

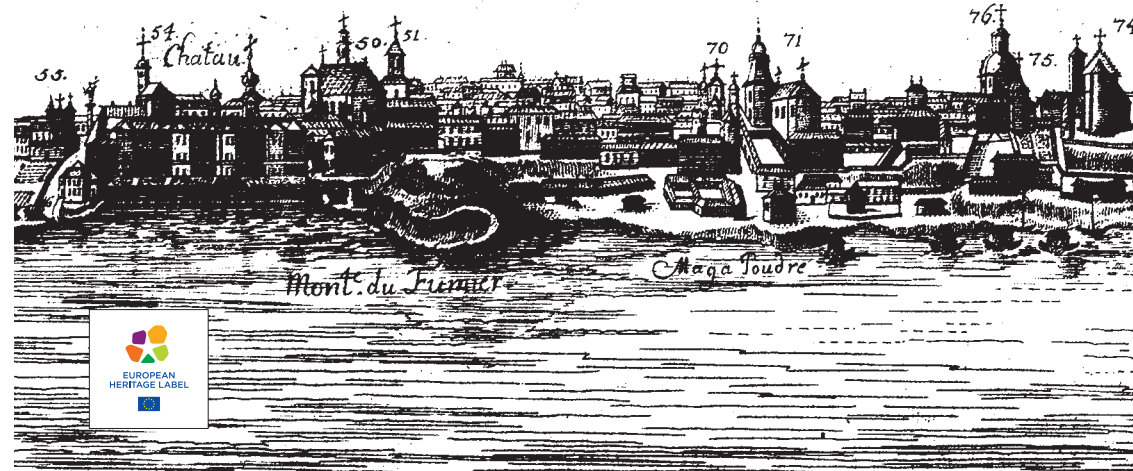
The Constitution of May 3 (1791)

THE FIRST MODERN
CONSTITUTION IN EUROPE
ADOPTED DEMOCRATICALLY



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The Central Archives of Historical Records
ul. Długa 7, 00-263 Warszawa

THE CONSTITUTION OF 3 MAY (1791)

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PROJECT FINANCED BY MINISTRY OF CULTURE AND NATIONAL HERITAGE

Historical background

1776



● ECONOMY: *The Wealth of Nations* by Adam Smith was published in London

1781



● ASTRONOMY: The Uranus planet was discovered by Sir William Herschel

1781



● PHILOSOPHY: *Critique of Pure Reason* by Immanuel Kant was published in Riga

13.03.1791



● HUMAN RIGHTS: *Rights of Man* by Thomas Paine (first part) were published in London

26.03.1791



● METROLOGY: Basics of the metric system were adopted in France

03.05.1791



● CONSTITUTIONAL LAW: **The Constitution of May 3, the first modern constitution in Europe, was proclaimed by the Four-Year Sejm of Polish-Lithuanian Commonwealth**



09.09.1791



● SOCIETY: the capital city of the United States was officially named Washington (D.C.), after the name of the first president of the states

13.09.1791



● CONSTITUTIONAL LAW: The final version of the first French Constitution was signed by king Louis XVI

30.09.1791



● CULTURE AND ART: Wolfgang Amadeus Mozart's opera *The Magic Flute* was presented in Vienna

15.12.1791



● CONSTITUTIONAL LAW: First ten amendments to the Constitution of the United States, known as the *United States Bill of Rights*, were entered in force

The Great (Four-Year) Sejm

(1788–1792)

● The Sejm (Parliament), which passed the Government Act, has commenced its sessions in a very complicated international situation. Russia, which held actual protectorate over the Polish-Lithuanian Commonwealth, became entangled in wars with Turkey and Sweden. Austria supported Russia against Turkey, and Prussia took a position openly antagonistic to Russia. It seemed to be the only opportunity to regain sovereignty of Poland. Sejm managed to form a confederation, the so-called treaty of guarantee was terminated, and following the disbanding of the Perpetual Council, the Sejm took full power in the country, commencing an attempt to reform the system. Enactment of the Government Act was the culmination point of those activities. Russia has never accepted losing its influence in Poland, and after signing peace treaties with Turkey and Sweden, commenced military actions against the Commonwealth. Those soon led to capitulation of the king and power was taken over by opponents of the May 3rd 1791 Constitution, who were united in a confederation formed under the influence of Russia, called Targowica Confederation after the town where it was formally established.



● Adoption of the May 3rd 1791 Constitution, J. P. Norblin, National Library of Poland



● Arrangement of the Senate Chamber in the Royal Castle in Warsaw, 18th century, contemporary drawing. CAHR, Acquisitions of the 1st Department, no 198, k. 65

The King

(1764–1795)

- The Great Sejm, which managed to form a confederation in order to avoid disruption, was most of all result of efforts and ideas of Stanisław August. The King himself with Ignacy Potocki and Hugo Kołłątaj were the main authors of the Government Act.



- Portrait of Stanisław August Poniatowski in coronation robes, M. Bacciarelli, Royal Castle in Warsaw

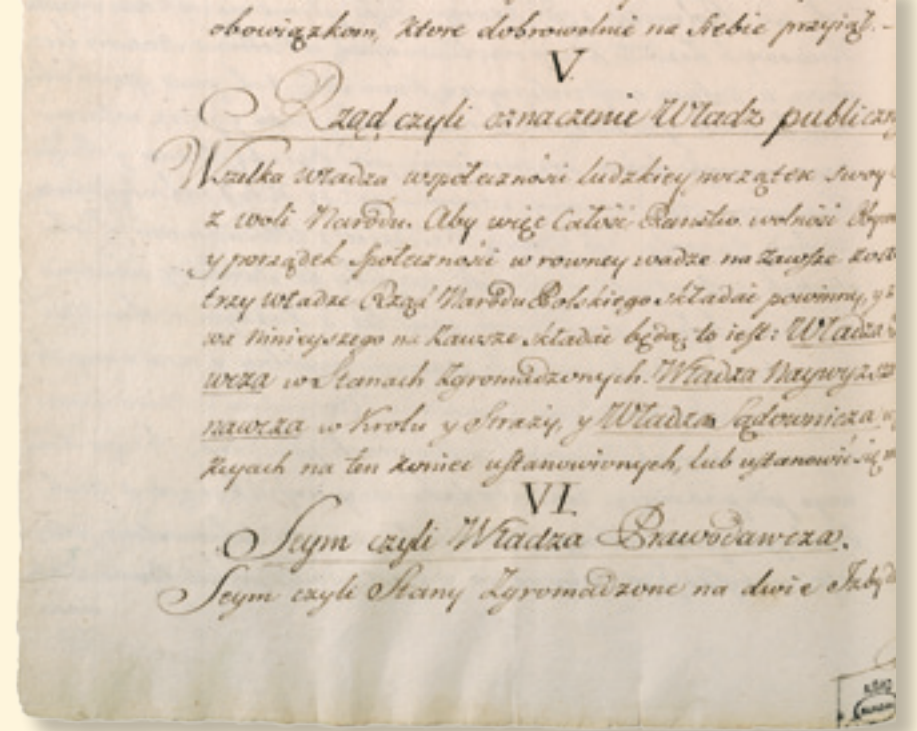


- Stanisław August, the Great Seal of majesty impressed on 24th of December, 1791 King enthroned under a canopy supported by two columns, with a scepter in his right hand. Drapery in the background. On both sides of the king, allegory figures (one with a palm leaf, the other with a sword and scales). Each of the figures holds a small shield, surmounted by a crown (one with the King's monogram (SAR), the other with Poniatowski coat of arms (Ciołek)). Above the top of the canopy, a shield surmounted by a crown with the Eagle, with birds on both sides. On the step of the throne, date MDCCLXXX. Around, 11 shields with coats of arms: Ruthenia, Pomerania, Sandomierz, Jagiellonian two-barred cross, Podolia, Dobrzyń, Lublin, Kujawy, Kalisz, Prussia, the Pogoń (surmounted by a ducal coronet). Seal enclosed in a box, impressed in red wax, Ø 12,3 cm
Inscription: STANISLAUS AUGUSTUS : D. G. REX POLONIÆ M. DUX LITH : RUS : PRUS MAS SAM : KIOV VOL POD PODL LIV SM SEV CZ
CAHR, Collection of parchment records no 1485



● Last page of the manuscript of the Constitution confirmed by signatures of the Marshals of Sejm (Crown Referendary Stanisław Małachowski and General of Lithuanian Artillery Kazimierz Nestor Sapieha) and members of Constitutional Delegation CAHR, Potocki Family Public Archive, 100, vol. 2, p. 84

● The May 3rd 1791 Constitution (Government Act) was adopted on May the 3rd, 1791 by the Sejm (Parliament) which was in session since 1788, and which is known in the history of Poland as the Four-Year Sejm or Great Sejm. The Government Act was Poland's first fundamental law and one of the first constitutions in the world adopted in a fully democratic manner. The document consists of a formal preamble and 11 articles. The Government Act in Poland introduced the system of constitutional monarchy, which was enacted by most of European countries only in the following century. The May 3rd 1791 Constitution maintained the class (estates) based structure of the society, but it opened paths for social advancement and perspectives for further reforms of the system. The Constitution accepted the Montesquieu's tripartite division of power into: legislative, executive and judicial.



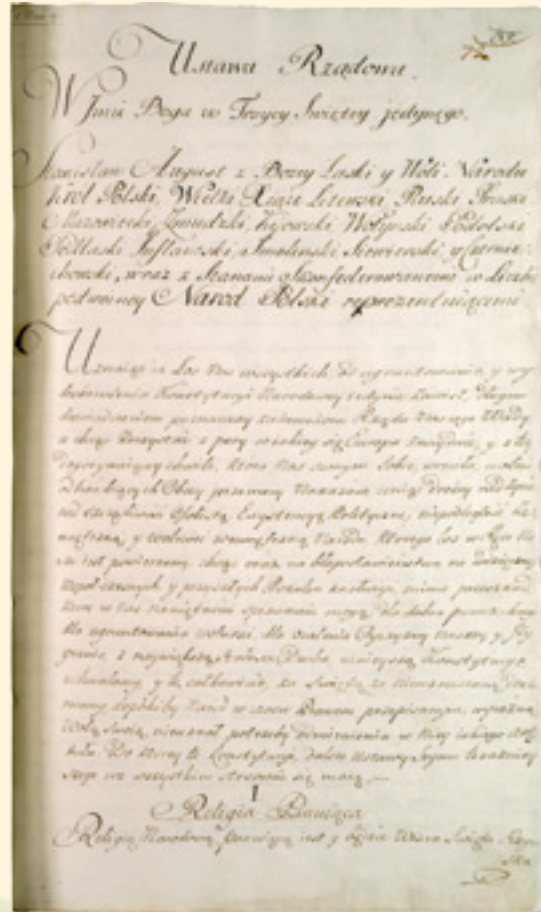
ARTICLE V. FORM OF GOVERNMENT, OR THE DEFINITION OF PUBLIC POWERS

- 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. Executive power in the King and the Council of Inspection.
 - 3d. Judicial power in Jurisdictions existing or to be established.
- New Constitution of the Government of Poland Established by the Revolution, the Third of May, London. Printed for J. Debrett opposite Burlington House, Piccadilly M. D. CC. XCI

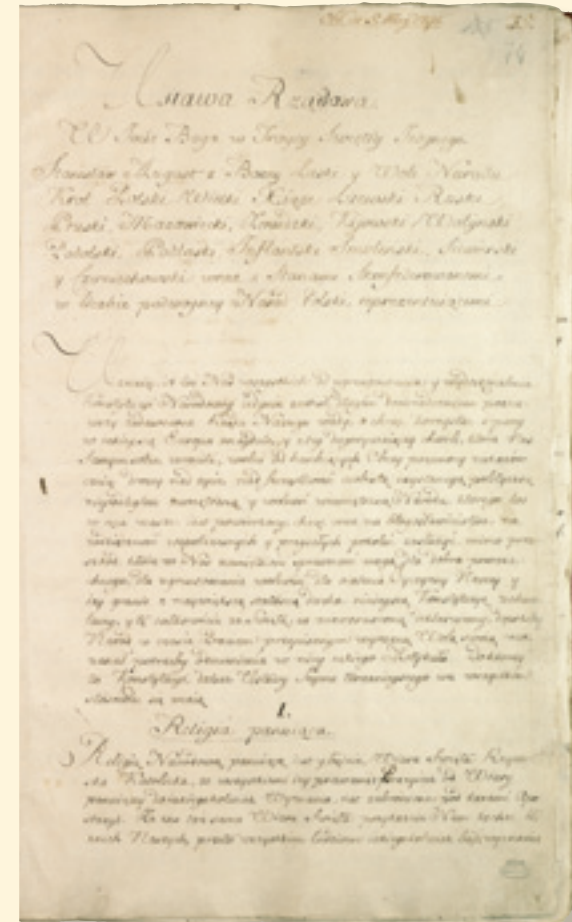


The Manuscripts of Constitution

● The three copies of the May 3rd 1791 Constitution preserved in the Central Archives of Historical Records are unique and special. This stems from the very short time of functioning of the system introduced on 3rd May, 1791. Russia has never accepted loss of its influence in Poland, and soon led to capitulation of the king and power being seized by opponents of the Constitution. Confederates of Targowica have commenced activities aimed at obliterating every trace of the document. Original copies of the Constitution were tracked with a particular zeal. The text from the Lithuanian Metrica has probably survived in the Royal Library (where Confederates could not reach it). The text from Potocki Family Public Archive was preserved in hiding by the members of the family, who, due to their role in development and enactment of the Government Act, could not count on clemency from their opponents. The copy from the Archive of Four-Year Sejm was preserved by one of Sejm secretaries.

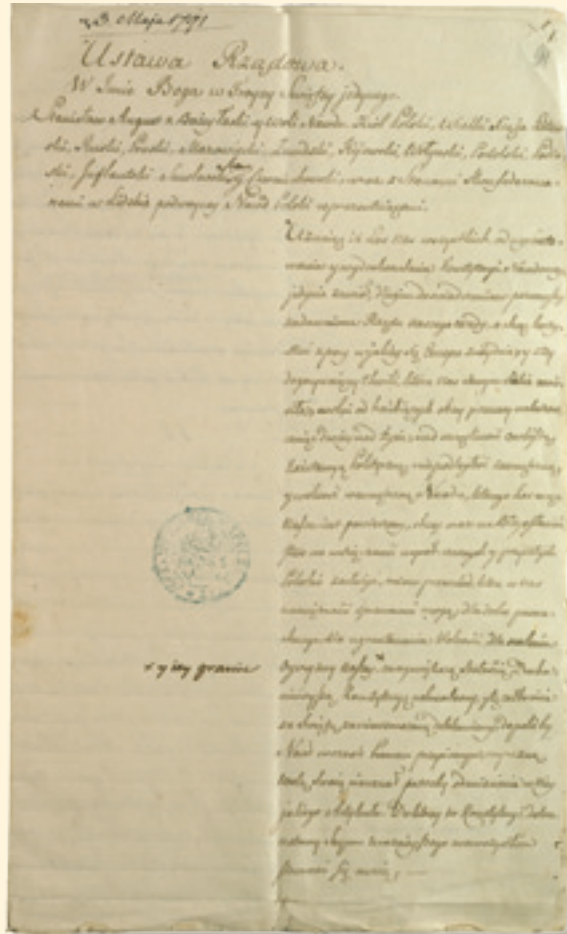


● Government Act, original, language: Polish, manuscript 40 x 25 cm in size, placed in the book with Sejm's resolutions adopted between 16/12/1790 and 29/05/1792, preserved in Lithuanian Metrica fond, section VII, 4, f. 75-82
[Copy from the Royal Library [?], signatures of the Marshals of Sejm and members of Constitutional Delegation]



● Government Act, original, language: Polish, manuscript 40 x 25 cm in size, placed in the book with Sejm's resolutions adopted in 1791, preserved in Potocki Family Public Archive fond, 100, vol. 2, p. 74-84
[Copy from the Potocki Family Public Archive, signatures of the Marshals of Sejm and members of Constitutional Delegation]

The Manuscripts of Constitution

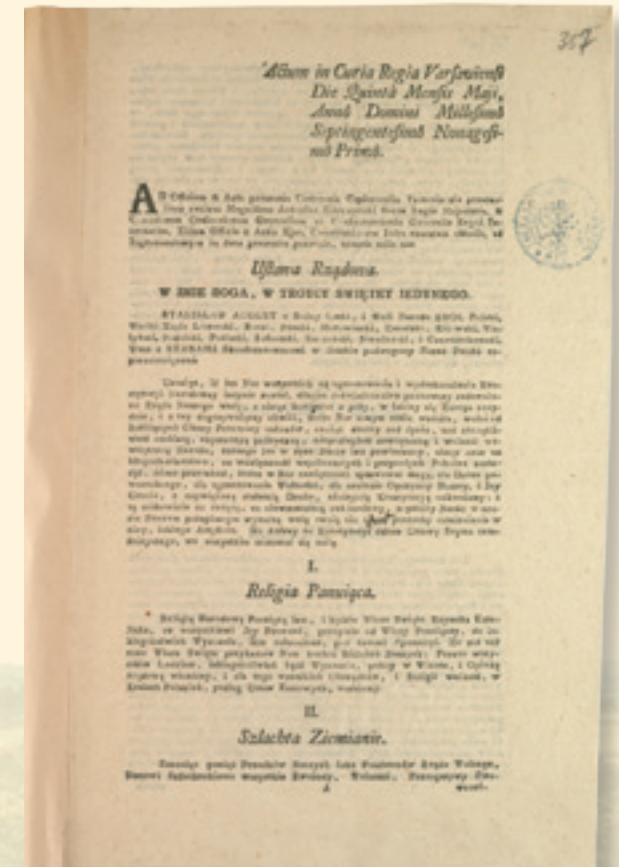


- Government Act, fair copy manuscript of the Constitution, 23,5 x 39 cm in size, placed in the book which contains, among other things, rough copies and fair copies of resolutions of Sejm from 1790 to 1791, preserved in Archive of Four-Year Sejm fond, vol. 20, f. 91-101
[Copy from the Archive of Four-Year Sejm, signatures of the Marshals of Sejm]

The earliest prints in Polish

- Acts passed by the Sejm in Polish-Lithuanian Commonwealth were registered in the courts' chanceries records, which meant that they were entered into the court books in larger towns. The registered text became official and everyone could cite it with the legal effect. Entry into the court book of Warsaw meant legal validation of the acts of the Four-Year Sejm. For this reason the authenticity of the printed copy of the Government Act was confirmed by the impression of an official seal of the chancery and signature of the chancery clerk.

- Official print of the text of the Government Act with the entry formula, confirming its origin from Warsaw chancery CAHR, Archive of Four-Year Sejm, vol. 25, f. 357-360v



The earliest prints in Polish



- Within the first 12 months of its enactment, the Constitution had at least 14 editions, with ca. 20,000–30,000 copies printed. Shortly after it was enacted, the Constitution was published in the Polish press, e.g. in "The National & Foreign Gazette". Text of the Government Act in "The National & Foreign Gazette", No 38, 11 May 1791, CAHR, Library, Cz. 1288, p. 154

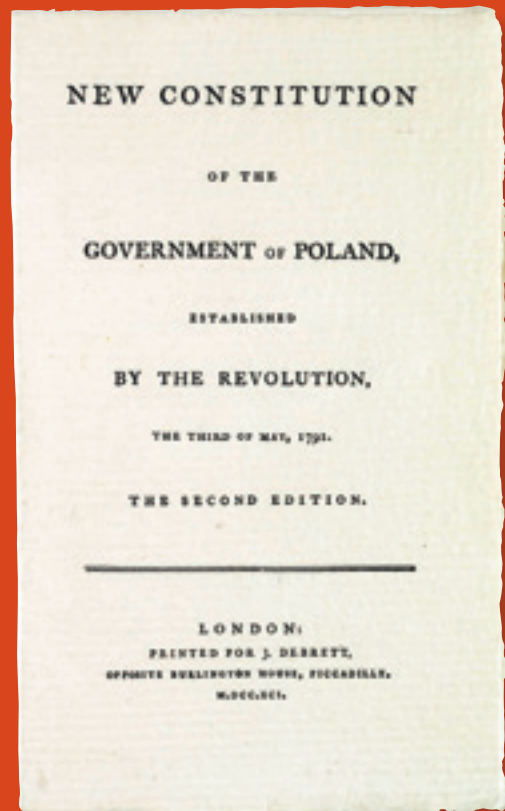


- Government Act and other basic acts of the Four-Year Sejm, regulating the Commonwealth's reformed political and social system. Printed "in Warsaw at P. Dufour, Cou[rt] Counsel[lor] for HM-sty and Director of the Cad[et] Sch[ool] Print[ing] House", 1791
CAHR, Library, SD I 50



In foreign languages

- Immediately after the enactment of the 3rd May Constitution, it was admired by the entire liberal Europe. Edmund Burke (1729–1797), philosophical founder of conservatism, praised it as an example of peaceful transformation of the political system. The document evoked positive comments from “Nouvelles Extraordinaires de Divers Endroits” as well. Words of praise were also heard in the parlours of Vienna. Pope Pius VI (1775–1799) regarded it favourably; even the king of Prussia, Friedrich Wilhelm II (1786–1797), sent a letter of congratulations. The then-ambassador in Paris and later President of the United States (1801–1809), democrat Thomas Jefferson, wrote that the world has gained three Constitutions worth memory and respect, in order of their enactment: American, Polish and French.



- *New Constitution of the Government of Poland Established by the Revolution, the Third of May*, London. Printed for J. Debrett opposite Burlington House, Piccadilly M. D. CC. XCI National Library of Poland, XVIII.2.3374 [Reprint, Warsaw 1991]

- On the 15th of May, the “Nouvelles Extraordinaires de Divers Endroits”, called “Gazette of Leiden”, mentioned the Polish Government Act for the first time. In the next edition (the 20th May) there were three articles about its enactment. In England “The Times” and “The Morning Chronicle” first reported on the Government Act on the 20th of May, and then, on the 21st of May, “The London Gazette”; it means information had reached London after 17 or 18 days. In Paris, “Gazette Nationale ou la Moniter Universel” described the event on the 22nd May. In June, three British newspapers printed the complete translated text of the Constitution: “The Star”, “The Morning Chronicle” and “The Lloyd’s Evening Post”. This was a success of Franciszek Bukaty (Polish ambassador in London), who arranged the translation. The text was also printed as a single book by John Debrett. The French translation was published in Warsaw by “Journal Hebdomadaire de la Diète” in the subsequent editions from 6th July till 3rd August.



- *Forme Constitutionnelle décrétée par acclamation dans la séance du 3 mai, sanctionnée à l'unanimité, dans la seancé suivante du 5 mai 1791* Contemporary print, CAHR, Library, SD 172



53.

54. Chateau

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Mont du Fumier

Maqa Poudre

