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Poland. - Alexander I, Emperor of Russia, M.
K -

CONSTITUTIONAL

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CHARTER

OF THE

KINGDOM OF POLAND,

IN THE YEAR 1815,

WITH SOME REMARKS ON THE MANNER IN WHICH THE CHARTER, AND
THE STIPULATIONS IN THE TREATIES RELATING TO
POLAND, HAVE BEEN OBSERVED.

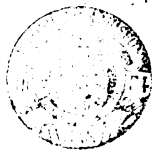
*Nobis quod potuit vis et injuria et sceleratorum hominum furor detrahere
eripuit, abstulit, dissipavit; quod adimi non potest, id manet
et permanebit: constans et perpetua voluntas libertatis.*

SOLD FOR THE BENEFIT OF THE MILITARY HOSPITALS
IN POLAND.

PUBLISHED BY JAMES RIDGWAY, PICCADILLY; ROWLAND HUNTER, ST. PAUL'S
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1831.

THE UNIVERSITY OF CHICAGO



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CONSTITUTIONAL
C H A R T E R

of the
KINGDOM OF POLAND.

OF THE POLITICAL RELATIONS OF THE
KINGDOM.

ARTICLE I. The kingdom of Poland is for ever united to the Empire of Russia.

II. The civil and political relations in which we place it, and the bonds by which this union is to be secured, are determined by the Charter which we now grant.

III. The crown of Poland is hereditary in our person and that of our decendants, heirs, and successors, according to the order of succession, established for the Imperial throne in Russia.

IV. The constitutional Charter determines the manner, the principle, and the exercise of the sovereign authority.

V. The King, in case of absence, shall name a Lieutenant, who is to reside in the kingdom; which Lieutenant shall be removed at the King's pleasure.

VI. When the King does not appoint for his Lieutenant a Prince Imperial of Russia, his choice shall fall upon a native, or upon some person to whom he has granted naturalization, in the manner prescribed by the thirty-third article.

VII. The nomination of the Lieutenant shall be made by a public act; which act shall precisely determine the nature and extent of the power entrusted to him.

VIII. The external political relations of our empire shall be common to the kingdom of Poland.

IX. The sovereign alone shall have the power to determine the participation of the kingdom of Poland in the Russian wars, as well as in the treaties of peace which that power may conclude.

X. In every instance in which Russian troops may be introduced into Poland, or Polish troops into Russia, or in the event of the passage of these troops through any province of either of these kingdoms, the support of such troops, and the expences attendant upon their journey, shall rest entirely with the nation to which they belong. The Polish army shall never be employed out of Europe.



GENERAL GUARANTEES.

XI. The Roman Catholic religion, being professed by the majority of the inhabitants of the kingdom of Poland, the government shall make this religion the object of especial care, without in any degree, derogating thereby from the freedom of other religious sects, which shall all, without exception, have full and public liberty to carry on their respective worship, and shall all enjoy the protection of the government. The different forms of Christian worship, shall occasion no difference in the enjoyment of civil and political rights.

XII. The Ministers of all the different persuasions, shall be under the protection, and under the inspection of the government.

XIII. The property already in the possession of the Roman Catholic Church and of the Greek Communion, and what may hereafter be granted by our special decree, shall be declared inalienable and common to the whole ecclesiastical hierarchy, as soon as the government shall have appointed and assigned to the said clergy, the national domains which are to constitute such benefaction.

XIV. The senate of the kingdom of Poland, shall admit as members, as many bishops of the Roman Catholic Communion, as there may be Palatinates by law appointed. It shall admit also one bishop of the Greek Communion.

XV. The clergy of the confession of Augsburg,

and of the evangelical reformed church shall receive such annual support as we shall be disposed to grant for their use.

XVI. The liberty of the press is guaranteed. The law shall determine the method of restraining its abuses.

XVII. The law shall protect every class of citizens alike, without regard to their rank or condition.

XVIII. The ancient fundamental law "*neminem captivari permittemus nisi jure victum*" shall be observed with regard to all classes of the inhabitants, as below explained.

XIX. No man shall be arrested except with the forms, and in the cases prescribed by the law.

XX. Every man shall be informed immediately, and by writing, of the cause of his being arrested.

XXI. Every individual, so arrested, shall be presented within three days, at the furthest, before the competent tribunal, that he may be there examined or tried. If on the first examination he be found to be innocent, he shall be forthwith discharged.

XXII. In such cases as the law directs, the prisoner, if he give bail, shall be set at liberty for the time.

XXIII. No man shall be punished except in conformity with the existing laws, and by the decree of the competent Magistrate.

XXIV. Every Pole is at liberty to remove his

person, or his property, according to the forms by law prescribed.

XXV. Every condemned criminal shall undergo the penalty prescribed by law, in his own country; and nobody shall be carried out of the country except in the case of banishment decreed by law.

XXVI. All property, of whatever description or nature, whether it may be on the surface or in bosom of the earth, and to whomsoever it may belong, is hereby declared sacred and inviolable; and no authority shall infringe upon it, under any pretence whatever. Any person attempting to appropriate the property of another, shall be held to be a disturber of the public peace, and punished accordingly.

XXVII. Government has, nevertheless, the power of exacting from any individual, the sacrifice of his property, when the public good requires it, providing for the individual a previous and equitable indemnification. The law shall determine the cases, and the manner, in which this principle is to be applied.

XXVIII. All public affairs, executive, judicial, and military, without any exception, shall be transacted in the Polish language.

XXIX. All public offices, civil and military, shall be filled by Poles only. The presidents of tribunals for the first hearing of causes, presidents of palatinate commissions, of tribunals of appeals,

the nuncios and deputies of the diet, and the senators shall be, without exception, landed proprietors.

XXX. All public officers in the executive part of the administration, are liable to be displaced by the same authority by which they were appointed; and all, without exception, are responsible for their conduct.

XXXI. The Polish Nation shall have for ever a national representation; and this representation shall consist of the diet, composed of the King and of the two chambers; the senate shall constitute one chamber, and the nuncios and deputies of the Commons, the other.

XXXII. Every legitimated foreigner shall enjoy the protection of the laws, and the advantages which they secure, on the same footing as the other inhabitants. He shall be able, like them, to remain in the kingdom or to leave it, (conformably to the rules therein established) to return to it, to acquire landed property, and to qualify himself for becoming a citizen.

XXXIII. Any foreigner who has become a landed proprietor and been naturalized, and who has also acquired the Polish tongue, is admissible to a public office, after five years of residence and of unexceptionable behaviour.

XXXIV. The King also of his own pleasure, or on the representation of his council of state, may appoint foreigners of talent to any offices not excepted by article ninety.

GOVERNMENT.

CHAPTER. I.

The King.

XXXV. The government resides in the person of the King. He exercises in all their plenitude the functions of executive power. All executive and administrative authority must emanate from him.

XXXVI. The person of the King is sacred and inviolable.

XXXVII. The public acts of all tribunals, courts, and magistracies shall be drawn up in the King's name. The impressions upon all coin and stamps shall be of his choice.

XXXVIII. The disposition of the armed force, in the time of peace, as well as in war, and the nomination of generals and officers belong exclusively to the King.

XXXIX. The King disposes of the revenues of the State, conformably to the budget, which is to be drawn up and submitted to his approbation.

XL. The right of making war, and of concluding all treaties and conventions, is reserved to the King.

XLI. The King is to nominate the senators, the ministers, the counsellors of state, the masters of requests, the presidents of palatinate commissions, the presidents and judges of the

different tribunals which are reserved for his nomination, diplomatic and commercial agents, and all other functionaries; and he may do this either directly from himself, or indirectly, by means of the authorities, to whom he may be pleased to delegate his power.

XLII. The King is to nominate the archbishops and bishops of the different denominations, the suffragans, prelates, and canons.

XLIII. The power of granting a pardon is exclusively the King's. He may remit or commute the penalty,

XLIV. The institution, the regulation, and the power of appointment to all civil and military orders, belong to the King.

XLV. All our successors on the throne of Poland are hereby engaged to be crowned King of Poland in the capital, according to the form which we shall prescribe; and they shall make oath as follows: "I swear and promise before God and upon the Holy Gospels to maintain and execute, to the utmost of my power, the Constitutional Charter."

XLVI. The power of conferring nobility, of naturalizing a foreigner, and of granting titles of honour, resides in the King.

XLVII. All orders and decrees of the King shall be counter-signed by a minister, the head of a department, who shall be responsible for anything that the said orders and decrees may contain contrary to the Constitutional Charter.

CHAPTER II.

Regency.

XLVIII. The cases of regency which are, or may be admitted for Russia, and the powers of the Regent, shall be common to the kingdom of Poland, and the same principles shall obtain in both realms.

XLIX. In case of regency, the Secretary of State is compelled, upon his own personal responsibility, to announce to the lieutenant the establishment of the regency in Russia.

L. The lieutenant, on receiving the communication respecting the regency in Russia, and the memorial of the Secretary of State, shall convoke the Senate for the election of the members of a regency in the kingdom of Poland.

LI. The regency of the kingdom shall be composed of the Regent of Russia, of four members elected by the Senate, and the Secretary of State. It shall hold its sittings in the capital of the Russian Empire; and the Regent shall preside.

LII. The authority of the regency of the kingdom shall be equal to that of the King, except that it shall not have power to nominate senators, and that all its nominations shall be subject to the approbation of the King, who may revoke them when he takes the reins of government into his

own hands. The council shall publish all its decrees in the name of the King.

LIII. The nomination and the power of recalling the lieutenant belongs to the regency during its administration.

LIV. When the King takes the reins of government, he shall require from the regency an account of its administration.

LV. The members of the regency of the kingdom shall be responsible in their persons and in their property for whatever they may have done contrary to the Constitutional Charter, or to the laws.

LVI. In case of the death of one of the members of the regency, the senate, convoked by the lieutenant, shall fill up the vacancy. The regency shall appoint a secretary to the regency.

LVII. The members of the regency, before they set off for the capital of Russia, shall make oath in presence of the senate, that they will faithfully support the constitution and the laws.

LVIII. The Regent of Russia shall take the same oath in presence of the members of the council of regency.

LIX. The Secretary of State shall be required to take a similar oath.

LX. The adjuration of the Regent shall be sent to the senate of Poland.

LXI. The adjuration of the Secretary of State shall be sent in like manner to the senate of Poland.

LXII. The adjuration of the members of the regency shall be forwarded, by the members of the senate of Poland, to the Regent of Russia.

CHAPTER III.

Of the Lieutenant and the Council of State.

LXIII. The council of state in which the King, or his lieutenant is to preside, shall be composed of the ministers, the counsellors of state, the masters of requests, and of such other persons as it shall please the King specially to appoint.

LXIV. The lieutenant and the council of state shall administer the affairs of the kingdom in the King's name, during his absence.

LXV. The council of state shall be divided into a council of administration and a general assembly.

LXVI. The council of administration shall be composed of the lieutenant, of the ministers who are the heads of the five departments of government, and of other persons specially appointed by the King.

LXVII. The members of the council of administration have deliberative voices only. The opinion of the lieutenant is decisive. He is to take his resolutions in council, in conformity with the Constitutional Charter, with the Laws, and with the powers derived from the King.

LXVIII. Every decree of the lieutenant in order, to be obligatory, must be rendered in council and countersigned by a secretary of one of the departments.

LXIX. The lieutenant shall present to the King, (conformably to a more detailed arrangement on the subject) two candidates for every vacancy of an archbishop, bishop, senator, minister, supreme judge, counsellor of state, or master of requests.

LXX. The lieutenant shall take the following oath in the presence of the senate, holding his hands in those of the King: "I swear to Almighty God, that I will administer the affairs of Poland in the King's name, conformably to the Constitutional Charter, to the laws, and to the powers and instructions derived from the King; and that I will remit to the King the power entrusted to me, as soon as his Majesty shall deem it expedient." If the King be absent from the kingdom the adjuration of the lieutenant in the hands of the King, shall be forwarded to the senate by the secretary of state.

LXXI. The King being present, the autho-

city of the lieutenant is suspended. It is then at the King's pleasure to consult with the ministers separately, or to call a council of administration.

LXXII. In case of the decease of a lieutenant, or if the King should not think proper to appoint one, he will supply his place *ad interim* by a president.

LXXIII. The general assembly of the council of state shall be composed of all the members enumerated in article 60. The King shall preside, or his lieutenant, and in their absence, the first member of the council, in the order established by articles 63 and 66.

Its offices are :

- First, To discuss and revise all proposed laws and regulations for the general administration of the country.
- Second, To take cognizance of all administrative functionaries registered by the King as being accused of collusion in office, excepting such only as are cognizable by the High National Court.
- Third, To decide in cases of contested jurisdiction.
- Fourth, To examine annually the accounts of every principal member of the administration.
- Fifth, To watch over all abuses, and every thing tending to encroach upon the Constitutional Charter, and to make a general report of them to the King, who shall determine what objects are of a nature to be referred by his order to the Senate or to the Diet.

LXXIV. The general assembly of the council of State shall deliberate, by order of the King, or of the lieutenant, or at the request of a head of a department, if made conformably to established law.

LXXV. The decrees of the general of the council of State are subject to the approbation of the King or of his lieutenant. Those relating to the trial of public officers, and to contested jurisdiction, are immediately to be carried into effect.

CHAPTER IV.

Of the Branches of the Administration.

LXXVI. The execution of the laws shall be confided to the different branches of the public administration as follows:—to wit:

1. The commission for religious affairs and public instruction.
2. The commission of justice, chosen from amongst the members of the supreme tribunal.
3. The commission of the interior and of the police.
4. The commission of war.
5. The commission of finances and of the treasury.

These different commissions shall each be presided over and directed by a minister appointed for that purpose.

LXXVII. A minister of State shall be appointed, who shall constantly reside about the person of the King.

LXXVIII. There shall be a court of accounts charged with the final examination of accounts, and empowered to discharge those who present them. This court shall be responsible to the King alone.

LXXIX. The construction and the powers of the commission for public instruction, as well as of the judicial order, shall be regulated by a specific act.

LXXX. The commission of the interior, the commissioners of war, and of finances, shall be composed of one minister and of counsellors of State, who are directors general, in pursuance of the specific statutes on the subject.

LXXXI. The secretary of State is to present to the King the documents which are delivered to him by the lieutenant, and to return to the lieutenant the King's orders. Such foreign affairs as may concern the kingdom of Poland are to be communicated to the secretary.

LXXXII. The heads of departments, and the members of government commissions, are answerable to the high national court for every infraction of the Constitutional Charter, and the royal decrees, of which they may have been guilty.

CHAPTER V.

Of the Administration of the Palatinates.

LXXXIII. There shall be in each palatinate a palatinal commission, composed of a president, and of commissioners charged with carrying into execution the orders of the government commissions, in conformity with a separate regulation.

LXXXIV. There shall be municipal authorities in the towns. A bailiff in every district shall be charged with the execution of the government orders, and shall form the last link in the administrative department.

CHAPTER I.

OF THE NATIONAL REPRESENTATION.

LXXXV. The national representation shall be constituted as ordained in Article fifty-one.

LXXXVI. The legislative power resides in the person of the King, and in the two chambers of the diet, conformably with the regulations in article thirty-one.

LXXXVII. The diet in ordinary, shall meet once in every two years at Warsaw, at the time prescribed by the King in his act of convocation. The session shall last for thirty days. The King alone has power to prorogue, adjourn, or dissolve it.

LXXXVIII. The King has the power of convoking a diet extraordinary, when he may think proper.

LXXXIX. No member of the diet can be arrested, or tried for a criminal offence, while the diet is sitting, unless with the consent of the chamber to which he belongs.

XC. The diet shall take into consideration all proposed civil, criminal, or administrative laws, referred to it by the King, through the council of State. It shall deliberate on all proposed modifications or alterations of the duties of public

offices and constitutional powers, such as those of the diet, the council of State, the judicial order, and the government commissions ; such change or modification being referred to its consideration by the royal authority.

XCI. The diet shall deliberate upon the increase or diminution of imposts, contributions, taxes, and political expences of all kinds, on the alterations which they may require, on the best and most equitable method of distribution, on the formation of the budget of receipts and expenditure, on the regulation of the coinage, and on the levy of recruits ; the materials for such deliberation being furnished by the government. It shall deliberate also upon all other subjects which may be referred to it by the Sovereign.

XCII. The diet shall also deliberate upon the communications which are made to it by the King, in consequence of the general report required from the council of State by article seventy-three. Lastly the diet, after having enacted its decrees on all these subjects, receives contributions, requests, representations, or complaints presented to it by the nuncios and deputies of the commons, for the benefit and advantage of their constituents. The diet will present them to the council of State, by which they will be submitted to the Sovereign. If they are again referred to the diet by the King, through the agency of his council of State, the diet is to deliberate upon the laws which may be proposed in consequence of these petitions.

XCIII. In case the diet should not decree a new budget, the old one remains in force until the next session. The budget is, nevertheless, obsolete at the end of four years, if the diet be not convoked in the mean time.

XCIV. The diet is not to deliberate upon any other business than what is specified in the act of its convocation.

XCV. The two chambers shall deliberate in an open house. They are at liberty, nevertheless, to resolve themselves into a close committee, at the request of a tenth part of the members present.

XCVI. The proposed laws which have been drawn up by the council of State, are to be carried to the diet by the members of the said council under the King's orders.

XCVII. It is at the King's option to have these drafts referred to the senate, or to the chamber of nuncios. Be it excepted, nevertheless, that the drafts of financial laws must be first referred to the chamber of nuncios.

XCVIII. For the discussion of these drafts, each chamber appoints three commissions of examination, which are composed in the senate of three members, and in the chamber of nuncios of five, to wit :

Commission of finances.

Commission of civil and criminal legislation.

Commission of administrative and executive legislation.

Each chamber shall acquaint the council of State with the choice it has made.

The commissions shall be in communication with the council of State.

XCIX. The drafts presented, by order of the King can only be modified, by the council of State, upon the representations of the respective commissions of the diet.

C. The members of the State council, in the two chambers, and the commissioners in their respective chambers, are alone allowed to read their speeches. The other members are to speak without notes.

CI. The members of the State council have a right to sit and to speak in the two chambers whenever they are deliberating upon a government proposal. They have not a right to vote, unless they are senators, nuncios, or deputies.

CII, The reception of a law shall be determined by the majority of votes. These votes shall be given audibly. A law thus sanctioned by a majority in one chamber, is to be carried to the other, which will deliberate and decide in like manner. When the votes are equally divided, the law is to be received.

CIII. A law received by one chamber cannot be modified by the other. It must be received or rejected in toto.

CIV. A law received by the two chambers is to be submitted to the royal approbation.

CV. If the king give his assent, the law is established. The king gives orders for its promulgation in the prescribed forms. If the king refuses his assent the law is null.

CVI. The general report of the state of the country, which is drawn up by the State council and forwarded by them to the senate, shall be read in the two chambers united.

CVII. Each chamber, by its respective commissions, shall deliberate upon this report, and send up an address to the King on the subject. This address may be printed.

CHAPTER II.

The Senate.

CVIII. The senate is composed

Of the princes of the royal and imperial
blood.

Of the bishops,

The palatines, and

The castellans.

CIX. The number of senators shall not exceed one half of the number of the nuncios and deputies.

CX. The King appoints the senators. Their office is for life. The senate, by the intervention of the lieutenant, presents to the King two candidates for every vacant situation of senator, palatine, or castellan.

CXI. In order to be a candidate for the office of senator, palatine, or castellan, the individual must have completed his thirty-fifth year, he must pay an annual contribution of two thousand florins (of Polish money), and he must be, in all respects, such as the laws on this subject require.

CXII. The princes of the blood, after the age of eighteen, may take their seat, and vote in the senate.

CXIII. The first member of the senate, according to the order prescribed in a special decree, shall be president.

CXIV. Besides its legislative powers, the senate has other functions, which are to be separately defined.

CXV. The senate can only meet for the discharge of its legislative duties, on the requisition of the King, and during the diet. The president has the power of convoking it for other purposes.

CXVI. The senate is to decide upon the propriety of putting upon their trial such senators, heads of departments, counsellors of State, and masters of requests, as have been specified by the King, or his lieutenant, or accused by the chamber of nuncios, of mal-administration in office.

CXVII. The senate is to give definitive judgment upon the validity of the dietines, and of the assemblies of the communes, and of the elections; also, on the formation of civil lists, both in the dietines and in the communal assemblies.

CHAPTER III.

The Chamber of Nuncios.

CXVIII. The chamber of nuncios consists:

First:—Of seventy-seven nuncios appointed by the dietines, or assemblies of the nobles, in the proportion of one nuncio to a district.

Second:—Of fifty-one deputies of the communes. The King nominates a marshal from amongst the members, who acts as president of the chamber.

CXIX. The whole kingdom is divided, for the purposes of national representation and election, into seventy-seven districts. It shall also be divided into fifty-one communes; eight in the town of Warsaw, and forty-three in the rest of the country.

CXX. The members of the chamber of nuncios shall remain in office for six years. One-third to be renewed every two years; in consequence of which, and for the first time only, one-third of

the chamber of nuncios shall remain in office only two years, and another third during four years. These members shall be chosen by lot. The members are capable of being indefinitely re-elected.

CXXI. In order to be elected a member of the chamber of nuncios, the individual must have completed his thirtieth year, he must enjoy the rights of a citizen, and pay an annual contribution of one hundred Polish florins.

CXXII. No public officer, civil or military, can be elected into the chamber of nuncios, unless he has previously obtained the consent of the authorities on which he depends.

CXXIII. If any nuncio or deputy, who had not previously exercised any employment in the pay of government, accepts such employment after his election, a new dietine, or communal assembly, shall be holden to proceed to a fresh election of such nuncio or deputy.

CXXIV. The King has the power of dissolving the chamber of nuncios. When he exercises this right the chamber shall separate, and the King, in the course of two months, will issue writs for a new election of nuncios and deputies.

CHAPTER IV.

The Dietines.

CXXV. The nobles, who are landed proprietors, in each district shall form a dietine, and elect a nuncio, and two members of the palatinate council; they shall also draw up a list of candidates for offices in the administration.

CXXVI. The dietines shall meet only on the convocation of the King, who shall also appoint the day, the duration, and the subject of their deliberations.

CXXVII. No noble can be admitted to vote in a dietine, unless his name has been enrolled in the civil list of the nobles of the district; unless he be in the enjoyment of the rights of a citizen; unless he have completed his twenty-first year; and unless he be a landed proprietor.

CXXVIII. The list of nobles of each district is drawn up by the council of palatinate, and approved by the senate.

CXXIX. The president of the dietine, is a marshal, appointed by the King.

CHAPTER V.

The Communal Assemblies.

CXXX. In each commune there shall be a communal assembly which shall send a deputy to the diet, and a member to the palatinate council, and shall also furnish a list of candidates for offices of administration.

CXXXI. The communal assemblies shall consist,

First:—Of every landed proprietor who is a citizen and not noble, paying any amount of contribution upon his estate.

Second:—Of every manufacturer, artizan, or shopkeeper, possessing a shop or warehouse, worth 10,000 Polish florins.

Third:—Of all rectors and vicars.

Fourth:—Of professors and tutors, and other persons engaged in public instruction.

Fifth:—Of artists, distinguished by their talents and acquirements, or by the services they may have rendered to the arts or to trade.

CXXXII. No person can be admitted to vote in the communal assemblies, unless he be registered in the civil communal list; unless he enjoy the rights of a citizen; and unless he have completed his twenty-first year.

CXXXIII. The list of landed proprietors who are entitled to vote, shall be drawn up by the council of the palatinate. That of manufacturers, shop-keepers, and citizens, distinguished by their talents and by the services they have rendered, by the commission of the interior; and that of rectors, vicars, and instructors, by the commission for religious affairs and for instruction.

CXXXIV. The president of the communal assemblies, shall be a marshal appointed by the King.

CHAPTER VI.

The Palatinate Council.

CXXXV. In every palatinate there shall be a palatinate council, composed of officers nominated by the dietines and communal assemblies.

CXXXVI. The president of the palatinate council shall be the oldest of the counsellors.

CXXXVII. The principal duties of the palatinate council are as follows :

First:—To appoint judges for the first hearing, and the first appeal.

Second:—To concur in forming the list and in selecting the candidates for the offices of administration.

Third:—To watch over the concerns of the palatinate.

THE JUDICIAL ORDER.

CXXXVIII. The judicial order is constitutionally independent.

CXXXIX. By the independence of the judge, is to be understood the liberty that he has of giving his opinion with all freedom, without being influenced by the supreme authority, by the ministerial authority, or by any other consideration whatsoever. Every other definition or interpretation of the independence of a judge is declared to be an abuse.

CXL. The tribunals are composed of judges appointed by the King, and of judges chosen conformably to the administrative statute.

CXLI. The judges nominated by the King are for life, and cannot be removed. The judges who hold their seats by election are also incapable of being removed during the term for which they were elected.

CXLII. No judge can be degraded from his office but by the sentence of a competent judiciary court in case of ascertained collusion, or other misdemeanor.

CXLIII. The superintendence of the magistrates when named and chosen, and the redress of grievances inflicted by them in the severity of public service, belongs to the supreme tribunal.

CXLIV. There shall be judges of the peace for all classes of inhabitants, and their office shall be that of conciliation.

CXLV. No affair can be carried before a civil tribunal for the first hearing, until it has been laid before the competent judge of the peace; such only excepted as are forbidden by law to be arranged by conciliation.

The Tribunal for the first hearing.

CXLVI. There shall be civil tribunals, and tribunals of the police, in every commune and in every town, to take cognizance of transactions not exceeding five hundred florins.

CXLVII. In every palatinate, there shall be several tribunals for the first hearing of causes, and tribunals of assize to take cognizance of transactions in which more than five hundred florins are concerned.

CXLVIII. There shall be also tribunals of trade.

CXLIX. For criminal causes, and affairs of correctional police, there shall be several criminal tribunals in each palatinate.

Courts of Appeal.

CL. There shall be at least two courts of appeal in the kingdom of Poland. They shall sit in judgment upon causes whether civil, criminal, or commercial, upon which sentence has been already passed by the first courts.

Supreme Tribunal.

CLI. There shall be at Warsaw a supreme tribunal for the whole kingdom, which shall finally determine all civil and criminal causes, State crimes excepted. It shall be composed partly of senators who shall take their seats there in rotation, and partly of judges, nominated by the king, who hold their seats during their lives.

The High National Court.

CLII. A high national court shall take cognizance of crimes against the State, and of offences committed by the great officers of the kingdom after the senate has decreed the trial by Art. 116. The high court is composed of all the members of the senate.

The Armed Force.

CLIII. The armed force shall consist of the existing army on full pay, and of militia in readiness to reinforce that army when wanted.

CLIV. The armed force to be maintained by the country, is to be determined by the sovereign, with due consideration of the necessity of the case, and in proportion to the revenues established by the budget.

CLV. The quartering of the troops shall be regulated by the convenience of the inhabitants, conformably with the military system and the plans of the administration.

CLVI. The army shall preserve the colours of its uniform, its particular costume, and all the badges of its nationality.

General Regulations.

CLVII. The revenues and possessions of the Crown shall consist,

First:—Of the domains of the crown which shall be separately administered for the King's benefit by a chamber or by officers of his private appointment.

Second, Of the royal palace of Warsaw and of that of Saxony.

CLVIII. The national debt is guaranteed.

CLIX. The punishment of confiscation is abolished, and shall not be revived in any instance.

CLX. The civil and military orders of Poland, to wit, that of the White Eagle—that of the St. Stanislaus—and that of the Military Cross shall be continued.

CLXI. This present Constitutional Charter shall be developed by more particular laws. Those laws which are not enacted immediately after the publication of the Charter shall be discussed in the council of State.

CLXII. The first budget of revenues and expenses shall be drawn up by the King with the advice of the council of State; and this budget shall remain in force until modified or changed by the Sovereign and the two chambers.

CLXIII. Every thing not determined by an administrative statute or code, and not included in the offices and powers of the diet shall be decided by the King's decree, or by a government

order. The statutes and codes can only be modified or changed by the Sovereign and the two chambers of the diet.

CLXIV. The laws, decrees, and ordinances of the King shall be printed in the book of the laws. The manner of their publication shall be determined by the King's decree.

CLXV. All anterior laws and institutions which may be Contrary to the present charter are hereby abrogated.

Believing in our conscience, that the present Constitutional Charter will answer our paternal purpose, which is to maintain amongst all classes of our kingdom of Poland, peace, union, and concord, which are so necessary to their well-being, and to secure the felicity which it is our desire to procure for them; we have given and do hereby give this Constitutional Charter which we adopt for ourselves and our successors, enjoining all public authorities to concur in its observance.

Given at our royal palace at Warsaw, the

$\frac{15}{27}$ November, 1815.

(Signed) ALEXANDER.

OBSERVATIONS.

On Article I.

Although united, the kingdom of Poland, not being incorporated, ought not to have lost its separate and distinct existence, and the national colour of its legislation and government. This distinct and national existence is stipulated by the treaties of 1815, of which the charter is only the fulfilment. Nevertheless, in consequence of the arbitrary measures which were adopted every day, the Russian spirit was introduced into every part of the social body. Whenever new regulations were to be made, the recollections, the wishes, and the local necessities of the nation were set aside, and every thing was to be modelled upon what existed in Russia, or to be referred to the grand duke or to the Russian commissioner, Mr. Nowosylsoff, a man notorious for his hatred towards every thing Polish.

On the Fifth, Sixth, and Seventh Articles.

The constitution acknowledges no other method of replacing the king when absent, than by the appointment of a lieutenant. The emperor Alexander had conferred this office upon the old general Zaionczek, but the grand duke Constantine as commander-in-chief of the army was placed by his side. Conformably to the regulations which his imperial Highness had sworn to observe, the grand duke should have been subordinate to the lieutenant, but all considerations of this nature being a mere sport to his imperial Highness, the very individual who had acknowledged his incapacity to govern an empire despotically, and who for that very reason had resigned his throne to his younger brother, considered himself, nevertheless, sufficiently qualified to govern a constitutional kingdom. He surrounded himself with Russian counsellors, the chief of whom was Mr. Nowosylsoff. The lieutenant and his council were

from this time only passive instruments of the will of the grand duke. What the king's lieutenant could never have done, because his ordinances to be valid required to be countersigned by a responsible minister, the grand duke, under the direction of his Russian counsellors, effected by orders from the head of his council of officers, the Russian general, Courouta. He laid it down as a principle, that according to all military law, the police ought to be dependent upon the commander-in-chief of the forces. After this, every affair in which the grand duke was disposed to intermeddle was an affair of police. The most arbitrary arrests passed under the name of cautionary police measures. The Secretary of State, Kossecki (infamous for his malversations) has consecrated this principle in his official replies to those who complained of the abuses of which they were the victims. These abuses had provoked resistance, even under the reign of the emperor Alexander, but the emperor had never failed to enjoin a blind obedience to the orders of his brother. At the accession of the emperor Nicholas, the power of the grand duke was yet farther developed; and from all this, there resulted a state of things truly tremendous. The constitutional power of the lieutenant and of the council of administration was set in motion by an authority modelled on the despotic forms of the Russian government.

On the Tenth Article.

The introduction of Russian troops was only to be admitted in particular cases; instead of which a body of 10,000 Russian troops was permanently settled in the country. The greater part of this force was quartered at Warsaw, and served to support the encroachments upon Polish liberty. This was nothing less than treating Poland as a conquered province, in direct violation of the stipulations in the treaties. For this reason the Poles now require that it shall be provided by way of amendment to their constitution, that Russian troops shall not be introduced without the consent of the Diet.

On Article Thirteen.

The tithes, which formed an essential part of the property of the Polish clergy, were, by a new regulation as to the method of collecting them, exceedingly diminished, and many of the rectors reduced to indigence; the more so as the taxes upon the revenues of the clergy were levied upon the old list. In consequence of these exactions the clergy is ruined, its moral condition is deteriorated, and that of the lower classes suffering in consequence, an alarming increase of crime has been occasioned. It has been thought by some, that these measures formed part of a scheme for weakening the Roman Catholic faith in the minds of the people, and thus preparing the way for the establishment of the Greek church, which is the religion of the Russian empire. This arbitrary encroachment upon the property of one class, was only a prelude to encroachments upon the nation at large, and under the emperor Nicholas, a decree was issued for the sale of the national estates.

On Article Sixteen.

The liberty of the press, so distinctly guaranteed by the constitutional charter, was superseded by a rigorous censorship, introduced by a royal decree. It extended to every species of publication which was printed throughout the kingdom, and its strictness surpassed even that of St. Petersburg; so that what was published at Petersburg was forbidden at Warsaw. This censorship was more especially exerted upon every thing that was foreign. The director of Public education was at the head of the censorship, and might be said to determine the precise quantum of information and wisdom which the Poles were to be allowed to imbibe from foreign publications. This state of things had a most disastrous effect, inasmuch as it precluded the discussion of public affairs, and the exercise of a salutary superintendence over the actions of government, and the conduct of public officers, who, freed from this restraint, and consulting, for the most part, nothing but their interest, blindly obeyed the masters who rewarded their devotion with the treasures of the nation.

On Article Seventeen.

The protection here promised, which was in general terms, and ought consequently to have extended to the relations of subject and ruler, was null and void with respect to the grand duke. Every one was exposed to be the victim of his rage, or of the counsels of those who were about him, and the law offered no redress for the injuries which might result from it. This deficiency in the existing laws was generally felt, but the constitution assigned the initiation of new laws exclusively to the sovereign; which proves the insufficiency of the charter as respects the formation of laws.

On Articles Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, and Twenty-three.

All Europe has resounded with outcries at the violation of these articles; and volumes might be written on the subject. Such was the manner of proceeding towards the unhappy Poles, that it would have been supposed there were articles in their constitution diametrically opposite to those we have cited. During the fifteen years which have elapsed since the birth of the modern kingdom of Poland, in all which time a restless police—a police paid for the express purpose of hatching conspiracies—has never ceased to bring forward its political accusations—in all this time not one man has been tried by the regular tribunals; they have all been tried and sentenced by the grand duke. Never shall we forget the unfortunate Lukaszinski condemned to degradation and perpetual imprisonment by a commission nominated by the grand duke. Long shall we remember the persecution of the nuncio, Vincent Niemoiewski, confined for years to his own estate, for having freely expressed in the diet, opinions which were not contrary to the state of things established by the charter. The only cause submitted to the high national court was that of Soltyk, Kryzanski and others, and in this case it is observable that the grand duke had already discharged the functions of preliminary

judge, and in that capacity had inflicted upon the accused a long and painful imprisonment.

On Article Twenty-five.

Krzyzanowski and Majewski, condemned by the High National Court, to suffer imprisonment in their own country, were carried off into Russia, and it is unknown at the present hour, what has become of them.

On Article Twenty-six.

We have already remarked upon the violations of property, committed by virtue of the royal decrees. Similar violations were every day committed by government orders from the lieutenant or from the ministers, and if the aggrieved, by applying to the tribunals, obtained judgment against the government authorities, this judgment was perpetually reversed by a commission of arbitration, consisting of counsellors of State, removable at pleasure.

On Article Twenty-seven.

We have before observed that the Russian commissioner, Mr. Nowosylsoff, took an active part in the administration of the country. When the emperor Nicholas was crowned, he nominated (at the instigation of the grand duke) several senators who were not landed proprietors in the kingdom; they were principally selected from public officers who had nothing to live upon but their salaries, and were distinguished for their servility to the will of his imperial Highness. Amongst them was also the counsellor of State, who had countersigned the decree by which (conformably to the grand duke's order, as transmitted through General Courouta) the publication of the sentence of the High National Court respecting Solyk and others was suspended. Such nominations were, of course, designed to render the senate more submissive towards the grand duke.

On Article Thirty.

The Diet many times petitioned for a law which might regulate the operation of this article, and repress the abuses arising from the ill-conduct of government officers; but no regard was ever paid to its entreaties. Once, indeed, a draft of a new law was laid before the diet, (in 1820), but it was rejected as being contrary to the Charter: it ascribed to the King alone and his lieutenant, the power of preferring an indictment against public officers of royal appointment; an arrangement which would render all responsibility a perfect delusion.

On Article Thirty-five.

The royal authority was every day gaining ground over the legislative authority, by the promulgation of decrees which ought only to have been issued with the consent of the two Chambers. The fundamental laws of the kingdom were changed and modified perpetually, under pretence of interpretation. Royal ordinances decided the most important affairs, and the Diet was soon confined to the discussion of a few projected laws of secondary importance.

On Article Forty-seven.

The responsibility guaranteed by this Article was a mere delusion. In spite of reiterated violations of the Charter and of the laws,—in spite of the acknowledged incapacity of some of the Ministers, and the loud cry of the people against them, they continued in place.

On Article Sixty-seven.

The most important affairs, and those which most nearly concerned our Nationality, were all determined at the instigation of the Grand Duke, whose organ Mr. Nowosylsoff sat in the Council of Administration.

On Article Seventy.

This oath was deceptive, and that for want of positive guarantees.

On Article Seventy-three.—(No. 3.)

This arrangement opened a vast field for abuses, which we have already referred to, in the observation on Article twenty-six. The decisions of the tribunals in the suits between the government and individuals, if contrary to the former, were often set aside by the Council of state, under pretence of abuse of power and incompetence.

On Article Seventy-six.

The object of the different branches of the administration should be the execution of the laws; whence it follows that all public affairs should be regulated by laws,—by decrees, that is, of the Diet. Not thus was public business transacted. The most important affairs were determined by Royal ordinances, or by the ordinance of the lieutenant, and even the Ministers arrogated to themselves a part of the legislative authority. Thus in spite of the judicial regulations of the Charter, offences against the revenue laws were tried by Committees of the Palatine Administration; and these committees were composed of members removeable at pleasure, and wholly subservient to the Commission of Finance. Thus the Treasury judged its own cause; nor was this all. The Commission of Finance invented a new penal code for this species of crime. Offenders were condemned to heavy fines, and if unable to discharge the amount, the penalty was commuted for a proportionable length of imprisonment; so that old men who had been convicted of smuggling, were sometimes sentenced to fifty or sixty years of imprisonment,—sometimes even to more. Add to this, that the whole prohibitory system, including the tariff of importation duties, was grounded, not upon a law, but upon an ordinance of the King, or of his lieutenant. All this

would have been impossible, if the responsibility of the Ministers had been anything but a delusion, and if enormous taxes levied without the consent of the Diet, had not furnished means for transforming Government Officers into blind slaves of absolute power.

On Article Eighty-two.

This responsibility was a mere name, as we have already shown. A man was responsible for his obedience or disobedience to the orders of his Imperial Highness the Grand Duke, and never for disobeying the laws.

On Article Eighty-six.

See the remarks already made upon Article 35.

On Article Eighty-seven and Eighty-eight.

The diets were held so seldom, and the time allotted to their duration was so short, that they became almost useless. It was impossible to bestow any adequate consideration upon the drafts of laws presented to the Chambers, in so short a time, and the National Representatives were reduced to the cruel alternative of rejecting the proposed alterations, or of adopting them without sufficient examination. The persons employed to revise these documents were very commonly incapable of performing the task;—hence perpetual alterations, (particularly in the civil law), and hence also the abuse of improving upon the law by Royal decrees, and thus usurping the administration of justice. It was still less possible that the Diet should extend its enquiries to all branches of the administration, and enact the requisite laws to govern its course. The Diet, moreover, which in all countries, where there is a national representation at all, should be considered as a permanent body, was viewed by the Government in the light of a fever or an illness; when a Diet was assembled precautions were doubled, and every possible means of influencing its deliberations was sought and adopted; its proceedings, even to the most trifling details, were all or-

dained by the Emperor. From this state of things, accompanied as it was by the slavery of the press, resulted a frightful disorder in every branch of the administration; every thing was done without a plan, and without a spirit of order.

On Article Ninety-one.

During the fifteen years which the kingdom has subsisted, not a single budget has been submitted to the diet; and every thing relating to the subject has been done arbitrarily and by royal decrees. Thus they were enabled to continue, indefinitely, particular taxes, which had only been imposed under a pressing necessity; and the sums levied in this way, in the utmost distress of the country, were applied to the support of an army of placemen and spies, in the shape of a special police, under the immediate controul of his Imperial Highness, and of his agents Nowosylsoff, Lubowidzki, and Roznieki. The greater part of these officers would have been wholly needless, but for the distrust which prevented the government from making use of the people—the citizens, according to ancient custom, would else have formed themselves into a gratuitous local police, and there would have been no occasion for a system which sapped the public welfare at the very foundation.

On Article Ninety-three.

No constitutional budget was brought forward between the last diet, in the Emperor Alexander's reign, and the first which was held after the accession of Nicholas. More than four years had elapsed in the interim, but the taxes were levied and executed as before.

On Article Ninety-five.

In the year 1825, a short time before the convocation of the last diet that was held under the reign of Alexander, that monarch published an ordinance, under the title of Appendix to the Charter: by this act all the assemblies of the diet, the

first and last excepted, were to be private. Independently of the mischief done by this ordinance in preventing the publicity of the debates, it was an essential infringement upon the constitution. The fact of its publication, established the principle that the Charter was an act revokable at the will of the sovereign, and thereby rendered its existence vain and illusory.

On Article Ninety-seven.

During the fifteen years that the kingdom existed, not a single financial law was ever laid before the chambers.

On Article One Hundred and Seven.

The reports of the Council of State, which never failed to give a brilliant account of the state of the country, were always printed; but it was impossible to obtain the publication of the observations drawn up by the commissioners of the two chambers, although the Charter expressly guarantees the liberty of the press. In like manner the pleadings of the state against any individual, for a state crime, and the speeches of the government lawyers were printed and disseminated with the utmost profusion, whereas a few copies only, of the defence, were permitted to be printed, for the sole use of the judges, and the Grand Duke and his police prevented their publication.

On Article One Hundred and Sixteen.

In the proposed law already mentioned in the remarks on article thirty, it was intended to give such an interpretation to this law as would prevent the senate from deliberating upon mal-administrators, except at the instigation of the King, or his lieutenant; the accusation of the chamber of nuncios being declared insufficient. Mr. Niemoiewski, and his brother, (both nuncios) contributed, by their utmost endeavours, to the rejection of this law in the diet of 1820, a law which would destroy all responsibility in government agents, and by so doing subverted the whole constitution. The consequence

was that they were visited by unheard-of persecutions, by order of the Grand Duke, and with the approbation of the Emperors Alexander and Nicolas.

On Article One Hundred and Thirty-five.

A royal ordinance, under the reign of the Emperor Alexander, suppressed the council of Kalisz in an arbitrary manner; and in spite of the most reiterated intreaties it was impossible to procure its re-establishment. This measure was occasioned by the liberal opinions which had been expressed in the council, and by its election of the Messrs. Niemoieswki.

On Article One Hundred and Thirty-eight.

See what has been said of the seventeenth, eighteenth, twenty-sixth, and seventy-third articles.

On Article One Hundred and Thirty-nine.

Every day brought forth royal ordinances professing to interpret the laws; the judges were compelled to adhere to these interpretations, which were often directly contrary to the spirit of the laws.

On Article One Hundred and Forty.

The tribunals were never established on the footing which the constitution prescribes; there were consequently no judges elected by the citizens, but all were of the king's nomination.

On Article One Hundred and Fifty-four.

As there was no legal budget, the amount of the armed force was determined arbitrarily by the will of the Grand Duke.

On Article One Hundred and Sixty-one.

This article is in itself subversive of the charter because it affords an opportunity of altering the principles laid down in it, under pretence of developing them. This actually took place in the appendix, relating to the publicity of debates.

On Article One Hundred and Sixty-two.

The budget was never discussed in the state council ; it was formed from year to year on the representation of the minister finance.

Such are the principal violations of the Charter, for it would be impossible to enumerate them all. The Poles have employed all lawful means afforded them by the Charter to obtain redress ; memorials, petitions, nothing has been omitted, and these measures have been repeated at every diet ; and only when a disdainful silence, and a persevering continuance in despotism convinced them that these means were unavailing, have they had recourse to insurrection.

Let us now examine the stipulations, in the public treaties of Europe, referring as well to that part of Poland which was to be governed by the constitution, as to the provinces now swallowed up in the Russian Empire ; the re-establishment of the latter being one of the objects proposed by the Polish insurrection. By the second article of the treaty of Reichenbach, concluded between Russia, Austria, and Prussia, on the 27th of June, 1813, it was stipulated that the duchy of Warsaw should be dissolved, and that " the provinces of which it consisted should be divided amongst Austria, Russia, and Prussia, in such parts as should afterwards be agreed upon between the three powers, without the intervention of the French government ;" subsequently in the treaty of Toplitz, bearing date the 9th of September, the word partition was omitted, and the first and fourth articles refer to an *amicable arrangement* between the three powers Russia, Austria, and Prussia, as to the future fate of the duchy of Warsaw. Both

these treaties were concluded immediately after the first success of the allies against Napoleon, they were consequently grounded upon a state of affairs which did not continue, and they cannot be considered as the final determination of the principal powers on general grounds. At the congress of Vienna, when Napoleon was no longer to be found, the fate of the duchy of Warsaw was again taken into consideration, with its bearings upon the state of Europe.

Lord Castlereagh, at that time, demanded, on behalf of England, that Poland should be re-established with all that had formerly belonged to her, and in opposition to the Emperor Alexander, who pleaded for the union of the duchy of Warsaw with Russia, he declared that "it was England's wish to see some independent power (whether more or less in extent) established in Poland, under a distinct dynasty of its own, and as a separation between the three great Empires of Europe."

The Emperor of Austria declared, at the same time, that far from consenting to the union of the duchy of Warsaw with Russia, he was disposed to sacrifice some of his own possessions for the sake of the entire re-establishment of Poland as an independent kingdom.

The opinions and wishes of France on this subject were equally clear. Prince Talleyrand expresses himself thus in a note to Prince Metternich, dated December 19, 1814. "Of all the questions to be discussed at this congress, the King would undoubtedly consider the affair of Poland as incomparably the most important to the interests of Europe, if there be any chance (if he could hope that is as much as he wishes) that this nation so worthy of regard by its antiquity, its valour, its misfortune, and the services it has formerly rendered to Europe, might be restored to complete independence. The partition which destroyed its existence as a nation, was the prelude,—in some measure the cause, perhaps,—even to a certain degree an apology, for the subsequent commotions to which Europe was exposed; and when circumstances overpowering the noblest and most generous dispositions in the various

sovereigns, to whom the Polish provinces had been assigned, reduced the Polish question to a mere discussion of the limits and boundaries to be observed—a question which the three powers concerned, discussed amongst themselves, and with which France (being excluded from the former treaties on the subject) had nothing to do, she had no other part to take than to offer to support what appeared to be the most equitable claims, and to hope that the three powers might arrange the matter to their own satisfaction.”

The Emperor Alexander opposed the re-establishment of Poland under a dynasty of its own, and pleaded for the union of the duchy of Warsaw with the Russian Empire. As his troops were at that moment in possession of the country, it was impossible to insist upon the entire restoration of Poland. Lord Castlereagh then proposed that the duchy of Warsaw should be divided amongst Russia, Austria, and Prussia, conformably to the second article of the treaty of Reichenbach. Austria, also, seeing the necessity of yielding as to the entire restoration of Poland, demanded the execution of the same treaty.

The less resistance was made on this point, because the Emperor Alexander had announced his intention of forming a kingdom of Poland with a distinct national existence, although dependant on Russia. As far back as in the year 1812, when Alexander was in danger from Napoleon, he had promised the re-establishment of Poland to the inhabitants of Polish provinces, which had been engrossed by Russia. He had employed Mr. Oginski, a Pole, and a senator of the Empire, to draw up a constitution for the eight governments of the empire, inhabited by the Poles; proposing to organize these provinces into a duchy or kingdom of Lithuania; all which was to have been accomplished before the opening of the campaign in 1812. These promises the emperor repeated at the close of the same year, when he left the country to follow his victorious troops. They were again repeated at Paris, and at Vienna, to many Poles and Lithuanians, and amongst the rest to the illustrious

Kosciusko, as will be shewn hereafter by a letter from this Lithuanian. By these promises the Emperor Alexander secured the support of the Poles, in his pretensions to the Duchy of Warsaw. "Prince Talleyrand," says Mr. de Flassan, a Frenchman who was present at the Congress of Vienna, "was authorised by his instructors to grant to the Russian court only, so much of the Duchy of Warsaw as was within the Vistula; leaving the rest for the Prussians, which would have proportionably diminished the requisite Saxon concessions; but Russia, trusting to her strength, and to the support of the Poles, who were won by the hope, of being again a nation, would not bear of this composition."

The Grand Duke Constantine, who had left Vienna the 9th of November, thus addressed the Poles on the 11th of the following December:—"The Emperor, your powerful Protector, appeals to you. Rally round his standard! Let your hands be armed for the defence of your country, and the preservation of your political existence. Whilst your august Monarch is preparing the future destiny of your country, show yourselves ready to support his noble efforts at the expense of your blood!"

Count Nesselrode announced at the Congress of Vienna, that eight million Poles were resolved to defend their national independence. In the same spirit, the Emperor of Russia, in his general proposals to the Austrian and English plenipotentiaries, in 1814, intercedes (Article 8) with the Emperor of Austria, and the King of Prussia, in favour of their Polish subjects, to obtain for them Provincial institutions which may preserve a due regard to their nationality, and admit them to share in the administration of their country.

In this state of affairs, Lord Castlereagh finding himself unable to obtain what he had demanded, determined to enter a solemn protest in favour of Poland, at the same time that he made known to the other powers, his principal reason for acquiescing in the Russian demands.

In a note to the Committee for Polish and Saxon affairs, (January 12), Lord Castlereagh says, that "*without retracting*

his former representations with regard to Poland, he should content himself with wishing that none of those interruptions to the tranquillity of the North, or to the balance of power in Europe, which he considered it his imperative duty to prevent, might result from the measure proposed by Russia, with respect to that country; and that in order to obviate as much as possible any such consequences, it was extremely important that public tranquillity in the territory that was formerly Poland, should rest upon the foundation of common interests, and that such a system of administration should be adopted in the different districts, as might be agreeable to the inhabitants, however they might vary in their political institutions. "Experience has shewn," added the English plenipotentiary, *that the happiness of Poland, and the tranquillity of this important portion of Europe, cannot be secured by thwarting the national customs and habits. An attempt of this kind would only excite amongst the Poles, a spirit of disaffection and degradation; it would occasion revolts, and awaken the remembrance of past misfortunes.*" Upon this principle Lord Castlereagh earnestly requested the Sovereigns upon whom the fate of Poland depended, not to leave Vienna till they had pledged themselves *that the Poles, in their respective dominions, under whatever form of government they might think proper to place them, should still be treated as Poles.* "The knowledge that such a resolution has been taken," said the same Minister, "will do more towards conciliating your Polish subjects to your Government, and rendering their Sovereign popular in their eyes than anything else; *it is thus that the Poles will become peaceful and contented and this object, which H. R. H. the Prince Regent has particularly at heart, being secured, the happiness of the Polish nation is also secured; H. R. H. would then no longer have to fear that any danger to the liberty of Europe should result from the union of Poland with the Russian Empire, already so powerful—a danger which would not be imaginary, if the military force of the two Countries should ever be united under the command of an ambitious and warlike monarch.*" To this communication the Russian

plenipotentiary, Count Rasoumofski, replied, on the 19th of January, 1814, "that the just and liberal principles which it contained, were received by his Imperial Majesty, with the most cordial approbation, and that *he had been delighted to recognize the generous sentiments which characterize the British Nation, and the enlarged and enlightened views of its government.* That their conformity with his own wishes, and more especially the resemblance of the plan which his British Majesty's plenipotentiary had traced in this document, to his own political maxims, as applied to the present negotiation, had appeared to him to be very favourable to the conciliatory measures which he had proposed to his allies, with the sole end of ameliorating the condition of the Poles, as far as the desire of protecting their nationality is compatible with the maintenance of a due balance among the Powers of Europe, which ought to be secured by a new division: and that to these considerations should be added others not less important, demonstrating the impracticability of reviving the previous combinations of the former political system of Europe, of which Poland in its independent state formed a part."

"That his Imperial Majesty, for these reasons, had confined his solicitude, on behalf of the Polish nation, to the single object of procuring for those Poles who were subjects of the contracting princes, such privileges as might satisfy their reasonable expectations, and assure to them all the advantages compatible with the respective relations of each of those kingdoms; that this spirit of moderation had regulated all the proposals he had deemed it fitting to make to his illustrious allies on the subject; that by favouring, and supporting with amicable co-operation, all measures tending to the amelioration of the condition of the Poles, and consequently to cement their attachment to the different governments under which they were placed, the Emperor thought that he had fully proved the rectitude and purity of his intentions. *His Imperial Majesty being of opinion that the submission of the Poles to their respective sovereigns and governments, in return for an*

equitable consideration of their dearest rights, was the only guarantee of the permanent relations which it was important to establish amongst the Three Powers, for the mutual security of their possessions and for the peace of Europe."

"The ambition of a legitimate Prince can have no tendency to promote the happiness of the people, whom providence has entrusted to him, and who can only prosper under the Ægis of perfect security, in a calm but not menacing attitude. *No power can more effectually guarantee the universal repose of Europe, and the pacific feelings of its kingdoms towards one another, than that principle of cohesion, which arises from the attachment of a people for their native land, and from their consciousness of well-being. That such were the bonds by which his Imperial Highness hoped to attach to his Empire, the Poles who should be placed under his government. That it was his ardent desire to behold the realization of the same felicitous result in the states of those of his allies, whose enlightened views and generous intentions he appreciated, and consequently, that his Imperial Highness delighted to believe that the conciliatory system, adapted to the circumstances which had been pointed out in the present negotiation, would be sufficient to banish all anxiety, and to dissipate the slightest pretence for it, which might have been given by the union of a part of the Polish nation."*

Prince Hardenburg declared, on the 30th of January, "*that the principles laid down by Lord Castlereagh, as to the method of governing the Polish provinces, were in perfect conformity with the sentiments of his Prussian Majesty on the subject: that he entirely agreed in opinion with his Majesty the Emperor of Russia, and with the Prince Regent of England; and that he should constantly endeavour to procure to his Polish subjects all those advantages which they could reasonably desire, and which were compatible with the interests of his kingdom, and with the prime object of every government to resolve the different parts of which the state may be composed, into a united whole."*

The Emperor of Austria also gave in, by his plenipotentiary on the 21st February, a declaration which was deposited amongst the deeds of the Congress of the five powers. "The conduct of the Austrian emperor" said his plenipotentiaries in the important negotiations which have just determined the fate of the duchy of "Warsaw, can have left no doubt in the mind of the allied powers, that the re-establishment of Poland as an independent State, with a national administration of its own, would have fully accomplished the wishes of his Imperial Majesty; and that he would even have been willing to make the greatest sacrifice to promote the restoration of that ancient and beneficial arrangement. This fact must be sufficient to show that the emperor is very far from entertaining any jealousy or anxiety as to the interference of the Polish nation with his empire. Austria has never considered free and independent Poland as an inimical or rival power, and the principles upon which his illustrious predecessors acted, and which guided his Imperial Majesty himself until the partition in 1773 and 1797, were abandoned only under the pressure of circumstances which the Sovereigns of Austria had it not in their power to controul."

"Anxious from that time to fulfil the new engagements which he had contracted, and bound to the system of partition by express stipulations, the Emperor had not deviated from the principles adopted by the three courts."

"His Imperial Majesty, not being able to regulate his government by an order of things which was then done away with, contented himself with watching over the happiness of his Polish subjects. The high cultivation and prosperity of Galicia in its present state, as compared with what it was before its union with Austria, and before the reign of the Emperor, showed that his care had not been inefficient."

"The Emperor having again, in the course of the present negotiation, sacrificed his wishes as to the restoration of Poland, to the important considerations which have induced the other powers to sanction the union of the larger part of the Duchy of Warsaw with the Russian Empire, his Imperial Majesty concurs, nevertheless, with the Emperor Alexander, in

his liberal views, and approves of the national institutions which it is the intention of that Monarch to grant to the Polish nation."

"His Majesty the Emperor of Austria, on his side, will not cease to watch over the welfare of his Polish subjects, with that paternal care and impartial justice, which he distributes alike amongst the different classes of subjects which Providence has subjected to his sway."

"Russia has declared, that the best security for the repose and the vigour of nations, consists in the happiness of the people, and that this happiness is inseparable from the righteous care of the rulers over the nationality and customs of their subjects. The Emperor is of opinion that he cannot better express the conformity of his own intentions in the present instance, with the maxim laid down, than by directing his plenipotentiaries to declare that *he entirely agrees with the sentiments expressed by Lord Castlereagh in his memorial of the wishes of his Court, as to the future lot of the Poles, and with the reply made on the 19th of January last, by order of the Emperor of Russia, to that declaration.*"

On the 3d of May, 1815, a treaty was concluded between Russia and Austria, of which the preamble is as follows:—
 "In the name of the holy and united Trinity, his Majesty the Emperor of all the Russias, and his Majesty the Emperor of Austria, and his Majesty the King of Prussia, being equally desirous of a friendly understanding, as to the measures the most likely to secure the welfare of the Poles in the new relations in which they have been placed by the Changes in the political state of the Duchy of Warsaw, and wishing, at the same time to extend the effect of these beneficial arrangements to the provinces and districts which composed the ancient kingdom of Poland, making the most liberal arrangements which circumstances have rendered possible, and facilitating as much as possible by their arrangements the commercial intercourse of the respective inhabitants, we have agreed to draw up two separate treaties; the one to be concluded between Russia and Austria, the other between the first-mentioned,

power and Prussia, to include general obligations which are to be binding upon all, as well as private stipulations."

The fifth article of the treaty runs as follows:—"The Duchy of Warsaw, with the exception of those parts which have been specified as otherwise disposed of by the Articles of this treaty, and by the treaty signed this day between his Majesty the Emperor of Russia, and the King of Prussia, is united to the Russian Empire. It shall be *irrevocably united to that Empire by its constitution* to be governed for ever by his Majesty the Emperor of Russia, his heirs and successors. His Imperial Majesty reserves to himself the right of determining the extent of this kingdom, possessed of a distinct administration, as he shall think proper. He will take the title of Czar King of Poland, according to the customary formula which he uses for his other possessions."

"The Poles, who are subject to the other contracting powers, shall have a *representation, and national institutions*, modified to that form of political existence which the government upon which they are dependant shall deem it expedient and useful to grant."

A treaty between Russia and Prussia was concluded at the same time, of which the preamble is as follows:—"In the name of the holy and united Trinity his Majesty the Emperor of Russia, and his Majesty the King of Prussia, desirous of riveting the bonds which have united their armies and their nations in a laborious and bloody war, the hallowed object of which was to restore peace to Europe, and tranquillity to all nations, have thought it necessary to fulfil their engagements, and to put an end to all doubt, by fixing definitively and in a solemn treaty, all arrangements which may concern the Duchy of Warsaw, and the state of things *resulting from the negotiations* with regard to it, and the principles of equilibrium and division of power, which were discussed and maintained at the Congress of Vienna. *The spirit of nationality*, commercial advantages, those relations which may secure stability in the government, order in the finances, public and private prosperity in the provinces recently apportioned, have all been the sub-

jects of consideration: and their Imperial and Royal Majesties, in order to complete the work, to mark out and settle definitively the limits of their respective territories, and to make such stipulations as may be necessary to the welfare of the inhabitants, do hereby name as their plenipotentiaries."

The third article of this treaty is as follows :

"The Duchy of Warsaw, with the exception of the free town of Cracow and the territory annexed to it, the tract of land on the right bank of the Vistula, which is to return to the emperor of Austria, and such provinces as are otherwise disposed of by the articles of this treaty, is united to the empire of Russia. *It shall be irrevocably bound to it by its constitution*, to be enjoyed by the Emperor of all the Russias, his heirs and successors, for ever. His Imperial Majesty reserves to himself the power of determining the extent of that part of his States which is to be separately administered, as he shall deem fit. He will take with his other titles that of Czar, King of Poland, according to the customary formula for his other possessions."

"The Polish subjects of the contracting powers shall enjoy *such institutions as will secure the preservation of their nationality*, modified into such forms of government, as the powers upon whom they depend may judge expedient to grant."

Nor was this all; the fate of the Poles was considered so important that stipulations on their behalf were repeated, in the general act of the Congress of Vienna, in 1815. Let us first attend to the preamble of this act. "In the name of the holy and united Trinity, the Powers who signed the treaty at Paris on the 30th of May 1814, being assembled at Vienna, according to the 52d article of the treaty, together with the Princes and States in alliance with them, to complete the arrangements of the said Treaty, and to add to it such other arrangements as may be necessary in consequence of the state of Europe since the termination of the last war; *wishing now to comprise in a single act the results of their various negotiations in order that they may receive the ratification of all the contracting parties, have authorized their plenipotentiaries to*

condense into one general act all arrangements of primary and permanent importance, and to add to this act as integral arrangements of the Congress, the treaties, conventions, declarations, regulations, and other separate acts which may be named in this present act. The aforesaid powers having named plenipotentiaries to the Congress——those of the plenipotentiaries who have been witness to the termination of these negotiations, are authorized, after having shown their credentials in due form, to affix their signature to the following articles:—

The First Article.

“The duchy of Warsaw, with the exception of those provinces and districts which are otherwise disposed of by the following articles, is united to Russia. It shall be irrevocably bound to the Russian empire by its constitution to be enjoyed by his Majesty the Emperor of all the Russias, his heirs and successors for ever. His Imperial Majesty reserves to himself the power of determining the extent of that part of his States which is to be separately administered, as he shall deem fit. He will take with his other titles that of Czar, King of Poland, according to the customary formula for his other possessions.

The Polish subjects of Russia, Austria, and Prussia shall enjoy a representation and national institutions, modified into such forms of government, as the powers upon whom they depend may judge expedient to grant.”

Article 118.

“The treaties, conventions, declarations, ordonnances, and other particular acts, which are annexed to the present general act, and specifically the undermentioned; to wit:

First, The treaty between Russia and Austria, concluded

21 April,
3d May, 1815.

Second, The treaty between Russia and Prussia concluded the ^{21 April}_{3d May}, 1815, &c. &c., are considered as integral parts of the arrangements of Congress, and shall have the same force and weight as if inserted word for word in the general treaty.

(Signed) Prince Metternich,
 Baron Wessenberg,
 Prince Talleyrand,
 Duke of Dalberg,
 Count Alexis de Noailles,
 Clancarty, Cathcart. Stewart, L. G.,
 Count de Palmella,
 Antonio de Saldanha de Gama,
 D. Joaquin Lobo da Silveira,
 Prince Hardenberg,
 Baron Humboldt,
 Count Rasoumoffski,
 Count Stakelberg,
 Count Nesselrode,
 Count Charles de Lowenhjelm.

Saving the reservation made by the 101st, 102d, and 104th articles of the treaty.*”

Let us now resume our remarks. What we have stated above is incontestible proof of the following truths:

First:—That the constitution of the Kingdom of Poland, was to be its bond of union to the Empire of Russia. This boasted grant was to stand in lieu of the entire re-establishment of Poland, to which Russia, in spite of the urgent entreaties of the other principal powers, refused to consent.

Secondly:—The Kingdom was to be enlarged, and how? The promises of the Emperor, from first to last, could leave no doubt on the subject.

* See the collections of the acts of the Congress of Vienna. The History of the Congress of Vienna, by Mr. Flassan. Memoirs of Poland and the Poles, by Mr. Oginaki.

Thirdly:—The stipulations of the treaties, and the other diplomatic communications on the subject of a representation and national institutions for the Poles, concurred with these promises.

Fourthly:—All these stipulations were obligatory upon Russia not only as they regarded the Poles, but the other contracting powers, who had desisted from the re-establishment of Poland upon these conditions. Not being able to interpose between themselves and Russia the barrier of an independent kingdom of Poland, under a dynasty of its own, they had at least secured what independent Polish provinces, with a representation and national institutions of their own, could afford.

Fifthly:—Russia was more especially bound to fulfil its engagements to England, who had first broached these stipulations.

Such were the rights of the case. The practice adopted was in direct opposition.

The constitution once violated, and rendered illusory, no legal tie remains between the two States.

The Polish inhabitants of the provinces engrossed by Russia, have been debarred of their rights, and have never obtained either national institutions or a national representation.

The policy of the Russian cabinet on this head is only too evident. The most brilliant promises were held out to the Poles, in critical times, such as the invasion of Russia by Napoleon; and again at the Congress of Vienna, when they served to facilitate the negotiations, by which Russia obtained nearly the whole of the Duchy of Warsaw; this end once accomplished, promises and oaths were thrown aside as useless. The Polish provinces incorporated in the Russian empire, were refused the enjoyment of those institutions which had been established in the new kingdom, because, by being extended, those institutions would have been strengthened, whereas it was intended that they should become a prey to despotism, supported by forces infinitely superior.

The letter which Kosciuzko addressed to prince Czartoryski soon after the Congress at Vienna, shows what an impression this crooked policy had made upon his great mind. In a letter to the Emperor Alexander, dated the 10th of June, 1815, he solicits the execution of his promises on behalf of the Polish provinces in Russia. The emperor did not reply to this letter. Kosciuzko wrote to Prince Adam Czartoryski in these terms, on leaving Vienna.

Vienna, June 13, 1815.

DEAR PRINCE,

Your friendship is very dear to me, and as your way of thinking is similar to my own, you are no doubt convinced that my most ardent desire is to serve my country. The emperor's refusal to answer my last letter from Vienna, (of which I subjoin a copy) renders it impossible for me to accomplish my wishes. *I will not act without some guarantee on behalf of my country, nor will I be lured by false hopes.* I have weighed the interests of my country and those of the Emperor in the same scale; for I know not how they can be separated; and finding I could do nothing else I have offered myself as a sacrifice for my country, but not to see it restricted to that little portion, emphatically called the Kingdom of Poland. We ought to thank the Emperor for having revived the name of Poland; but *the name alone will not make a nation. The extent of the territory, and the number of the inhabitants is something to the purpose. I hardly know what warrant I have but my own ardent desires, for the expectation that he will fulfil his promise to me and to so many of my countrymen by extending the frontiers of Poland to the Dwina and the Borysthènes; such an arrangement would establish some sort of proportion in strength and numbers, between ourselves and the Russians, and so contribute to mutual respect and firm friendship.* With a free and distinct constitution of their own such as they had promised themselves, the Poles would think themselves fortunate in being, together with the Russians, under the protection of so powerful a monarch. But I perceive, from the outset, a different order of things; the Russians vie with the Poles for the highest places in the administration. This is not likely to inspire

the Poles with much confidence; *they foresee, not without apprehension, that in time the Polish name will fall into contempt, and the Russians will treat us as their subjects. How indeed should such a limited population resist their preponderance?* Then how can we forget our brethren who are under the Russian sceptre? Is it possible that our hearts should not suffer from their not being united with us? *We had the emperor's sacred word that this union should take place.* The Kingdom of Poland would then have consisted of 10 or 11 millions of souls, and like the Kingdom of Hungary, it would have had its own constitution and its own laws, though united with the empire of Russia. I must here draw a line between the humane and generous intentions of the emperor himself, and the policy of his cabinet. I shall justly be grateful to the emperor to the day of my death, for having revived the Polish name, under any limits and with any restrictions. May Providence be your guide! For my own part, as I can no longer be of any service to my country, I shall take refuge in Switzerland. You know whether I have laboured as much as it was in my power for the public welfare. I conclude, my dear Prince,

With sincere affection,

(Signed) KOSCIUSKO."

Empty promises were still held out as long as there was any chance of their serving to tranquillize the spirit of the people.

The Emperor, on his return from Congress received at Warsaw a deputation from the provinces incorporated with the empire. We shall quote the very words which he addressed to Mr. Oginski, the president of this deputation, in a private audience to which he was admitted, that he might receive his instructions as to the form in which the wishes of the deputation were to be presented at the public audience. "I cannot consent to your requesting the reunion of your provinces with the Kingdom of Poland *because I do not wish it to be supposed that this was your request, I wish it to be considered as my own suggestion and wish.*—*I am aware that the relation in which these provinces have hitherto been placed as to Russia cannot be agreeable to you. . . . There is no reasonable person who is not aware of it. . . . Nobody can suppose that I wish to detach these provinces from Russia. . . . on the contrary, I mean to strengthen the bond of union by taking*

care that my Polish subjects shall have no cause of complaint. You are dissatisfied in Lithuania, and so you ought to be until you are amalgamated with your countrymen, and enjoy the benefit of a constitution ; and then only will your union with Russia establish perfect confidence and concord between the two nations. I shall have still more reason for accomplishing this project, if I am satisfied hereafter, as I am at present, with the civil and military state of the kingdom—hitherto I cannot say too much for it....when I can cite this government as a model, and it becomes evident that no inconvenience to the empire results from it, I shall easily accomplish the rest."

The same language was always made use of in the diets, and they were continually exhorted to show themselves worthy of greater favours and to serve as a model.

If the Poles have been duped by the cabinet of St. Petersburg, England, Austria, France, and indeed all Europe have been equally duped. The barrier which the Polish provinces although dependent, were to oppose to the colossal power of the Russian empire has been destroyed. The danger to which Europe is exposed from the Russians is increased since the last war with Turkey, and since the last residence of Marshal Diebitsch at Berlin. It is well known that the insurrection in Warsaw was a temporary interruption to operations which threatened the liberty of nations, and which will be immediately resumed should Poland be subdued.

The Poles, by the very fact of their insurrection, have removed the obstacles which obstructed the benevolent views of the Powers, at the Congress of Vienna, and Europe is now at liberty to resume the thread of those negotiations which were unwillingly abandoned.

ERRATA.

- Page 37, line 31, after *Poles* insert the word *did*.
 Page 39, line 23, after *one man*, insert *accused of political crimes*.
 Page 47, line 11, for *despositism* read *despotism*.
 Page 48, line 27, after the words *could hope* dele *that is*.



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