

New constitution of the government of Poland, established by the revolution, the third of May, 1791

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NEW CONSTITUTION

OF THE

GOVERNMENT OF POLAND,

ESTABLISHED

BY THE REVOLUTION,

THE THIRD OF MAY, 1791.

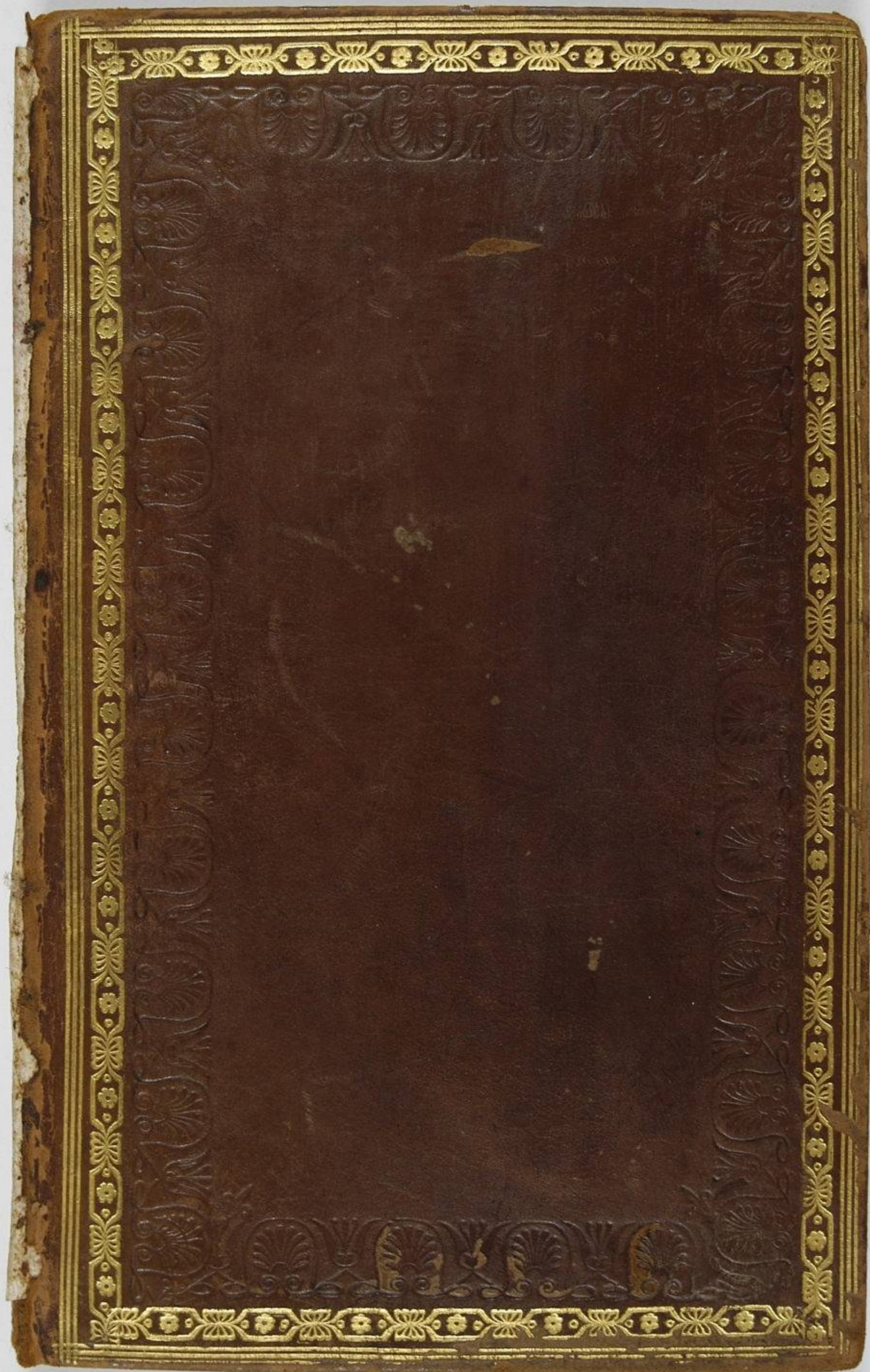
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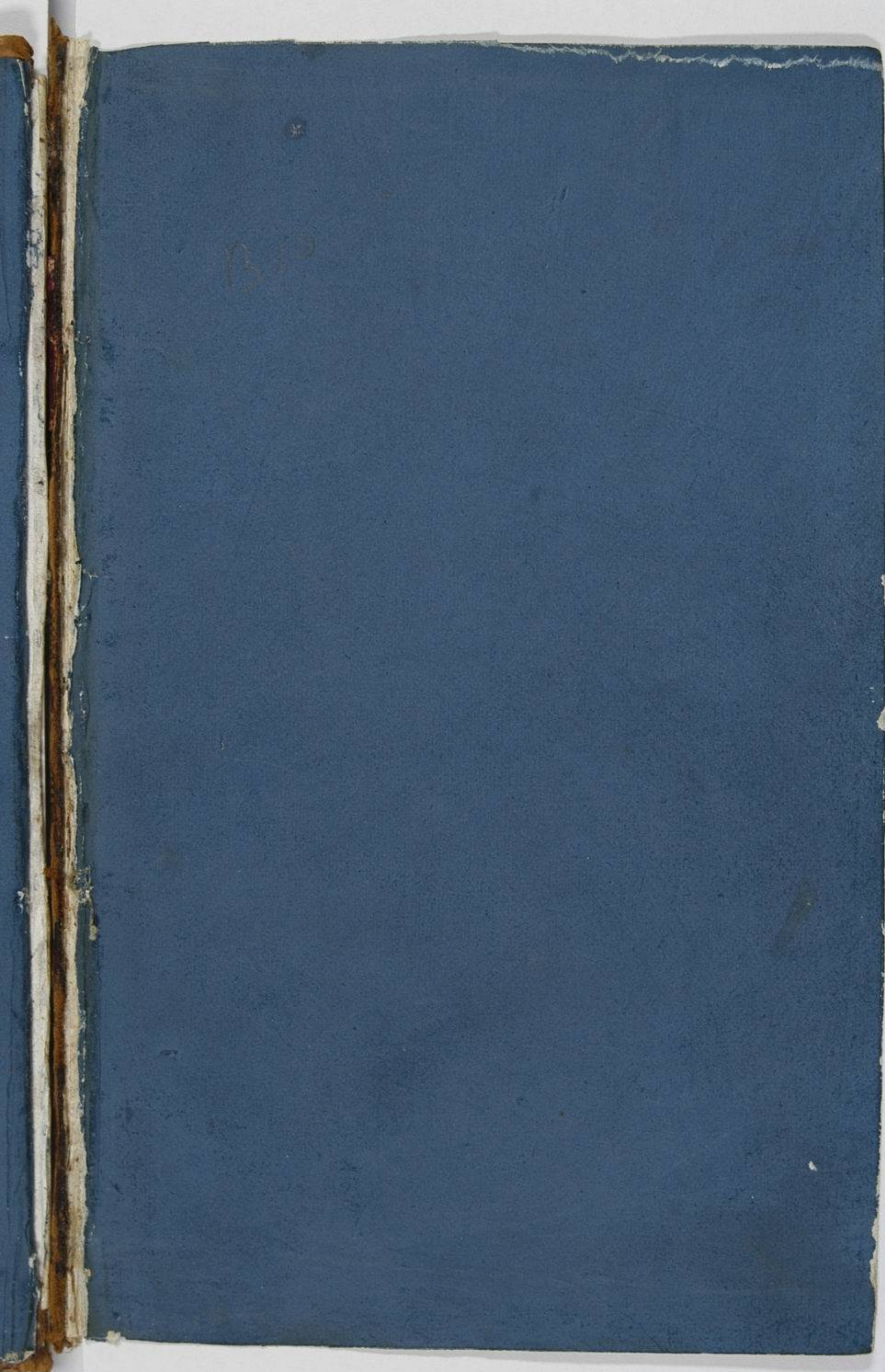
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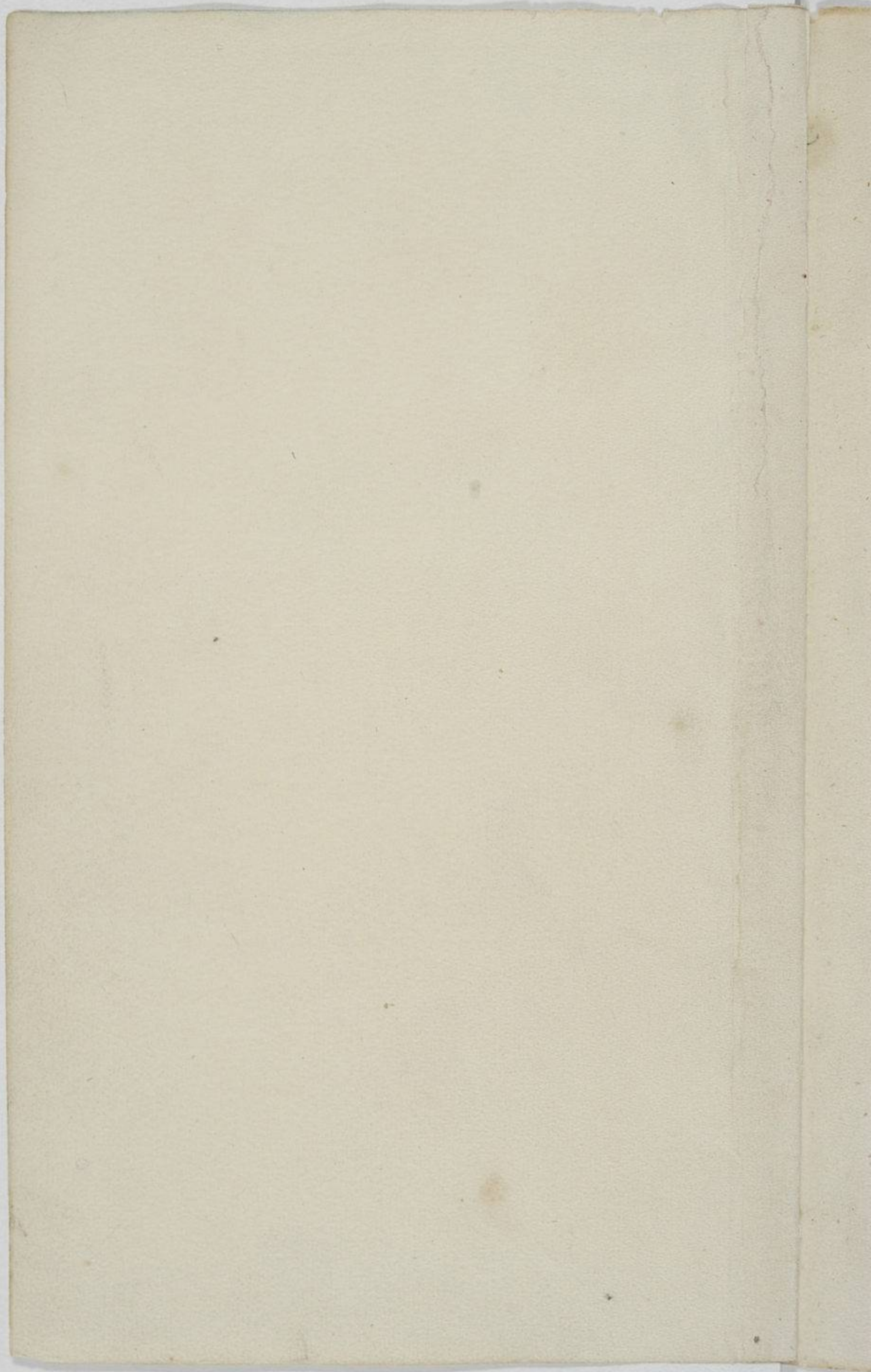






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THE CONSTITUTION OF THE

GOVERNMENT OF HAWAII

REVISED

BY THE REVOLUTION



THE SECOND EDITION

LONDON:

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NEW CONSTITUTION
OF THE
GOVERNMENT OF POLAND,
&c. &c.

In the name of God, one in the Holy Trinity!

Stanislaus Augustus, by the grace of God,
and the will of the Nation, King of
Poland, Grand Duke of Lithuania,
Russia, Prussia, Masovia, Samogitia,
&c. &c. &c. together with the Con-
federate States assembled in double num-
ber to represent the Polish nation.

PERSUADED that our common fate
depends entirely upon the establishing and
rendering perfect a national constitu-
tion;

tion; convinced by a long train of experience of many defects in our government, and willing to profit by the present circumstances of Europe, and by the favourable moment which has restored us to ourselves; free from the disgraceful shackles of foreign influence; prizing more than life, and every personal consideration, the political existence, external independence, and internal liberty of the nation, whose care is entrusted to us; desirous, moreover, to deserve the blessing and gratitude, not only of our cotemporaries, but also of future generations; for the sake of the public good, for securing our liberty, and maintaining our kingdom and our possessions; in order to exert our natural rights with zeal and firmness, we *do solemnly establish the present Constitution*, which we declare wholly inviolable in every part, till such period as shall be prescribed by law, when
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the nation, if it should think fit, and deem it necessary, may alter by its express will such articles therein as shall be found inadequate. And this present Constitution shall be the standard of all laws and statutes for the future Diets.

ARTICLE I.

The Dominant National Religion.

The Holy Roman-Catholic Faith, with all its privileges and immunities, shall be the dominant national religion. The changing of it for any other persuasion is forbidden under the penalties of apostacy: but as the same holy religion commands us to love our neighbours, we therefore owe to all people of whatever persuasion, peace
in

in matters of faith, and the protection of government ; consequently we assure, to all persuasions and religions, freedom and liberty, according to the laws of the country, and in all dominions of the Republic.

ARTICLE II.

Nobility, or the Equestrian Order.

Revering the memory of our ancestors with gratitude, as the first founders of our liberties, it is but just to acknowledge, in a most solemn manner, that all the pre-eminence and prerogatives of liberty, both in public and private life, should be insured to this order ; especially laws, statutes, and privileges, granted to this order by Casimir the Great, Lewis of Hungary, Ladislaus Jagellon, and his brother Wit-
toldus,

toldus, Grand Duke of Lithuania ; also by Ladislaus and Casimirus, both Jagellons ; by John Albertus, Alexander, Sigismundus the First, and Sigismundus Augustus, (the last of the Jagellonic race) are by the present act renewed, confirmed, and declared to be inviolable. We acknowledge the rank of the noble Equestrian order in Poland to be equal to all degrees of nobility—all persons of that order to be equal among themselves, not only in the eligibility to all posts of honour, trust, or emolument, but in the enjoyment of all privileges and prerogatives appertaining to the said order : and in particular, we preserve and guarantee to every individual thereof personal liberty and security of territorial and moveable property, as they were formerly enjoyed ; nor shall we even suffer the least encroachment on either by the supreme national power (on which the
pre-

present form of government is established), under any pretext whatsoever, contrary to private rights, either in part, or in the whole; consequently we regard the preservation of personal security and property, as by law ascertained, to be a tie of society, and the very essence of civil liberty, which ought to be considered and respected for ever. It is in this order that we repose the defence of our liberties and the present constitution: it is to their virtue, valour, honour, and patriotism, we recommend its dignity to venerate, and its stability to defend, as the only bulwark of our liberty and existence.

ARTICLE III.

Towns and Citizens.

The law made by the present Diet, entitled, *Our royal free towns within the dominions of the Republic*, we mean to consider as a part of the present constitution, and promise to maintain it as a new, additional, true, and effectual support, of our common liberties, and our mutual defence.

ARTICLE IV.

Peasants and Villagers.

This agricultural class of people, the most numerous in the nation, consequently forming the most considerable part of its

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force,

force, from whose hands flows the source of our riches, we receive under the protection of national law and government, from the motives of justice, humanity, christianity, and our own interest well understood : enacting, that whatever liberties, grants, and conventions, between the proprietors and villagers, either individually or collectively, may be allowed in future, and entered authentically into ; such agreements, according to their true meaning, shall import mutual and reciprocal obligations, binding not only the present contracting parties, but even their successors by inheritance or acquisition—so far that it shall not be in the power of either party to alter at pleasure such contracts, importing grants on one side, and voluntary promise of duties, labour, or payments on the other, according to the manner and conditions therein expressed, whether they
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are to last perpetually, or for a fixed period. Thus having insured to the proprietors every advantage they have a right to from their villagers, and willing to encourage most effectually the population of our country, *we publish and proclaim a perfect and entire liberty to all people*, either who may be newly coming to settle, or those who, having emigrated, would return to their native country; and we declare most solemnly, that any person coming into Poland, from whatever part of the world, or returning from abroad, as soon as he sets his foot on the territory of the Republic, becomes free and at liberty to exercise his industry, wherever and in whatever manner he pleases, to settle either in towns or villages, to farm and rent lands and houses, on tenures and contracts, for as long a term as may be agreed on; with liberty to remain, or to remove, after having fulfilled

the obligations he may have voluntarily entered into.

ARTICLE V.

*Form of Government, or the Definition of
Public Powers.*

All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the State, the civil liberty, and the good order of society, on an equal scale, and on a lasting foundation. Three distinct powers shall compose the government of the Polish nation, according to the present constitution ; viz.

1st. *Legislative* power in the States assembled.

2d. *Ex-*

2d. *Executive* power in the King and the Council of Inspection.

3d. *Judicial* power in Jurisdictions existing, or to be established.

ARTICLE VI.

The Diet, or the Legislative Power.

The Diet, or the Assembly of States, shall be divided into two Houses; viz. *the House of Nuncios*, or Deputies, and *the House of Senate*, where the King is to preside. The *former* being the representative and central point of supreme national authority, shall possess the pre-eminence in the Legislature; therefore, all bills are to be decided first in this House.

1st. *All*

1st. *All General Laws*, viz. constitutional civil, criminal, and perpetual taxes; concerning which matters, the King is to issue his propositions by the circular letters sent before the Dietines to every palatinate and to every district for deliberation, which coming before the House with the opinion expressed in the instructions given to their representatives, shall be taken the first for decision.

2d. *Particular Laws*, viz. temporal taxes; regulations of the mint; contracting public debts; creating nobles, and other casual recompences; reparation of public expences, both ordinary and extraordinary; concerning war; peace; ratification of treaties, both political and commercial; all diplomatic acts and conventions relative to the laws of nations; examining and acquitting different executive departments,
and

and similar subjects arising from the accidental exigencies and circumstances of the State; in which the propositions, coming directly from the Throne into the House of Nuncios, are to have preference in discussion before the private bills.

In regard to the House of *Senate*, it is to consist of Bishops, Palatines, Castellans, and Ministers, under the presidency of the King, who shall have but one vote, and the casting voice in case of parity, which he may give either personally, or by a message to the House. Its power and duty shall be,

1st. *Every General Law* that passes formally through the House of Nuncios is to be sent immediately to this, which is either accepted, or suspended till farther national deliberation, by a majority of votes, as prescribed

scribed by law. If accepted, it becomes a law in all its force; if suspended, it shall be resumed at the next Diet; and if it is then agreed to again by the House of Nuncios, the Senate must submit to it.

3d. *Every Particular Law* or statute of the Diet in matters above specified, as soon as it has been determined by the House of Nuncios, and sent up to the Senate, the votes of both Houses shall be jointly computed, and the majority, as described by law, shall be considered as a decree and the will of the Nation.

Those Senators and Ministers who, from their share in executive power, are accountable to the Republic, cannot have an active voice in the Diet, but may be present in order to give necessary explanations to the States.

These

These ordinary legislative Diets shall have their uninterrupted existence, and be always *ready* to meet; renewable every two years. The length of sessions shall be determined by the law concerning Diets. If convened out of ordinary session upon some urgent occasion, they shall only deliberate on the subject which occasioned such a call, or on circumstances which may arise out of it.

No law or statute enacted by such ordinary Diet can be altered or annulled by the same.

The compliment of the Diet shall be composed of the number of persons in both Houses, to be determined hereafter.

The law concerning the Dietines, or primary elections, as established by the present

sent Diet, shall be regarded as a most essential foundation of civil liberty.

The majority of votes shall decide every thing, and every where; therefore we abolish, and utterly annihilate, *liberum veto*, all sorts of confederacies and confederate Diets, as contrary to the spirit of the present constitution, as undermining the government, and as being ruinous to society.

Willing to prevent, on one hand, violent and frequent changes in the national constitution, yet, considering on the other, the necessity of perfecting it, after experiencing its effects on public prosperity, we determine the period of every twenty-five years for an *Extraordinary Constitutional Diet*, to be held purposely for the revision and such alterations of the constitution

as

as may be found requisite; which Diet shall be circumscribed by a separate law hereafter.

ARTICLE VII.

The King, or Executive Power.

The most perfect government cannot exist or last without an effectual executive power. The happiness of the nation depends on just laws, but the good effects of laws flow only from their execution. Experience has taught us that the neglecting this essential part of government has overwhelmed Poland with disasters.

Having, therefore, secured to the free Polish nation the right of enacting laws for themselves, the supreme inspection over the executive power, and the choice of
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their

their magistrates, *we entrust to the King, and his Council, the highest power of executing the laws.*

This Council shall be called *Straz*, or the Council of Inspection.

The duty of such *executive power* shall be to watch over the laws, and to see them strictly executed according to their import, even by the means of public force, should it be necessary.

All departments and magistracies are bound to obey its directions. To this power we leave the right of controlling such as are refractory, or of punishing such as are negligent in the execution of their respective offices.

This executive power cannot assume the right of making laws, or of their interpretation.

pretation. It is expressly forbidden to contract public debts; to alter the repartition of the national income, as fixed by the Diet; to declare war; to conclude definitively any treaty, or any diplomatic act; it is only allowed to carry on negotiations with foreign Courts, and facilitate temporary occurrences, always with reference to the Diet.

The Crown of Poland we declare to be *elective* in regard to families, and it is settled so for ever.

Having experienced the fatal effects of interregna, periodically subverting government, and being desirous of preventing for ever all foreign influence, as well as of insuring to every citizen a perfect tranquillity, we have, from prudent motives, *resolved* to adopt *hereditary succession*
to

to our Throne: therefore we enact and declare, that, after the expiration of our life, according to the gracious will of the Almighty, the present Elector of Saxony shall reign over Poland.

The dynasty of future Kings of Poland shall begin in the person of Frederic Augustus, Elector of Saxony, with the right of inheritance to the Crown to his male descendants. The eldest son of the reigning King is to succeed his father; and in case the present Elector of Saxony has no male issue, a husband chosen by him (with the consent and approbation of the Republic) for his daughter, shall begin the said dynasty. Hence we declare the Princess Mary-Augusta Nepomucena, only daughter of the Elector of Saxony, to be *Infanta* of Poland.

We

We reserve to the nation, however, the right of electing to the Throne any other house or family, after the extinction of the first.

Every King, on his accession to the Throne, shall take a solemn oath to God and the Nation, to support the present constitution, to fulfil the *pacta conventa*, which will be settled with the present Elector of Saxony, as appointed to the Crown, and which shall bind him in the same manner as former ones.

The King's person is sacred and inviolable; as no act can proceed immediately from him, he cannot be in any manner responsible to the nation; he is not an absolute monarch, but the father and the head of the people; his revenues, as fixed by the *pacta conventa*, shall be sacredly preserved.

served. All public acts, the acts of magistracies, and the coin of the kingdom, shall bear his name.

The King, who ought to possess every power of doing good, shall have the right of pardoning those that are condemned to death, except the crimes be against the state.

In time of war he shall have the supreme command of the national forces—he may appoint the commanders of the army, however, by the will of the States. It shall be his province to patentee officers in the army, and other dignitaries, conso-
nant to the regulations hereafter to be expressed, to appoint Bishops, Senators, and Ministers, as members of the executive power.

The

The King's Council of Inspection is to consist,

1st. Of the Primate, as the head of the Clergy, and the President of the Commission of Education, or the first Bishop in Ordine:

2d. Of five Ministers, viz. the Minister of Police, Minister of Justice, Minister of War, Minister of Finances, and Minister for the Foreign Affairs.

3. Of two Secretaries to keep the Protocols, one for the Council, another for the Foreign Department; both, however, without decisive vote.

The hereditary Prince coming of age, and having taken the oath to preserve the

constitution, may assist at all sessions of the Council, but shall have no vote therein.

The Marshal of the Diet, being chosen for two years, has also a right to sit in this Council, without taking any share in its resolves; for the end only to call together the Diet, always existing, in the following case: Should he deem, from the emergencies hereunder specified, the convocation of the Diet absolutely necessary, and the King refusing to do it, the Marshal is bound to issue his circular letters to all Nuncios and Senators, adducing real motives for such meeting.

The cases demanding such convocation of the Diet are the following:

1st. In a pressing necessity concerning the law of nations, and particularly in case of a neighbouring war.

2d. In

2d. In case of an internal commotion, menacing with the revolution of the country, or of a collision between Magistratures.

3d. In an evident danger of general famine.

4th. In the orphan state of the country, by demise of the King, or in case of the King's dangerous illness.

All the resolutions of the Council of Inspection are to be examined by the rules above mentioned.

The King's opinion, after that of every Member in the Council has been heard, shall decisively prevail.

Every resolution of this Council shall be issued under the King's signature, coun-

tersigned by one of the Ministers sitting therein; and thus signed, shall be obeyed by all executive departments, except in cases expressly exempted by the present constitution.

Should all the Members refuse their countersign to any resolution, the King is obliged to forego his opinion; but if he should persist in it, the Marshal of the Diet may demand the convocation of the Diet; and if the King will not, the Marshal himself shall send his circular letters as above.

Ministers composing this Council cannot be employed at the same time in any other commission or department.

If it should happen that two-thirds of secret votes in both Houses demand the changing of any person, either in the Council, or any executive department, the King is bound to nominate another.

Willing

Willing that the Council of Inspection should be responsible to the nation for their actions, we decree that, when these Ministers are denounced and accused before the Diet (by the special Committee appointed for examining their proceedings) of any transgression of positive law, they are answerable with their persons and fortunes.

Such impeachments being determined by a simple majority of votes, collected jointly from both Houses, shall be tried immediately by the comitial tribunal, where the accused are to receive their final judgment and punishment, if found guilty; or to be honourably acquitted, on sufficient proof of innocence.

In order to form a necessary organization of the executive power, we establish
hereby

hereby separate commissions, connected with the above Council, and subjected to obey its ordinations.

These commissions are, 1st. of Education; 2d. of Police; 3d. of War; 4th. of Treasury.

It is through the medium of these four departments that all the particular *orderly* commissions, as established by the present Diet, in every palatinate and district, shall depend on, and receive all orders from, the Council of Inspection, in their respective duties and occurrences.

ARTICLE VIII.

Judicial Power.

As judicial power is incompatible with the legislative, nor can be administered by the King, therefore tribunals and magistratures ought to be established and elected. It ought to have local existence, that every citizen should know where to seek justice, and every transgressor can discern the hand of national government. We establish, therefore,

1st. Primary Courts of Justice for each palatinate and district, composed of Judges chosen at the Dietine, which are always to be ready to administer justice. From these Courts appeals are allowed to the high tribunals, erected one for each of
three

three provinces, in which the kingdom is divided. Those Courts, both primary and final, shall be for the class of nobles, or equestrian order, and all the proprietors of landed property.

2dly. We determine separate Courts and Jurisdictions for the free royal towns, according to the law fixed by the present Diet.

3dly. Each province shall have a Court of Referendaries for the trial of causes relating to the peasantry, who are all hereby declared *free*, and in the same manner as those who were so before.

4thly. Courts, curial and assessorial, tribunals for Courland, and relational, are hereby confirmed.

5thly. Ex-

5thly. Executive commissions shall have judicial power in the matters relative to their administration.

6thly. Besides all these civil and criminal Courts, there shall be one supreme general tribunal for all the classes, called a Comitial Tribunal or Court, composed of persons chosen at the opening of every Diet. This tribunal is to try all the persons accused of crimes against the State.

Lastly, we shall appoint a Committee for the forming a civil and criminal code of laws, by persons whom the Diet shall elect for that purpose.

ARTICLE IX.

Regency.

The same Council of Inspection is to compose the Regency, with the Queen at their head, or, in her absence, with the Primate of the kingdom. The Regency may take place only,

1st. During the King's minority.

2d. In case of the King's settled alienation of reason.

3d. In case of the King's being made a prisoner of war.

Minority is to be considered till eighteen years are completed, and the malady must
be

be declared in the existing Diet by the plurality of three-fourths of votes of both combined Houses against one-fourth.

When the King comes of age, or recovers his health, or returns from captivity, the Regency shall cease, and shall be accountable to him, and responsible to the nation in their persons and fortunes, for their actions during their office.

ARTICLE X.

Education of Kings Children.

The King's sons being designed successors to the Crown, are the first children of the country. Thence the care of their proper education, without encroaching, however, on the right of their parents, devolves naturally upon the nation.

During the King's life, the King himself, with the Council, and a Tutor, appointed by the States, shall superintend the education of the Princes.

In time of a Regency, it shall be intrusted with this direction, jointly with the above-mentioned Tutor.

In both cases this Tutor, named by the States, is to make his report before each ordinary Diet of the education and progress of the Princes. The Commission, or Board of Education, is obliged to bring before the Diet, for the approbation, an instruction or plan for the education of the Princes, founded on religion, love of virtue, of country, of liberty, and the constitution.

ARTICLE XI.

National Force, or the Army.

The nation is bound to preserve its possessions against invasion; therefore all inhabitants are natural defenders of their country and its liberties.

The army is only an extract of defensive regular force, from the general mass of national strength.

The nation owes to the army reward and respect, because of its devoting itself wholly for the defence of the country.

The army owes to the nation, to guard the frontiers against enemies, and to maintain public tranquillity within: in a word,
it

it ought to be the strongest shield in the nation.

That these ends may be fully answered, the army should ever remain under the subordination and obedience to the executive power; it shall therefore take an oath, according to law, of fidelity to the nation, and to the King, and to maintain the national constitution. This national force, therefore, shall be employed for the general defence of the country, for garrisoning fortresses, guarding frontiers, and assisting the civil power in the execution of the law against those that are refractory.

DECLARATION OF THE STATES AS-
SEMBLED.

All laws and statutes, old and new, contrary to the present constitution, or to any part thereof, are hereby abolished; and every paragraph in the foregoing articles, to be a competent part of the present constitution is acknowledged. We recommend to the executive power to see the Council of Inspection immediately begin its office under the eye of the Diet, and continue its duties without the least interruption.

We swear before God and the country to maintain and defend, with all possible human power, the present constitution; and considering this oath as a proof of real
love

love of our country, we command all magistrates and troops here present to take it immediately. The commission of war shall issue orders to the rest of the army, quartered in the kingdom, and in the grand dutchy of Lithuania, to do the same within one month at farthest from the date of the present law.

We recommend to our Bishops to appoint one and the same day of public thanksgiving to God Almighty, in all churches over the kingdom; also, we appoint a day, *N. N.* for the solemn celebrating by us and our posterity, of a commemoration anniversary for the mercies of the Supreme Being shewn to us after so many public calamities.

And that future ages may know and feel that it is by the assistance of the Supreme
Disposer

Disposer of nations we have surmounted the greatest difficulties and obstacles, and effected this happy Revolution, we decree, that a church shall be erected and consecrated to Divine Providence in memory of this event, and at the expence of the States.

Having thus satisfied our general feelings on this event, we turn our attention towards securing the same constitution, by declaring and enacting, that *whoever* should dare to oppose it, or to disturb the public tranquillity, either by exciting mistrust, or by perverse interpretation of this constitution, and much more by forming insurrections and confederacies, either openly or secretly, such person or persons are declared to be *enemies and traitors to their country*, and shall be punished as such with the utmost rigour by the Comitial Tribunal.

For this purpose we order this tribunal to sit uninterruptedly at Warsaw, proroguing their sessions from day to day, and to try all persons so accused by any citizen of property, with the assistance of the Attorneys General of Poland and Lithuania, seizing all indicted persons, with the aid of the national troops, which shall be ready to act on the first order from the executive power as they shall be directed, and occasion may require.

Law concerning Dietines, or primary Assemblies of Poland.

SECTION I.

Place for Dietines.

1st. **F**OR each Dietine, a *certain town*; and in such town, a *fixed place* for the meeting of the Assembly, shall be for ever ascertained.

2^d. These constitutional towns and places for holding Dietines shall be specified at the end of this law.

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3^d. In

3d. In case of any such town or place being destroyed by fire, or other accident, the *Orderly Commission**, within whose jurisdiction it should lay, shall give notice of it to the *Council of Inspection*, proposing at the same time the most convenient place in lieu thereof; and the Council is to appoint it, and to make it public by issuing *royal circular letters*.

4th. Such substitute places as are only to serve for a time, till the original ones

* *Orderly Commissions* are newly instituted: each palatinate and district chuses a certain number of commissaries; their office lasts two years; their principal duty is to maintain police and good order in their district; to put into execution decrees and regulations of supreme departments; to collect taxes; to keep cash; to make such payments as assigned by the commission of finances; to protect citizens from the military oppression; to furnish recruits, besides many other duties, of internal management.

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are rebuilt and repaired; and as soon as they are put in good order, the Orderly Commission shall acquaint the Council of Inspection therewith, which is to direct, by the like circular letters, the return of Dietines to their primitive constitutional spot.

5th. There shall be placed in the middle of the hall, or room, designed for the Assembly, a table, around which is to be formed a circle of principal men of the palatinate, or district, whom we may call a *Committee of the County, or Grand Committee.*

6th. It belongs to Orderly Commissions to prepare every accommodation for the Assembly, viz. balloting-box, balls, &c.; for which necessary, but moderate, expences

pences shall be either proportionably assessed, or paid by the voluntary contribution of inhabitants.

SECTION II.

Time of Dietines.

1st. Every two years Dietines are to meet for the *election of Nuncios*, or representatives of the Diet, and of the commissaries of Orderly Commissions.

2d. Every one year they shall be held for *electing deputies* to the high tribunal, and for regulating internal *economical concerns* of the district.

3d. As the representatives are accountable to their constituents, Dietines for receiving

ceiving their reports, after every *ordinary Diet*, are fixed on the following day, after the election of deputies and the economical affairs are settled.

4th. After every *extraordinary session* of the already-existing Diet, convened by the Council of Inspection, or, in certain cases, by the Marshal of the Diet, these *Dietines of Report* shall be held at the end of eight weeks, unless the ordinary Dietine happens sooner. If, however, the ordinary period of the Dietines of Report falls in with the extraordinary session of the Diet, the Nuncios are to make their report at the first Dietine on their return.

5th. Whenever any vacancy happens in the elective office, it is to be filled up at the first meeting of the Dietine.

6th. Dietines

6th. Dietines are to meet always on the day fixed by law, even if no writ or circular letters are issued for that purpose.

SECTION III.

Concerning the Time of Sessions of Dietines.

1st. Sessions shall begin every day at nine o'clock in the morning.

2d. On the day of opening of the Dietine the President shall order all the bells of the town to be rung at half past eight, and to continue till nine; during which time a mass shall be celebrated before the Assembly.

3d. The session is to last till three o'clock in the afternoon, unless it be unanimously agreed

agreed on to prorogue it sooner: it may, however, continue longer, if the polling be not ended at three.

4th. Session can only be prorogued till next day. In case of a holiday, it shall be resumed after the church service.

SECTION IV.

Concerning Persons having Right to vote.

All nobles of the equestrian order are entitled to vote in their respective palatinates and districts:

1st. All hereditary proprietors of landed property, or possessed of estates by adjudication for a debt, paying territorial tax to government: sons also of such proprietors,
H during

during the life of their parents, before the ex-division of patrimony.

2d. Brothers, inheriting estates, before they have shared their succession.

3d. All mortgagees who pay one hundred florins (fifty shillings) of territorial tax per year from their possessions.

4th. All life-holders of lands paying territorial tax to the same amount.

5th. All nobles in the army, possessed of such qualifying estates have a vote in their respective districts in time of peace, and properly furloughed by their commanders.

6th. Legal possession is understood to be qualifying, when it has been formerly acquired

quired and actually enjoyed for twelve calendar months previously.

SECTION V.

Concerning those that have no Right to vote.

1st. Those of the equestrian order that are not actually possessed of a property, as described in the foregoing article.

2d. Such as hold royal, ecclesiastical, or noble lands, even with right of inheritance, but on condition of some duty or payment to their principals, consequently dependent thereon.

3d. Gentry possessing estates on feudal tenure, called *Ordynackie*, as being bound to certain personal service thereby.

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4th. All

4th. All renters of estates that have no other qualifying property.

5th. Those that have not accomplished eighteen years of age.

6th. *Crimine notati*, and those that are under a decree passed in default, even in the first instance, for having disobeyed any judicial court.

SECTION VI.

Of those that are eligible

1st. Every person of the equestrian order that pays territorial tax to government for his freehold, let it be ever so small, is eligible to all elective offices in his respective district.

2d. Gen-

2d. Gentlemen actually serving in the army, even possessed of landed hereditary estate, must have served six complete years before they are eligible to the office of a Nuncio only. But this condition is dispensed with in favour of those that have filled before some public function.

SECTION VII.

Of those that are NOT eligible.

1st. Whoever is not personally present at the Dietine.

2d. Whoever has not completed twenty-three years of age.

3d. Whoever has not been in any public function, nor passed the biennial office
of

of a Commissary in the Orderly Commission.

4th. Those that are not exempted by law from obligations of *scarta bellatus*, which subjects all newly-nobilitated persons to certain civil restrictions until the next generation.

5th. And, lastly, all those against whom may be objected a decree *in contumaciam* in a civil cause.

SECTION VIII.

The Manner of offering oneself for a Candidate.

Any person desirous of being chosen for any public function, is allowed either to
declare

declare his intention before the Chancery of the county before the Dietine, or at the Dietine to tender the same to the President in writing. Electors, however, are at liberty to propose and chuse even those that have not offered themselves, by either the above modes, for candidates.

SECTION IX.

Regulations for beginning Dietines.

1st. A day before the time fixed by law for the Dietines, the troops of the Republic, quartered in the town where they are to be held, shall withdraw, and not return there till they are over. This rule, however, does not extend to the royal residence, fortresses of the Republic, or detachments assigned to wait on high tribunals.

2d. The

2d. The circle that surrounds the table placed in the middle of the assembly room, or the *Committee of the County*, shall be composed of senators, dignitaries, state and local civil officers, commissaries of orderly commission, nuncios, and tribunal deputies that have already ended their functions, and military staff officers, to the major inclusively.

3d. Either first senator in rank, or, in his absence, first dignitary, shall open the meeting as a President; in absence of both, first local civil officer of the district, or the first in order of the commissaries of orderly commission, and so on through all different members of the committee. In case there should be none present of the above dignified persons the oldest in the assembly shall be their President.

4th. If

4th. If any of the above-mentioned officers, being present at the Dietine, should refuse accepting of the presidency, or should be himself a candidate for the office to be filled, then the next to him in rotation is to preside in his room at the assembly.

5th. The circle being formed round the table, and the President having opened the meeting, shall order to be read, loudly and audibly, the whole tenor of the present law concerning Dietines.

6th. Orderly commission of the district shall deliver to the President the *county book*, containing the list of all qualified voters, as regulated by a separate article.

7th. Then the notary of the Chancery shall return to the President the names of
I such

such candidates as inscribed themselves at this office: and in this stage, those that have not made previously their declarations before the Chancery may signify their intention in writing to the President.

8th. After which the President shall proclaim the names of candidates.

SECTION X.

Qualification of the County Committee, and the Candidates.

1st. The foregoing preliminary ceremonies of the Dietine being settled, if any body has an objection to make against the President, or any member of the committee, or any of the candidates, he is to deliver it to the President in writing.

2d,

2d. In case the President himself should lay under an objection, he is to quit his place to the next in order till the objection is decided.

3d. The President, together with the members of the committee (except those that are objected to and the candidates), are to try and determine the merit of objections according to the rules laid down by the present law, either unanimously, or by majority of *secret votes*, taken by ballot.

SECTION XI.

Concerning the Election of the Marshal of Dietines, and the Assessors in Poland; and of the Assessors only in Lithuania.

1st. Having thus cleared and decided all objections against the committee and the

candidates, the President is to propose immediately the election of the Marshal of the Dietine and six assessors, in Poland, who form a sub-committee for managing the election business at the Dietine.

2d. In the province of Lithuania the President of the assembly shall be also the Marshal of the Dietine. His obligations are the same, in every point, as those of a Marshal of Dietines in Poland.

3d. The Marshal of the Dietine in Lithuania thus becoming the President, shall immediately, after all the objections are removed, proceed to an election of six assessors.

4th. In *Poland*, both Marshal of the Dietines and the six assessors ; in *Lithuania* the assessors shall be chosen out of the number

ber of the committee, excepting senators and candidates.

5th. Proceedings at these elections in Poland are as follow: An urn shall be placed on the table, wherein the President shall put as many balls, of equal size (but seven of them of a different colour), as there are eligible persons in the committee of the county. This urn having an aperture at the top, is to be covered with cloth: the President then reads the names in order of all eligible persons, and a child draws out of the urn a ball against each name. White balls are reckoned negatives; the first coloured drawn falls for the Marshal of the Dietine, and the remaining six for the assessors, who are to take their seats in the same order as they were drawn.

6th. The same mode of proceeding is
to

to be observed in Lithuania for the choice of six assessors ; with this difference only, that the President, being *ipso facto* already Marshal of the Dietine, needs not to be put on the list of eligible persons : consequently only six coloured balls are to be thrown into the urn : whereof the first drawn shall design the first assessor.

7th. The Marshal of the Dietine and the assessors in Poland, likewise the assessors in Lithuania, shall take their oaths before the President, as prescribed hereunder. But the Marshal of the Dietine in Lithuania, being President at the same time, shall take his oath before the next member to him.

8th. Thus elected and sworn in, Marshal and assessors are to fulfil all duties of their office in that and subsequent Dietines according to law.

9th.

9th. In case of the Marshal's indisposition, or refusing to perform his obligations as prescribed by law, the first assessor is to take his place.

SECTION XII.

The Method of Proceeding at an Election.

1st. Before the opening of the business of election, the Marshal of the Dietine shall order to be read aloud the circular letter, propositions, and projects, sent down by the King and the Council of Inspection for their deliberation.

2d. All voters divided into parishes, except those that are of the grand committee, are to be arranged around the said committee by the local inferior officers.

3d.

3d. Any of the candidates giving up his pretension, is obliged to declare the same in writing to the Marshal of the Dietine: but it shall not be in his power to recede from it after the election has begun by voting.

4th. The Marshal of the Dietine shall read the list of candidates for the function or office which is the object of election, mentioning those that have either legally been struck out, or renounced voluntarily in form.

5th. Having read this list of remaining candidates, the Marshal shall repeat singly the name of each, and ask thrice the consent of the assembly. When an unanimity appears in favour of such candidate, the Marshal and the assessors shall immediately certify it by their signature. But should
there

there be one dissentient vote, declared in writing to the Marshal, he is bound to proceed directly to polling for all the candidates, by *secret votes*, as regulated by the next article.

SECTION XIII.

Mode and Order of Voting PER VOTA SECRETA, or by Ballot.

1st. Near the table of the committee, just by the Marshal of the Dietine, shall be placed the balloting box.

2d. This box shall have an inside partition; one part of it is to be painted *black*, with the inscription *negative*; and the other painted *white*, with the word *affirmative*. In front of this box there shall be two
K
locked

locked doors to each partition. At the top, a convenient opening for putting in a hand, and throwing a ball on either side of the partition, shall be left. The inside of the box is to be lined with cloth.

3d. All balls for balloting are to be of the same equal size, form, and colour; their number shall be sufficient for the number of voters in that district.

4th. The balloting box is to be publicly shewn that it is empty, and then locked. One key is to remain with the Marshal of the Dietine, the other with the last assessor.

5th. The candidates are proposed for balloting in the following order: The names of all candidates, being written on separate and uniform cards, are thrown into the urn covered with cloth: a child is to draw

draw one card at a time, and to deliver it to the Marshal, who shall proclaim the name of the candidate so drawn out; and having given his vote, shall invite to ballot one after another; first the assessors, next the members of the committee at the table, then all the electors, giving each one ball as he comes to vote.

6th. When the members round the table have done voting, one of the assessors shall open the book of the palatinate, or district, containing the authentic list of voters, and read in regular order of parishes the names of each elector, whilst another of the assessors is giving the ball to the person approaching the box. At the same time, other assessors shall write down on a sheet of paper, the names of voters in the same order as they are called on.

7th. If any one of the voters, being called by the assessor, do not answer and appear in their place to ballot, he loses his right of voting after in that election for that candidate.

8th. In the course of balloting, if the right of voting is controverted to any of the electors, the Marshal of the Dietine, with the assessors, shall immediately decide the question according to the fifth article, specifying those that have no right to vote.

9th. The objection of want of property, or of its inadequate amount, as prescribed by law, shall be determined by the proofs taken from the county book.

10th. After all the electors have voted for one candidate, the Marshal, with the assessors, are to count separately the *affirmative*

tive balls, and afterwards the *negative*, and to write down their exact number under the name of each candidate.

11th. One candidate being thus dispatched, a child shall draw out of the urn the name of another. The Marshal having declared the second candidate, shall proceed to vote, and collect such votes of the assembly in the same manner as above, repeating the same formalities in respect to each candidate.

12th. Balloting being begun for one candidate, is to continue without interruption ; nor is the session to be prorogued before it is entirely finished.

13th. When the balloting for each candidate is over, the Marshal of the Dietine and the assessors shall make out the list of
votes

votes for every candidate according to their respective majority. Such list being signed by the Marshal and the assessors, shall be read audibly, and the successful candidates declared in the same order of precedence as they stand in the different numbers of votes, beginning from the highest, and ending with the lowest, till the number of persons requisite for each elective office is completed.

14th. In case of *parity* of votes between two or more candidates, it is to be resolved in the following manner :

15th. The Marshal shall put the names of candidates, having equal number of votes, on separate cards of the same size, and throw them into the urn, covered as before. A child is to draw out singly each name ; and in the same order as they are drawn,

drawn, their precedence shall be placed, and affirmed by the signature of the Marshal and the assessors. This rule is to be observed successively in all elective offices.

16th. After this resolution of *parity*, the Marshal and the assessors shall finally sign and publish the list of the elected persons.

17th. Each candidate may be present at the voting, to be witness himself of the fairness of all proceedings.

18th. No candidate is allowed to transfer his votes in favour of another.

19th. This method and order of elections shall be strictly observed at all elective Dietines for all public functions, offices, and places.

20th. As a document to the elected persons

sons shall be given a *laudum*, or *diploma*, signed by the Marshal and the assessors, to be inserted in the records of the respective Chancery. The act of election of Nuncios, and their instructions, shall be contained in the same diploma. The elected persons are to be placed in the diploma according to the seniority of their offices and dignities.

21st. The lists of all the electors that have voted at the Dietine, which was written by the assessors during the election, being signed by the Marshal and the assessors, shall be deposited in the Chancery.

22d. Elected deputies, civil officers, and the commissaries of orderly commissions, shall immediately be sworn in, according to the *formula* prescribed by law.

SECTION XIV.

Concerning Instructions.

1st. During the business of election, the President who opened the meeting, with the rest of the Committee, except those who are assessors, shall prepare instructions for procedure.

2d. Thus assembled, persons are to examine propositions intimated by the King and the Council of Inspection, and projects relating to legislature; also particular projects and wishes formed either by the Orderly Commission, or any individual of their respective palatinate or district.

3d. All *particular projects*, either from the Orderly Commissions, or from individuals,

duals, are to be presented to the President immediately after the election of the Marshal of the Dietine and the assessors in Poland, and, after that, of the assessors in Lithuania, under their own signature, as on the following day no project for instructions can be received,

4th. After the election of Nuncios is determined, the projects for instructions are to be ready before the assembly. In case any part thereof should not meet with unanimous consent, the Marshal of the Dietine and the assessor shall form a distinct proposition or question for the opinion of the assembly.

5th. In order to come at the sense of the assembly on it, the Marshal shall divide them into *ayes* and *noes*; and, after counting each side, with the assistance of the

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the affeffors, fhall declare the majority.
But instructions are never to be decided by
fecret votes or ballot.

6th. In regard to the propofitions fent
by the King and the Council of Inſpec-
tions, instructions fhall be worded thus :
“ Our Nuncios fhall vote *affirmative* to the
“ article *N;*” or, “ Our Nuncios fhall
“ vote *negative* to the article *N,*”—in caſe
it is found contrary to the opinion of the
Dietine : and fhould any amendment or
addition be deemed neceſſary and agreed
on, it may be inferted in the instructions
at the end of the relative propoſition.

SECTION XV.

Oeconomical Dietines.

1st. The object and the business of these Dietines are to consult about the particular concerns of the palatinate or districts; and having determined any point, it shall be recommended to the Orderly Commission to prepare projects for instructions relative thereto.

2d. On every meeting of these Dietines the Orderly Commission shall account for the funds entrusted to them for the particular purposes of the palatinate or district.

SECTION XVI.

Dietines of Report (Relationis.)

1st. At the meeting of the Dietines the Nuncios are bound to appear before their constituents, and to bring their report of the whole proceedings of the Diet; first, respecting the acts of legislature; next, with respect to the particular projects of their palatinate or district, recommended to them by the instructions.

2d. It is at these Dietines that Nuncios, after they have rendered to their constituents a clear account of their proceedings and of the Diet, may be either confirmed or changed, and new ones elected in their stead till the general election for the following ordinary diet.

3d. New

3d. New Nuncios are chosen.—1st. In the room of the deceased. 2d. In the room of those that are become senators, or ministers of state. 3d. In case of resignation. 4th. In the room of such as are disqualified by the Diet. 5th. When any of the assembly desires a new election, to substitute another Nuncio in the room of another expressly pointed out; which request must be made in writing, signed by twelve members besides, and be delivered to the Marshal of the Dietine

4th. Those Nuncios that will no longer remain in their functions, shall present their declaration in writing, to the Marshal of the Dietine.

5th. If none of the cases stated in the third paragraph of this article happen to occasion a vacancy among the Nuncios, and

no

no demand of a new election for a substitute be made in the regular and legal way, the Marshal and the assessors shall indorse on the diploma, or laudum, the act of confirmation.

6th. Whenever a vacancy of Nuncios should happen by either accident specified above, the Marshal of the Dietine shall declare such vacancy, and immediately proceed to a new election.

7th. But in case a new election should be moved for by any person, and seconded by twelve others consonantly to the above-mentioned paragraph, either in the room of one, or of all former Nuncios, the Marshal of the Dietine is to read the name of the Nuncio objected to, and to make the following proposition: “ Shall the Nuncio N
“ be confirmed in his function? or shall
“ there

“there be a new election made in his
 “stead?” The opinion of the meeting
 being taken by a division, the majority
 shall decide the question, and be declared
 by the Marshal. If the majority approves
 the conduct of the Nuncio, the Marshal and
 the assessors shall certify this confirmation
 on the diploma; and in case of disappro-
 bation, the Marshal shall declare the vacan-
 cy, and begin the form of a new election.

8th. In this manner shall be performed
 either confirmation of each Nuncio sepa-
 rately, or a new election decided.

9th. The mode of proposing oneself for
 a candidate, and proceedings of elections
 by ballot, are to be equally adhered to at
 the Dietines of Report, as are prescribed
 by the present law for all elective functions
 and other offices.

SECTION XVII.

*Concerning the Invalidity of Dietines in toto,
or in part.*

1st. Dietines are null and of no effect :
1st. When they are held in any other town and place but such as are appointed by law as constitutional, according to the tenor of the first article. 2d. If they are presided by any other person than those that are legally empowered by the present law for being Presidents. 3d. Every Dietine where the Marshal and the assessors are not legally chosen. 4th. When the voting by ballot is refused, notwithstanding the request being formally made and presented to the Marshal.

2d. Dietines are void in part whenever a person, having no requisite qualification, should offer himself as a candidate for any elective office, and be chosen.

SECTION XVIII.

Punishments for the Transgressors against Dietines.

1st. All transgressions which invalidate the whole Dietine in the election of Nuncios shall be tried and decided by the Diet. With respect to other elective functions, offices, and places, their trial shall belong to the high tribunal of the respective province. In order to prove the nullity of the Dietine, the accuser is to summon the guilty of any transgression to this court, which is bound to judge definitively such causes before

fore any other in the provinces of Poland from the register *Directi Maudati*, and in Lithuania from the register *Officy*.

2d. For all transgressions annihilating Dietines in *toto*, we decree the following penalties: The *principals* are to be imprisoned for half a year *in fundo**, and to be for ever deprived of the active right of a citizen. The accomplices are to be sentenced to a prison *above ground*†, and
to

* A well under ground, two or three fathoms deep, six feet square.

† These two kinds of prisons, or rather voluntary confinements in obedience to decrees, are designed for the members of the equestrian order only, without any civil or military guard over them, with liberty to the civil prisoner *above ground*, to walk within the

to be suspended from the active right for a certain time, according to the degree of guilt.

3d. If President, Marshal, or assessors, transgress the obligations prescribed to them by the present law, each of them shall be punished by the high tribunal with twelve weeks imprisonment above ground, and 2000 florins for the informer.

4th. Besides, we decree the primary terrestrial court, in every palatinate and district wherein the offence shall be committed, for trying transgressors from the register, "*Termini tacti*," (with liberty of appeal to the high tribunal) and punish-

rules; but if any one trespasses the limits, he is to begin anew the term of his confinement; and if he escapes, he is to be outlawed.

ment

ment as follows:—1st. Whoever brings with him soldiers, or any armed band, and violates the peace of the Dietine, shall be punished with half a year's imprisonment *in fundo*, and the loss of active right for ever.—2d. Whoever brings only with him any armed attendants during the meeting of Dietines, shall be condemned to half a year's imprisonment above ground, and pay 6000 florins to the informer. 3d. Whoever, in time and place of Dietines, draws out, with an offensive design, his sword or sabre, even without hurting any person, shall be punished with twelve weeks imprisonment above ground, and 2000 florins for the informer: and in case of any person being wounded, both the person wounding, if not in his own defence, and the person first drawing out the sabre, are to be capitally punished. 4th. Whoever should bring
to

to a constitutional place of Dietines, citizens that have no vote, either from his own, or from other districts, and thereby disturb the public tranquillity and order of the meeting, whether by threats or facts ; both the principals and the accomplices shall be sentenced to half a year's imprisonment above ground, and 6000 florins for the informer. This punishment is to extend to each person separately. 5th. Whoever, having no right to vote, or to the eligibility for functions and offices, should pretend forcibly either to vote, or set up for a candidate, shall be subject to six weeks imprisonment above ground. 6th Whoever comes to the meeting with fire-arms shall be punished with twelve weeks imprisonment *in fundo*. 7th. Both buying votes and the selling are to be deprived of the right of activity for ever.

5th. The

5th. The informer or the accuser bringing an action against the transgressors at the Dietine, must have legal property in the district where the crime is committed, and have a sufficient responsibility equal to those penalties which are to ensue for the offence he is accused of: he is obliged to make his declaration or manifesto before the Court, signed, besides himself, by twelve persons of credit and property present at the Dietine: an accuser, unable to prove the offence, shall be punished in the same manner as the accused would be if convicted, and is to pay besides all costs of suit to the person innocently accused.

SECTION XIX.

It shall not be in the power of Dietines to lay any taxes on the inhabitants of the district

district under any pretence. This law, however, shall not prevent voluntary contributions.

SECTION XX.

The order of Dietines, with every regulation thereof, as defined by the present law, is to serve for the only rule of their proceedings: and all former customs and practices, not included herein, are entirely abolished and annulled.

SECTION XXI.

Formula of the Oath for the Marshal of the Dietine and the Assessors.

I N. N. swear before the God Almighty,
one in the Holy Trinity, that I shall fulfil
my

my office according to law and justice in every part, as if the whole of my duty was verbally inserted in this oath, without being influenced to the contrary, either by fear or hope, either friendship or revenge, either gift or promise, so help me God! and his holy passion. Amen.

the office according to law and justice in
every part of the work of my duty
and in this respect in this only without
being influenced to the contrary either by
fear or hope either friendship or enmity
either gain or promise to help me God
and his holy angels.

*Law concerning Towns and Citizens
within the Dominions of the Re-
public.*

SECTION I.

Of Towns in general.

1st. **A**LL our *royal towns* within the do-
minions of the Republic we acknowledge
and declare to be *free*.

2^d. We recognize as *freemen* all the in-
habitants of such towns. Their houses,
lands, villages, and territories, as they are
now belonging to, and possessed by them,
to be their perpetual property, without
prejudicing, however, controverted rights
and

and depending law-suits concerning the same.

3d. To such towns whose original *charters* are lost, on proving their pre-existence, we shall issue our royal *diploma of renovationis*, with a fresh grant of territory, as legally belonging unto them.

4th. If the towns named for constitutional places of Dietines have no *charters*, we shall grant them new ones.

5th. When a settlement of freemen on the royal estates, favoured by a happy situation, prospers so far as to form a town, we shall issue our *diploma erectionis*, or the original charter, with a perpetual grant of proper territory to it.

6th. It shall be permitted to any hereditary

ditary proprietor to build and erect towns on his estate, composed either of freemen, or of his own emancipated villagers, and to grant them a *particular charter*. But such towns cannot be ranked among the *free ones* until the proprietor grants them in perpetuity a sufficient territory, and applies to us for the *diploma confirmationis*, wherein the original charter is to be inserted.

7th. One and the same law being made for all towns, it follows, that every citizen of every town shall equally enjoy all rights and privileges in common with the rest.

8th. All inhabitants of towns, either of the equestrian order, or citizens by birth, having their freeholds therein, and willing to carry on any trade in *retail*, must accede and be subject to the municipal laws ; others
of

of the equestrian order are at liberty to inscribe themselves on the town book, and receive the right of citizens.

9th. The mode of acquiring the right of a citizen is this: The person desirous of obtaining it in any town, shall appear in person, or apply by his attorney to the magistrate, and make the following declaration:—"I N. N. promise allegiance and
 " fidelity to his majesty the King and to
 " the Republic, obedience to the laws and
 " statutes of the Diet, submission to the
 " magistrates of this town N., whereof
 " I wish to become a fellow citizen; and,
 " as such, I shall fulfil all obligation which
 " I accept in my name, and that of my
 " successors." In consequence of this declaration, persons names shall be inserted into the town book of citizens.

10th.

10th. Magistrates cannot refuse the right of citizenship to any foreigner, artist, or manufacturer, of character and good behaviour. In a word, *all Christians*, freemen, independent of any person, may become citizens without any fee or expence.

11th. Neither admission into the class of citizens living in towns, and filling therein municipal offices, nor carrying on commerce, manufactures, and trade, either wholesale or retail, shall by any means be prejudicial to the rights, privileges, and prerogatives, attached and inherent to the equestrian order, either of those that are originally of that class, or of those that are admitted to it, of citizens, or of their posterity.

12th. A free choice of all magistrates and officers of towns, by their own citizens,
being

being the effence of liberty, it is declared hereby to be inherently their right : every town besides is allowed to make such internal regulations for itself, and to put them into execution, with reference, however, to the commission of police.

13th. Therefore all citizens inscribed on the town book, and possessed of freeholds or hereditary property therein, have a right of voting, and are eligible, by a majority of votes, to magistracies and other municipal offices. Persons, however, filling any executive office in the palatinate or district cannot be elected as plenipotentiaries for towns, under the penalty of losing both offices. Military officers are likewise excluded from the eligibility to all municipal functions.

SECTION II.

SECTION II.

Rights and Prerogatives of Citizens.

1st. That cardinal law, “*Neminem cap-*
 “*tivabimus nisi jure victum,*” we extend to
 all persons as citizens established in towns,
 except fraudulent bankrupts, unable to give
 proper bails, and seized on commission of
 a flagrant recent crime.

2d. Such towns as are appointed for
 holding courts of appeal, shall chuse each
 of them one plenipotentiary, by a majority
 of votes, out of their own citizens, or out
 of other towns, who have hereditary pro-
 perty therein, well qualified for a public
 function, have served some municipal of-
 fices, neither *crimine notati*, nor being un-
 o der

der a decree passed *in contumaciam*, at a meeting before each ordinary Diet. These plenipotentiaries are to assemble in a place where the Diet is to be holden, and on the day of its opening to produce before the Marshal of the Diet their credentials. Out of their number, in the provincial sessions, shall be chosen commissaries or assessors, and distributed for the commissions of treasury, police, and the assessorial court. Although all of them may assist at the above commissions, no more, however, than two for each province in the departments of treasury and police, and three for each province in the assessorial court, shall have an active place.

Such commissaries and assessors shall have a *decisive vote* in matters relating to trade and commerce, and to towns; but on all other subjects they can only give
their

their *consultive vote*, or advice and opinion. These plenipotentiaries may be confirmed and continued by their constituents for the space of another two years. In regulating public expences, we shall assign a certain pension out of the treasury for the support of these commissaries.

3d. In order to extend protection of government to all our towns, and to show our just regard for their welfare, we grant to their commissaries and assessors admitted already to the above commissions, full liberty to make representations to the Diet concerning the interests of towns, by demanding of the Marshal leave to speak, which cannot be refused to them in the manner used by the delegates of various departments when they make their reports, or by petitions expressing the wishes of any town.

4th. These plenipotentiaries having accomplished two years of their public function in the above commissions, shall be ennobled at the first Diet, without any fee or stamp-tax for their *diploma nobilitatis*, in case they are not out of the equestrian order.

5th. It is allowed to all citizens to buy landed estates, with an hereditary right of enjoying and leaving them to their heirs and posterity, as well as of holding estates by adjudication for debts ; but on account of such territorial possessions, they are amenable to courts of the palatinate or district where this property is situated.

6th. Whenever any of the citizens buy a whole village or borough of an hereditary nature that pays at least 200 florins of territorial tax, he may, if he should wish
it,

it, present his petition to the marshal of the first diet in order to obtain nobility thereon, which shall be granted to him accordingly.

7th. Besides the above-named persons, thirty citizens, who are possessed in any town of an hereditary property, shall be admitted into the equestrian order at every ordinary Diet, having principal regard for those that have distinguished themselves in the military service, or sat in orderly commissions ; that have established any manufactory, or have carried on extensive commerce with country productions ; for which they must have sufficient testimonies and recommendations of the Nuncios, and of their respective towns.

8th. It is permitted to all citizens to serve in the *army* in any regiment or *pulk*, (except the national cavalry), and to advance

vance therein regularly to the rank of officers. When any of them arrive at the post of a staff captain, or captain of a company, either of foot or horse, he shall become *ipsò facto* ennobled, and likewise his posterity ; in consequence we shall grant him *diploma nobilitatis*, on his producing the patent, without any fee or stamp-tax.

9th. The same class of citizens is allowed to follow the *profession of law* in all courts, departments, and tribunals, and may advance gradually in that line according to merit and capacity. When any of them arrives to the rank of a regent or recorder, he shall be ennobled at the first diet, and the *diploma nobilitatis* issued by us gratis.

10th. In the *church* the citizens have the following privileges: They may be
prelates,

prelates, canons, and prebendaries, in the *collegiates*; in the *cathedrals* they may possess doctoral canonries; they may enjoy both *secular* and *regular* benefices, except such as are established by their founders expressly and exclusively for the nobles of the equestrian order.]

11th. In every orderly commission of palatinates and districts three citizens are to be placed as commissaries chosen out of towns lying within their jurisdiction, whether they be of the equestrian order, or only citizens, but possessed of an hereditary property in such towns.

12th. As to our cities, *Dantzic* and *Thorn*, when they should have any request or petition to present to the states, they may do it either *by their secretaries* residing at Warsaw applying to the Marshal of the
Diet,

diet, or by their *delegates*, who are to ask leave to speak at the Diet in order to represent their business; which leave shall not be denied to them.

13th. To prevent fraudulent qualifications by lending *pro tempore* a certain property for the purpose of a vote, we enact the following penalty: Whoever grants any estate for the sake of a vote, and takes a reversional promise to get it returned after the election, he shall forfeit it forever in behalf of any person who will prove it before any court; and if the person in whose favour this fictitious grant or sale of qualification should be made declares it before the court of the district, he shall have such property adjudged to him without appeal.

14th. All former laws and statutes contrary

trary to the present constitution concerning towns are entirely hereby abolished, and the present is declared to be a cardinal constitutional law in favour of towns and citizens.

SECTION III.

Of Justice for the Citizens.

1st. Having determined certain boundaries and proper limits of the jurisdiction of towns, we exempt them and their suburbs from all former authorities to which they were subject, without prejudicing, however, the pending law-suits which are now in the way of being finally decided by the supreme tribunals. As far as it concerns the power of the Grand Marshal in our residential town, it shall be ascertained by the regulation of his department.

2d. All private jurisdictions formerly exercised, either by the clergy or laity, over certain parts of any town situated within the territories granted by the original charters, shall now cease, and be transferred to their proper magistrates, so far as they concern judicial power and the police, without infringing the right of property, and the revenues of their legal proprietor.

3d. If the towns or citizens are possessed of estates out of their limits, they are subject to local jurisdictions of the district wherein such states are situated.

4th. All inhabitants of towns established therein, and carrying on commerce, trade, traffic, or any business and profession whatsoever, are subject to the authority of magistrates, and shall bear, in just proportion,
all

all taxes, without any exception or distinction.

5th. Every town shall have a judicial magistrate, where all *civil causes*, not surpassing 300 florins in the first instance, and all *criminal causes*, which may only be punished with three days imprisonment, shall be finally decided without any appeal; but in cases of a higher importance, the appeal to a higher court shall be allowed.

6th. For such *courts of appeal* we appoint seven principal towns in each of the three provinces, or one-and-twenty in all, making as many divisions, and each of them shall have its extent and boundaries specified.

7th. In each of these towns where the *court of appeal* is fixed, five persons shall

compose this court, being chosen every two years either out of the equestrian order, or out of citizens or property, of their division at large; with this clause only, that if any of the inferior magistrates of a particular town should be chosen to the court of appeal, he cannot sit any longer in the inferior one until his office in the court of appeal is expired.

8th. This *court of appeal* is to try and decide finally all causes coming from inferior magistrates and towns situated within its division. The extent of power of this court is ascertained to lay in cases between 300 and 3000 florins, and between three days and three weeks imprisonment: in all other suits and actions happening before the primary magistrates, where the value is above 3000 florins, or the punishment of prison above three weeks, the appeal lays
no

no longer to these *courts of appeal*, but to the supreme court of assessorial commission.

9th. The primary courts of magistrates in each particular town shall have no power of trying *criminal causes*, but they are to refer them to the *court of appeal*, which has only a right to punish, without any appeal, by the imprisonment for a certain limited time.

Whenever the prisoner is condemned either to death or imprisonment for life, the court of appeal shall make the report of the trial and the sentence to our *assessorial commission*, in order to be examined and revised; after which, should the decree be confirmed by this commission, then the sentence shall be put into execution, and not before.

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The same assessorial commission has the right to superintend all magistrates of towns in their judicial conduct, to punish transgressors, try causes concerning rents and revenues in towns, &c.

10. All towns, in regard to their internal regulation and government, their general municipal revenues, and their management, are put under the control and supreme inspection of the *commission of police*.

T H E E N D.



