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**OFFICIALS OF THE CHIEF COURTS OF RIGHT-BANK UKRAINE:
BETWEEN THE IMPERIAL PRACTICES AND THE POLISH-LITHUANIAN
JUDICIAL TRADITION (1797 – 1831)**

Abstract. *The purpose* of the research is to analyze a social portrait of the corps of officials elected by the local nobility – the chairmen and jurors of the provincial chief courts at the end of the XVIIIth – the first third of the XIXth century under conditions of the imperial practices application of finding compromises with the local institutions for the establishment of the Russian power in the region. **The research methodology** is based on the combination of the general scientific (analysis, synthesis, generalization) and special historical (historical genetic, historical typological, historical systemic) methods with the principles of historicism, systematics and scientificity. The method of criticism and classification was used during the analysis of the archival materials. **The scientific novelty** consists in the study of a social portrait of the chairmen and jurors of the chief courts during the process of the relationship formation of the supreme power with the elite of the region, which allows us to understand the importance of the judiciary to ensure the proper functioning of the society. For the first time, the dynamics of personnel changes and biographical data, which illustrate the imperial practices of an indirect management of the judiciary, have been presented. **The Conclusions.** Trying to find understanding with the local elite, Paul I restored the elements of the Polish-Lithuanian judiciary system. To control the judicial structures, revision and appellate provincial chief courts were established. The evidence of the imperial practices application was the permission given to the nobility to elect a chairman and the jurors (with the consent of the authorities). The local elite needed experienced professionals to ensure the rule of law, and the government, on condition of loyalty, often instructed mayors to act as governors. The officials acted in accordance with the law, seeking to prevent the imbalance of relations between the supreme / local authorities and the nobility and to ensure peace in the region.

Key words: the Russian Empire, Right-Bank Ukraine, chairman and juror (deputy) of the chief court, imperial practice, the Polish nobility, Polish-Lithuanian judicial tradition.

ПОСАДОВЦІ ГОЛОВНИХ СУДІВ ПРАВОБЕРЕЖНОЇ УКРАЇНИ: МІЖ ІМПЕРСЬКИМИ ПРАКТИКАМИ ТА РІЧПОСПОЛИТІВСЬКОЮ СУДОВОЮ ТРАДИЦІЄЮ (1797 – 1831)

Анотація. Мета – дослідження соціального портрета корпусу виборних місцевою шляхтою посадовців – голів і засідателів губернських головних судів наприкінці XVIII – у першій третині XIX ст. в умовах застосування імперських практик пошуку компромісів з місцевим істеблішментом для утвердження російської влади в регіоні. **Методологія дослідження** базується на поєднанні загальнонаукових (аналізу, синтезу, узагальнення) та спеціально-історичних (історико-генетичного, історико-типологічного, історико-системного) методів з принципами історизму, системності та науковості. Під час опрацювання архівних матеріалів застосовувалася метод критики і класифікації. **Наукова новизна** полягає у дослідженні соціального портрета голів і засідателів головних судів у процесі вибудовування відносин верховної влади з елітою регіону, що допомагає зрозуміти значення судової влади для забезпечення повноцінного функціонування суспільства. Вперше наведено динаміку змін кадрового складу та біографічні дані, які ілюструють імперські практики непрямого керівництва судовою системою. **Висновки.** Прагнучи порозуміння з місцевою елітою, Павло I відновив елементи річпосполитівської судової влади. Для контролю за судовими структурами було створено ревізійно-апеляційні губернські головні суди. Свідченням використання імперських практик став дозвіл шляхті обирати голову й засідателів (за згоди влади). Місцева еліта потребувала досвідчених професіоналів, які забезпечували б законність, а влада, за умови лояльності, нерідко доручала головам виконувати функції губернаторів. Посадовці діяли згідно із законами, прагнучи не допустити порушення рівноваги у відносинах верховної/місцевої влади зі шляхтою й забезпечити спокій у регіоні.

Ключові слова: Російська імперія, Правобережна Україна, голова і засідателі (депутат) головного суду, імперська практика, польська шляхта, річпосполитівська судова традиція.

The Problem Statement. The reign of Catherine II was the period of prosperity of the Russian Empire. The reforms in the spirit of the Enlightenment and cameralism were the reasons for success. At the same time, local elites were not ready for a pro-European change. The incorporation of Right-Bank Ukraine with the subsequent formation of the Russian system of governance and jurisdiction according to “Institutions for the Governance of the Provinces of the All-Russian Empire” of 1775 aimed at making the Polish nobility of the region loyal to the government. But the local establishment had already European judicial system with the independence and election of the judiciary, the Polish language and constitutions, a stable system for resolving agrarian relations, and etc. Paul’s I coming to power, who wanted to carry out bureaucratization and centralization, required the support of the regional elites. In the Western provinces, the supreme power pursued a flexible policy of an indirect rule, the main component of which was the restoration of elements of the Polish-Lithuanian judicial tradition: county and pidkomorious courts, the Polish language, the Third Lithuanian Statute and constitutions. These measures, as well as the preservation of power over the serfs, were to promote the establishment of the supreme power in the region. However, the center was not ready to release completely the judiciary into the so-called “free navigation”, so Paul’s I formed a whole system of control, which included Volyn court (1798 – 1801), provincial courts (1798 – 1801) and fiscals (1799), simplified by Alexander I to the chief court. The criminal and civil departments were entrusted with the functions of supervising the activities of the courts of the first instance. Work productivity depended on the staff of the institution.

The Analysis of Recent Researches and Publications. Personnel issues and a social portrait of officials of Kyiv, Volyn and Podilsk chief courts elected by the local nobility at the end of the XVIIIth – the first third of the XIXth centuries were not reflected in historiography. This can be explained by a poor preservation of the archival funds and the complexity of

their processing, but the main reason, in our opinion, is that the object of the research is at the intersection of history and jurisprudence.

Along with this, the imperial practices in Right-Bank Ukraine have been studied, to a certain extent, by specialists. M. Dolbilov, mentioning the ethnic, religious and social diversity of the Russian Empire, paid attention to the use of various archaic and innovative practices in management, which allowed to reconcile the interests of local communities with the state priorities (Dolbilov, 2010, p. 18). L. Gorizontov noted the attempts failure by the imperial government to reform the system of government and to turn the Poles into loyal subjects (Gorizontov, 1999, pp. 7–8). A. Kappeler emphasized the destabilizing factor of the Russian Empire by the Polish issue. He considered the main reason in the loss of independence by the Polish nobility, despite the fact that the peasants and burghers could not act as partners of the ruling authorities. The deterioration of the Russian-Polish relations during the 1820-ies was noted (Kappeler, 2005, pp. 67–68, 70). On the example of Slobidska Ukraine V. Sklokin analyzed the application of the imperial practices to include the territories into the Russian Empire. Catherine II, conducting the political and social integration of Slobidska Ukraine in the spirit of the Enlightenment and Cameralism, promised the local society “order” – the general imperial laws and administrative institutions were to provide protection against oppression and abuse by the Cossacks (Sklokin, 2019, pp. 72–73).

A number of studies focused on the specific issues of the judiciary functioning. M. Klochkov criticized Catherine II for the complicated judicial structure and dominance of the nobility, noting that under Paul's I rule, although the previous rights and privileges of individual regions were restored, but the real power was in the hands of the governor (Klochkov, 1916, pp. 407–413, 417–418, 426–427). L. Pisarkova, assessing the reforms of Paul I, noted that the judiciary ceased to be estate and partially elected. The supreme authorities retained a real control over the administration and finances (Pisarkova, 2007, pp. 498, 501). R. Uortman was convinced that at the beginning of the XIXth century the courts defended the interests of the elite and were formed, above all, from the former military. Having no experience and interest in the administration of justice, they shifted the responsibilities to clerks, who did the work and adapted the law to satisfy the wishes of rich and influential people (Uortman, 2004, pp. 121–122). D. Bovua emphasized the great importance of the judiciary for the Polish nobility, because with its help the nobility retained a full power in a public life and agrarian relations before the Polish uprising of 1830 – 1831 (Bovua, 2007, pp. 152, 155).

V. Voropanov analyzed the staff of judicial institutions of the Russian Empire in the provinces of the Urals and Western Siberia during the first quarter of the XIXth century. The researcher noted that the absolutist state systematically solved the problem of providing the imperial courts with qualified personnel, who had positive characteristics and different professional experience. The authorities of Western Siberia filled vacancies regularly, determined professional qualifications, substituting or dismissing the incompetent (Voropanov, 2011). R. Sarazhyna, characterizing the judicial system of Western Siberia, paid attention to the service of estate jurors and focused on the problem of involving the population into the work of estate institutions. With the help of the jurors, the government tried to increase trust in the judiciary, and the jurors themselves, without receiving payment from the state, appreciated the service because of a high social status (Sarazhina, 2011, pp. 21–22).

The historiographical review illustrates that the issue of personnel and social portrait of the chairmen and jurors of the chief courts in Right-Bank Ukraine has not been studied. A detailed analysis of these aspects will confirm or refute the thesis of the application of imperial practices in the preservation of the Polish-Lithuanian judicial tradition.

The purpose of the article is to study the social portrait of the corps of elected officials – chairmen and jurors of the provincial chief courts. It is necessary to determine the conditions

of their work in the situation when the supreme power, with the help of a flexible policy of restoring elements of the Polish-Lithuanian policy, tried to establish itself in the region; to elucidate the role of senior judicial officials in this process. Achieving this goal implies the following objectives: determining the formation process of the judiciary under conditions of changes in a domestic policy by the supreme power, the analysis of social portraits of the chairmen and jurors of departments.

The Statement of the Basic Material. After gaining power, Paul I began to carry out reforms immediately, including the judiciary reforms. Throughout the Empire, the judicial structure was simplified and county courts were established, the jurisdiction of which extended to the entire population of the county (except for citizens, who were subject to magistrates). The Provincial Court of Appeal and Revision was the Chamber of Court, which consisted of criminal and civil departments (CCLRE-1, v. 44: part. 2, p. 396). Judicial structures on the Right Bank were reformed somewhat differently. On December 12, 1796, the entire territory of the Empire was divided into two categories: provinces with “governance on general grounds” and provinces “with special rights and privileges” (the latter included Kyiv, Volyn and Podilsk provinces) (CCLRE-1, v. 24, pp. 229–230). According to the Staff document, on December 31, 1796, county courts (the Russian name “*uyezd*” was changed into Polish “*povit*”) and *pidkomorious* courts and magistrates were restored. However, on the part of the Emperor, these changes, together with the restoration of the Polish language in the judiciary, the provisions of the Third Lithuanian Statute were only tactical actions. In the strategic control plan the provincial audit and appellate establishments were created, i. e., the chief courts (CCLRE-1, v. 44: part. 2, p. 396). It was the chief courts, which had to control and correct the activities of the judicial structures of the first instance.

According to the Staff of 1796 the court consisted of two departments: criminal and civil, each consisting of a chairman elected for three years by the Polish nobility (a subsequent approval by the Senate was needed) and three jurors (candidates were approved by the governor) (CCLRE-1, v. 44: part. 2, p. 397). It is clear that under such conditions only absolutely loyal members of the elite could be approved for office, but the authorities had to act extremely flexibly so that the elected / approved officials were not accused of servility the Polish nobility. To exercise control, the supreme power appointed an adviser and a secretary to each department (CCLRE-1, v. 24, p. 728), and especially important was the role of the latter, who under conditions of a formal trial was responsible for the documents.

The problem of holding noble elections was analyzed in detail on the example of the sub-chambers in one of the previous researches (Shevchuk, 2018, pp. 188–190). One cannot ignore V. Shandra’s thorough research on this issue, who claimed that with the help of the elections the supreme power managed to establish its own supremacy, to legitimize itself, to penetrate into all strata of the society and to strengthen the state power, and also not the least, to have an inexpensive administrative apparatus (Shandra, 2009, p. 195). It is worth noting that constant problems, especially with the property qualifications of voters and elected officials, were the manifestations of flexibility of an imperial practice aimed at finding a compromise with a local elite. At the same time, the supreme power partially made concessions to the Polish nobility in case of their conflict with the governors. For instance, in his secret report to the Prosecutor General, earl K. Mionchynsky (1799 – 1802), Volyn provincial marshal, complained about Governor K. Glazenap (1799 – 1800), accusing him of violating the terms of the election, the absence of a fixed payment for accommodation and the presence of the captains of the border counties at the elections, which were not related to very the elections. At the same time, it was noted that the nobles were present in the court room “... with humility and modesty, they voted unanimously and declared their loyalty to the monarch” (CSHAK, f. 1254, d. 1, c. 532, pp.

1–1 v., 5). It is possible that this report was one of the reasons for the resignation of Governor K. Glazenap on June 27, 1800 (Gryzlov, 2003, p. 82).

To illustrate the issue under analysis, we considered the results of the elections of 1823 in Podilsk province. The criminal department of the chief court had the following composition: the chairman – the court adviser, earl Z. Abimelik (for – 283 votes, against – 183 votes), a candidate, who could substitute – J. Wislotsky (for – 380 votes, against – no votes). There were ten candidates for the position of the juror, but only two people were approved, who received the majority of votes: J. Martynovsky (for – 212, against – 71), J. Lesnevych (for – 176 votes, against – 107 votes), the rest people: six people were approved as candidates, one person – a deputy of the nobility commission, and one person was at court building. J. Sulytsky was elected the head of the civil department (for – 297 votes, against – 172 votes) and V. Yalovytsky was elected the candidate (for – 247 votes, against – 244 votes). Eleven people were candidates for the position of the juror, but three people were approved: F. Veliamovsky (for – 319 votes, against – 199 votes), F. Zhaboklytsky (for – 311 votes, against – 207 votes), R. Khlebovsky (for – 304 votes, against – 214 votes), the rest people: five people were approved as the candidates, one person was elected to [Podilsk Provincial] ordinary court, one person was at court building and another one was not recorded in the nobility's book (SAKhM, f. 120, d. 1, c. 3043, pp. 1186–1186 v.). During the analysis of the election results, several opinions arose: the appointment to the post of the chairman was related not so much to the election results as to other factors (earl Z. Abimelik received fewer votes); a large number of candidates for the position of the juror, taking into account a low salary; for the unknown reasons, only two jurors were approved to the criminal department, although there should have been three in the staff.

The main role in the work of the department was assigned to the chairman. We have already emphasized the prudence of the supreme power in the process of appointing to office. A sign of prestige was the fact that in the absence of a civilian governor and vice-governor in the province, it was the chairman of one of the departments, who performed the functions of the chief official. For instance, the chairman of the civil department A. Dombrovsky performed the functions of the governor of Volyn many times and he was even included into the official list of governors (as performing the duties from 14.02. till 22.03.1816) (Gryzlov, 2003, p. 82). In 1818 the duties of the civil governor were performed by J. Pininsky, the chairman of the civil department of Volyn chief court (SAZhR, f. 2, d. 1, c. 183, p. 1).

Wealthy local landowners were selected for the positions of chairmen, preferably with experience in the legal sphere. Since this position was elective (the state would have to save on payment), but Paul I, according to the Staff document of 1796, set the salary of 840 rubles by silver per year. For instance, the governor received 1 800 rubles and 1 200 rubles – for eating at canteens, the vice-governor – 1 200 rubles, the provincial prosecutor – 600 rubles. The chairmen were provided with the rank of the 5th class, which was equal to the state councilor (for comparison, the vice-governor was also a state councilor, and the provincial prosecutor received the rank of the 6th class – a colleague councilor) (CCLRE-1, v. 44: part. 2, pp. 394, 397). However, the supreme power was reluctant to assign ranks. On July 24, 1816, Podilsk military governor O. Bakhmetyev sent a report, in which he addressed to the Emperor with a request to pay attention to the service of the chairman of the civil department L. Podosky, who from October 13, 1815 till April 16, 1816, even served as a civilian governor. Characterizing his service positively, the military governor asked for the rank of the state councilor (according to the position), but it was late. According to the excerpt from the journal of the Committee of Ministers of June 9, 1816, concerning the renaming of the Polish ranks into classes of the Russian service, it was said that the elected officials, who did

not previously have any ranks, could not claim their assignment, and the worthy ones could be awarded the orders. Therefore, L. Padosky was awarded the Order of St. Volodymyr of the 3d degree (CSHAK, f. 1254, d. 1, c. 1613, pp. 2–4, 12, 15 v–16, 23). The procedure for taking office was the following: the Senate received a decree to the provincial board approving the candidate (CSHAK, f. 484, d. 2, c. 75, p. 4), who began his work, after taking a solemn oath in the presence of the provincial prosecutor (CSHAK, f. 484, d. 2, c. 74, p. 245).

The supreme power was interested in the professional chairmen of the chief courts, who would be loyal and respected among the local nobility. The chairman of the civil department of Volyn chief court A. Dombrovsky (born in 1747 – the year of death is unknown) met all the criteria: he was wealthy, with extensive experience in the judiciary (he had the appropriate education, for a long time held positions in the courts of first instance). The degree of his loyalty was evidenced by the awarding of the Russian orders. In addition, he served as Volyn's civilian governor many times. The careers of the chairmen of the civil department were similar: the real chamberlain J. Bachynsky in 1815 and J. Pininsky in 1818 (See in details: Shevchuk, 2019, pp. 11–12). We were able to make clear that before the election of 1820 the positions of chairmen were held by experienced professional officials. However, in 1820 the position of the chairman of the civil department was taken by earl S. Karvytsky, the owner of 239 serfs, who during 1809 – 1810 was at the military service and retired as a lieutenant. (SAZhR, f. 16, d. 1, c. 25, pp. 1 v.–2). This change can be explained by several reasons: the resignation of the previous generation of officials and the policy of Governor V. Gizhitsky (1816 – 1824).

Table 1

Chairman of Volyn Chief Court (1800)

Election Year	The Criminal Department ¹	The Civil Department ²
1800	Ihnatii Liedokhovsky	Mykhailo Korzhenovsky
1803	Mykhailo Hlembotsky	Mykhailo Korzhenovsky
1805	Yosyf Bachynsky	Tadeush Tieliezhynsky; kandydat – Anton Dombrovsky
1809	Anton Dombrovsky	prince Dmytro Chetvertynsky
1811	Yan Nepomutsen Trypolsky	Yosyf Bachynsky
1814	earl Yosyf Liubomyrsky	Anton Dombrovsky / Yosyf Bachynsky
1817	Anton Dombrovsky / Erazm (Dionisii) Prushynsky	Yosyf Pininsky
1820	earl Hryhorii Komarovsky	earl Stanislav Dunin Korvytsky
1823	earl Sviatoslav Berzhynsky / Dionisii Prushynsky	Yelyhii Oleksandr Piotrovsky
1826		Pavlo Yelovytsky
1829	earl Sviatoslav Berzhynsky	Ihnatii Telezhynsky

¹ 1800 – (SAZhR, f. 16, d. 3, c. 12, p. 1); 1803 – (SAZhR, f. 16, d. 3, c. 20, p. 1; c. 200, p. 1); 1806 p. – (SAZhR, f. 16, d. 3, c. 206, p. 190); 1809 – (SAZhR, f. 16, d. 1, c. 17, pp. 3 v.–4); 1811 – (CSHAK, f. 1254, d. 1, c. 1275, pp. 3, 4); 1814 – (CSHAK, f. 1254, d. 1, c. 1610, p. 5); 1817 – (SARR, f. 550, d. 1, c. 5, p. 11; SAZhR, f. 16, d. 3, c. 229, p. 667); 1820 – (SAZhR, f. 16, d. 3, c. 98, p. 1); 1823 – (SARR, f. 550, d. 1, c. 11, p. 5; SAZhR, f. 16, d. 3, c. 152, p. 81); 1826 – no information; 1829 – (SAZhR, f. 16, d. 3, c. 188, p. 1).

² 1800 – (SAZhR, f. 16, d. 3, c. 195, p. 237); 1803 – (SAZhR, f. 16, d. 3, c. 198, pp. 1, 709); 1806 – (SAZhR, f. 6, d. 3, c. 206, p. 190; d. 1, c. 17, pp. 3 v.–4); 1809 – (SAZhR, f. 16, d. 3, c. 211, p. 1); 1811 – (SAZhR, f. 16, d. 1, c. 41, pp. 1 v.–2); 1814 – (CSHAK, f. 1254, d. 1, c. 1610, p. 5; SAZhR, f. 16, d. 3, c. 222, pp. 490, 819); 1817 – (SAZhR, f. 16, d. 1, c. 42, pp. 1 v.–2); 1820 – (SAZhR, f. 16, d. 3, c. 235, pp. 1, 8 v.); 1823 – (SARR, f. 550, d. 1, c. 11, p. 5; SAZhR, f. 16, d. 1, c. 25, pp. 1 v.–2; d. 3, c. 247, p. 1); 1826 – (SAZhR, f. 16, d. 3, c. 251, p. 1); 1829 – (SAZhR, f. 16, d. 3, c. 266, pp. 1, 905).

Compiled by the author on the basis of the archival data, Table 1 allows us to draw the following conclusions: firstly, it is necessary to note the relative alternation of staff in the positions of departments chairmen, only J. Bachynsky and A. Dombrovsky were elected three times, three more chairmen – M. Korzhenovsky, E. Prushinsky and S. Berzhinsky were elected twice; secondly, it was not rare for experienced J. Bachynsky and A. Dombrovsky to rotate from one department to another, which can be explained by the need to “rake up blockages” or perform the duties of the governor (usually involving the chairmen of civilian departments, because they could be used during the meetings break).

Compiling the tables on the activities of judicial institutions requires some effort. For instance, elections usually took place in July, and swearing oaths by new jurors (after approval of candidacies by the governor) could take place in September. On September 29, 1829, the journal of the second department of Volyn chief court stated that there were three new jurors and one more, who was the former juror. (SAZhR, f. 16, d. 3, c. 257, pp. 2314). The situation with the chairmen approved by the Senate was even more complicated. This process could be delayed, so the previous chairman was in office with new jurors. For instance, A. Dombrovsky was elected by the nobility in July 1814, and approved as the chairman of the civil department on April 2, 1815 (SAZhR, f. 16, d. 1, c. 17, pp. 2 v–3). In addition, the provisional criminal departments functioned in parallel (that is why, the data on the criminal department of 1826 are missing, because the journals of the provisional department were deposited in Fund 16 of the State Archives of Zhytomyr region); during breaks in meetings in the criminal department, the chairman, adviser and juror of one of the departments were constantly on duty; chairmen and jurors resigned for various reasons.

The confirmation of the professionalism of the first chairmen are illustrated by the data on Podilsk chief court. In 1799 the chairman of the civil department [Jan Onufriy] Orlovsky in his report to the Prosecutor General P. Lopukhin reported that the judges refused to swear the loyalty oath to the Emperor. In his next address to the Emperor, he pointed out that since the age of 65 he had been sitting in court for 20 years without being given any admonitions (CSHAK, f. 1254, d. 1, c. 111, pp. 1, 2). In 1809, the former Skvyra county marshal K. Proskur was approved as the new chairman of the civil department of Kyiv chief court by the largest number of votes during the noble elections (CSHAK, f. 484, d. 2, c. 75, p. 4). According to the formulary list, the above-mentioned chairman of the civil department of Podilsk chief court, L. Podosky, came from the nobility and owned 1066 serfs in Yampil and Olhopil counties. He began his military service in the Polish army as a lieutenant in the regiment of Chief Yu. Ilyinsky, and the following year he became a captain. In 1797 he was elected by the nobility of the province to be present at the coronation of Paul I. He began his service in 1802 from the rank of Yampil county cornet, from 1809 – county marshal of the same county, from July 20, 1815 – the chairman of the civil department. He was not in the campaigns, in trial and in retirement, he was able to continue his civil service. Interesting is the private life of the chairman, who was married to the noblewoman K. Kaminskaya. He was the father of two sons and two daughters (CSHAK, f. 1254, d. 1, c. 1613, pp. 2–4, 12, 15 v.–16) (one of them – Rosalia was the wife of F. Colm, the Decembrist, and it was stated that she was the daughter of the earl, the state councilor (Nechkina, 1988, p. 77). The other daughter, Paulina, was the wife of a large landowner, the chairman of Kyiv chief court, P. Ivanovsky, but she considered her marriage a mesalliance. In their marriage Carolina Wittgenstein was born, who from 1848 till 1861 lived with Ferenc Liszt (Talson, 2011).

The archival data indicate a decline in the professional qualities of chairmen since the 1820-ies. In 1823 K. Orlovsky was the chairman of the civil department of Podilsk chief court. The 52-year-old married nobleman owned 1 000 serfs. The first stage of his career was associated with his election as Litynsky marshal (1801 – 1806). The next election was 14 years later, in 1820 he became the chairman of the department, also dealt with 150 cases transferred from the

criminal department in 1821 (SAKhmR, f. 120, d. 1, c. 3043, pp. 1196 v.–1197). His successor was elected in 1823, a 33 year-old J. Sulyatytsky, who was the owner of 1023 serfs in Mogilev district. He served in the Polish military, took part in the campaigns of 1809 and 1812, served as a captain and received the Military Golden Cross. His civil service began in 1820 with the election of the chairman of Mogilev boundary court (he was engaged in the delimitation of estates) (SAKhmR, f. 120, d. 1, c. 3043, pp. 1273–1274). In 1827 he was re-elected the chairman of the department (SAKhmR, f. 120, d. 1, c. 3342, pp. 1474 v.–1475).

Not all elected chairmen wanted to take up their duties for various reasons, so one chairman had to work for the two ones. The chairman of the civil department of Podilsk chief court, L. Podosky, appealed to Podilsk military governor, O. Bakhmetyev, to allow him to go for two months abroad to the health resort of mineral waters. However, it was impossible because the chairman of the criminal department, earl F. Chetvertynsky, did not swear the oath and did not take office because of the illness. L. Podosky had to work for two, and it was unknown what to do. Therefore, it was decided to clarify the circumstances with F. Chetvertynsky, if he was unable to serve, to appoint the next candidate according to the amount of votes (during the election the winner received 303 votes “for” and 150 votes – “against”, his competitor J. Starzhynsky – 240 votes “for” and 213 votes “against”) (CSHAK, f. 1254, d. 1, c. 1610, pp. 1–2, 8, 20).

It is clear that during their service chairmen were active in the society life, they took an active part in court proceedings, using, if possible, their position. In March 1799, the civil department of Kyiv chief court considered the two proceedings, one of the part was its chairman Morzhkovsky (1797 – 1800): the first proceeding – with the chamberlain K. Milevsky on execution of the decree of Kyiv city court on extradition of peasants, the second proceeding – with the nobles Dombrovski and the others on the implementation of the decrees of the same city court on the return of funds. It is interesting, it was decided to use the police to enforce court decisions (CSHAK, f. 484, d. 2, c. 13, p. 48 v.).

The dismissal of the chairman also involved a whole procedure. In 1815, Volyn Civil Governor M. Komburley sent an appeal to Prosecutor General D. Troshchynsky, that the real chamberlain, the chairman of the criminal department J. Bachynsky, applied for resignation to the governor and the prosecutor general. Among the reasons there were included 15 years in various positions, health (a medical certificate was provided), tidying up the estate, and other matters. The illness certificate, a formulary list, and the two extracts from the protocols of Volyn noble assembly of 1811 and 1814 were sent to the Senate, expressing gratitude from the nobility for the long-term and diligent service. At the same time, the landowner of Zhytomyr County H. Prushinsky was nominated for this position, because during the period of illness the chairman of the civil department was in charge of the criminal work. On November 18, J. Bachynsky resigned according to a personal decree of the Senate (CSHAK, f. 1254, d. 1, c. 1439, pp. 1–3, 8).

An important element of the full functioning of the departments was the effective work of the jurors (three in each of the departments). At the initial stage, according to the Polish-Lithuanian tradition, the jurors were called deputies in court documents, which raised their status – elected representatives of the local nobility, who protected the interests of the estate. At first, the supreme power did not pay attention to this, but in 1824 the question of the title was considered by the Senate. The Minister of the Internal Affairs explained that although, according to the Staff of 1804, there were jurors in the chief court, in official documents the officials elected by the nobility appeared under the name of deputies. Podilsk governor was required to explain the reasons for using the new name. In the given answer M. Grokholsky (1823 – 1831) (Gryzlov, 2003, p. 223) pointed out that he did not know why the term “juror” was used until 1801, and then the term “deputy” was used, the only argument was that the elected to the Tribunal were called so under the Constitutions of 1726 and 1768. The supreme power forbade the use of the term “deputy” to all present and judicial institutions

(SAKhMR, f. 120, d. 1, c. 3043, pp. 1446–1446 v.). However, according to the records of the Civil Department of Kyiv chief court in March of 1829, the use of the term “deputy” continued (CSHAK, f. 484, d. 2, c. 231, p. 86).

As in the case with the chairmen, the positions of the jurors were held by wealthy local landowners. However, according to the Staff of 1796, their positions were to be maintained by the local nobility, while for four assessors in the Chamber of Justice in the provinces were provided the salary of 300 rubles (CCLRE-1, v. 44: part. 2, pp. 394, 397). It is clear that no one paid the jurors any salary. In 1814 a scandal broke out in Podilsk chief court. The complaint about the lack of salary reached the Senate. The way out was suggested by the chief court itself: to allow the criminal department to collect 34 zl. and 8 gr. (for the Russian money – 5 rubles and 14 kopicks) from the accused for the deputies, who did not receive any salary (according to the Constitution of 1726). However, the Senate rejected the proposal as illegal (CSHAK, f. 1254, d. 1, c. 1389, pp. 4, 12 v.). In 1815 the jurors once again explained that for the sake of the service they did not engage in their private affairs, estates and houses and asked about the payment for their work. This scandal had a history. Back in 1807 it was decided to collect an additional 18 kopicks from peasants of all categories to pay salaries to jurors from this sum. However, being sent to the treasury, the money remained there. In 1813, the civil governor of Podilsk, earl K. Saint-Prix, offered in vain his version, identical to the proposal of the main court – to collect from the accused 34 zl. to pay the salary. However, on February 10, 1814, the decree of the Senate informed the official that, according to the Staff document of 1796, the salary should be paid by the nobility. Therefore, on December 20, 1814, the gentry of Podilsk province “... demanded ...” (an outrageous violation of a formal style. – *Author*) that the jurors were paid by the treasury. The amount of money was determined by the local elite: according to the Crown (Polish) Constitution of 1768, the salary was to be 1500 rubles, according to the Lithuanian Constitution of the same year (P. 3), the amount of money was a bit less – 450 rubles. Finally, on January 10, 1816, the Senate sent the order to the Department of the Ministry of Justice that the governor of Podilsk should fix and pay the salary at the expense of a tax of 18 kopicks (CSHAK, f. 1254, d. 1, c. 1437, pp. 1–2 v., 4, 14, 17). However, we have not been able to make clear from the archival materials whether the salaries of the jurors were paid in the future.

According to the Staff document of 1796, there were no ranks for the jurors (CCLRE-1, v. 44: part. 2, p. 397). The only cases of use of ranks were obtained at the previous place of service, in Catherine’s judicial system. For instance, in January 1799 the chairman of the criminal department of Kyiv chief court was a collegiate adviser Alferov, the same ranks were held by other jurors – Golovinsky, Romanovsky, and from June of the same year – Glembotzky (CSHAK, f. 484, d. 1, c. 11, pp. 1, 5, 280).

If we analyze the social portrait of the jurors, the first composition of the civil department of Kyiv chief court (1797 – 1800) included M. Tretiak and L. Kharlinsky. If the former never served and had no rank, the latter’s career began in 1780 with a law degree at Lublin Tribunal. Ten years later, Stanislaw Avgust presented him as a chamberlain of the Polish court. The following year he was already a civil-military commissar, in 1793 – an adviser in the court of Targovitsze Confederation. In 1797 L. Kharlinsky was elected the deputy for the coronation of Paul I in Moscow, from May 1 of the same year – a juror (CSHAK, f. 484, d. 5, c. 2, pp. 7, 5). The career of another juror of the same chamber from January 1798, T. Kupchynsky, was more intense. In 1782 he began his service in Bratslav court as a regent (secretary), in 1788 – as a storekeeper, in 1790 – as a civil-military commissar, and in 1792 – as a commissioner of Bratslav voivodeship. In 1793, with the extension of the Russian Empire, he became an assessor of the commissions of the First Department of Bratslav province. In 1796 he was the juror of the nobility of the conscientious court of Bratslav province, the following year he was the juror of Uman district and, finally, the juror of the civil department (CSHAK, f. 1254, d. 5, c. 7, pp. 2–2 v.).

Table 2

Jurors of Volyn Chief Court (1800 – 1829)

Election Year	The Criminal Department ³	The Civil Department ⁴
1797		Yosyf Vyliezhynsky Tadeush Podhorodelsky Ivan Terletsyky
1800	Tomash Tretiak Erazm Voronich K. Zhmyhrodsky	Vatslav Boreiko Stefan Hrudzynsky Dionisii Dubetsky
1803	Ivo Stetsky	Erazm Prushynsky Yosyf Dombrovsky
1805	earl Fridrikh Liubomyrsky Yosyf Dombrovsky Nestor Baranovsky Yosyf Zaltiesky	Yosyf Pavsha Yosyf Ometsynsky
1809	Zhvanovsky Yosyf Zaltiesky	Varfolomii Butkovych Ivan Viliezhynsky Erazm Voronich
1811	Karl Prushynsky Akym Khamts Foma Surin	Voitsekh Piotrovsky Yosyf Zaltiesky Stepan Dunin Yelyhii Piotrovsky
1814	Anatolii Pavsha Mykolai Polianovsky	Voitsekh Piotrovsky Yosyf Zaltiesky Yelyhii Piotrovsky
1817	Ihnatii Zozulynsky Mykolai Polianovsky Vatslav Podlesky	Yosyf Zaltiesky Ihnatii Dubietsky Petro Tonzhevsky Klymentii Hrodetsky
1820	Herard Felinsky Kypriian Stetsky Isydor Zakashevsky	Anatolii Pavsha Ihnatii Dubietsky Frants Rottermund Petro Tonzhevsky
1823	Isydor Zakashevsky Yosyf Tadei Po(tots)ky Ihnatii Yankovsky	Rafail Stroinovsky Anatolii Pavsha Yakiv Ometsynsky
1826	Yosyf Hrokholsky Kostiantyn Bushchynsky Tsyryhlii Hradetsky Khylyhnevych	Voitsekh Rothariush Antonii Hulievich Leopold Ryminsky Venedykt Mochulsky
1829	Yustyn Kosovsky Dubetsky	Vasyl Baranetsky Tselestyn Rottermund Aloizii Zhehotsky

³ 1797 – no information; 1800 – (SAZhR, f. 16, d. 3, c. 12, pp. 1, 554, 582; c. 16, p. 1); 1803 – (SAZhR, f. 16, d. 3, c. 20, p. 1; c. 200, p. 1); 1806 – (SAZhR, f. 16, d. 3, c. 26, p. 1); 1809 – (SAZhR, f. 16, d. 3, c. 39, p. 1; c. 40, p. 1); 1811 – (SARR, f. 550, d. 1, c. 2, p. 35); 1814 – (SAZhR, f. 16, d. 3, c. 72, pp. 1, 822, 900, 916; d. 1, c. 39, pp. 1 v.–2); 1817 – (SARR, f. 550, d. 1, c. 5, p. 11; SAZhR, f. 16, d. 3, c. 229, p. 667); 1820 – (SAZhR, f. 16, d. 3, c. 195, pp. 1, 451); 1823 – (SARR, f. 550, d. 1, c. 11, p. 5); 1826 – (SAZhR, f. 16, d. 3, c. 151, p. 1; c. 181, p. 1); 1829 – (SAZhR, f. 16, d. 3, c. 188, p. 1).

⁴ 1797 – (SAZhR, f. 16, d. 3, c. 6, pp. 1, 554, 582); 1800 – (SAZhR, f. 16, d. 3, c. 195, p. 237); 1803 – (SAZhR, f. 16, d. 3, c. 98, pp. 1, 709); 1806 – (SAZhR, f. 16, d. 3, c. 206, p. 190); 1809 – (SAZhR, f. 16, d. 3, c. 211, p. 1; c. 215, p. 1); 1811 – (SARR, f. 550, d. 1, c. 2, p. 35); 1814 – (SAZhR, f. 16, d. 3, c. 195, pp. 490, 819); 1817 – (SARR, f. 550, d. 1, c. 5, p. 11; SAZhR, f. 16, d. 3, c. 229, p. 667); 1820 – (SAZhR, f. 16, d. 3, c. 235, pp. 1, 8 v.; d. 1, c. 39, pp. 1 v.–2); 1823 – (SARR, f. 550, d. 1, c. 11, p. 5; SAZhR, f. 16, d. 1, c. 39, pp. 1 v.–2); 1826 – (SAZhR, f. 16, d. 3, c. 251, p. 1); 1829 – (SAZhR, f. 16, d. 3, c. 266, p. 1, 905).

The analysis of the data from Table 2 illustrates the staff turnover: it has been calculated that only J. Zaleski was elected a juror five times, A. Pavsha – three times, nine people were jurors two times. Changes from one department to another were infrequent – only three cases. The composition of the civil department was more stable, which may indicate the higher prestige of its work, as this department was associated, primarily, with property proceedings. There was not always a complete set (three officials), which was due to illness, death, transfer to another position, and etc. If we dwell on the figure of the above-mentioned J. Zaleski, then at the age of 21 he began serving as a cornet in Smolensk Dragoon Regiment and five years later retired as a lieutenant. His first elected position was a deputy in Volyn aristocratic commission, from 1805 he began his work in the judiciary – first as a juror twice in the criminal department (we failed at making clear the reasons for the election in violation of the three-year term – 1805 and 1809. – *Author*), then he worked twice in the civilian department. The last, fifth election, in 1817, was interrupted in 1818 by the transfer to the post of adviser to the civil department. In 1822 he was transferred to the criminal department, in 1825 – back to the civilian one. In 1821 he was awarded the Order of St. Volodymyr of the 4th degree, in 1826 – a collegiate assessor. It seems suspicious for us that J. Zaleski had no property (his wife had 29 serfs), at the age of 57 he had a 10-year-old daughter and a 5-year-old son (hence the marriage took place after the start of his career) (SAZhR, f. 16, d. 1, c. 22, pp. 1 v.–3), and therefore, in the absence of property qualifications, the period of the Russian military service was used. And the very fact of being elected and given to the position of a councilor five times testifies to the ability to get along with both local authorities and the nobility. As for A. Pavsha, he was the owner of 4465 serfs in Zhytomyr County, graduated from Vilnius Academy in 1810 and stayed in the estate until 1814. Then he was elected a chairman of the criminal department, after the next election in 1817 – a deputy for the calculation of zemstvo duties, in 1820 and 1823 was re-elected to the post of a chairman of the civil department (SAZhR, f. 16, d. 1, c. 39, pp. 1 v.–2). Ye. Piotrovsky, the owner of 501 serfs, immediately after graduating from Kremenets Lyceum in 1811 was elected a chairman of the civil department (re-elected in 1814). In 1817 – Zhytomyr county sub-chamber. During 1820 – 1823 he dealt with the final resolution of the congressional subcommittee affairs. In 1823 he was elected a chairman of the civil department of Volyn chief court (SAZhR, f. 16, d. 1, c. 41, pp. 1 v.–2). This is the only case we have recorded: electing a juror to the position of a chairman. A. Gulevich, the owner of 593 serfs, until his election as a juror in 1826, from 1811 till 1820 occupied the position of Lutsk district judge (SAZhR, f. 16, d. 1, c. 12, pp. 1 v.–2).

We managed to find out that in Podilsk province there was a combination of two recruitment systems. The first category included jurors with experience in the Polish-Lithuanian judicial structures. According to the results of the elections of 1820, in 1823 the chairman of the civil department of Podilsk chief court was 53-year-old V. Bednarovsky, who owned 12 smoke buildings in the amount of 2 500 rubles in Kamianets County under a mortgage right. After graduating from Kamianets school in 1784, he entered Podilsk yemsky court to study jurisprudence, and in three years began to conduct the affairs of the landlords and, according to court resolutions, to consider the cases of the poor. In 1790 he became a lawyer in the same court. He served as a lawyer in the newly created Podilsk chief court for 14 years. In 1811 when it was determined that there could be 12 full-time lawyers in Podilsk chief court, V. Bednarovsky became one of them. In 1819 he resigned to be elected a juror the following year (SAKhM, f. 120, d. 1, c. 3043, pp. 1201 v.–1204). Another juror was a 54-year-old M. Popavsky, who had 37 serfs in Mogilev County. In 1794, after the incorporation of the Right Bank, he was appointed a clerk of Kholmilnytsky count court. In 1797 he was elected

a clerk of Mogilev county court. During the next election, he was re-elected to the same position, then elected a judge assistant, and after next election – a judge. From 1811 till 1814 he served as a chamberlain of the same county. In 1814 and 1820 he was elected a chairman of the civil department, in 1821 he was awarded the Order of St. Volodymyr of the 4th degree (SAKhmR, f. 120, d. 1, c. 3043, pp. 1203 v.–1205). The juror, a nobleman Ignatius Gada[li]kiy (55 years old), had 218 serfs in Kamianetskiy district. In the Polish-Lithuanian Commonwealth he was the secretary of King Stanislaw August of Poland, and after the incorporation in 1799 he was elected a deputy to the commission for the payment of debts of the three bankrupt [Warsaw] banks. He held this position for one year. The next election took place in 1817 and Ignatius Gada[li]kiy was elected a judge of Kamianets Boundary Court of Appeal. In 1820 he was elected a juror (SAKhmR, f. 120, d. 1, c. 3043, pp. 1204 v.–1206).

The second category included jurors, who acquired practical skills directly in the courts. During the elections of 1826 two jurors were elected – R. Khlebovsky and L. Charnovsky, the third one was A. Yanushkevych (SAKhmR, f. 120, d. 1, c. 3043, p. 1593 v.). That is, none of the three jurors elected in 1820 was re-elected in 1826. In 1831, the juror of the civil department of Podilsk chief court was R. Khlebovsky at the aged of 32 (i. e., he was re-elected in 1829. – *Author*), whose parents had 695 serfs. In 1819, after graduating from Kremenets public school, he entered Podilsk chief court to study law. After finishing the three years of studying during 1823 – 1826, he was elected a juror of the civil department (SAKhmR, f. 120, d. 1, c. 3043, pp. 1479 v. – 1480). As for the 25-year-old A. Yanushkevych, elected in 1826, who owned 14 smoke buildings under a mortgage right in Yampil county, after graduating from Vinnytsia gymnasium, he, on the basis of a visitor's certificate and attestation, entered Podilsk chief court to study law. After three years of studying, he studied a regional law at Vilnius Academy for a year, after graduating from which, he was elected a juror (SAKhmR, f. 120, d. 1, c. 3043, pp. 1606 v.–1607).

As for the procedure of changing jurors, this issue was regulated by the provincial board and did not require a decision of the Senate. On May 16, 1799, Kyiv provincial board received a message from Kyiv provincial department, which ran: M. Glembotsky, a judge of the former Volyn supreme judiciary, had been elected to replace Sobansky. As he did not arrive, Radomyshl lower zemstvo court was ordered to find out his location (CSHAK, f. 484, d. 1, c. 12a, p. 213). Only on June 9 did the official arrive at his new place of service (CSHAK, f. 484, d. 1, c. 11, p. 170). By the way, in 1803 he was elected a chairman of the criminal department of Volyn chief court (SAZhR, f. 16, d. 3, c. 20, p. 1).

The presence of jurors was monitored by the provincial prosecutor, to whom special attendance information was sent from the departments each month. In July 1812, D. Yanishevsky, a juror of the criminal department of Podilsk chief court, was absent at six court hearings. The prosecutor considered it a self-willed avoidance, which provided for a penalty. The prosecutor demanded the explanation from the juror (SAKhmR, f. 120, d. 1, c. 766, p. 11). Similarly, in April 1816 the juror of the criminal department of Podilsk chief court L. Pavsky (from April 4) and the juror of the provisional department K. Izhytsky (from April 17) were absent until the end of the month. By the way, the latter was absent until September 20 of the same year, which disrupted the work of the provisional department. Therefore, the provincial government demanded explanation from the criminal department. It is interesting, these two appeals were concealed from the prosecutor: the facts of absence were revealed, in the first case – in August, and in the second case – in May, but the request for explanations was received at the end of September (SAKhmR, f. 120, d. 1, c. 766, pp. 34–35). Obviously, some of the “absences” were caused by objective reasons. For instance, in 1810, a juror of the temporary criminal department

of Podilsk chief court, Pavlovsky, submitted to the Senate the report with a medical certificate on his release for treatment in the house, which was located 25 verstv from the provincial city. It is obvious that the the report consideration lasted for a long time, and therefore Pavlovsky missed the court hearings, which was interpreted as an unauthorized absence, that is why, he was fined 25 rubles in favour of the order of public charity (SAKhM, f. 120, d. 1, c. 766, p. 1).

After the suppression of the November Uprising of 1830 – 1831, the situation for the local elite deteriorated sharply: Nicholas I intensified the course for the full incorporation of the Western territory, one of the components of which was the unification of the judiciary. Already on October 30, 1831, by Nicholas's I personal decree, it was ordered to rename all judiciary establishments according to "The Institutions ..." of 1775. Instead of the chief courts, two chambers were formed – criminal and civil. The procedure of forming chambers changed: the chairman of the criminal department was appointed by the supreme power, advisers were appointed by the Ministry of Justice (CCLRE-2, v. 6: part. 2, pp. 159–160). The decree was announced in the provincial boards and departments of the chief courts, and the date of reorganization was set for on November 20 (CSHAK, f. 484, d. 2, c. 261, pp. 617, 618).

The Conclusions and Prospects for Further Researches. At the end of the XVIIIth century the change in a domestic state policy, aimed at finding a compromise with the local elite of Right-Bank Ukraine, was to ensure the elite's reconciliation with the Russian rule. The judiciary and agrarian relations were chosen for concessions, while the administrative power was maintained. However, to leave the courts exclusively in the hands of the Polish nobility, from the point of view of the supreme power, meant to recognize the weakness of the Russian rule. Therefore, the audit and appellate system of chief courts of Kyiv, Volyn and Podil provinces was created. They were tasked with managing the region's judicial system, correcting activities if necessary, and minimizing social and political tensions. The evidences of the imperial practices applications of combining the governmental ambitions and the local elite ambitions were the formation principles of the chief courts departments staff. The nobility was allowed to elect the chairman and jurors, but the appointment did not take place without the consent of the authorities. The flexibility of the compromise policy was manifested in the ability to choose candidates for positions: the elite needed experienced specialists, who would not undermine the authority of the Polish-Lithuanian judicial tradition. The authorities were ready to meet such aspirations on condition of loyalty. The proof of a high status of chairmen and an absolute trust can be the fact that they often acted temporarily as governors. This situation required the elected officials to act exclusively in accordance with the law, because a blind following of the supreme and local authorities instructions would lead to accusations of servility, which resulted not only in non-election to positions in the future, but also in isolation in a private life. Of a particular importance to the authorities was the successful functioning of the criminal department, one of its functions was to deal with the misconduct of officials. The main task – to ensure peace and balance between the needs of the local elite and the demands of the supreme power – was solved successfully, primarily, by combining the Polish-Lithuanian judicial tradition with a flexible policy of the Center.

The documents of county courts and magistrates require a further research and introduction into a scientific circulation, which will allow to determine the mechanisms of adaptation of the Polish-Lithuanian judicial tradition of the Right Bank to the complex imperial system.

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