be extraordinary in accordance with the provisions of a separate law.

¹ *Votum decisivum* – the decisive vote (Lat.).

² literally, “the free ‘I object!’” was a foundational principle of the Polish-Lithuanian Commonwealth which gave each of the deputies attending a Sejm session the power to rupture the proceedings, thereby rendering all the resolutions adopted invalid (Lat.).



VII. The King, The Executive Authority

No government, be it the most perfect, can stand without strong executive authority. The happiness of peoples depends upon just laws, and the effect of said 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.

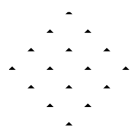
The executive authority is strictly bound to observe the laws and to carry them out. It shall act of itself, the laws permitting, where the laws need supervision of execution, or even forceful aid. Obedience is owed to it always by all magistracies; we leave in its hand the power to press magistracies that be disobedient or remiss in their duties.

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 definitively 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 current measures requisite for the security and peace of the country, of which it shall inform the next assembly of the Sejm.

We desire and determine that the throne of Poland shall be forever elective by families. The disastrous experience of 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 throughout 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 Fryderyk August¹, present-day elector of Saxony, to whose male successors *de lumbis*² we reserve the throne of Poland.

¹ Fryderyk August II / Frederick August I - (1750–1827) was a grandson of Augustus III (August III Wettin), king of Poland and elector of Saxony, after whom he inherited the rule of Saxony. In 1806, he was crowned the first king of Saxony. In 1807, under the Treaty of Tilsit, he became the ruler of the Duchy of Warsaw. His adherence to Napoleonic France eventually deprived him of power in the ersatz Polish state, and led to a considerable reduction of the Saxon territory in favour of Prussia.

² *De lumbis* – lit., ‘from the loins’ (Lat.), meaning ‘his own sons’.



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 Nepomucena¹, 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 expiration of the first.

Every King, when ascending the throne, shall execute an oath to God and to the nation, that he will preserve the present Constitution and the *pacta conventa*² that shall be drawn up with the present-day elector of Saxony, as destined to the throne, and which shall bind him as shall those of the past.

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 an autocrat, but the father and chief of the nation, and as such the present 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 the present 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*³ those sentenced to death, except in *criminibus statis*⁴. To the King shall belong the supreme disposition of the country's armed forces in wartime and the appointment of army commanders, albeit 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.

The Guardianship, 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 in the Guardianship the first bishop *ex ordine*⁵, neither of whom shall sign resolutions;

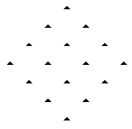
¹ Princess Maria Augusta Nepomucena of Saxony (1782–1863) was the daughter of Friedrich Augustus, the elector (later, king) of Saxony and Duke of Warsaw. Based on the Third of May Constitution, 1791, she was recognised as the 'infanta of Poland', and thus, potential successor to the Polish throne.

² *Pacta conventa* - an agreement between the newly-chosen elective king and the nobility, whereby the mutual rights and obligations and the monarch's election pledges were stated; the signing of the *pacta* was a precondition for the coronation. The first such agreement was made with Henri de Valois/Henryk Walezy in 1573.

³ *Ius agratiandi* – the right to pardon (Lat.)

⁴ *In criminibus statis* – in crimes of state (Lat.)

⁵ *Ex ordine* – in rank (Lat.)





Secundo: five ministers, to wit: a minister of police, a minister of the seal, a minister belli¹, a minister of the treasury, and a minister of foreign affairs;

Tertio: two secretaries, of whom one shall keep the protocol of the Guardianship, the other the protocol of foreign affairs, both without a decisive vote.

The successor to the throne, having emerged from minority and executed an oath to uphold the Constitution, may be present at all sessions of the Guardianship, but without a vote.

The Marshal of the Sejm, elected for two years, shall be of the number seated in the Guardianship, without entering into their resolutions, solely in order to convoke a ready Sejm in the event that he recognise in the cases requiring convocation of a ready sejm, a true need, and the King demure 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 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.

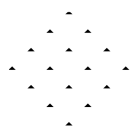
Secundo: In the event of internal disorder that threatens revolution in the country or collision between magistracies.

Tertio: In evident danger of famine.

Quarto: In the country's bereavement by death of the King, or in his dire illness.

All resolutions in the Guardianship shall be discussed by the above- mentioned body of persons, and the royal decision shall prevail after all opinions have been heard, that there be a single will in the execution of law; therefore every resolution from the Guardianship 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 in the Guardianship, 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 the present 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.

¹ Belli – of war (Lat.)



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, or Guardianship. This summoning of a minister to sit in the Guardianship shall be for two years, as now with the King's free confirmation of it. Ministers summoned to the Guardianship shall not sit in commissions.

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

Desiring that the Guardianship of the national laws be bound to strict accountability to the nation for any and all its 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 inculpatated 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 Guardianship and bound in obedience to the Guardianship. 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 army, quarto of the treasury.

The voivodeship [provincial] commissions of order instituted at this Sejm, also subject to the supervision of the Guardianship, shall receive orders through the above-mentioned intermediary commissions, respectively 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 person shall find justice close by, that the criminal shall see everywhere over him the formidable hand of the national government.

We institute, therefore:

Primo: Courts of first instance for every voivodeship [province], land [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 for every province, to be established, comprising also persons elected at regional sejms. And these courts, both of first and of last instances, shall be landed proprietors' courts [sądy ziemiańskie] for the nobility and for all landowners in *causis juris et facti*¹.

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 referendary² courts for each province in matters of free peasants under former laws subject to this curt. Quarto: We preserve chancery³, assessorial⁴, relational⁵, 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*⁶.

¹ In *causis iuris de facti* – in matters of law and fact (Lat.)

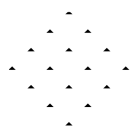
² Relational courts (polish: sądy relacyjne) were royal courts that adjudicated appeal cases from the fief territories of Courland and Ducal Prussia, from the assessorial court, and the Orthodox bishop's court. They also handled disputes over estate or property between the Orthodox Church and the Greek Catholic Church.

³ chancery (also called royal) courts (polish: sądy zadworne) addressed cases of particular significance. In Poland-Lithuania, the competences of such royal courts were distributed to a Sejm court, a marshal's court, a referendary court, an assessorial court, and a relational court.

⁴ the appellate (assessors') court was a court rooted in the former monarchical courts, one whose competence included cases related to royal cities or towns along with issues occurring on the border areas between crown (i.e., royal) lands [polish: królewsczyzna] and private estate lands.

⁵ Relational courts (polish: sądy relacyjne) were royal courts that adjudicated appeal cases from the fief territories of Courland and Ducal Prussia, from the assessorial court, the Orthodox bishop's court, as well as handled disputes over estate or property between the Orthodox Church and the Greek Catholic Church.

⁶ *Crimina status* – crimes of state (Lat.)



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

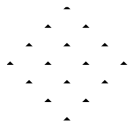
The Guardianship shall be also a regency, headed by the queen, or in her absence by the Primate. A regency may have place in only three cases:

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 eighteen years of age; and infirmity respecting permanent 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 an account of its deeds and answer to the nation for the time of its office, even as is prescribed of the Guardianship at every ordinary Sejm, in their own persons and property.



X. The Education Of Royal Children

Royal sons, whom the Constitution destines for succession to the throne, are the first children 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 aforementioned supervisor, shall have the education of the King'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 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 army is nought but a defensive force drawn and ordered from the general force of the nation. The nation owes reward and esteem to its army because the army dedicates itself solely to the nation's defense. It is the army's duty to protect the nation's borders and general peace, in a word, to be its strongest shield. That it fulfill this charge unfailingly, it shall remain always in obedience to the executive authority, in accordance with the provisions of 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 national army 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.

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