



# The Government Act – Constitution of 3<sup>rd</sup> May 1791



# **The Government Act – Constitution of 3<sup>rd</sup> May 1791**

**230 YEARS OF THE CONSTITUTION OF 3<sup>RD</sup> MAY**

Warsaw 2021

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## Introduction

### The Government Act of 3<sup>rd</sup> May 1791

The legislative legacy of the Polish Assembly or Parliament (Sejm) which sat between 1788 and 1792, usually called The Four-Year Sejm or The Great Sejm, saw the passing of 489 separate constitutional acts. However, only one of them managed to gain immortality and, in the 19<sup>th</sup> century, when the country was partitioned, it became a reference point and source of inspiration. After Poland regained independence, the day on which the act was passed became the Polish National Day. We are of course talking about the Government Act passed on 3<sup>rd</sup> May 1791, commonly known as the Constitution of 3<sup>rd</sup> May. The Central Archives of Historical Records (*Archiwum Główne Akt Dawnych*, AGAD) is particularly well placed to popularise knowledge about the Constitution of 3<sup>rd</sup> May and the times during which it was passed, as it holds a great many precious documents about the Constitution, including handwritten original copies of the text. The goal of this publication is to present selected documents that will illustrate the path that led, after more than two years of deliberations, to the passing of the first democratically-ratified, modern constitution in Europe, as well as its fate. The documents are taken from files and archive collections which include materials from the times of the Four-Year Sejm. These are the Archives of the Four-Year Sejm (*Archiwum Sejmu Czteroletniego*, ASCzt.) – material from the office that was working during the sessions of the Sejm that served the senators and deputies – as well as the Potocki Public Archive (*Archiwum Publiczne Potockich*, APP), which contains many pieces pertaining to Ignacy Potocki, one of the most important authors of the Constitution.

□

# Ustawa Rządowa.

W Imię Boga w Trojcy Świętej Jedynego.

Stanisław August z Bożej Łaski y Woli Narodu Król Polski Wielki Xiążę Litewski Ruskie Pruskie, Mazowiecki, Kujawski, Wielkopolski, Łódzki, Podolski, Podlaski, Inflancki Smoleński, Siewierski y Czerniechowski wraz z Stanami Skonfederowanemi w liczbie podwojney Naród Polski reprezentującami

Uznając iż los Nas wszystkich do ugruntowania y wydoskonalenia Konstytucyi Narodowej jedynie zależy, stądin doświadczeniem poznawamy zadawione Nasze wady, a chcąc korzystać z pory w jakiej się Europa znajduje, y z tej dogorywającej chwili, która Nas samym sobie, wróciła, wolni do hanbiących Obcy przemocy nasawieniu, drożey nad życie, nad szczęśliwość włości, czysteney politycznej, niepodległości zewnętrznej y wolności wewnętrznej Narodu, którego los w ręce nasze jest powierzony, chcąc oraz na błogostawieństwo, na wzajemność rozpolconych y przyzłych pokoleń zasłużyć, mimo przeszkód, które w Nas namężności sprawować mogą, dla dobra powszechnego, dla ugruntowania wolności, dla ocalenia Ojczyzny Naszej y jej granic z największą statowia ducha niniejszą Konstytucyą, uchwalamy, y to całkowicie, za Świętą, za niewzruszoną, deklarujemy, dopóki by Naród w czasie Prawem przepisany wypada, Wola, swia, nie uznal potrzeby dmiwienia w niej iakiego Artykułu. Do której to Konstytucyi, dalsze Ustawy Sejmu terażniejszego we wszystkich statowiać się mają.

I.

## Religia państwa.

Religia Narodowa, państwa, jest y będzie, Wiara Święta Rzymska Katolicka, ze wszystkimi jej prawami; Przepięcie do Wiary państwa, iakiegokolwiek Wyznania, jest zabronione, pod karami Apostazy. Ze zaś tak sama Wiara Święta, przypada Nam, kościołom, bliżnich Naszych, pręto wszystkim ludzom iakiegokolwiek Wiary, Wyznania

AKOBY

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AKOBY

The Government Act, original, Polish, manuscript, 40 × 25 cm, in a book containing the acts of the Sejm of 1791, kept in the collection of the Potocki Public Archive (hereinafter: APP), sign. ref. 100, vol. 2, pp. 74–84  
A copy from the Potocki Archive, signatures of the marshals and deputies

The Government Act, original, Polish, manuscript, 40 × 25 cm, in a book containing the acts of the Sejm passed between 16<sup>th</sup> November 1790 and 29<sup>th</sup> May 1792, held in the collection of the so-called Lithuanian Metrica, section VII, sign. ref. 4, sheets 75–82  
A copy which, after the ending of the Sejm, was passed to the Crown Metrica, signatures of the marshals and deputies

## The Sejm (Parliament)

The Four-Year Sejm (also known as The Great Sejm) was a parliamentary session of the Polish Commonwealth which sat from 6<sup>th</sup> October 1788 until 29<sup>th</sup> May 1792 in Warsaw. On the second day of deliberations a Sejm Confederation was formed. The Crown Referendary, Stanisław Małachowski, was appointed Marshal of Confederation of the Crown (the day before he had been chosen as Marshal of the Sejm), while Prince Kazimierz Nestor Sapieha, a General in the Lithuanian Artillery, was appointed Marshal of the Lithuanian Confederation. In accordance with the confederation act, the rule of *liberum veto* was not binding during the Sejm and decisions were taken either by acclamation or by majority voting.

The Sejm held 565 sessions, during which it passed around 500 laws. Around 530 senators and deputies took part in the deliberations, the majority of whom went on to take part in the Kościuszko Uprising, to fight in Dąbrowski's Legions and to organise the Principality of Warsaw. From the outset of the deliberations, the Sejm was politically heated, saturated by a patriotic, anti-Russian and pro-reform atmosphere. In the early sittings, the Sejm focused on tearing up the existing political order established during the Partition Sejm of 1773–1775 which had been controlled by the Russian Ambassador, Otto Magnus Stackelberg. One of the first decisions of the Great Sejm was an act from 20<sup>th</sup> October 1788 on increasing the size of the army from 18,500 to 20,000. On 3<sup>rd</sup> November 1788 the Military Department of the Perpetual Council was abolished, followed by the Perpetual Council itself on 19<sup>th</sup> January 1789. Both were seen as instruments of Russian rule. Next, the Sejm began to build the foundations of the new political system. In early 1789, it increased taxation on royal lands, introduced income tax on landowners and the Church. In November 1789 it established a civilian-

The act of establishing a general confederation (the day after the commencement of deliberations, at the second session), 7<sup>th</sup> October 1788, Warsaw; AGAD, ASCzt, vol. XV., sheet 664 (print)

## AKT KONFEDERACJI GENERALNEJ W SEYMUIĄCYCH STANACH OBOYGA NARODOW.

664

MY Rady Duchowne y Świeckie y Połłowie w Obecności Nayaśniefzego KROLA Jmci Pana Nafzego Miłofciwego z naywyższą Approbacją y przewodniczym podpisem Nayaśkafzey Ręki Jego, Zgromadzeni, nie innym tchnący Duchem, iak tylko gorącego żądania naydokładniefzego ubeśpieczenia y ulepzenia Oyczyzny Nafzey, bierzemy przed się iedyńy fpofof, tym celom wydofać mogący, to iefć: Związek Konfederacyi Generalney, pod którym wŹyŹtkie Obrady Nafze mieć chcemy nierozzerwane, przy zachowaniu nayŹwiato- bliwŹym wŹyŹtkich Praw, które Nam ubeŹpieczają Wiarę Świętą Nafzą Katolicką Rzymiką, całość Kraiow RzeczyŹpolitey, Rząd wolny RepublikantŹki, Ofobę, DoŹtoiefńŹtwo y wŹy- Źtkie Prawa y Prerogatywy Tronu Nayaśniefzego KROLA STANIŚŁAWA AUGUSTA iak- Źkawie Nam Panuiącego, iako y MagiŹtratur wŹŹelkich w zwykłych powinnościach y O- bŹębach Źwoich, y całość Obywatelfkich wŹłaŹności.

A że żaden z tych naydrożŹszych ZaŹczytów Narodowych nie będfie mógł być na- zwany prawdziwie Nafzym, póki nie będfie wŹyŹtkie zaŹŹpieczone Narodową Źilą doŹkarcza- jącą do uŹŹnienienia niebeŹŹpieczeńŹtwa, które w tylu poŹŹaciach grozić mogą Oyczyźnie Na- fzey; Więc: na ten Obiekt, przed wŹyŹtkimi innemi, Chcemy nie ukłapiać Ofiary Maię- kow Nafzych na powiękŹzenie Komputu Woysk RzeczyŹpolitey, ile możność y ŹpoŹobność Nafza dobrze zwaŹżona Nam poŹzwoli. Zachowniemy Źobie w dalfzym ciągu Seymowym te ulepŹzenia wewnętrŹne, których uznamy wedlug ŹpoŹobności potrzebę, równo iako y obmyŹlenie wŹŹelkich nżyteczności RzeczyŹpolitey, w Prywatne Interesfa nie wdaiąc Źię. Za MarŹaŹka Konfederacyi Koronney inŹ obranego MarŹaŹka Seymowego Urodzo- nego StaniŹława MałachowŹkiego Referendarza Koronnego PoŹła WoiewodŹtwa Sandomir- Źkiego poŹŹanawiamy, a z Prowincyi Wielkiego XięŹtwa LitewŹkiego, żadanego od Pro- vincyi LitewŹkiej Urodzonego Xięcia Kazimierza Sapiehę Generała Artylleryi Lite- wŹkiej PoŹła WoiewodŹtwa BrzeŹŹkiego LitewŹkiego, których w naŹŹepniącą Rotę obo- wiązaliŹmy. „ Ja N. N. przyŹięgam Panu BOGU WŹŹŹchmogącemu w Trocy Sejmowi JeŹ- dynemu, iż NayaśniefŹszemu KROLOWI STANIŚŁAWOWI AUGUSTOWI iakŹkawie „ Nam Panuiącemu, y Generalney Konfederacyi Oboyga Narodów wiernym będfie, w Źpra- „ wowaniu Urzędu Funkevi MarŹaŹka teŹŹe Konfederacyi to wŹyŹtko zachowam, co „ PrzepiŹy OneyŹe w Źobie zamykaia; w żadne Konwencye Sekretne, bądŹ z Kraiowemi, „ bądŹ z Zagranicznemi Ofobami, bez wiadomości KROLA y NARODU wchodŹić nie bę- „ dę, żadnym wŹględem, datkiem, obietnicą, przyŹŹŹnią, groŹbą nie uiwofie Źię; żadnych „ Sancitów ani Aktow prywatnych pod iakimkolwiek bądŹ nazwiŹkiem, ani AŹŹygnacyi „ PienięŹnych nie wydam; ale tylko te Materye w Akta Seymowe umieŹŹczac będfie, „ które od wŹyŹtkich Stanow Skonfederowanych per pluralitatem deŹcydowane zoŹŹana; „ w rachowaniu krefek y ogłofŹzeniu pluralitatis wiernie Źię zachowam; w któreby Ma- „ teryi Senator, MiniŹter, lub PoŹel żadał Sekretnych Wotow, tedy do tych ŹpoŹobem w „ Prawie przepiŹanym na żądanie iednego, po pierwŹŹŹŹch iednych Wotach głoŹnyb, za- „ wŹŹe przyŹŹiępię, y te równie wiernie y Źprawiedliwie zliczac, y pluralitatem z nich „ ogłafzac przyrzekam. W iedney-tylko Materyi Podatkowania, Wotow Sekretnych nie „ przyimę, ale one głoŹŹne odbieraiąc, ex pluralitate Stanow Seymuiącym donioŹe, y aby „ wŹŹelkie udfiatania wiadome Stanom y Kraiowi były, tak czynić pod nieważnością „ onych przyrzekam. Tak mi BOŹE dopomoŹ. „ Do takowego więc ŹwiętoŹliwego y „ dla RzeczyŹpolitey poŹżadanego Dziela, wŹyŹtkich, NayprzewieŹbnieŹŹzego, Przewie- „ lebnych, JaŹŹnie WielmoŹnych y WielmoŹnych Senatorow, y MiniŹtrow, tudŹŹe Urodzo- „ nych PoŹłow ZiemŹkich Oboyga Narodów zachęcamy, y miłofcią ku Oyczyźnie, oraz „ wiernym przywiazaniem do Nas KROLA ohowiazuiemy. W WarŹawie dnia Siodmego „ PaŹdziernika TyŹŹiac SiedmŹet OŹmdzieŹŹiat OŹmego Roku.



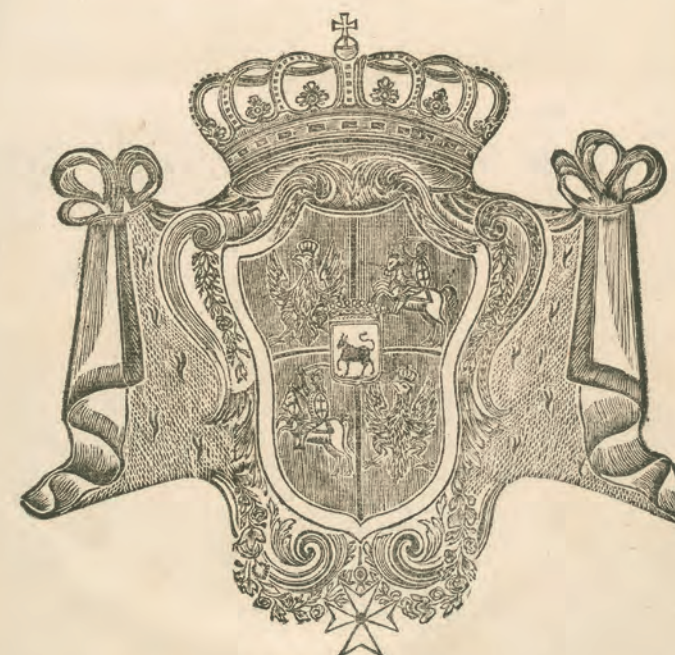
military committee for public order. On 29<sup>th</sup> March 1790 it entered a defensive alliance with Prussia. From 16<sup>th</sup> December 1790 the Sejm worked with double the number of deputies. On 3<sup>rd</sup> May 1791 it enacted the Government Act, known as the Constitution of 3<sup>rd</sup> May, in reference to its enactment date. This was the first constitution in Europe and the second in the world. It applied for around one year during which time it gained the support of the majority of the Polish nation. In the last year of the Great Sejm, work continued on legislation that developed the framework of the norms of the Constitution. Suspended on 29<sup>th</sup> May 1792, due to the outbreak of war with Russia, the Sejm was never to reconvene.

After the third partition of Poland (in 1795) and during the time of foreign occupation (partition), the Four-Year Sejm and the Constitution of 3<sup>rd</sup> May developed symbolic importance. Their commemoration played an important role in sustaining and inspiring the Polish national spirit and identity.

After regaining independence, during the period of the Second Polish Republic (1918–1939), 3<sup>rd</sup> May became the Polish National Day. On 6<sup>th</sup> April 1990, the Polish Sejm reinstated 3<sup>rd</sup> May as a day of national celebration. The idea of fulfilling the will of the nation from the times of the Four-Year Sejm also returned – the construction of a temple. In 2002, on Wilanów Fields in Warsaw, the construction of a sanctuary began: the Temple of Divine Providence.

Printed journal of the Four-Year Sejm (title page), 6<sup>th</sup> October 1788, Warsaw;  
AGAD, Archiwum Królestwa Polskiego, 138

D Y A R Y U S Z <sup>IV</sup>  
SEYMU ORDYNARYINEGO  
POD ZWIĄZKIEM KONFEDERACYI GENERALNEJ  
O B O Y G A N A R O D O W  
W W A R S Z A W I E R O Z P O C Z Ę T E G O  
R O K U P A N S K I E G O 1788.  
T O M I. C Z Ę Ś C I.



W W A R S Z A W I E

W D R U K A R N I N A D W O R N E J J K M c i i P. K o m m i s y i E d u k : N a r o d o w e j.



A box in which loose texts from the Potocki Public Archive may have been stored. It is presumed that materials from the Four-Year Sejm, including the Government Act were stored in such boxes at the beginning of the 19<sup>th</sup> century, before they were bound in their current form.

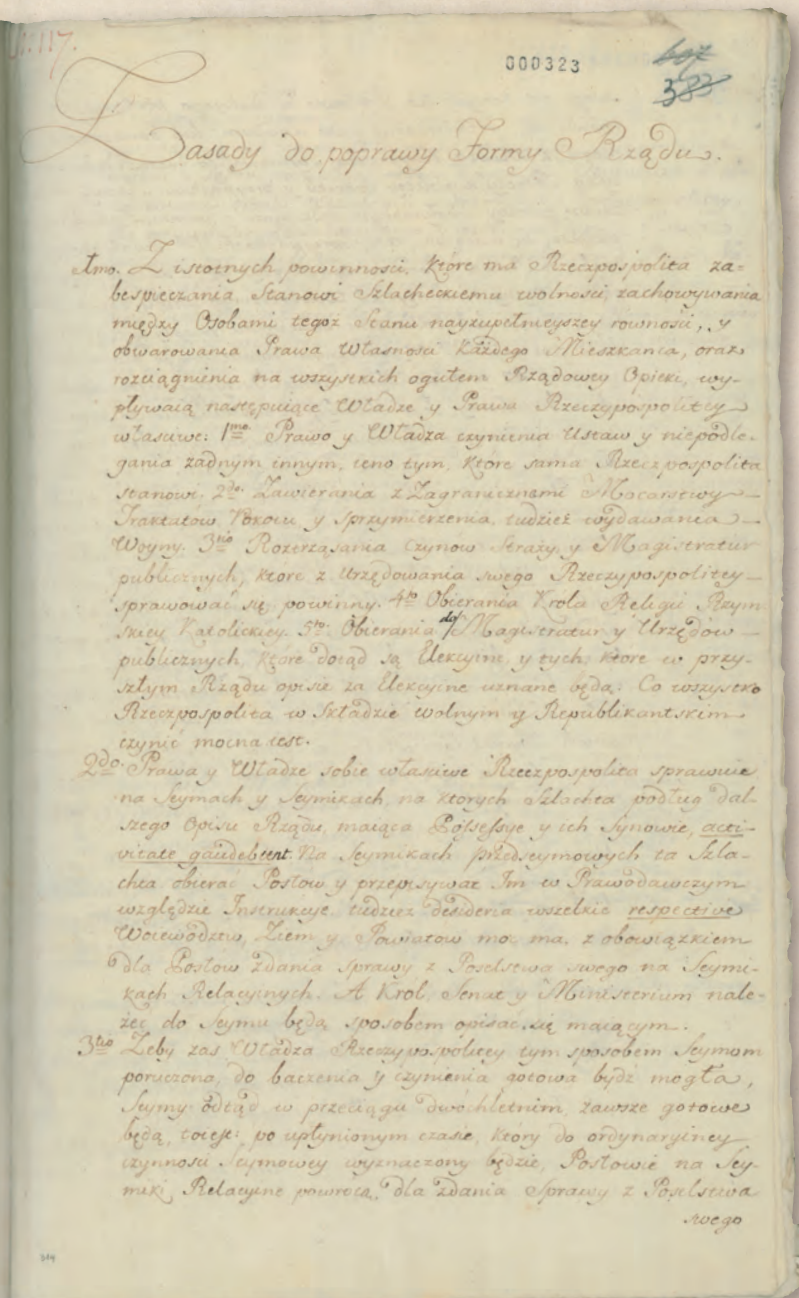
## Preparations

On 7<sup>th</sup> September 1789, on the 25<sup>th</sup> anniversary of the election of King Stanisław August, the Sejm established a special delegation to prepare a draft of the future political system of the Polish Commonwealth. The Lithuanian Court Marshal, Ignacy Potocki, one of the main opposition leaders in the Sejm, led the delegation. In contrast to Stanisław August, who was a supporter of a strong monarchy, Ignacy Potocki held republican views. Therefore, his draft *Principles for improving the government* outlining a future political system for the Commonwealth, reflected his views. These *Principles*, passed by the Sejm in December 1789 and also drawn up mainly by Potocki, became the basis for the *Project for Government* which began to be discussed in the Sejm from August 1790.

The long discussions over each article of the project, which often resulted in decisions not to the author's liking, as well as the growing popularity of Stanisław August, convinced Ignacy Potocki that he needed to cooperate with the monarch. On 4<sup>th</sup> December 1790, at Potocki's request, a meeting with the king took place. During the conversation it was agreed that, in order to finalise work on the future political system of the country quickly, the draft constitution act should be prepared by a narrow group of people and then presented, as a whole, to the Sejm for approval. Between January and April 1791, multiple versions of drafts were circulating between Stanisław August, Ignacy Potocki and the rest of the inner circle, with mutual corrections, supplements and improvements, as the views of the republicans battled with the views of the monarchists.

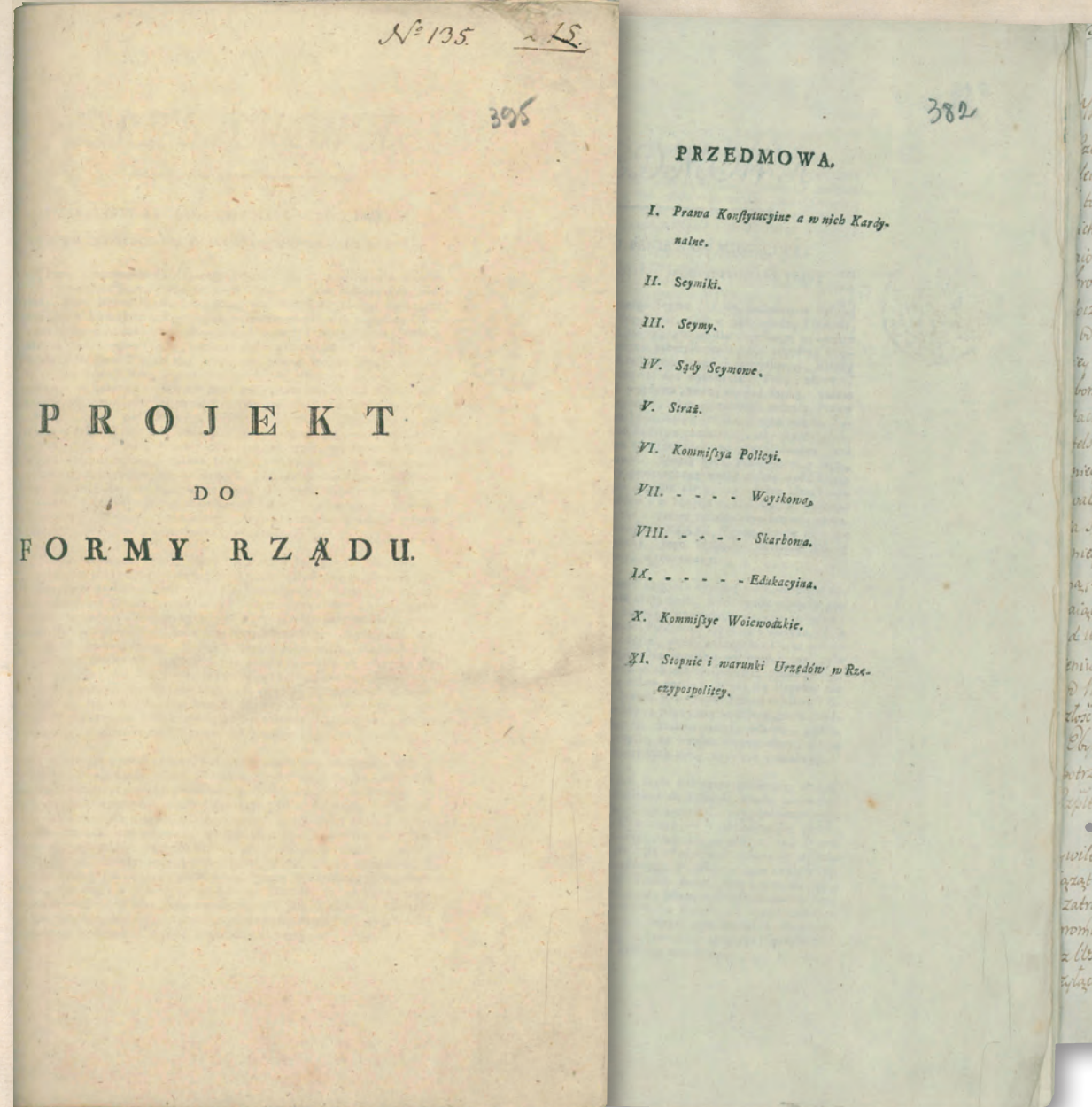
The Government Act, as an agreed, compromise draft of a constitution, was read publicly for the first time on 2<sup>nd</sup> May 1791 in the Radziwiłł Palace (today the Presidential Palace on Krakowskie Przedmieście Street). Later on, in Stanisław Małachowski's Marshal's Palace (today the Academy of Fine Arts), they began to collect signatures to the *Assurance* act, a declaration by senators and deputies confirming that they would support the draft Government Act to be submitted for deliberation at the Sejm.





*The Principles  
for improving  
the Form of  
Government, original  
parliamentary  
act, 21–23<sup>rd</sup>  
December 1789  
[24<sup>th</sup> December  
1789 – written into  
law]; AGAD, APP,  
100, vol. 1, pp. 323–325*

The draft *Principles*, prepared by the delegation for the form of government, contained an outline of the future political system of the Commonwealth of Poland. The main author of the project was the Marshal of the Lithuanian Court, Ignacy Potocki. The draft, discussed at the next three parliamentary sessions, was adopted in parts with numerous amendments agreed upon during parliamentary discussion.



*Draft of the Form of Government, print [2<sup>nd</sup> August 1790]; AGAD, ASCzt, vol. XVI, sheets 381–393v, 395–407v, 435–489v, 492–539*

The draft prepared by the delegation for the form of government (main author: Ignacy Potocki). The draft consisted of 681 articles divided into 11 chapters containing a description of the future government and the political system of the Commonwealth of Poland. At the request of the impatient deputies, part of the project (about sejmiks) was presented on 7<sup>th</sup> May 1790. Discussions on the project began with the cardinal laws (the fundamental laws for the nobility). By January 1791, 11 articles had been passed.



Projet de Reforme  
de Constitution.

1791.

Noblesse.

Les droits privilégiés, et libertés dont la noblesse Polonoise, et Lithuanienne jouit en vigueur des Loix existantes, et des Sacta Conventa sont confirmés, et déclarés constitutionnels, et inviolables par le présent projet de Reforme qui doit en assurer l'entière conservation.

Villes et Municipalités

II. Les villes et municipalités jouiront des droits qu'on propose de leur accorder dans le plan de M<sup>r</sup> Chrapkiewicz Vice-Chancelier de Lithuanie qu'on adoptera, et sur le quel on formera le règlement pour les villes. On étendra à tout étranger, et Bourgeois en Pologne le droit d'acquiescer des terres qui leur est déjà accordé en Lithuanie.

Païsans - serfs.

III. Outre les loix existantes en faveur des Païsans - serfs on confirme toutes les conceptions et franchises qui leur ont été ou seront accordées par les Propriétaires légitimes en sorte que les héritiers et successeurs des dits propriétaires légitimes doivent les observer selon la teneur et les conditions des dites conditions

*Projet de Reforme de Constitution*, draft [January/February 1791]; AGAD, APP, 197, pp. 625-627, 639, 640

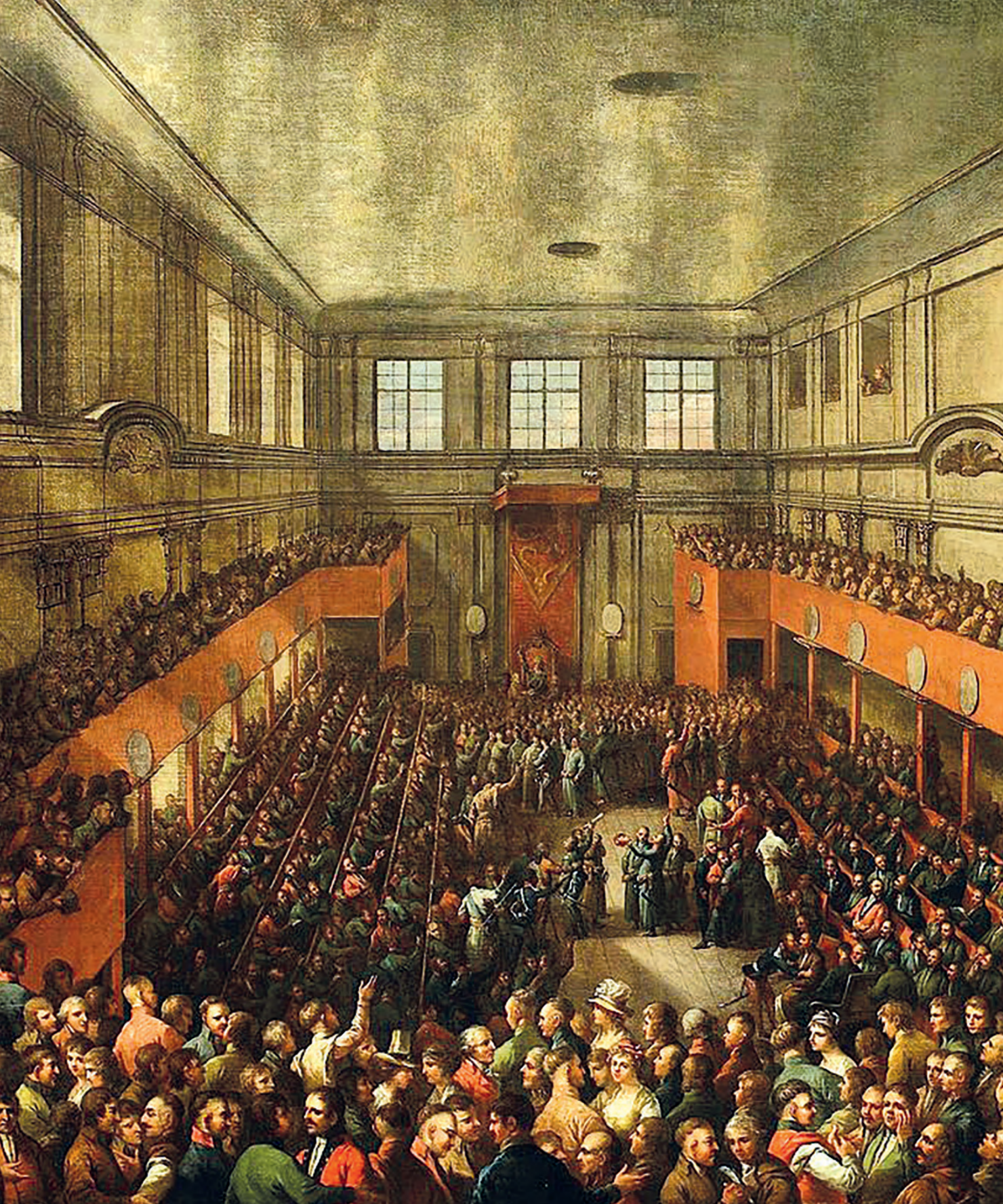
A fair copy of the draft constitution, most probably drawn up by Scipione Piattoli with the participation of Ignacy Potocki and the Marshal of the Sejm, Stanisław Małachowski, on the basis of the Draft Constitution of 20<sup>th</sup> January 1791. The draft contains 25 articles. A new proposal for its wording (*Projet de Reforme de Constitution*) emerged from the draft constitution, complementing and clarifying it in many places. It includes articles describing the basic rights of states: nobility, townspeople and peasants; it unambiguously defines the Roman Catholic denomination as the dominant religion. It discusses the sejmiks (regional parliaments) and the Sejm (parliament) and the executive branch, including the order of succession. Of particular interest is the clear break with the principle, in force for several hundred years, that the Polish throne must be occupied by men, because it was realized that the Saxon elector, the supposed heir to the throne, only had a daughter. It presents in detail the composition and powers of the future central government (called there *straż* (guard) – the text of the draft is entirely in French, but this term has been left in Polish, untranslated in several places). It announces the development of a new code of civil and criminal law, which should be considered particularly important, and ends with a declaration abolishing all laws that have been in force so far which stand in conflict with the draft constitution.



22

*The Assurance* – a declaration adopted at a meeting of deputies and senators on supporting the draft Government Act, 2<sup>nd</sup> May 1791, Warsaw; AGAD, APP, 100, vol. 2, pp. 1–4

23



“From the morning of 3<sup>rd</sup> May the Sejm (parliamentary) chamber was filling with a curious audience. On hearing that the constitution act was supposed to be deliberated upon in the Sejm that day, everyone ran to find out what the fate of the homeland was to be. Worrying about the good people and terrified by the threats from the evil ones, the citizens went from fear to hope, impatiently awaiting the moment which would remove that uncertainty, so hard to bear. The majority of the audience, however, finding all available seats already taken, filled the castle’s halls, stairs and porches. It should not be forgotten that, beforehand, the ‘champions’ of the Moscow option took their seats, designated for them by the chiefs, inside the Sejm chamber. They were permitted to do this, as if no one realised what they were up to, but soon all those small groups found themselves surrounded by people whose commitment and courage were already proven, and so those ‘champions’ quickly realised that not only violence but not even a shadow of it would be allowed. This was the only precaution taken on that day, in order to prevent any indecent scene in the Sejm that would diminish the sanctity of that day.”

*On the Establishment and Fall of the Polish  
Constitution of 3<sup>rd</sup> May 1791,*

F. Ks. Dmochowski, H. Kołłątaj, I. Potocki, S. Potocki, first edition 1793

*The passing of the 3<sup>rd</sup> May Constitution, K. Wojniakowski, 1806; Wikipedia*

## Deklaracya Stanow Zgromadzonych.

Wszystkie Prawa dawne y teraźniejsze, przelicytowane niniejszą Konstytucją, lub któremukolwiek ich Artykulowi zmienione, a Opisy Jęzeczowe do Artykulow y każdej materji w niniejszej Konstytucji zamkniętych potrzebne, jako składnicy wyrażegożniac, obowiązki y układy Rządu, za które składają, tej Konstytucji deklarujemy. Władzy wykonawczej zalecamy, aby strasze obowiązki natychmiast przed okiem Sejmu reprodukowała y ciągle utrzymywała. Bogu y Ojczyźnie wroczymy przyrzecamy na postawienie, na Obronę użytych ludzkich siłami tej całej Konstytucji, y takowa przyrzecza za każdą rzeczą mitemi Ojczyźnie dając, wykonanie onej nakazujemy natychmiast tu też Opatrzności przez wszystkie Komisye i Jurysdykcyę Państwa, niemniej przez Wojsko tu przytomne, a w ciągu następnych Miesiaca do daty niniejszego Prawa, za Obyczajem Komisji Wojskowej przez całą Wojsko Narodowe w danstwach Korony Polskiej y Wielkiej Litwy konstytuować. — Wykazanie Nabożeństwa wiodnym miu pro wszystkich w całym Kraju Kenciotach, tożąd dnia Osmego Miesiaca Majowego bieżącego na proskierowanie Bogu zachowane, chwile przemyśleń, wydobycia Polski przed Brzemości Oby y miłości Domowego, za przywrócenie Rządu, który najkuteżniej wolności Mała prawdziwa, y całej Polki habesprickej młode, za postawienie tym sposobem Ojczyzny Naszej na stopniu mogący prawować, w oścałach Europejskiej cykai tej konsolidacyi, Bp Biskupom zalecamy naczynając dzień ~~święty~~ kanistawa Patrona Korony Polskiej, za uroczysty rok, który My y potomkowie Nasi obchodzie będziemy, za dzień poświęcony Najwyższej Opatrzności, po którym Ojczyzna smiało y bezpiecznie pro tyłu niebezpieczeństwach ochraniać może. Chemy oraz, aby Duchowieństwo tak Świeckie jako y Zakonne, w naukach Chrześcijańskich, które Prawowiernemu winno ludowi, nie przedstawiać żadnej wszystkich dopodobnych Bogu dzikich, aby zaś potomne wieki tym silniej cnie mogły, iż dnie tak przekadane pomimo najwyższej trudności y przeciwnych za pomocą Najwyższego łaskami Narodów Rządu do skutku przywodzić, nie utraciliśmy tej jęzeczliwej dla ocalenia Narodu przy, uchwalamy, aby na te

The Government Act, 3<sup>rd</sup> May 1791

The deliberations of the Four-Year Sejm began against a favourable international background. Among other things, the Russo-Turkish war broke out (1787) and Russian troops were withdrawn from the Commonwealth. There was also a decline in support for the pro-Russian orientation, and there was a noticeable counterbalance to Russian influence in the policy of rapprochement with Prussia.

During the deliberations of the Sejm, important reforms to the political system were passed, essential for strengthening the state and intending to overthrow Russian control and protect independence. These included, amongst others, military reform (increasing the size of the army), tax reforms and administrative reforms (a statute on towns, the Constitution of 3<sup>rd</sup> May) and judicial reform. The last great legislative work of the Four-Year Sejm was the Mutual Assurance of Both Nations; an act that, while modifying the principles of the Polish-Lithuanian Union, retained the federal character of the Commonwealth.

The Constitution of 3<sup>rd</sup> May was passed using a simplified procedure (on its first reading) during a heated, Sejm session lasting over seven hours with the participation of just 182 Sejm members. The Government Act was passed by acclamation. However, as historians later established, of the total number of members who took part in the session, 110 were supporters of the constitution and 72 were opposed. Immediately after the act was passed, King Stanisław August Poniatowski swore in the Constitution. Next those who had taken part in the Sejm, along with the king and the marshals of the Sejm, went to the collegiate church of St. John the Baptist (now the cathedral in the Old Town) in order to take oaths.

*N<sup>o</sup> 2.* *48 32*

*Najjasniejszemu Królu Panie Mojemu Miłosciwemu*

*List WKmł. Pana Mojego Miłosciwego N<sup>o</sup> 2. miałem honor odebrać przez ostatnią pocztę.*

*Za wiadomością o Reformie Rządowej w Łodzi*  
*977. 3300. 2744. 1729. 944. 382. 1798. 28. 582. 2118.*  
*wystany i jest kuryer do Cesarza dnia 10. Maja.*  
*2412. 2304. 2712. 1345. 1706. 361. 1905. 194. 315. 2266. 1669.*  
*Xie Kaunitz często bardzo o tym ewentualnie gada,*  
*2332. 1977. 1176. 572. 760. 131. 34. 155. 2656. 3217. 2627.*  
*ale ze mną już po tym, co w przeszłym raporcie*  
*580. 2374. 777. 100. 1345. 2959. 1345. 2179. 234. 2271.*  
*donosiłem, o tym niemówi. Z tego co mówi*  
*1164. 62. 416. 2771. 2416. 1129. 2713. 634. 1619. 10. 2266.*  
*innemi poznać można, że to go bardzo zatrudnia*  
*1645. 2403. 1704. 1696. 1607. 62. 131. 1324. 1979. 1047. 1345.*  
*y czyni niepokojnym. Wieroray x Banem*  
*2179. 1253. 1140. 2629. 840. 2412. 2135. 10. 1140. 2413. 621.*  
*Schönfeld Gostem Sackim, który wyjechał do b.*  
*1054. 1626. 2716. 1145. 2416. 2117. 395. 2959. 2414. 2160. 517. 2379.*  
*1887.*

AGAD  
WARSZAWA

A report by Franciszek Ksawery Woyna, Polish envoy to the Austrian court, to King Stanisław August, reporting on the mood in Vienna after receiving the news of the adoption of the Government Act (deciphered in the royal office), 14<sup>th</sup> May 1791, Vienna; AGAD, Zbiór Popielów, 90, pp. 32–34

*105*

*Rota Przysięgi dla Wojska Obojga Narodów.*


**M**Y NN. przysięgamy Panu Bogu w Trójcy S. iędynemu, iż Najjasniejszemu STANISŁAWOWI AUGUSTOWI KROLOWI Polskiemu wraz z STANAMI Skonfederowanemi, i opism Konstyucyi nowej Roku 1791. Dnia 3. Miesiąca Maja w STANACH Seymu- iących uchwaloney, we wślytkim posłuszni będiemy, teyże Konstyucyi i całości Oyczyzny Naſzey od wśelkiej napaści zewnetrzney, i Rokofzu wewnetrznego, wślytkimi siłami bronić obowięzujemy się, Ordynanſom Kommiſſyi Woyskowej posłuszne- mi będziemy. Tak nam Panie Boże dopomoż &c.

*Zgadza się z Oryginałem*

JEZIORKOSKI

Sek: Woysk.

(LS.)



Rota of oaths for the national armed forces on fidelity to the Constitution of 3<sup>rd</sup> May [1791]; AGAD, Zbiór Popielów, 87, p. 125

# Publications

## First edition with information about the entry in Warsaw's official records

For the constitution to become a standing law, it wasn't enough just to pass it during the session of the Sejm which entered the annals of Polish parliamentary history. It wasn't enough to say a solemn mass in Warsaw's St. John's collegiate church. It wasn't enough to create fair copies with the signatures of the Sejm marshals and deputies to the constitution and it wasn't even enough to proclaim the *Declaration of the Assembled States* passed on 5<sup>th</sup> May 1791 which abolished all the laws that contradicted the Government Act and which ordered all the authorities, civilian and military, to take an oath of faithfulness to the constitution. As with all the other constitutions passed by the Four-Year Sejm, it was necessary to write the text (*oblata*) into Warsaw's judicial records and then to take an extract from those records with the seal of the town's judicial office and the signature of the Warsaw town scribe. Only then did the Constitution, distributed in the form of extracts from the Warsaw town records to the town offices across the whole territory of the Commonwealth, become the law with full force. When, on 14<sup>th</sup> February 1794, the Perpetual Council ordered the destruction of all documents related to the Constitution of 3<sup>rd</sup> May, this referred primarily to those extracts. This is why they cannot be found in the regional and town archives. They can occasionally be found in the archives of the offices which were taken by the second partition because the decrees of the Perpetual Council were not observed there. The extract here came from the Archive of the Four-Year Sejm.

The Government Act [official publication in the form of an extract from the town records of Warsaw], 5<sup>th</sup> May 1781 [3<sup>rd</sup> May 1791], Warsaw; AGAD, ASCzt., vol. XXV, sheets 357–360v

357  
*Actum in Curia Regia Varsoviensi  
Die Quintâ Mensis Maji,  
Annò Domini Millesimò  
Septingentesimò Nonagesi-  
mò Primò.*

**A**D Officium & Acta presentia Castrénsia Capitanealia Varsoviensia personarum liter veniens Magnificus Antonius Siarczyński Sacre Regie Majestatis, & Censurorum Ordinatio Generalium ac Confederationis Generalis Regni Secretarius, Eidem Officio & Actis Ejus, Constitutionem Infra exaratum obtulit, ad Ingrossandumque in Acta presentia porrexit, tenoris talis ==

### *Ustawa Rządowa.*

**W IMIE BOGA, W TROJCY SWIĘTEJ JEDYNEGO.**

STANISŁAW AUGUST z Bożej Łaski, i Woli Narodu KROL Polski, Wielki Xiążę Litewski, Ruski, Pruski, Mazowiecki, Zmudzki, Kiiowski, Wołyński, Połowski, Podlaski, Inflancki, Smoleński, Siewierski, i Czerniechowski. Wraz z STANAMI Skonfederowanymi w liczbie podwojonej Naród Polski reprezentującymi.

Uznając, iż los Nas wszystkich od ugruntowania i wydokonalenia Konstytucji Narodowej iedynie zawisł, długim doświadczeniem poznawszy zadawnione Rządu Naszego wady, a chcąc korzystać z poży, w iakiej się Europa znajduje, i z tej dogorywającej chwili, która Nas samym sobie wróciła, wolni od hańbiących Okrocy Przemocy nakazów, ceniąc drożey nad życie, nad szczęśliwość osobistą, exystencją polityczną, niepodległość zewnętrzną i wolność wewnętrzną Narodu, którego los w ręce Nasze iest powierzony, chcąc oraz na błogosławieństwo, na wdzięczność współczesnych i przyszłych Pokoleń zasłużyć, mimo przeszkód, które w Nas namiętności sprawować mogą, dla Dobra powszechnego, dla ugruntowania Wolności, dla ocalenia Ojczyzny Naszej, i Jey Granic, z naywiększą stałością Ducha, niniejszą Konstytucją uchwalamy; i tę całkowicie za świętą, za niewzruszoną deklarujemy, dopókiy Naród w czasie Prawem przepisany wyrażną wolą swoją nie ukaże potrzeby odmienienia w niej, iakiego Artykułu. Do której to Konstytucji dalsze Ustawy Seymu terazniejszego, we wszystkich stosować się mają.

#### I.

### *Religia Panująca.*

Religią Narodową Panującą iest, i będzie Wiara Święta Rzymska Katolicka, ze wszystkimi Jey Prawami, przeyscie od Wiary Panującej, do iakiegokolwiek Wyznania, iest zabronione, pod karą Apostazyi. Ze zaś taż sama Wiara Święta przykazuje Nam kochać Bliźnich Naszych; Przeto wszystkim Ludziom, iakiegokolwiek bądź Wyznania, pokoy w Wierze, i Opiekę rządową winniśmy, i dla tego wszelkich Obrządków, i Religii wolność, w Kraiach Polskich, podług Ustaw Kraiowych, warujemy.

#### II.

### *Szlachta Ziemianie.*

Szanując pamięć Przodków Naszych iako Fundatorów Rządu Wolnego, Stanowi Szlacheckiemu wszystkie Swobody, Wolności, Prerogatywy Pierwszeń-

innego nominować powinien. Chcąc aby Straż Praw Narodowych obowiązana była, do ścisłej odpowiedzi Narodowi, za wszelkie onych przestępstwa, stanowiący: Iż iedy Ministrowie będą oskarżeni przez Deputacyą, do examinowania ich czynności wyznaczoną o przestępstwo Prawa, odpowiadać mają z osoby i majątkow swoich. W wszelkich takowych oskarżeniach Stany Zgromadzone, przaywiększością Wotów Izby złączonych oskarżonych Ministrów mają o Sędów Seymowych po sprawiedliwej i wyrównymie przestępstwa ich ukaranie, lub przy dowiedzeniu niewinności od sprawy i kary uwolnienie. Dla porzą-

USTAWA  
RZĄDOWA.

PRAWO UCHWALONE.

Dnia 3 Maia, Roku 1791.



w WARSZAWIE,  
u P. DUFOUR Konfyl: Nadw: J. K. Mei  
i Dyrektora Druk: Korp: Kad:

RZA-  
DOWA

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The Government Act establishing the foundations of the political system, the laws of the states and the principles of organization of the authorities of the Commonwealth of Poland. Printed in Warsaw by P. Dufour, H.M.'s Court Counsellor and Director of the Cadet Corps Printing house, 1791; AGAD, Library, SD I 50

USTAWA RZĄDOWA  
W IMIĘ BOGA W TROYCY  
ŚWIĘTEJ JEDYNEGO.

STANISŁAW AUGUST  
z Bożej Łaski i woli Narodu  
KROL POLSKI,  
WIELKI XIAŻĘ LITEWSKI, RUSKI, PRU-  
SKI, MAZOWIECKI, ZMUDZKI, KI-  
IOWSKI, WOŁYNSKI, PODOLSKI, PO-  
DLASKI, INFLANTSKI, SMOLENSKI,  
SIEWIERSKI Y CZERNIECHOWSKI,  
wraz  
Z STANAMI SKONFEDEROWANEMI  
w liczbie podwoyney,  
NAROD POLSKI REPREZENTUJĄCEMI.

Uznając, iż los Nas wszystkich od ugruntowania i wydoskonalenia Konsty-  
tucyi Narodowej iedynie zawisł, dłu-  
gim doświadczeniem poznawszy zada-  
wnione Rządu Naszego wady, a chcąc  
korzystać z pory, w iakiey się Euro-  
A 2

RZA-  
DOWA

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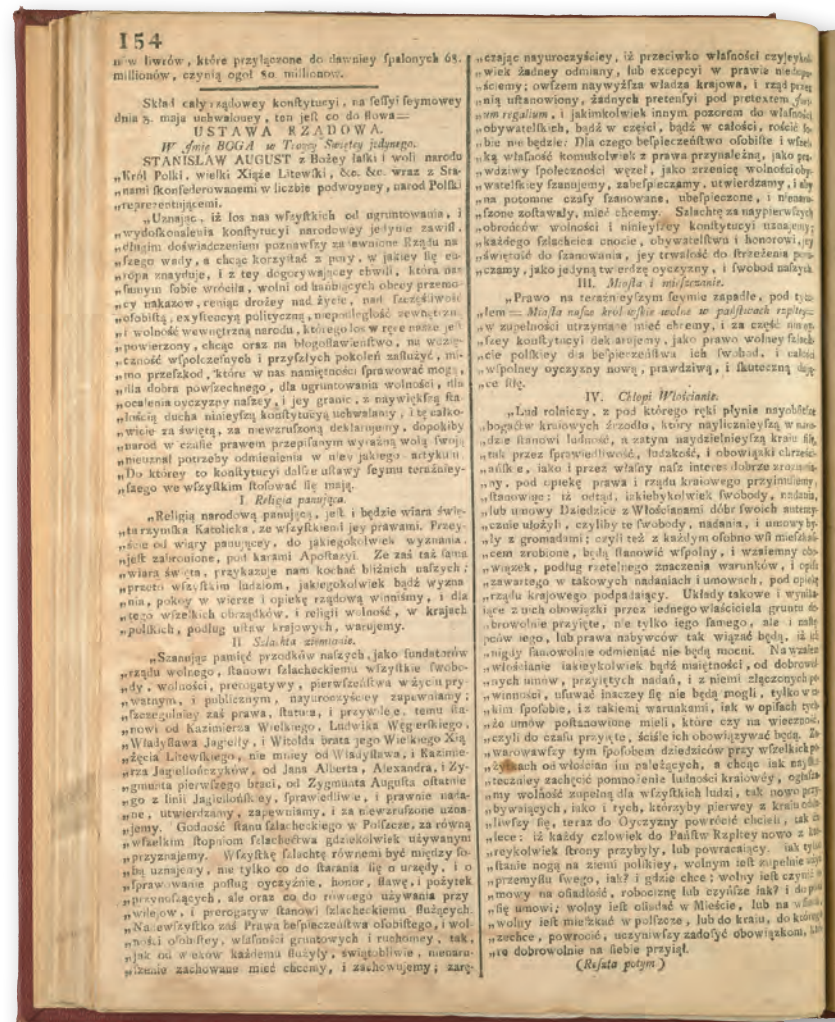
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First Polish editions

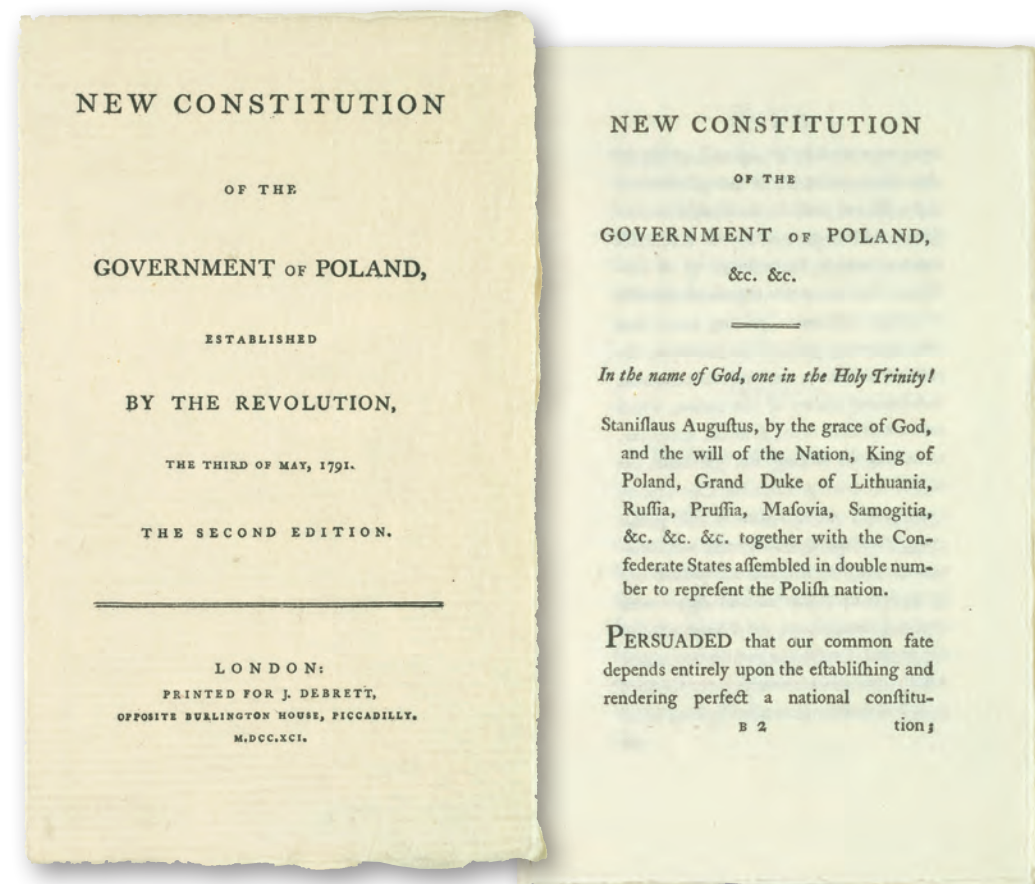
In the introduction to the critical edition of the text of the Constitution of May 3<sup>rd</sup>, Jerzy Koweci stated that, within the first year of its adoption, 14 editions of the text of the Government Act, approx. 20–30,000 copies, appeared in print. This gives an idea of the huge level of interest in the new law. Moreover, the text was published by the press at that time.



The text of the Constitution published in "Gazeta Narodowa i Obca", No. 38, 11<sup>th</sup> May 1791; AGAD, Library, 1288 vol. I, pp. 154, 158, 162, 166, 170, 174, 178, 181–182

*Forme Constitutionnelle décrétée par acclamation dans la séance du 3<sup>rd</sup> mai, sanctionnée à l'unanimité, dans la séance suivante du 5 mai 1791, contemporary print (French); AGAD, Library, SD I 72*

Shortly after the adoption of the Constitution of 3<sup>rd</sup> May, its text was published in both Polish and French. Both versions were printed by the printing house of the Cadet Corps, whose director from 1784 was Piotr Dufour (1730–1797), a printer and bookseller of French origin who had settled in Poland in the 1770s. Dufour also ran his own typography, initially in the Old Town Square, then on Świętojerska Street, and then on Krzywe Koło Street. In the years 1788–1791 he concentrated on publishing materials related to the debates of the Great Sejm.



*New Constitution of the Government of Poland Established by the Revolution, the 3<sup>rd</sup> of May, London. Printed for J. Debrett opposite Burlington House, Piccadilly M. D. CC. XCI, National Library, sign. ref. XVIII.2.3374, reprint PWN, Warsaw 1991*

The first mentions of the adoption of the Constitution of 3<sup>rd</sup> May appeared in English newspapers: in "Time" and "The Morning Chronicle" on 20<sup>th</sup> May and next in "The London Gazette" on 21<sup>st</sup> May; i.e., 17 and 18 days after it was passed. Usually, news from Poland took three to four weeks to appear in London. By 23<sup>rd</sup> May some ten newspapers had already published the news about the Constitution. A summary of the Constitution itself (in ten points) was published in the 23<sup>rd</sup> May edition of "The Oracle". In June, three newspapers even published translations of the full text of the Constitution: "The Star", "The Morning Chronicle" and "The Lloyd's Evening Post". This was the achievement of Franciszek Bukaty who had organised the translation of the Constitution at the end of May. The announcement about the translation appeared on 31<sup>st</sup> May in "The Morning Chronicle". It is estimated that the total circulation of dailies and evening papers published in London at that time was about 25,000, and the habit of reading aloud gives an estimated audience of 250,000.



## The first anniversary of passing the Government Act

Preparations for celebrating the anniversary of the Constitution of 3<sup>rd</sup> May started several months in advance. The most important decisions about the celebrations were taken during a Sejm session on 15<sup>th</sup> March 1792. It was decided to connect the constitution celebration with the name day of Stanisław August and with official thanks from the voivodship, land, and district deputies for the constitution. The national marshals were to prepare a detailed plan for the celebrations. In April 1792, Pope Pius VI gave permission to move the holiday of St. Stanisław from 8<sup>th</sup> May to 3<sup>rd</sup> May.

On 3<sup>rd</sup> May 1792, the main celebrations began at 9 o'clock in the Church of St. Cross on Krakowskie Przedmieście Street in Warsaw. It started with a jubilee session of the Sejm during which delegates from each provincial sejm (Lesser Poland, Greater Poland and the Great Lithuanian Principality) delivered speeches of thanksgiving. Then a solemn mass was celebrated by the Bishop of Poznań, Antoni Okęcki, and the sermon was delivered by priest Antonin Malinowski. Later the participants went in procession to Ujazdowski Square, where Stanisław August laid the cornerstone under the Temple of Divine Providence. The construction of the church, as a votive gift of the nation for the passing of the Constitution Act had been proclaimed in the *Declaration of the Assembled States*. Today, there is still a preserved fragment of the construction of that church, on the grounds of the Botanical Garden.

The celebrations, which were planned thoroughly and on a grand scale, were supposed to show the nation's support for the introduce reforms and the nation's unity in the face of a difficult political situation and the threat of Russian intervention.

The Church of St. Cross on Krakowskie Przedmieście Street in Warsaw, 1819;  
AGAD, Zbiór kartograficzny, 92-4

## War and downfall

On 27<sup>th</sup> April 1792, in Petersburg, a group of opponents to the reforms of the Great Sejm, including Stanisław Szczęśny Potocki, Seweryn Rzewuski and the great hetman of the crown Franciszek Ksawery Branicki, signed and swore an act of confederation (created by the Russian civil servant Vasil Popov) through which the confederation participants were asking Russia for military assistance in reinstating the former political system to the Commonwealth.

The predated act of confederation was proclaimed on 18<sup>th</sup> May in Targowica (a town belonging to Szczęśny Potocki on the territory of the Commonwealth). On the same day the Russian envoy to Warsaw, Jakov Bulchakov, submitted a declaration that the Russian Army had crossed the Commonwealth's borders.

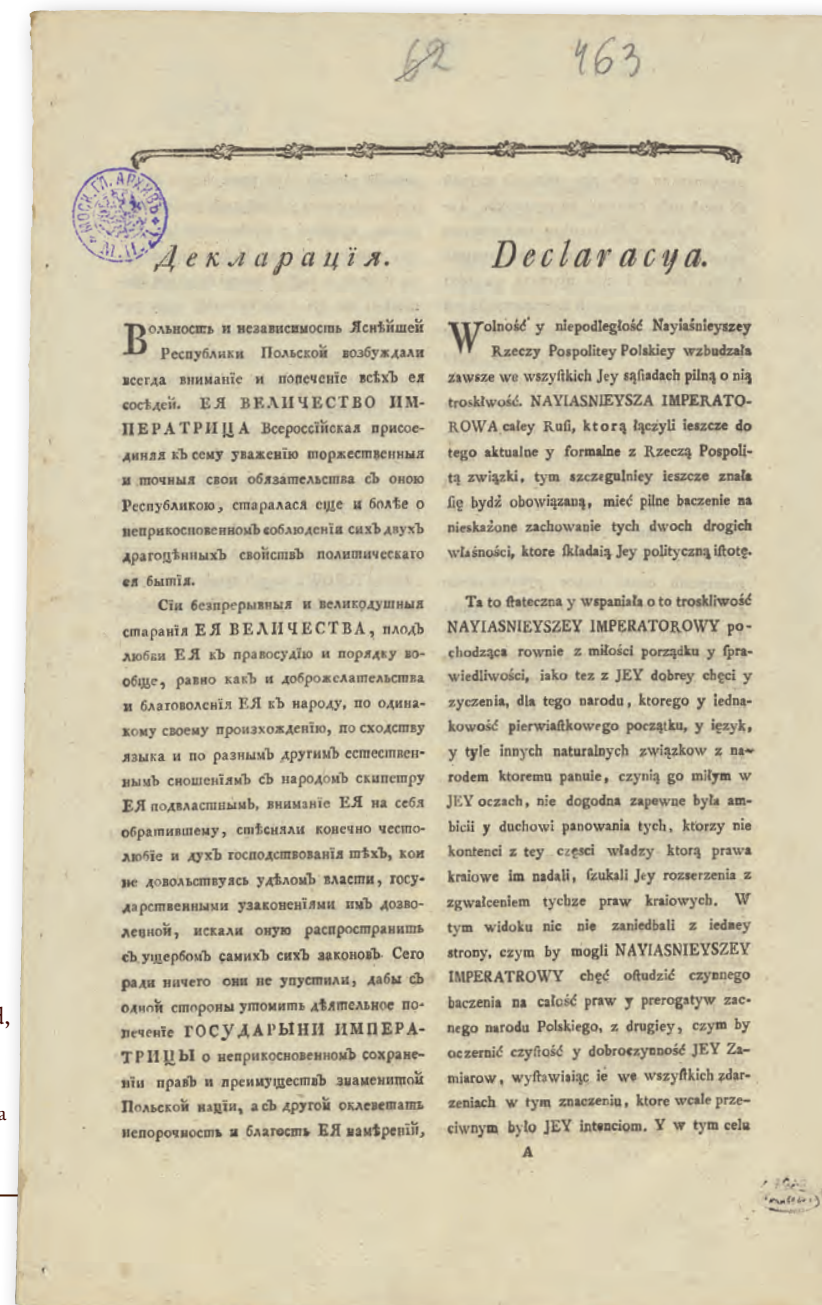
Greatly outnumbering the Polish forces and with much greater battle experience, the Russian troops quickly penetrated deep into Commonwealth territory. The Lithuanian Army was routed. The Army of the Crown, commanded by Prince Józef Poniatowski, gained several victories as it beat an orderly retreat, e.g., in the battle of Zielieniec on 18<sup>th</sup> June, which Stanisław August honoured by establishing the Virtuti Militari order.

Aware of the mismatch in their military forces, neither Stanisław August, nor the Sejm leaders believed the war could be won. They treated warfare rather as a display of resistance which was supposed to assure a better negotiating position with Russia. Empress Catharine II (Catharine the Great) was offered the hereditary throne of Poland for her grandson, Great Prince Konstantin, in return for retaining some parts of the Four-Year Sejm reforms. Catharine II did not agree to any of the Polish terms, demanding unconditional capitulation and that Stanisław August join the Targowica Confederation, which he did on 24<sup>th</sup> July 1792.

The Targowica Confederation, after taking power, suspended the legislation of the Great Sejm, and the Grodno Sejm passed an act annulling it all on 23<sup>rd</sup> November 1793. Based on that act, the Perpetual Council, which was reinstated by proclamation on 14<sup>th</sup> November 1794, demanded the removal of all materials connected to the

“revolutionary Sejm of 1788” from all the offices in the entire country and their delivery to the Perpetual Council's archive (here, they were meant to be destroyed). Gathering the documents took until the outbreak of the Kosciuszko Uprising. Fragments of archives that weren't destroyed are preserved in the Central Archives of Historical Records in the so-called Lithuanian Metrica collection VII and IX. Among those documents is a two-volume collection of original Sejm acts handed over from the Crown Metrica.

The declaration by the Russian envoy, Jakov Bulchakov, on the entry of Russian troops to the Commonwealth of Poland, bilingual Russian-Polish text, 18<sup>th</sup> May 1792; AGAD, Archiwum Królestwa Polskiego, box 90, sheets 463–468



25. Juillet 1792.  
pres. Kr. W. Co. m. k. w.

V

p	Prim	_____	Pat.	_____	C.
	Munier	_____	Solt.	_____	
	Tyrk.	_____	Omr.	_____	
	Malach	_____	Malach	_____	
	Chrept	_____	Spi	_____	
dui nie intro	Koll	_____		_____	
	Aziak	_____		_____	

Signature of Stanisław August: a note revealing the division of votes (7 : 5) for and against the king's accession to the Targowica Confederation during the meeting on 23<sup>rd</sup> July 1792 at the Royal Castle in Warsaw, 23<sup>rd</sup> [26] July 1792, Warsaw; AGAD, Archiwum Królestwa Polskiego, 356 II, pp. 775

After receiving a reply on 21<sup>st</sup> July (Saturday) from the Russian envoy, Jakov Bulchakov, (a letter from Empress Catherine II, addressed to Stanisław August, demanding the king's unconditional surrender), and after a family meeting on the following day (Sunday), on 23<sup>rd</sup> July (Monday), the king called a meeting for a dozen or so people representing the highest authorities of the Commonwealth of Poland. The following were present at the Royal Castle meeting: 1. Primate Michał Poniatowski; 2. Grand Marshal of the Crown, Michał Mniszech; 3. Lithuanian Grand Marshal Ignacy Potocki; 4. Lithuanian Court Marshal Stanisław Sołtan; 5. Grand Crown Chancellor Jacek Małachowski; 6. Deputy Chancellor of the Crown Hugo Kołłątaj; 7. Lithuanian vice-chancellor Joachim Chreptowicz; 8. Court Treasurer of the Crown Tomasz Ostrowski; 9. Lithuanian Court Treasurer Antoni Dziekoński; 10. Grand Lithuanian Treasurer Ludwik Tyszkiewicz; 11. Marshal of the Sejm and the Crown Confederation Stanisław Małachowski; 12. Marshal of the Lithuanian Confederation Kazimierz Nestor Sapieha; 13. Kazimierz Poniatowski. It was at this meeting that, as a result of voting, the decision was finally made on royal accession to the Targowica Confederation. The Chancellor, Hugo Kołłątaj, is said to have declared: "Today, Good Lord, we need to join the Targowica Confederation, not tomorrow; every moment is precious because the blood of Poles is drenched in it."

Monsieur Mon frère. J'ai reçu la lettre qu'il a plu à Votre Majesté de m'écrire le 22 Juin n.st. Je me conforme volontiers à Son desir d'écarter toute discussion directe entre nous sur ce qui a produit enfin la crise actuelle des affaires; mais j'aurois désiré à mon tour que les moyens que Votre Majesté propose come conciliatoires le fussent en effet et que surtout ils eussent pu s'accorder avec les intentions pures et simples que j'ai manifestées dans la declaration, publiée dernièrement de ma part en Pologne. Il s'agit de rendre à la republique Son ancienne liberté et Sa forme de gouvernement, garantie par mes traités avec elle et renversée violemment par la revolution du 3. May au mepris

A letter from Catherine II to Stanisław August in which she upholds her position set out in the declaration of 18<sup>th</sup> May, recommending the restoration of the former political system of the Commonwealth, 13<sup>th</sup> July 1792, Tsarskoye Selo; AGAD, Zbiór Popielów, 390, pp. 67-69



*On the Establishment and Fall of the Polish Constitution of 3<sup>rd</sup> May 1791*  
[F. Ks. Dmochowski, H. Kołłątaj, I. Potocki, S. Potocki], first edition 1793, title pages of editions from the 19<sup>th</sup> century; Kolekcja Starych Druków, BIH UW, S.8.175

## On The Establishment and Fall of the Polish Constitution of 3<sup>rd</sup> May 1791

This work was extensive, consisting of two volumes and over 500 printed pages. As Andrzej Zahorski wrote in the publication *Spór o Stanisław Augusta* (The dispute over Stanisław August), published nearly half a century ago: “it was probably the first work in modern Poland in the field of political propaganda [...] written down in black and white”. The first editions of this work, inspired by Kołłątaj and edited by Dmochowski, are full of riddles. The place of publication of this anonymous text is Metz of Lorraine, and the date of publication is 1793. Karol Estreicher believed that the work was published in Krakow by Jan Antoni Maj. More recent studies assume, following Józef Szczepniec, that *On the Establishment...* was in fact published in Leipzig by the publisher Johann Gottlob Immanuel Breitkopf. The next edition gives Lviv 1793 as its place of publication but, again, this is not true, because the work was published in Warsaw in 1794. With the participation of Samuel Bogumił Linde as translator, *Vom Entstehen und Untergange der polnischen Konstitution vom 3ten May 1791* was also published in German, this time actually in Lviv, in 1793.

By the end of 1793, *On the Establishment...* was already being sold in Poland, and was widely distributed during the Uprising. Andrzej Zahorski wrote: “This book played a special role in ‘The dispute over Stanisław August’. It was written by the people who were preparing the insurrection with the express purpose of winning over the hearts and minds of the nation to battle. *On the Establishment...* was intended by its authors as a work of propaganda; it was meant to show Poles that an armed struggle for Poland was the only way to maintain Poland as an independent state. All negotiations, compromises, acts of humility and humiliation led to nothing, did not achieve the goal, did not suppress the appetites of possessive neighbors. So, one had to fight and win; one had to learn the strategy for victory from the French who were able to defend Poland from the forays of all of monarchical Europe”.

Fait et signé à Grödno le 25. Sept.  
1793.

На 8 листах. 19/89, сентябрь 12. К. Мокшанцев

[illegible]

It was also no coincidence that, almost simultaneously with the Paris edition of *On the Establishment...*, a book written by Stanisław August was posthumously published, also in Paris, but under the name of his chamberlain Mikołaj Wolski. *Obrona Stanisława Augusta* (In defence of Stanisław August) was in fact the royal response to *On the Establishment...*, the propaganda publication of the supporters of insurrection.

## The 19<sup>th</sup> century

Attempts to celebrate publicly the anniversary of the passing of the Constitution of 3<sup>rd</sup> May 1791 were also undertaken during the partitions. All the partitioning powers banned celebration of the anniversary, but it was slightly easier to organise national celebrations in Galicia, or even in the Prussian sector. From the 1880s, progressive Jews from Kraków and Lviv organised evenings devoted to the Constitution. A service was organised in the "Tempel" synagogue in Kraków on the 100<sup>th</sup> anniversary of its adoption, attended by huge crowds of Poles and Jews. Discussions about the importance of the Constitution of 3<sup>rd</sup> May took place in émigré political circles and among eminent historians connected to the Jagiellonian University (i.e., the Cracow historical school). These resulted from the need to reflect on the future of the nation and the causes of the fall of the Commonwealth. Their fundamental method of battling for Polish independence was through the use of their pens, mainly via the Historical Society, founded in Lviv in 1886. During the years of struggle for Polish independence, the Constitution lived on in people's memories and the mass demonstrations that took place on the 100<sup>th</sup> and 125<sup>th</sup> anniversaries of its adoption helped people commemorate their lost nation, despite the serious repression demonstrators risked within the Russian-controlled territory.

At this point it is worth noting that it was in fact here, in the Kingdom of Poland, as early as 1831, that a text was written which can be considered the first ever draft of a Constitution for a United Europe. Written by Wojciech Bogumił Jastrzębowski during breaks in the fighting for the defence of Warsaw (the battle of Olszynka Grochowska of 25<sup>th</sup> February 1831) and with final edits on 30<sup>th</sup> April 1831, this draft was published, not coincidentally, on 3<sup>rd</sup> May 1831, on the anniversary of the May Constitution. Jastrzebowski's draft of 77 articles included, among other things, the following:

"National laws will guarantee the equality of people who make up one nation, while the guarantee of equality of European nations will be European laws, which are to constitute the basis of an eternal covenant in Europe (Art. 2) and All nations belonging to the eternal covenant in Europe are equally subject to European laws (Art. 12)."

After the fall of the November Uprising, in 1832, significant restrictions were imposed on the autonomy of the Kingdom of Poland: the suspension of the constitution,

*Niektóre myśli do prawa ustalające  
go wieczny pokój w Europie.*

*Pax data in hac lege. Liv.*

- Myśl 1. Wobliwu Boga i prawa wszychn ludzie,  
a zatem i wszychn narody są sobie równymi.*
- 2. Rękojmia równości ludzi składających jeden naród,  
będą prawa narodowe; rękojmia zaś równości narodów  
europejskich, będą prawa europejskie; mające stanowić  
podstawę wiecznego przymierza w Europie.*
- 3. Prawa narodowe stanowi naród przez swoich pełno-  
mocników wybranych; prawa zaś europejskie stanowi  
Europa przez swój kongres, złożony z pełnomocników  
wybranych przez wszystkie narody.*
- 4. Podstawą praw narodowych jako i europejskich będą  
prawa natury czyli prawa boskie; przymiotem zaś  
ich będzie ludzkość i sprawiedliwość.*
- 5. Zasada w stanowieniu praw będzie większość ródów  
i stanodawców.*
- 6. Stwiercenie i wykonanie praw narodowych będzie  
patryarcha; wybrany przez naród; stwiercenie*



The Constitution for a United Europe written by Wojciech Bogumił Jastrzębowski, 30 IV 1831 r., handwritten, Warsaw; AGAD, Królewskie Towarzystwo Przyjaciół Nauk, sign. ref. 78

First draft of this document was written by Wojciech Bogumił Jastrzębowski during breaks in the fighting for the defence of Warsaw (the battle of Olszynka Grochowska of 25<sup>th</sup> February 1831) and with final edits on 30<sup>th</sup> April 1831, this draft was published, not coincidentally, on 3<sup>rd</sup> May 1831, on the anniversary of the May Constitution.

the incorporation of the Polish army into the Russian, the liquidation of the Polish parliament and local authorities. Until the January Uprising of 1863/1864, the Russian authorities successfully suppressed any attempts at resistance from Polish society.

Thousands of Poles were forced to leave their homeland after the November Uprising, going mainly to France. The post-uprising, so-called “great” emigration played an enormous role in the cultural and political life of both countries.

The May Holiday was not forgotten. Adam Mickiewicz referred to it in his Polish national epic *Pan Tadeusz, or The Last Foray in Lithuania*, published in 1834 in Paris. The famous concert of the Jew Jankiel, also known as the “concert to end all concerts”, is a fragment from Book XII of the epic, entitled *Let's make love!* performed on the occasion of Tadeusz's engagement to Zosia. In it, Mickiewicz recalls the historical events preceding the fall of the Polish-Lithuanian Commonwealth. The five-part concert is a musical illustration of the period from the adoption of the 3<sup>rd</sup> May Constitution to the formation of the Polish Legions in Italy. The first part refers to the Constitution of 1791 that reformed the political system of the Polish-Lithuanian Commonwealth: The final years of the 1890s saw the resurgence of a desire for independence in the Kingdom. In early 1887, the Union of Polish Youth “Zet” was formed, supported by its patron from 1888, the Polish League (*Liga Polska*), created in emigration in summer 1887, comprising members of the older generation of independence activists. In 1888, the Central Committee of the League was established in Warsaw which began to coordinate the work of the league across the partitioned territories. Both organisations were dedicated to restoring Polish independence, through educational activities amongst Warsaw workers and peasants and organising street demonstrations; their great champion was a young “Zet” activist, Roman Dmowski who, together with his supporters, took over the organisation in 1893, turning the Polish League into the National League (*Liga Narodowa*).

One of the first opportunities to organise a street demonstration was the 100<sup>th</sup> anniversary of the passing of the Constitution of 3<sup>rd</sup> May, which fell in 1891. The organisers understood that commemorating national anniversaries was an excellent method of historical education for the youth from Russian-controlled Poland, who had been denied the chance of learning their own history in their ‘Russified’ schools. While celebrations of the 100<sup>th</sup> anniversary of the Constitution of 3<sup>rd</sup> May took place pretty much everywhere across [Austro-Hungarian] Galicia, (with academic celebrations and artistic events) and within the Prussian territories ways were found to celebrate the



“All at once from many strings  
Burst forth a sound as though a whole janissaries’ band  
Had become vocal with bells and cymbals and drums.  
The Polonaise of the Third of May thundered forth!  
The rippling notes breathed of joy, they poured joy into one’s ears;  
The girls wanted to dance and the boys could not stand still –  
But the notes carried the thoughts of the old men back into the past,  
To those happy years when the Senate and the House of Deputies,  
After that great day of the Third of May, celebrated in the assembly hall  
The reconciliation of King and Nation;  
When they danced and sang ‘Vivat our beloved King,  
Vivat the Diet, vivat the people, vivat all classes!’”

Jankiel's Concert

Drawing: Cyprian Kamil Norwid, 1848

Source: A. Mickiewicz, *Pan Tadeusz or The last foray in Lithuania, a story of life among Polish gentlefolk in the years 1811 and 1812, in twelve books* (English translation: 1917, J.M. Dent, pp. 323–324)

ODCZYT  
W STULETNIĄ ROCZNICĘ  
KONSTYTUCYI 3 MAJA



NAPISAŁ

JULIUSZ MIKLASZEWSKI.

KRAKÓW.  
Nakładem Ignacego Żółtowskiego.  
1891.

A fragment of a printed brochure with an article by Juliusz Miklaszewski, a gymnasium professor, on the 100<sup>th</sup> anniversary of the Constitution of 3<sup>rd</sup> May, published in Krakow in 1891; AGAD, Akta parafii wyznania rzymskokatolickiego z archidiecezji lwowskiej, zesp. nr 303, sign. ref. 27, pp. 1–17

Bóg pozwolił naszemu pokoleniu obchodzić stuletnią rocznicę **Konstytucji Trzeciego Maja**. W historii każdego narodu są epoki upadku i klęsk, chwile odrodzenia i chwały. Konstytucja Trzeciego Maja pozostała na zawsze wielkim dziejowym wypadkiem, świadczącym, iż naród polski w ostatnich chwilach istnienia Rzeczypospolitej, miał w sobie warunki do życia.

Poznajmyż w krótkich rysach te reformy, które dokonali ludzie miłujący Ojczyznę, aby Polskę podnieść z upadku i zapewnić jej lepszą przyszłość. Obchodzenie wielkich państw, religijnych czy narodowych, wtedy przynosi rzeczywisty pożytek: jeżeli pojmujemy ich znaczenie i umiemy wysnuć naukę, która oświeca umysł a krzepi serce.

Przy końcu ośmnastego stulecia, Polska miała już dziewięć-wiekową historję, pełną chwały i wysokiego znaczenia. Nie możemy jej tu opowiadać, bo o tem trzeba by napisać osobną książkę; ale bodaj kilka rysów niech nam posłuży do poznania przeszłości naszej Ojczyzny.

Niegdyś, na obszernej ziemi nad Odrą, Wartą i Wisłą, mieszkali liczne, drobne, odosobnione ludy lechickie, i byłyby z czasem niechybnie zginęły, i zaledwieby w historii ślad pozostał że były. Niedaleko tych ludów władali nad wielkim państwem potężni cesarze niemieccy, którzy podbiwszy już wiele krajów, ujarzmiłby byli i ludy mieszkające nad Wisłą. Wyroki Boże były inne! Znaleźli się mężowie potężnego umysłu i silnej woli, którzy potrafili te

anniversary albeit in a somewhat limited form, (i.e., indoors), in the Russian-controlled territory the appeal to participate in a demonstration hit home mainly among students and one of the important elements of the marches was to march to the Botanical Garden where, in 1792, a foundation stone had been placed under the Temple of the Divine Providence. The newspapers of Kraków and Warsaw wrote about this first march in varying tones (including the “Kurier Warszawski” [Warsaw Courier] from May 1891).

Arrests and investigations followed, which also picked up “Zet” activists, including Roman Dmowski. The way the anniversary had been organised (printing of leaflets calling for participation, commemorative medals), convinced the Russians that there was a secret independence organisation behind the demonstrations. Despite the great difference between the Russian-controlled territory and the rest of the country in their starting points and opportunities to organise political and social activities, the tradition of holding an annual commemoration of 3<sup>rd</sup> May became a fixed event among Warsaw’s students and, in time, became more than an event just for the young. However, Poles who dared to mark this anniversary publicly were severely punished. In 1892, Stanisław Wiktor Mieczysławski, a Polish teacher, translator and patriotic activist, laid a bouquet of flowers on the anniversary of the Constitution of 3<sup>rd</sup> May. For this transgression he was arrested in Warsaw by the Russian secret police and sentenced to three years’ exile in Odessa.

Over the following years the media reported the scuffles and arrests in Warsaw, where academic and intelligentsia circles were very active; less so in the provinces. The police arrested people caught tossing bouquets of flowers into the ruins of the Temple of Divine Providence in the Botanical Garden, as they organised coordinated roundups of youth on Warsaw’s streets. Over time the demonstrations were joined by an increasingly diverse groups of society. During the years of revolution, the pressure inevitably increased and demonstrations were only permitted to within the limits of public order. After 1907, the 3<sup>rd</sup> May celebrations became only symbolic in nature. The revolutionary theme became weaker and, in turn, the authorities felt no need to intervene. The annual celebration of the Constitution of 3<sup>rd</sup> May only started to be marked again in 1916.

## 1916

The conflict of the First World War, during which the partitioners found themselves in 1914 in opposing political and military camps, brought the Polish question into their political calculations. The German and Austro-Hungarian spring 1915 offensive against the Russian army gave them control of Polish lands which had hitherto been part of the Russian Empire. This changed the situation for Polish people on important territory which had been controlled by the Russian authorities. Within the territory occupied by the Germans and

Austrians, education was given in Polish again (i.a. the Polish University and Polytechnic were opened in Warsaw) and the social and political activity of Poles flourished.

The relatively liberal approach of the German and Austrian authorities to Poles from Russian-occupied territory of the Kingdom of Poland, which aimed to sway public opinion to favour their political-military goals, allowed for the organisation of numerous patriotic events on 3<sup>rd</sup> May 2016 to celebrate the 125<sup>th</sup> anniversary of the Constitution. These took place not just in cities, but also in village parishes.

The largest event was held in Warsaw, where the “3<sup>rd</sup> May Anniversary Celebration Committee” was specially convened, bringing together for the event representatives of different community and professional groups from the city: pupils, students, members of education associations, civic and charitable institutions, political parties, artisan guilds, associations and sports clubs and professional and civic unions.

The sheer number, size and popularity of the events made a deep impression on the German and Austrian authorities, causing them to take Polish matters into account even more in their political calculations. They also gave the Polish people themselves a clear picture of their own political power, despite not having their own state.



The march of 1916; AGAD, Zbiór z Muzeum Narodowego, 1198

**3 MAJA**  
**1791.**



GŁOS BARTOSA: Ojciec rad—że równość tera  
Tak rozwija się w narodzie.  
Toć zasługa kosynjera  
Żeżwa wszyscy równi w rodzie!

The months following the occupation of Warsaw by the Germans in August 1915 saw the rapid development of the Polish-language press, with the consent of the new occupiers. In addition to serious commentary from numerous newspapers on the developing situation in Poland and around the world, satirical magazines were also gaining popularity. One of these was “Diabeł” [Devil] launched in 1916. It was a satirical and entertainment magazine in which Russia and its supporters, the National Democrats, were mocked, while praising the advantages of the German army. The main figure associated with the magazine was Wacław Pobóg-Pabudziński. It also devoted a special edition to the events of 3<sup>rd</sup> May 1916, although the tone of the content was different to that of other newspapers; referring to a “cultural pattern” commonly recognized by Poles. “Diabeł” was an ephemeral magazine. Its name referred to the weekly magazine “Diabeł Warszawski” [Warsaw Devil], launched in 1913, which was also a satirical and humorous magazine edited by Adam Witold Koszutski.

A fragment of the satirical magazine “Diabeł” (Devil) [no. 10 of 3<sup>rd</sup> May 1916], containing a reference through the figure of Wojciech Bartos [Wojciech Bartos-Głowacki] to events from the time of the fall of the First Polish Republic (the Commonwealth) and the national march of 3<sup>rd</sup> May 1916, at the same time showing the ideological profile of the magazine, Warsaw; AGAD, Zbór Ewangelicko-Augsburski, 583, p. 464

The City Militia of the Capital City of Warsaw was a paid, professional Polish police force armed with slashing weapons, officially established on 1<sup>st</sup> February 1916. It was created out of the Civic Guards established under Russian rule at the end of July 1915, which operated as an honorary, free security service. Prince Franciszek Radziwiłł was active in the Command of the Guard from the outset. The swift installation of German police authorities in occupied Warsaw caused a sharp reduction of the original importance of the Civic Guards. The German authorities tried to completely eliminate the formation, but Prince Radziwiłł (descended from a line related to the German Hohenzollerns) suggested that Governor Beseler transform it into a professional City Militia. This service was established "to ensure the safety of the capital and its inhabitants," and Prince Franciszek Radziwiłł became its head. The service consisted of about 2,000 officers. They received uniforms modelled on those of lancers and sabres as weapons.

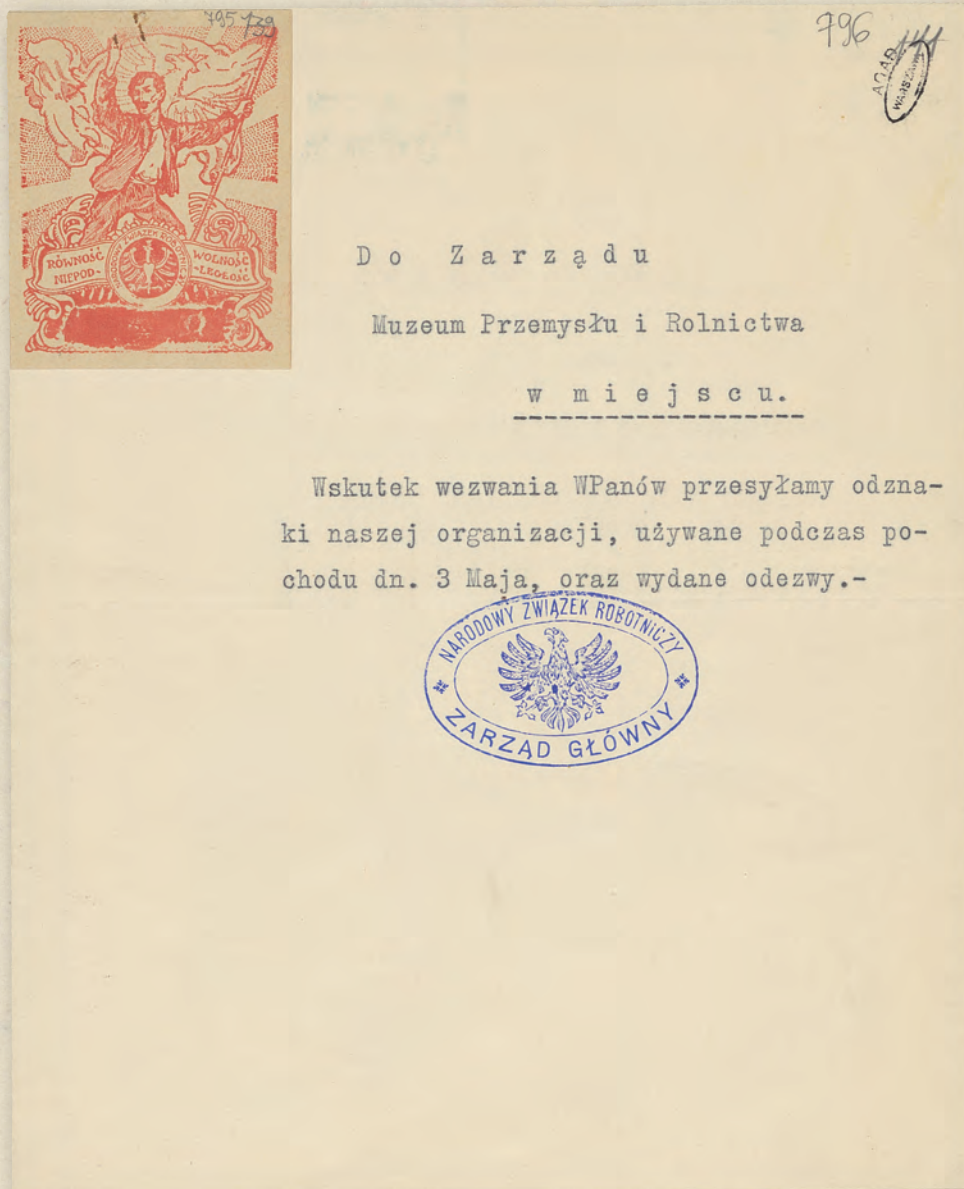
Even though the City Militia only acted as an auxiliary body for the German police and military authorities, it became the principal source of officers for the State Police established in independent Poland in 1919.

A photo of prince Franciszek Radziwiłł in the uniform of the Head of the City Militia of the capital city of Warsaw, published in the weekly magazine Świat, issue 19, devoted almost entirely to the 125<sup>th</sup> anniversary of the adoption of the Constitution of 3<sup>rd</sup> May, 6<sup>th</sup> May 1916, Warsaw; AGAD, Zbór Ewangelicko-Augsburski, 583, p. 489

## Naczelnik Milicyi Miejskiej st. miasta Warszawy.



Franciszek książę Radziwiłł w mundurze Naczelnika Milicyi Miejskiej stołecznego miasta Warszawy,  
*Fot. Maryan Fuks.*



A letter from the Main Board of the National Workers' Union to the Board of the Museum of Industry and Agriculture in Warsaw, informing that they were sending a copy of the organization's badge used during the march held on 3<sup>rd</sup> May 1916 (including the badge), no date, Warsaw; AGAD, Zbiór z Muzeum Narodowego, 1198, pp. 795–796

The National Workers' Union (*Narodowy związek robotniczy*, NZR) was a political organization of Polish workers founded in 1905 in the territory of the Kingdom of Poland under Russian rule. Although it came from the national-democratic movement, as a result of differences in attitudes towards Russia and reluctance about the tactical alliance of the National Democrats with Russia, its activists broke off their cooperation with the national-democratic movement. In 1908, NZR activists clearly spoke out against Russia, which pushed them to cooperate with other anti-Russian parties and political groups (the so-called Polish irredentists) before the outbreak of World War I. In 1911, the National Workers' Union became a member of the Polish Confederation political platform and, in 1912, a member of the Provisional Committee of the Confederated Independence Parties (KSSN), grouping all political parties from the Kingdom of Poland and Galicia willing to act jointly against Russia and counting on the outbreak of a pan-European armed conflict. This agreement was followed by paramilitary organizations: the Riflemen's Association (*Związek Strzelecki*), the Rifle Society (*Towarzystwo 'Strzelec'*) and the Polish Rifle Teams (*Polskie Drużyny Strzeleckie*). The road to independence was seen in the armed struggle against Russia undertaken at the time of the conflict between the partitioning powers (at the end of 1913, the first word "Provisional" disappeared from the name). However, each of the political organizations had full independence in the implementation of social programmes within the KSSN. Before the outbreak of World War I, the NZR activists became the co-architects of a temporary agreement between two independence movements: the socialist and nationalist. After the outbreak of war in 1914, the activists of the National Workers' Union actively participated in political independence activities, both those undertaken in Galicia and, above all, in the Kingdom of Poland (Łódź, Warsaw, Zagłębie Dąbrowskie) as part of the Supreme Committee of the United Independence Parties (from August 1915). Finally, after the entire territory of the Kingdom of Poland was taken over by German and Austrian troops, the National Workers' Union became part of the Central National Committee, a grouping of left-wing independence supporters formed in Warsaw in December 1915.

The most significant NZR activists during the World War I were Marian Rapacki, Władysław Malangiewicz and Jan Stanisław Jankowski (who became a Government Delegate for Poland during World War II).



Pennant-badge with the slogan "Freedom-Entirety-Independence" belonging to a member of the National-Radical Party taking part in the march on 3<sup>rd</sup> May 1916, no date, Warsaw; AGAD, Zbiór z Muzeum Narodowego, 1198, pos. X

The National-Radical Party was a political grouping of intelligentsia from the territory of the Kingdom of Poland created before World War I. Even before the outbreak of the war, it criticized the national democrats (NDs) who focused on cooperation with Russia. However, after the outbreak of war in 1914 and the establishment of the Union of Independence Organizations in the Kingdom of Poland (a political representation of groups cooperating with Polish activists from Galicia), its activists decided not to support the Supreme National Committee in Krakow against Russia unequivocally. The National-Radical Party co-created the so-called the Centre Bloc which, despite the emerging military superiority of the Central Powers (Germany and Austria-Hungary) over Russia, considered it premature unequivocally to take their side. Accepting the idea of joint political representation of the Russian partition, the National-Radical Party, however, did not want to speak out against Russia. It was only the occupation of Warsaw by the German army in August 1915 and the full clarification of the new political situation that prompted National-Radical Party activists to seek agreement with the left independence (organized as part of the Supreme Committee of the United Independence Parties). However, it was only after the march of 3<sup>rd</sup> May 1916 that the National-Radical Party established greater cooperation with the Central National Committee in Warsaw. The most significant representatives of the National-Radical Party were Stanisław Patek and Eugeniusz Śmiarowski.



Cotillion of 1916  
AGAD, Zbór Ewangelicko-Augsburski, 583



Commemorative medal of 1916  
AGAD, Zbór Ewangelicko-  
-Augsburski, 583

## On the brink of independence

The celebrations and patriotic marches on the occasion of the 125<sup>th</sup> anniversary of the passing of the Constitution in May 1916 launched the annual celebration of the Constitution as had happened back in 1792. The Sejm formally made the anniversary of the Constitution of 3<sup>rd</sup> May a public holiday for the reborn state.

In 1920, at the request of the Polish bishops after Poland regained independence, Pope Benedict XV established the holy day of the Most Holy Virgin Mary, Queen of Poland.

In addition, in the preamble to the new constitution of March 1921, there was a reference to the Government Act: "harking back to the fantastic tradition of the 'unforgettable' Constitution of 3<sup>rd</sup> May".



A photo of a group of members of the Christian Association of Commercial and Industrial Officials in Warsaw taking part in the national march on 3<sup>rd</sup> May 1916, Warsaw;  
AGAD, Zbiór z Muzeum Narodowego, 1198, p. 773

281.

## U S T A W A

z dnia 29 kwietnia 1919 r.

### o święcie narodowym trzeciego maja.

**Art. 1.** Dzień trzeciego maja, jako rocznica Konstytucji 1791 roku, ustanawia się w całej Rzeczypospolitej Polskiej jako uroczyste święto po wieczne czasy.

**Art. 2.** Wykonanie niniejszej ustawy poleca się Radzie Ministrów.

**Art. 3.** Ustawa niniejsza wchodzi w życie z dniem 3 maja 1919 r.

Marszałek:

*Trąpczyński*

Prezydent Ministrów:

w z. *S. Wojciechowski*

Act on the national holiday of May 3<sup>rd</sup> (29<sup>th</sup> of April, 1919)

In 1919, the Legislative Sejm recognized the anniversary of the adoption of the May 3<sup>rd</sup> Constitution as a national holiday of the reborn state, Journal of Polish Laws, 30<sup>th</sup> of April 1919 (Dz. Praw P. Pol. 1919.38.281).

267.

## U S T A W A

z dnia 17 marca 1921 roku

### KONSTYTUCJA RZECZYPOSPOLITEJ POLSKIEJ.

W Imię Boga Wszechmogącego!

My, Naród Polski, dziękując Opatrzności za wyzwolenie nas z półtorawiekowej niewoli, wspominając z wdzięcznością męstwo i wytrwałość ofiarnej walki pokoleń, które najlepsze wysiłki swoje sprawie niepodległości bez przerwy poświęcały, nawiązując do świetnej tradycji wiekopomnej Konstytucji 3-go Maja — dobro całej, zjednoczonej i niepodległej Matki-Ojczyzny mając na oku, a pragnąc Jej byt niepodległy, potęgę i bezpieczeństwo oraz ład społeczny utwierdzić na wiekuistych zasadach prawa i wolności, pragnąc zarazem zapewnić rozwój wszystkich Jej sił moralnych i materialnych dla dobra całej odradzającej się ludzkości, wszystkim obywatelom Rzeczypospolitej równość, a pracy poszanowanie, należne prawa i szczególną opiekę Państwa zabezpieczyć — tę oto Ustawę Konstytucyjną na Sejmie Ustawodawczym Rzeczypospolitej Polskiej uchwalamy i stanowimy.

The preamble to the March Constitution

The March Constitution was published in the Journal of Laws on 1<sup>st</sup> June 1921 (Dz.U. 1921 no. 44 position 267).



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