

"Constitution of the Kingdom of Bavaria," issued by King Maximilian I, cosigned by Ministers Montgelas, Hompesch, and Morawitzky (May 25, 1808)

Abstract

Montgelas secured the proclamation of this constitution (which in some of its provision mirrors that of the Kingdom of Westphalia) to forestall a tighter incorporation of Bavaria into the French-dominated structures of occupied Germany. But he had other important objectives as well. The constitution was supposed to aid in the institutional integration of the Bavarian territorial state (which was newly enlarged and thus more socially and culturally variegated) and to facilitate the implementation of Montgelas's moderate liberal reform program, against which the crown and other conservative powers mounted effective resistance. The constitution's representative organs balanced royally appointed notables against members of the educated and propertied classes selected by the wealthiest taxpayers in their ranks. This constitution yielded to a more liberal one promulgated in 1818.

Source

Guided by the conviction that the state, as long as it remains a mere aggregate of diverse parts, can neither attain the achievement of the full strength within its means nor grant the individual members of that state all of the advantages of civic association to the extent intended, We have already attempted, as far as possible for the time being, by several decrees, to lift the variety of administrative forms in Our Kingdom, to establish a more uniform system both for the direct and the indirect provisions, and to harmonize the major public institutions more closely with the common element of their purpose by means of arrangements that secure at the same time their special features. Furthermore, We have, with a view to providing all of Our states with the benefit of adequate and equal civil and penal codes, ordered the preliminary work necessary to this end, which actually has already been completed in part. However, these individual developments of particular parts of the state organization achieve the intended purpose only imperfectly and leave behind gaps, the filling in of which constitutes an essential step toward the necessary unity of the whole. Therefore, We have decided to endow all of the parts of the legislation and administration of Our kingdom, in respect to its external and domestic affairs, with a comprehensive cohesion through organic laws. And We have resolved to lay the foundations to this end by means of the current *Constitutional Document*. By appropriate regulations and provisions, it aims at providing the just demands of the state (based on its general *raison d'état*) toward its members, as well as those of the individual members toward the state, with the guarantee of their fulfillment, the whole with firm structure and cohesion, and each part of the state authority with the efficacy commensurate with the requirements of the common good.

Hence, We rule and decree as follows:

First Title. Main Regulations.

§ I. The Kingdom of Bavaria forms part of the Confederation of the Rhine.

§ II. All of the special constitutions, privileges, hereditary offices, and regional corporations of the individual provinces are abolished. The entire kingdom will be represented by one national

representation, judged in accordance with the same laws, and administered in accordance with the same principles; consequently, one and the same tax system shall exist for the entire kingdom. The land tax must not exceed one fifth of the income.

§ III. Serfdom is abolished anywhere it still exists. [...]

§ V. The nobles retain their titles and, like any estate owner, their manorial rights in accordance with legal provisions; as for the rest, the nobles will, with a view to public burdens as they exist or may be introduced in future, be treated on an equal footing with the other citizens. The nobles also do not comprise any special part of the national representation, instead sharing proportionally in it along with the other landowners. Just the same, they are not granted any exclusive right to public offices, dignities, or sinecures. The entire statutes of still existing corporations must be modified or organized in time according to these principles. [...]

§ VII. The state grants all citizens safety of person and of property – complete freedom of conscience – freedom of the press in accordance with the Censorship Edict dated June 13, 1803, and the decrees issued on September 6, 1799, and February 17, 1806, concerning political journals.

§ VIII. Every citizen who has reached the age of 21 is obliged to swear an oath before the administration of his district that he intends to obey the constitution and the laws and be loyal to the King. No one may emigrate abroad or transfer into foreign services without express permission by the monarch, nor accept from any foreign powers salaries or decorations at the peril of losing all civic rights. Anyone who, except for cases determined by origin or treaties, accepts submission to a foreign jurisdiction becomes subject to the same penalty, and may be given an even harsher one.

Second Title. On the Royal Dynasty.

§ I. The crown is hereditary in the male line of the ruling dynasty according to the right of primogeniture and of agnatic-lineal succession. [...]

§ X. Four crown offices of the realm shall be established: a crown master of ceremonies-in-chief [*Kron-Oberst-Hofmeister*] – a crown treasurer-in-chief [*Kron-Oberst-Kämmerer*] – a crown marshal-in-chief [*Kron-Oberst-Marschall*] – a crown postmaster-in-chief [*Kron-Oberst-Postmeister*], who attend the sessions of the Privy Council.

All of the acting privy state ministers enjoy all of the honors and benefits associated with the rank of crown office. [...]

§ XI. The regulation of the civil service issued on October 20, 1804, concerning the inalienability of state-owned estates is confirmed; however, it shall be up to the King to use, for rewarding great and specific services rendered to the state, particularly fiefs reverting in the future or newly acquired demesnes of the state, which thereupon immediately take on the nature of royal masculine fiefs and toward which one cannot grant any future entitlement. [...]

Third Title. On the Administration of the Kingdom.

[...]

§ III. [...] The posts in the general assembly are conferred by the King for life: They are elected from among those 400 landowners, merchants, or manufacturers of the district who pay the highest land tax, at a ratio of 1 to 1,000 inhabitants, convening whenever the election of a representative takes place or whenever the monarch orders it. [...]

§ VII. All administrative officials starting with the acting councilor are subject to the regulations of the Main Decrees dated January 1, 1805, and June 8, 1807; however, all of those to be appointed in future will be considered acting civil servants only if they have held an office that entails such a right for six years without interruption. [...]

Fourth Title. On the National Representation.

§ I. In each district, the delegates will elect, from among those 200 landowners, merchants, or manufacturers paying the highest land tax, seven members who together comprise the kingdom's assembly. [...]

Fifth Title. On the Judiciary.

[...]

§ VII. For the entire Kingdom, a separate civil and penal code shall be introduced. [...]

Sixth Title. On the Military Profession.

[...]

§ V. The militia is confirmed. A national guard will be established to maintain the peace in times of war, and a gendarmerie to handle police matters. [...]

Peoples of Our realm! The strengthening of your common welfare is our objective. The more important that goal appears to you, the more imbued you are with the insight that no particular welfare can be maintained permanently in any other way than in the closest connection with the common welfare, the more certainly that goal will be reached and Our sovereign concern will be rewarded. [...]

Source: *Königlich-Baierisches Regierungsblatt* [*Royal Bavarian Gazette*], May 25, 1808, Col. 985-1000.

Reprinted in Walter Demel and Uwe Puschner, eds. *Von der Französischen Revolution bis zum Wiener Kongreß 1789-1815* [*From the French Revolution to the Congress of Vienna, 1789-1815*], *Deutsche Geschichte in Quellen und Darstellung*, edited by Rainer A. Müller, vol 6. Stuttgart: P. Reclam, 1995, pp. 119-23.

Translation: Erwin Fink

Recommended Citation: "Constitution of the Kingdom of Bavaria," issued by King Maximilian I, cosigned by Ministers Montgelas, Hompesch, and Morawitzky (May 25, 1808), published in: *German History in Documents and Images*, <<https://germanhistorydocs.org/en/the-holy-roman-empire-1648-1815/ghdi:document-3529>> [July 16, 2024].