

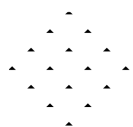
Jan Ostroróg, Memoriał w sprawie uporządkowania Rzeczypospolitej - Tekst angielski

1. On congratulating to the newly elected Pope

To visit the new Pope, to congratulate him on this elevation, to monish and inspire him to fairly and saintly rule the Christ's Church, as well as to declare and confess that the king and his whole kingdom shall preserve the Catholic faith – that I do not find wrong; yet to pledge obedience in anything, as it is usually expressed in such cases, does not seem to me to be a prudent thing. It is inconsistent to say one thing and do the other. The Polish king maintains (which in fact is true, as he is not subordinate to anyone), that he accepts no supremacy but that of God. How can it be consistent with the truth if such words, as they used to be, are spoken to the Pope in this kind of congratulations? May the visits be paid with respect and with this particular intent and not that of obedience, as such actions are absurd and contrary to independence of the Polish king. [...]

4. On how to behave in the presence of the king

Often the kingly dignity lacks attention and numerous faults and insults, or even murders happen to a king. Thus, whoever, in the presence of the king, speaks indecently, in hurtful, offensive, defamatory words, they should pay ten units (grzywna) of silver to the treasury. And whoever, at the royal court, kills or hurts another person, they should die or pay a hundred units (grzywna) of silver to the treasury, apart from compensation payable to the relatives. It should be allowed that before the king and lords and upon their approval, crimes of those people were announced, so that their words or affairs did not go unpunished. And the scope of the royal court with regard to those instances should reach the boundaries of any town, gord or domains, where the king resides. [...]

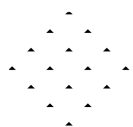


6. To what extent are clergymen obliged to support lay people with regard to the needs of Rzeczpospolita

Clergymen, both reverend bishops and any other clergymen of any position in hierarchy, have many obligations towards Rzeczpospolita, but not out of boldness, disdain or indifference, believing that there are many acts not suitable for them but for lay people only, as they want to follow spiritual and bodily needs. If they, however, having read the laws, reminded themselves that thus they should act pursuant to legal directives, they do not neglect both themselves and others, when they take care of their parents, relatives, friends and related persons, which should be done not only by clergymen but also by any creature. What they should remember, has been provided in the canon law, starting from the distinction XXIII. I could refer to many other laws but it seems unnecessary. Who wants to read them, should take a look at thousands others contained in glosses and held by doctors. Great part of them shall be discussed in future sejm and the more serious risk of negligence this prominent Rzeczpospolita is threatened with, the sooner should they be discussed.

7. On electing bishops and on their office

If bishops and other clergymen were indeed clergymen, as they claim to be, and if they often read what was written above, I would approve the policy that no secular authority should intervene with the elections of clergymen. The king would take care of the secular affairs and clergymen would take care of the clergy affairs that belong to them, so that their jurisdictions were separated. Yet, since the provisions on the clergymen and their teaching are dispersed across bulky volumes, how can they know them, if there is nobody attempting to learn them or to teach others? A perverse habit, pleasant evil has lasted for a long time. Thus, in order to avoid major evil, electing bishops by the king seems better: it is not only about selecting a scholar but about selecting a kind person, so that any immoral life of his or disliking of his personality would not inspire hatred of one social group against the other. Confirmation that it should be like this can be found in distinction LX and subsequent concordances.

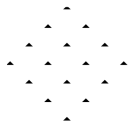


8. On fees payable to the Pope

The Kingdom of Poland, although free, suffers from painful and inhumane nuisance, as we succumb to relentless stealth of the Italians so much that, under the pretences of devotion and false teaching, or rather major superstition, allow so large amounts of money to be siphoned off every year to the so-called Roman court by paying enormous tribute, called sakra or annates. Every time a new bishop is elected in diocese, he does not collect sakra otherwise but against advance payment donated to the Pope in Rome, consisting of several thousand red złoty and sacred canons teach that a newly elected bishop should be consecrated and approved by a metropolitan archbishop and bishops subordinated to him. Sneaky and cunning Italians appropriated that authority to themselves and we passively look at this, yawning and napping. It is known that German and Polish lords allowed the Holy See to collect annates only for a couple of years, so that they could hamper the enemies of the Christian faith and stop cruel Turks in their attacks. It is certain that those several years have already passed and that those annates are already allocated to different purposes. Thus, this false devotion should be stopped and the Pope should not be a tyrant under the guise of faith but on the contrary – he should be a gracious father, just as much as merciful is he whose earthly vicar the Pope considers himself to be.

9. Poland should be free of any charges for the Pope

Even though the Pope may have the most legitimate reason to demand such charges from other nations under the pretences of defending general faith against the unfaithful, Poland should be free of those tributes, for reasons of equity and reasonable principle, as it has been exposed to numerous battles for ages and fought against Turks or Tatars, or even against Moscow or Vlachs, to defend the country located on the verge of Christian states and it is so exhausted and deprived of money and treasures that it almost lacks necessary resources to defend justice and preserve the internal peace. Since Poland is neighbouring such enemies from whom it shields and defends not only its residents but also Silesia, Moravia, Bohemia and almost the whole Germany, it is reasonable that the Pope should take it into consideration and not require such annates from Poland, as his court could receive after the death of bishops, and leave those annates for the kingdom's treasury, so that internal and public peace and quiet for residents could be maintained, without too much oppression of the poor people and so that growth of other, aforementioned, states could be obtained.

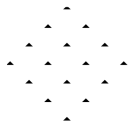


10. On prelates' taxes

Our clergymen superstitiously excuse themselves with their care for Godly affairs when it comes to giving some of their income to the king to pay for the needs of the country. They showed fear where there was nothing to be afraid of and did not know that what is superfluous for them belongs to the poor, and if they abuse it, they become thieves and robbers, as their rules stipulate. What charity could be better than using what belongs to the poor to cover their needs and defend them? Do not be scared and do not fear, reverend fathers; I can show you a chapter of the ecclesiastic law, which authorises you to do so or even encourages and requires you to do so. The chapter refers to introducing the patronage rules. [...]

13. On refraining from sending treasures abroad

Since church's gold and treasures shall be preserved for public needs and they should not be taken from churches, unless in view of the ultimate menace to the country, the evil of taking them abroad on any pretences, which often happens before our eyes, whenever, as a result of cunningness of court men or stubbornness of troublemakers not only reprimands but also extraordinary motions are brought before the Roman court, should be prevented. The case is left unheard for three or four years there, sometimes it lasts even thirty years, until one of the parties dies. When the Roman court does not take, as the proverb says, a sheep without wool, one should be out of their mind if they do not understand how much treasure is being taken away by the litigants, how much damage to the Kingdom is caused, when in exchange, whoever knows what bulls are brought to the country. A beautiful exchange, indeed! Our people must consider themselves very pious, if they adore seeing such rubbish with red seals and hemp ropes attached to church doors. Polish people, do not let those cunning Italians take you in. We have bishops, we have the archbishop and primate at the same time in our kingdom; let them hear your cases and render judgments if there is such a need.

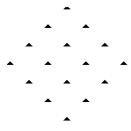


14. On forced indulgences

One cannot say it is not hypocrisy that the Pope, whenever he likes, ignoring the opinion of the King and lords, sends to Poland any bulls he likes, calling them jubilee bulls, in order to gain some money on the pretext of forgiving sins, although God said via his prophet: "Son, give me your heart!" and not: "give me your money!". It is made up by the Pope that the money are to be invested in the building of some church and the truth is that that such treasures are allocated to some private needs of the relatives and next-of-kin, to the court, to stables, or even worse. Living churches of God – people are robbed in a sneaky way in order to erect dead churches. They lack nothing, even for this kind of pious people who are not ashamed of approving such rubbish, and priests and confessors themselves send their agents so that they could win even more support. When they rob those naive people, they engage themselves in immorality and debauchery. Oh, how prone to deceit are we, Polish people! It is time we started, just like Phrygians, to be wise, even though so late. Anyone who works and harvests in order to support poor people and anyone who saves some money for general defence, shall receive sufficient indulgence. [...]

24. On seeking justice in Magdeburg

What stupidity, what shame, disgrace, embarrassment, what need or what blindness allowed that in this famous and free kingdom, it took so long, in disdain for the king, councils and lords, as if there was no fair and reasonable judge in the whole kingdom, as if there were no wise, reasonable and learned people, justice was sought in Magdeburg, among dirty and mangy craftsmen, among people of the lowest standing, whom you not only can consider learnt but whom you should consider trash or scum. Brave men! Wake up, throw off your odious disgrace, do not taint yourselves with it any longer. Be ashamed of such sloth, which among foreign people has already become nidering. No single judgment will be cancelled if you decide as mentioned below. [...]

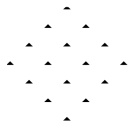


27. On sejm gatherings to be held once a year

Since such an organisation of courts can result in an unfair judgment, it would be good if once a year, if there are no obstacles, a sejm gathered and potential reprimands could be brought. During such sejm, all dignitaries, or at least persons appointed, could hear all those nuisances suffered by reprimanding parties and thus rally courts would not be needed. Sirs, I encourage you to take this advice, even though it comes from a young man. It is your responsibility to do your best to ensure that everybody holds his own property, without appropriating that belonging to others. If, as a result of your negligence or indifference, justice suffers, fear the outrage of him, who entrusted you with the dignity of his authority and people here on earth. [...]

32. On the variety of laws

Such a variety of laws, where other law apply to noblemen and other to peasants, where one is Polish and one is German, and the latter is also diversified and preserved with such intensity, as if only Germans had wits – is not good at all. Such a mixture within one country is not reasonable. Thus, there should be one law that applies to everybody, without making any difference; for hurting and killing people let there be pecuniary and criminal penalty preserved, as it used to be. If, however, there seemed to be a need for different laws applying to peasants and noblemen, for differences between those positions, should the former be referred to as civil and not German; however, I in my opinion, the same law should equally apply to all residents of the country. [...]



38. On the need for enacted law

Written laws are needed so that nothing could be presumed according to one single head but according to many people who considered it. And there can be no better law than laws established by the senate and famous Roman emperors. Anything a court needs should be chosen and some circumstances could be left for a judge to decide. It should not lead to allegation that applying such laws is a manifestation of subordination, as they are also applied by those who do not accept any supremacy over them and thus are not considered subordinate to those whose laws they apply; likewise we use Aristotle's and other philosophers' books, although we are not subordinate to any of them. [...]

40. On armament of the country residents

As said above, Rzeczpospolita is fair and just, which shall be understood as: during peace, as during war one needs arms, before which the laws are silent, in order to preserve their property acquired by work and fairly kept. In this vast kingdom there are many people of different standing, ready to battle; only one thing is insufficient – that unarmed body cannot go along with the brave heart. Thus voivodes of particular lands and poviats should make sure that every resident of the country, in accordance with their standing and ability, could be equipped with proper arms, on pain of fair penalties. [...]

60. On judgments based on tortured people's testimonies

Since some testimonies are given during tortures, many innocent people are punished, and since it is a serious crime to spill innocent blood, such incriminating testimonies should not be considered credible: an explicit evidence is needed. Thus, no one can be sentenced to death otherwise than under transparent accusation and based on lawfully proved guilt.

(after: A. Pawiński, *Jana Ostroroga żywot i pismo o naprawie Rzeczypospolitej*. Studium z literatury politycznej XV wieku, Warszawa 1884, pp. 123-181)