

## **Konstytucja Księstwa Warszawskiego - Tekst angielski**

Title I Article 1. The Catholic, apostolic and Roman religion is the religion of the state.

Article 2. All religious worship is free and public.

Article 3. The Duchy of Warsaw shall be divided into six dioceses; there will be one archbishopric and five bishoprics.

Article 4. Slavery is abolished. All citizens are equal before the law; the peasants are in the care of the courts.

### **Title II. The Government**

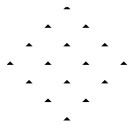
Article 5. The Ducal Crown of Warsaw is hereditary in the person of the King of Saxony, his descendants, heirs and successors, following the order of succession established in the house of Saxony.

Article 6. The government resides in the person of the king. He exercises the functions of the executive power in all his fullness. He has the initiative of the laws.

Article 7. The king may delegate to a viceroy such portion of his authority as he does not consider

appropriate for immediate exercise. Article 8. If the king does not judge it appropriate to appoint a viceroy, he shall appoint a president of the council of ministers.

In this case the affairs of the various ministries are discussed in council, to be presented to the king for approval.



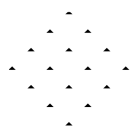
Article 9. The King convenes, defers and adjourns the assembly of the General Diet. He also convenes the dietines or district assemblies and municipal assemblies. He presides over the senate when he deems it appropriate. Article 10. The property of the ducal crown consists of: first, an annual income of seven million Polish guilders, half in royal lands or estates, half in an allocation from the public treasury; second, the royal palace in Warsaw and the Saxon palace.

Title III. Ministers  
and the Council of State

Article 11. The ministers are as follows: A minister of justice, a minister of the interior and religious worship, a minister of war, a minister of finance and the treasury, a police minister, a minister secretary of state.

The ministers are responsible. Article 12. When the king has deemed it appropriate to transfer to a viceroy the portion of his authority which he did not immediately reserve for himself, the ministers each work separately with the viceroy.

Article 13. Where the King has not appointed a viceroy, the ministers shall meet in a Council of Ministers in accordance with Article 8 above. Article 14. The Council of State is composed of ministers. It meets under the presidency of the king or viceroy, or a president appointed by the king.



Article 15. The Council of State discusses, drafts and adopts bills or public administration regulations proposed by each minister for matters relating to their respective departments. Article 16. Four referendaries are attached to the Council of State, either for the investigation of administrative matters and those in which the council pronounces as a court of cassation, or for the communications of the council with the committees of the Chamber of Deputies. Article 17. The Council of State deals with conflicts of jurisdiction between administrative and judicial bodies, administrative disputes, and the judgment of public administration officials. Article 18. Decisions, draft laws, decrees and regulations discussed in the Council of State are submitted to the King for approval.

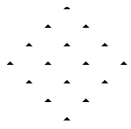
Title IV.

The General Diet

Article 19. The General Diet is composed of two chambers, namely the first chamber or the Senate; and the second chamber, or the Chamber of Deputies.

Article 20. The General Diet meets every two years in Warsaw, at the time fixed by the king's act of convocation.

The session does not last more than fifteen days. Article 21. Its powers consist in the deliberation of the tax law, or finance law, and laws relating to changes to be made, either to civil legislation, or to criminal legislation, or to the monetary system.



Article 22. The draft laws, drafted in the Council of State, are transmitted to the General Diet by order of the King, passed in the Chamber of Deputies by secret ballot and by a majority of votes, and submitted to the Senate for sanction.

Title V. The Senate

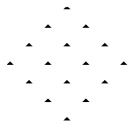
Article 23. The Senate is composed of eighteen members, namely: six bishops, six voivodes, six castellans.

Article 24. The voivodes and castellans are appointed by the king. The bishops are appointed by the king and instituted by the Holy See.

Article 25. The Senate is chaired by one of its members, appointed for this purpose by the king. Article 26. The duties of senators are for life.

Article 27. Bills drafted by the Chamber of Deputies, as set out below, are transmitted to the senate for approval. Article 28. The Senate approves bills of law, except in the following cases:

- 1) When the law was not adopted according to the formalities prescribed by the constitution, or when the deliberation was disturbed by acts of violence
- 2) When it is known that the law was not adopted by a majority of votes
- 3) When the Senate deems that the law is contrary to state security or to the provisions of this constitutional statute.



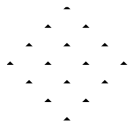
Article 29. If, for one of the reasons mentioned above, the Senate has refused to sanction a law, it invests the king, by a resolution setting out the reasons, with the authority necessary to annul the law drafted by the deputies.

Article 30. Where the refusal of the Senate is motivated by one of the first two cases provided for in Article 28, the King, after hearing the Council of State, may order the bill to be referred to the Chamber of Deputies, with an injunction to proceed lawfully. If the same disorders are repeated, either in the holding of the assembly or in the formalities of deliberation, the Chamber of Deputies is thereby dissolved, and the king orders new elections. Article 31. In the case of the dissolution of the Chamber of Deputies, the finance law is extended for one year, and civil and criminal laws continue to be enforced without amendments or changes. Article 32. When the Senate has refused its sanction to a law, the king may also, and in any case, appoint new senators and then refer the law to the Senate.

Nevertheless, the Senate cannot be composed of more than six bishops, twelve voivodes and twelve castellans.

Article 33. When the King has exercised the right established by the above article, the vacancies in the Senate, among the voivodes and the castellans, are not filled until the Senate is reduced to the number fixed by article 23.

Article 34. When the Senate has given its approval to a law, or when the king, despite the reasons for the Senate's resolution, has ordered its promulgation, the bill is declared law and becomes immediately binding.



## Title VI. The Chamber of Deputies

Article 35. The Chamber of Deputies is composed of:

- 1) Sixty deputies, appointed by the dietines or assemblies of noblemen of each district, one deputy per district. Deputies must be at least twenty-four years of age, enjoy full civil rights, or be emancipated.
- 2) Forty deputies of the communes.

Article 36. The entire territory of the Duchy of Warsaw is divided into forty communal assemblies: eight for the city of Warsaw and thirty-two for the rest of the territory.

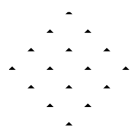
Article 37. Each communal assembly must include at least 600 citizens with voting rights. Article 38. The members of the Chamber of Deputies remain in office for nine years. One third of them are renewed every three years.

As a result, and for the first time only, one third of the members of the Chamber of Deputies will remain in office for three years only, and another third for six years. The list of outgoing members at these two times will be formed by lot.

Article 39. The Chamber of Deputies is presided over by a marshal<sup>1</sup>, chosen from among its members and appointed by the king.

Article 40. The Chamber of Deputies deliberates on draft laws, which are then sent to the Senate for approval.

<sup>1</sup> This was a reference to the function of the marshal (speaker) of the Chamber of Deputies from the pre-partition period. It corresponded more or less to the role of the Speaker in the English House of Commons.



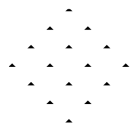
Article 41. At each session, the Chamber of Deputies shall appoint, by secret ballot and by a majority of votes, three committees, each composed of five members: a Finance Committee, a Civil Legislation Committee, and a Criminal Law Committee.

The marshal presiding over the Chamber of Deputies communicates the appointment of the said committees to the Council of State. Article 42. When a bill has been drafted by the Council of State, the Committee concerned by the object of the bill is informed by the minister of the relevant department and through the referendaries attached to the Council of State.

If the Committee has any comments on the draft bill, it shall meet at the said minister's. The referendaries responsible for communicating the bill are admitted to these conferences. Article 43. If the Committee persists in its observations and requests amendments to the bill, the minister shall report to the Council of State.

The Council of State may admit the members of the committee to discuss in its midst the provisions of the bill which appear to need modification.

Article 44. Having taken cognizance of the commission's observations, either through the minister's report or through the discussion that will have taken place in its midst, the Council of State adopts a definitive version of the draft bill which is sent to the Chamber of Deputies for deliberation. Article 45. The members of the Council of State are members of the Chamber of Deputies; they hold seats in it and have a decisive voice.



Article 46. The members of the Council of State and the members of the Deputies' Committee have the right to speak in the Chamber, either in the event that the Council and the Commission agree on the bill to highlight its advantages or, in the event of dissent, to identify or combat its disadvantages. No other member may speak on the bill.

Article 47. The members of the Committee may express their individual opinion on the bill, either because they share the opinion of the majority or that of the minority.

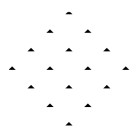
On the other hand, the members of the Council of State can only speak in favour of the bill which was adopted in Council. Article 48. When the marshal presiding over the Chamber of Deputies deems that the matter has been cleared up, he may close the discussion and put the bill up for vote.

The House votes by secret ballot and by an absolute majority of votes.

Article 49. The law having been passed, the Chamber of Deputies immediately transmits it to the Senate.

Title VII. Dietines and communal assemblies Article 50. The dietines, or district assemblies, are composed of the nobles of the district. Article 51. The communal assemblies are composed of the non-noble property-owning citizens and other citizens entitled to be part of them, as will be said below.





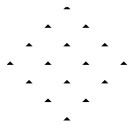
Article 52. The dietines and communal assemblies are convened by the king. The place, the day of their meeting, the operations they must carry out and the duration of their session are expressed in the convening letters. Article 53. No one may vote unless he is twenty-one years of age, enjoys full civil rights or is emancipated. Emancipation may now take place at twenty-one years, regardless of any laws and practices to the contrary. Article 54. Each dietine or district assembly appoints a deputy and nominates candidates for department and district councils and justices of the peace.

Article 55. The dietines are presided over by a marshal<sup>1</sup> appointed by the king.

Article 56. They are divided into ten series, each series being composed of districts separated from each other by the territory of one or more districts. Two series cannot be convened at the same time.

Article 57. The deputies of the communes are appointed by the communal assemblies. They also present a double list of candidates for municipal councils.

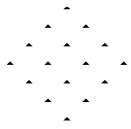
<sup>1</sup> The appointment of a marshal for the dietines by the ruler was a novelty in relation to the old Polish regulations, which provided for the election of a marshal by the assembled nobility.



Article 58. The following have the right to vote at communal assemblies:

- 1) Any property-owning citizen who is not a noble
- 2) Any craftsman or master craftsman overseeing a workshop; any merchant possessing goods worth 10,000 Polish guilders
- 3) All parish priests and vicars
- 4) Any artist or citizen distinguished by his talents, knowledge, or by services rendered either to commerce, or to the arts
- 5) Any non-commissioned officer and soldier who, having been wounded or having taken part in several campaigns, has been released from service
- 6) Any non-commissioned officer who has obtained distinctions for his good conduct
- 7) Officers of all ranks. Officers, non-commissioned officers and soldiers currently serving in the garrison in the town where the communal assembly would be convened, will not enjoy, in this case only, the right granted by this article.

Article 59. The list of voting property owners is drawn up by the municipality and certified by the tax collectors. The list of priests and vicars is drawn up by the prefect and signed by the minister of the interior. The list of officers, non-commissioned officers and soldiers designated in the above article shall be drawn up by the prefect and signed by the minister of war. The list of craftsmen, master craftsmen overseeing workshops, and merchants having a shop, storehouse or factory with a capital of 10,000 Polish guilders, and that of citizens distinguished by their talents, knowledge and services rendered either to the sciences, the arts, or to commerce, are drawn up by the prefect and approved each year by the Senate. Citizens who are in the last of the above situations may address their requests directly to the senate, with supporting evidence.



Article 60. The Senate, in all cases where there is reason to suspect violations in the drawing up of lists, may order new lists to be formed. Article 61. Communal assemblies cannot be convened at the same time throughout a district. There will always be an interval of eight days between their meetings, with the exception, however, of those of the city of Warsaw, of which two may be convened at the same time. Article 62. Communal assemblies are presided over by a citizen appointed by the king. Article 63. There can be no discussion of any kind, no deliberation of petition or admonition in the dietines and in the communal assemblies. They must deal only with elections, either of deputies or of candidates, the number of whom, as stated above, is designated in advance by the letters of convocation.

#### Title VIII. Territorial division and administration

Article 64. The territory remains divided into six departments.

Article 65. Each department is administered by a prefect. Each department has a contentious affairs council, composed of at least three and at most five members, and a general department council, composed of at least sixteen and at most twenty-four members.



Article 66. The districts are administered by a sub-prefect. There is a district council in each district, consisting of at least nine and at most twelve members.

Article 67. Each municipality is administered by a mayor or president. There is in each municipality a municipal council, composed of ten members for 2500 inhabitants and below; of twenty for 5000 inhabitants and below, and of thirty members for cities whose population exceeds 5000 inhabitants.

Article 68. Prefects, prefecture councillors, sub-prefects and mayors are appointed by the king, without prior presentation. The members of department councils and district councils are appointed by the king from a double list of candidates nominated by the district dietines. Half of them are renewed every two years. The members of the municipal councils are appointed by the king from a double list of candidates presented by the municipal assemblies. Half of them are renewed every two years. The department, district, and municipal councils appoint a chairman from among their members.

Title IX. The judiciary

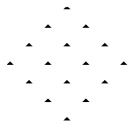
Article 69. The Napoleonic Code<sup>1</sup> will be the civil law of the Duchy of Warsaw.

Article 70. The procedure is public in civil and criminal matters.

Article 71. There is one peace court per district, one civil court of first instance per department, a criminal court for two departments, and a single court of appeal for the entire Duchy of Warsaw.

Article 72. The Council of State, to which four referendaries appointed by the king are attached, acts as a court of cassation.

<sup>1</sup> The French Code Civil of 1804, introduced in the Duchy of Warsaw in 1808.



Article 73. Justices of the peace are appointed by the king from a threefold list of candidates nominated by the district dietines. They are renewed by a third every two years.

Article 74. The judiciary is independent. Article 75. Judges of the courts of first instance, criminal courts and courts of appeal are appointed by the king and for life.

Article 76. The Court of Appeal may, either on the information of the Royal Public Prosecutor or of one of its presidents, ask the King for the removal of a judge of first instance or of a criminal court, whom it believes guilty of misdemeanour in the exercise of his functions.

The removal of a judge from the Court of Appeal may be requested by the Council of State, acting as the Court of Cassation.

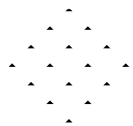
In these cases alone the removal of a judge may be ordered by the king.

Article 77. The judgements of the courts and tribunals are rendered in the name of the king.

Article 78. The right to pardon belongs to the king; only he can postpone or commute sentences.

Title X. The armed forces

Article 79. The armed forces will be composed of 30,000 men of all arms, present under arms, not including national guards.



Article 80. The king could call part of the troops of the Duchy of Warsaw to Saxony, replacing them by an equal number of Saxon troops. Article 81. If circumstances demand that, independently of the troops of the Duchy of Warsaw, the king send other Saxon troops to the territory of the Duchy, no additional tax or public contribution can be established on that occasion other than those authorised by the Finance Act.

#### Title XI. General provisions

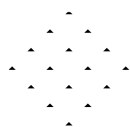
Article 82. The holders of all the offices and functions which are not for life, including the viceroy, are revocable at the will of the king, except for the deputies.

Article 83. No individual who is not a citizen of the Duchy of Warsaw may serve in ecclesiastical, civil or judicial functions.

Article 84. All acts of government, legislation, administration and courts are written in the national language.

Article 85. The civil and military orders previously existing in Poland are maintained. The king is the head of these orders.

Article 86. The present constitutional law shall be supplemented by regulations issued by the king and discussed in his Council of State. Article 87. Public administration acts and regulations will be published in the Journal of Laws and do not require any other form of publication to become mandatory.



## Title XII. Transitional provisions

Article 88. Existing taxes will continue to be levied until 1 January 1809.

Article 89. The current number and organization of troops shall not be changed until such time as a decision has been taken by the General Diet. NAPOLEON, Emperor of the French, King of Italy, Protector of the Confederation of the Rhine, have approved and approve the above constitutional law, which has been presented to us in implementation of Article 5 of the Treaty of Tilsit, and which we consider suitable to fulfil our commitments towards the peoples of Warsaw and Greater Poland, reconciling their freedoms and privileges with the tranquillity of the neighbouring states.

Done at the Royal Palace in Dresden on 22 July 1807.

NAPOLEON

Signed by the Emperor

Minister Secretary of State

Signed by Hugo B. Maret<sup>1</sup>

Conforming to the original:

Signed by Hugo B. Maret

Conforming to the official copy:

Signed by Ignacy Sobolewski<sup>2</sup>, Secretary of the Council of State

Signatures after the final article in the original:

Members of the Government Commission: Stanisław Małachowski<sup>3</sup>, Ludwik

Gutakowski<sup>4</sup> (President), Stanisław Count Potocki<sup>5</sup>, Józef Wybicki<sup>6</sup>, Ksawery Count Działyński<sup>7</sup>, Piotr Count Bieliński<sup>8</sup>, Walenty Sobolewski<sup>9</sup>, Jan Łuszczewski<sup>10</sup>. Translated © by Jerzy Giebułtowski

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<sup>1</sup> Hugo Maret – Hugues Bernard Maret, Prince of Bassano (1763-1839), French secretary of state; in 1811-1813, minister of foreign affairs.

<sup>2</sup> Ignacy Sobolewski (1770-1846) – secretary of the State Council of the Duchy of Warsaw (1807-1811), then police minister (1811-1813); he also held ministerial posts in the Kingdom of Poland (1815-1830).

<sup>3</sup> Stanisław Małachowski (1736-1809) – marshal of the Four-Year Sejm Chamber of Deputies (1788-1792), president of the Government Commission, president of the Council of Ministers of the Duchy of Warsaw (1807) and of the Senate. A supporter of introducing the Third of May Constitution in the Duchy of Warsaw.

<sup>4</sup> Ludwik Gutakowski (1738-1811) – deputy to the Four-Year Sejm (1788-1792), in 1807, a member of the Government Commission, president of the Council of Ministers after the resignation of S. Małachowski (1807-1808), president of the Senate as of 1809.

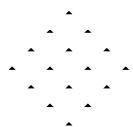
<sup>5</sup> Stanisław Kostka Potocki (1755-1821) – in 1807, a member of the Government Commission as the president of the Chamber of Education, from 1809, president of the Council of Ministers. A famous art collector, owner of Wilanów, where he died and was buried.

<sup>6</sup> Józef Wybicki (1747-1822) – voivode-senator of the Duchy of Warsaw, author of the words of the Polish national anthem, Dąbrowski's Mazurka (1797).

<sup>7</sup> Ksawery Działyński (1756-1819) – deputy to the Four-Year Sejm (1788-1792), in 1807, a member of the Government Commission, voivode-senator of the Duchy of Warsaw.

<sup>8</sup> Piotr Bieliński (1754-1829) – in 1807, a member of the Government Commission, voivode-senator of the Duchy of Warsaw.

<sup>9</sup> Walenty Sobolewski (1765-1831) – deputy to the Four-Year Sejm (1788-1792), castellan-senator, then voivode-senator.



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<sup>10</sup> Jan Łuszczewski (1764-1812) – in 1807, Secretary of the Government Commission, then minister of the internal affairs of the Duchy of Warsaw.