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## Cardinal Laws, 1768

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- ( 1 ) [Estates participating in the Parliament] There are three estates participating in the Parliament: the Chamber of Envoys (Nobility), the Senate (Senators) and the King. All of them must give consent for alienation, pledging, sale or exchange of the Commonwealth's, royal, ecclesiastical and secular property. However, in the case of interregnum there are two estates participating in the Parliament: the Chamber of Envoys and the Senate. They decide on the affairs of the state (*in materia status*) by unanimity, and by the principle of majority-voting with regard to economic matters and issues concerning the election.
- ( 2 ) [Religion] The Roman Catholic religion is the ruling religion
- ( 3 ) [Consequences of the change of religion] Changing the religion from Catholicism to any other one is considered a criminal offence (apostasy), which is liable to the punishment of banishment. However, all individuals who have hitherto confessed a religion other than Catholicism, bear no consequences.
- ( 4 ) [King] The King of Poland must be Catholic, by birth or by vocation. Whoever promotes a dissenter candidate for the throne of Poland, is considered the enemy of the fatherland and is liable to the punishment of banishment. The Queen of Poland must be Catholic. If not, she must not be crowned.
- ( 5 ) [Free election] The King is elected by the nobility based on the free election principle and unanimously. Succession to the throne of Poland is not allowed under any pretext and at any time.
- ( 6 ) [Neminem captivabimus nisi iure victum] (We shall not arrest anyone unless one is defeated by the law). No settled nobleman may be arrested without the court verdict, as stated in the Privilege of Jedlnia and Kraków of 1430. This, however, does not apply to a nobleman caught in the act of murder; to an arrested nobleman, whose act did not take place earlier than a year and six weeks before; to robbers caught in the act of theft; to thieves on roads and in houses. Whoever kills such a nobleman in lawful defence, will not be liable to punishment.

- ( 7 ) [Offices] Offices and ecclesiastical and secular dignities which are legally granted by the King are held for life. However, if a justified complaint is made, the General Assembly will decide on the deprivation of office.
- ( 8 ) [Rights and privileges] Rights and privileges granted to the provinces of the Commonwealth and serving their inhabitants are inviolable. Legality of legal acts is controlled by the Chancellor, under the duty of oath. All privileges which are not in the records, are to be published within a year in the Crown Metrica in the Crown and in the Lithuanian Metrica in the Grand Duchy of Lithuania under the clause of nullity. In case the original of a privilege is lost, it is permitted to issue a duplicate.
- ( 9 ) [Union] The territory of the Commonwealth is integral and inseparable.
- ( 10 ) [ Fiefs] The Commonwealth has perpetual right to fiefs which belong to it.
- ( 11 ) [Equality] Every nobleman has equal right of inheritance of land estates, to honours, senatorial and marshal dignities, as well as ecclesiastical and secular offices and to privileges for Castle and Non-Castle Starosties. This equality is not diminished by any titles.
- ( 12 ) [Dissenters] The Protestants and the Orthodox of nobility's rank in the Commonwealth enjoy political rights, as stated in Article 1. In the case of a marriage between persons of different religions, if there is no covenant concerning the religion of the child, the religion of the father becomes the religion of the son and the religion of the mother becomes the religion of the daughter. Controversies between persons of different religions are settled by the assorted court of appeals. It consists by half of Catholics and by half of Dissenters. The members of the court are appointed by the King.
- ( 13, 14, 15, 16 ) [Fiefs] Voivodeships and towns of the lands of Prussia, the Voivodeship of Livonia, the Duchy of Curlandia and Semgalia and the District of Piltyń are inseparably related by the fief relation with the Commonwealth
- ( 17 ) [Liberum veto] Liberum veto at the free assemblies of the parliament concerning the affairs of the state is kept. Objections may be raised orally or in writing.
- ( 18 ) [Ius emphyteusis] Every nobleman has the right of perpetual lease of royal estates with the Royal confirmation, of ecclesiastical estates with consent of the clergy and of nobility's estates with consent of the owner. This right may also be granted to foreigners, burghers or peasants. The right to produce alcohol in estates which are perpetually leased belongs to owners of these estates.
- ( 19 ) [Authority over peasantry] A nobleman has the land suzerainty and the property suzerainty over hereditary land estates and subject peasantry. However, a nobleman is not allowed to kill his subject with impunity. In such a case he will be committed to Land Court or Castle Court.

- ( 20 ) [Murder of a peasant] No-one is allowed to murder a peasant in a wanton, insolent, deliberate and voluntary manner. If a nobleman murders a peasant not by incident, but in a deliberate manner, he will not pay wergild to the lord of the peasant. Instead, he is liable to capital punishment.
- ( 21 ) [Right of resistance] In case the King violates the Cardinal Laws or the Pacta Conventa, the nobility has the right of resistance against him. He will be tried and punished according to the constitution of 1609.
- ( 22 ) [Property] Property and estates of the nobility are inviolable, unless a necessity to infringe them is proven by the Royal liquid law.
- ( 23 ) [Law of escheat] If a foreigner dies with no offspring and leaves a property without the last will, the law of escheat which hitherto belonged to the Royal laws, will not be applied. Heirs of the deceased will have right to claim the property, save its tenth part. This will be given (in kind or cash) to the town or the lord of the place where the foreigner lived. However, a heir has to raise his claim within three years from the death of the deceased and has to prove his affinity in order to have the right of inheritance. It is necessary to prepare an inventory register. If no-one raises his claim within three years, the property falls to the Royal treasury.
- ( 24 ) [Convoking of parliaments] An ordinary parliament is allowed to proceed for maximally 6 weeks and an extraordinary one for two weeks. Proceedings may not be either extended or terminated without the unanimous resolution of the parliament

## MATERIA STATUS (AFFAIRS OF THE STATE)

- ( 1 ) [Taxes] It is not allowed to impose new taxes during the General Assembly without the unanimous consent of the estates participating in the parliament
- ( 2 ) [Army] Nor to increase the numbers of the army
- ( 3 ) [Alliances] Nor to make alliances, conventions and trade agreements
- ( 4 ) [War and Peace] Nor to declare war and conclude peace
- ( 5 ) [Indigenate] Nor to grant indigenate – whoever receives it, has to prove the nobility of his grandfather and his father
- ( 6 ) [Treasury] Nor to change the exchange rate of currency, its amount in circulation or to accept foreign coins
- ( 7 ) [Administration] Nor to change the power and prerogatives of the Ministers, to grant judicial offices, to establish new offices in the Crown, in Lithuania, in voivodeships and districts
- ( 8 ) [Proceedings of the Parliament] Nor to change the agenda of the session

- ( 9 ) [Competences of courts] Nor to change the competences of jurisdiction, the validity of decrees, the prerogatives of Tribunals and the power of decrees at the Tribunal of the Grand Duchy of Lithuania
- ( 10 ) [Senatus consilium] Nor to change the power and prerogatives of the Council of Senate
- ( 11 ) [Estates for successors] Nor is the King allowed to buy estates and property in the Commonwealth for his successors
- ( 12 ) [General levy] Nor it is allowed to summon the general levy
- ( 13 ) [Execution] Nor to unlawfully seize estates of any kind, under the rigour of dismissal of claims for the seized estate. Cases concerning real estates are decided by the court.