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**STATE REGISTRATION OF THE ROYAL PRIVILEGES
OF LISHNIA MONASTERY IN PEREMYŚL TOWN ACTS
(THE SECOND HALF OF THE 17th – FIRST HALF OF THE 18th CENTURY)**

Abstract. *The purpose of the study is to find out the significance of royal privileges registration in Przemyśl town court acts for determining the property and legal status of Lishnia monastery. The scientific novelty of the research consists in the analysis of the found copies of royal privileges and compilation of their registration list. The research methodology is based on the use of an analytical and synthetic criticism of historical documents. The comparison methods of various copies of royal privileges, which have survived to our time and were included into the town act books during different historical periods, have been used. The Conclusion.* Thus, at the end of the 17th century the monastery filvarok of Lishnia monastery took on a clear outline. Owing to the royal privileges, economic support was created for the operation of the monastery. The privileges analyzed by us, in addition to the economic component, contained the issue of regulating the administrative management of the monastery. After all, the abode under consideration was located on the lands that were part of the royal dining estates of Sambir economy.

Accordingly, the royal right of patronage and the right of submission extended to the monastery. Since, as evidenced by the privileges, the kings not only granted land for the monastic filvark, but also approved the abbots of the monasteries. However, with the formation of the Holy Intercession Province (1739) and the withdrawal of the Union monasteries from the jurisdiction of the local bishops, the Polish kings, as well as the local nobility, lost the right to approve the abbots of the monasteries, and instead, they retained the right of the colliers – the granting of various economic rights and freedoms (the right to cut down the forest, milling, innkeeping, salt making, provision of soil, buildings, etc.). The appointment of abbots was transferred to the competences of provincial administration (archabbot and four advisers). The state registration of the royal privileges granted to Lishnia monastery in Przemyśl town court act books gave them legal validity for the protection of their property rights. The discovery and study of these privileges allows modern researchers to outline the material foundations of the monastery's existence, determine its abbots, and trace the legal relations of church institutions with secular authorities. It was determined that in the absence of primary monastery foundation documentation, royal privileges as act sources recorded information about the monastery existence.

Key words: royal chancellery, privilege, monastery, town act books, obliata, register of documentation.

ДЕРЖАВНА РЕЄСТРАЦІЯ КОРОЛІВСЬКИХ ПРИВІЛЕЇВ ЛІШНЯНСЬКОГО МОНАСТІРЯ У ПЕРЕМИШЛЬСЬКИХ ГРОДСЬКИХ АКТАХ (ДРУГА ПОЛОВИНА XVII – ПЕРША ПОЛОВИНА XVIII СТ.)

Анотація. *Мета дослідження* – розкрити значення реєстрації королівських привілеїв у Перемишльських гродських судових актах для визначення майнового і правового становища Лішнянського монастиря. **Наукова новизна** дослідження вбачається у віднайденні копій королівських привілеїв та укладенні їхнього реєстраційного списку. **Методологія дослідження** – базується на використанні аналітичної та синтетичної критики історичних документів. Використано методи співставлення та порівняння різних копій королівських привілеїв, які збереглися до нашого часу і в різні історичні періоди вносилися до гродських актових книг. **Висновки.** На кінець XVII ст. монастирський фільварок Лішнянського монастиря набрав чіткого окреслення. Завдяки королівським привілеям було створене економічне підґрунття для функціонування обителі. Розглянуті нами привілеї, окрім економічної складової, містили в собі питання про регулювання адміністративного управління монастирем. Адже розглядувана нами обитель була розташована на ґрунтах, які входили до складу королівських столових маєтків Самбірської економії. Відповідно на монастир поширювалося королівське право патронату та право подання. Оскільки, як засвідчують привілеї, королі не тільки надавали ґрунти для монастирського фільварку, але й затверджували настоятелів монастирів. Проте із утворенням Святопокровської провінції (1739 р.) та виходом унійних монастирів із юрисдикції місцевих єпископів польські королі, як і місцева шляхта, втратили право затверджувати настоятелів обителі, а натомість за ними збережено право коляторів – надання різних економічних прав і вольностей (право вирубу лісу, млинарства, корчмарства, солеваріння, надання ґрунтів, будівель тощо). Призначення ігуменів переходило до компетенцій провінційної управи (протоігумена та чотирьох консулторів). Державна реєстрація королівських привілеїв наданих Лішнянському монастиреві у Перемишльських гродських судових актових книгах надавала їм правової чинності для захисту своїх майнових прав. Віднайдення та опрацювання цих привілеїв дозволяє сучасним дослідникам окреслити матеріальні засади існування обителі, визначити її настоятелів та простежити юридично-правові відносини церковних інституцій із світськими органами влади. Встановлено, що за умов відсутності первинної монастирської фундаційної документації королівські привілеї як актові джерела фіксували відомості про існування обителі.

Ключові слова: королівська канцелярія, привілеї, монастир, гродські актові книги, облята, реєстр документації.

The Problem Statement. Under modern conditions of the Ukrainian legal democratic state development, historical and legal studies, which are aimed at studying a legal

experience of past generations, are of great importance. After all, a number of modern forms of act documentation take their origins from the past centuries. Both historical and legal science rely on official material, which is considered the basic and most verified source of information. It is in the act documentation that various aspects of society's life are elucidated: from a material to spiritual culture. Peculiarities of registration of acts allow to trace a gradual development of legal documentation. At the same time, the procedure for registering the act documentation, which gave it legitimacy, also becomes important. Over the centuries, this procedure underwent changes that were determined by the development of social needs. The more ordinary citizens of the country became involved in financial and property relations, the more the need arose to register their property rights.

The Analysis of Sources and Publications. The basic source for conducting the research was the entries (oblation) of royal privileges in Przemyśl town court act books of the 17th – 18th centuries (CSHAUL, f. 13, d. 1, c. 377, pp. 113–115; c. 380, pp. 165–167). The addition to them was legitimization of these privileges by the Austrian authorities in the 1880s (CSHAUL, f. 575, d. 1, c. 245, pp. 135–136, 141–143). The first attempts to draw up a registration list of royal privileges were made during a visitation inspection of the archives of Lishnia monastery dated July 9, 1764 (CSHAUL, f. 201, d. 4b, c. 1917, p. 351).

Unfortunately, to this day, a special edition of the corpus of sources, which would be thematically devoted to the monastic history, has not been written. Instead, in the Ukrainian historical archeography, we come across a whole series of documentary collections, which are addressed to famous cities of Ukraine (Kapral, 2007; Kapral, 1998; Kapral, 2000). Some aspects of the use of documentation of zemstvo and town court act books were elucidated by researchers of state entities (Kupchynskyi, 2004), administrative structures (Boiko, 2009; Krykun, 1994), archival funds (Kupchynskyi, 1998), genealogies of noble families (Smutok, 2011), culture and religion (Isaievych, 1996; Slobodian, 1998; Stetsyk, 2013; Stetsyk, 2018).

The purpose of the research is to find out the significance of royal privileges registration in Przemyśl town court acts for determining the property and legal status of Lishnia monastery.

The Results of the Research. First of all, let's analyse the history of emergence and spread of zemstvo and town courts in the Galician lands. In 1435, a judicial reform was carried out in the Kingdom of Poland, and zemstvo and town courts were established. At that time, the Ruthenian Voivodeship consisted of four lands (Lviv, Przemyśl, Halych, Sianok), and in the 16th century the fifth land (Chełm) was added. In each of these lands there were courts established. In turn, the lands were divided into povits. In every povit there was a judicial institution. For example, Przemyśl land was divided into two judicial povits: Przemyśl and Przeworsk. With the spread of the Polish law in the povits of the Ruthenian Voivodeship, meetings of the newly formed courts were held once a month, and later their frequency decreased to six times a year. Over time, in 1530, the Polish king transferred Sambir povit, which belonged to the royal estates, to the legal competence of Przemyśl town and zemstvo courts.

Zemstvo court was a collegial, elected body. Candidates for judges and defendants were recommended to the king for approval by zemstvo sejms and also elected judges. Among the four candidates recommended by the noble sejm, the king appointed only one to the post of a judge, who received lifelong powers. It should be noted that there were no requirements regarding education and legal practice before a judge candidate. The main selection criterion was the expression of trust by the local nobility. Since 1422, it had been forbidden for starosta to hold the post of a judge (Boiko, 2009, p. 237).

The powers of zemstvo court included consideration of civil cases related to the local nobility: property and financial disputes, issues of distribution of inheritance. The office of zemstvo court was subject to the notarial right of “perpetuity”: a document entered in the register of zemstvo court became legally valid. Accordingly, it was not enough to obtain a royal privilege (with the signature and seal of the royal chancery), but it had to be recorded in the local act books for it to acquire a legal force. Lviv, Zhydachiv, Halych, Przemyśl, Sianok, Terebovlia, Kolomyia, Krasnostav, Chełm zemstvo courts functioned on the territory of the Ruthenian Voivodeship of the Polish-Lithuanian Commonwealth. In 1783 they ceased their activities after the accession to the Austrian Empire and implementation of judicial reforms by the new administration.

As the state’s primary institutions, criminal cases related to the nobility and the bourgeoisie were considered in town courts. These judges sat constantly, except for public holidays and Sunday holidays, and thus, gradually took over some of the powers of zemstvo courts in the consideration of civil cases, which convened several times a year. It is from the second half of the 14th century in the Galician lands that were part of the Kingdom of Poland, mandatory proceedings of court act books were introduced in which private documents had to be entered and registered in order for them to acquire a legal force.

As in other countries of medieval Europe, in the Galician lands of the Kingdom of Poland, notarial functions were entrusted to the chancellery of zemstvo and town courts. The documents (wills, contracts, pledges, privileges) entered by a clerk of a court in the act book became legally valid and in the event of future disputes became a basic, irrefutable evidence. In the beginning, the scribe’s functions were limited only to a recording of court hearings and decisions, and later expanded to the entry of records of private documents into act books in order to give them a legal recognition. Therefore, the powers of court scribes were expanded and they were assigned permanent government. Accordingly, a permanent office was created at town courts, which registered, entered and certified official documents, private contracts, donations, sales, and inheritance of property. However, in the beginning, the documents registered by town court office still had to be certified in zemstvo court. Only in the 16th century this dualistic procedure for registering private act documents was simplified by granting town judicial institutions the right of “perpetuity”. It was from that time that financial and property act documents became legally valid if they were entered in town act books.

The oldest town and zemstvo act books, which were kept on the Galician lands under the authority of the Kingdom of Poland and the Polish-Lithuanian Commonwealth, have been preserved to this day in the Central State Historical Archive of Ukraine in the city of Lviv. In the 16th century the powers of the city court and the city government were demarcated. If town court is entrusted with the authority to consider criminal cases, then town government receives civil cases that were within the competence of zemstvo courts. However, the latter did not meet often, and people had urgent private property issues that could be considered due to urgency in town government.

Town courts sat in castles (townships) and were headed by elders, that is why, they are often called starostynsky courts. Every six weeks, the town court sat under the chairmanship of a mayor or deputy mayor to consider criminal cases. Also, the deputy headman could conduct the trial every two weeks. In the absence of a headman, he could be replaced by a zemstvo official – a voivode. Mayors and judges were assisted by scribes who made entries in town books, registering court verdicts, agreements, statements of private individuals, wills, privileges, and sales contracts.

On the territory of the Ruthenian Voivodeship of the Kingdom of Poland, and in the future of the Polish-Lithuanian Commonwealth, Halych, Zhydachiv, Lviv, Przemyśl, Sianok,

and Terebovlia town courts functioned. These courts, like the aforementioned zemstvo courts, were liquidated during the judicial reforms by the Austrian administration in 1783 (Boiko, 2009, pp. 240–241).

To some extent, competences expansion of town courts was facilitated by the practice of recording state and national (public) orders, circulars and letters of the king and high-ranking state officials in town registers, for example: records of the Diet constitutions, the Diet decisions, lustrations of the kingdom, tax tariffs, and from 1764 – birth records (Kupchynskyi, 1998, p. 15).

From the 16th century town courts received the right of “perpetuity”, analogous to the one previously used only by zemstvo courts, i.e. it was established that entries in town books should have the same permanent legal force as entries in zemsky records. From that time, to give the document a legal force, it was enough to certify it in town court (Kupchynskyi, 1998, p. 16).

From that time, town courts acted in two directions – as an independent judicial institution that operated during sessions, and during non-session period, accepted statements and kept records of confessions in books, and as an auxiliary administrative institution of a town, and sometimes of entire county. The administrative functions of a town court included, for example, delivering judgments to counterparties, executing judgments. These functions were closely related to the role of a headman, who in one person headed the court and the administrative power. At the same time, the elders were responsible for the execution of judgments of other courts. However, the competences of a town court as an institution have never been combined with the voivodship board or other governments (of the same) county or land. Among other institutions, it had clearly defined functions (Kupchynskyi, 1998, pp. 16–17).

In the 16th century, in general, depending on the content there was a fairly clear division of documents into main and a number of secondary categories, which contribute to the emergence of two groups of act books:

1) the books that actually contain records of all important acts or, as they are otherwise called, public acts (*Acta publica*), which served for general (public) announcement and confirmation of legal relations. In the books there were entered, and from the end of the 18th century certified original documents. Acts included in these books occupy an important place among primary sources;

2) the books that contain auxiliary or, often, secondary acts created in the offices of zemstvos and towns and used for the internal and current needs of the court. This also includes reference books. Each of the named books was further divided into a number of types of books, or collections of acts, differing in their content. In addition to books, the documentary funds of zemstvo and town judicial administrative institutions contain numerous fascicles – bundles of copies or original documents that were sent to the office for recording in books in the form of oblation, as well as lawsuits, complaints, etc. A distinction is made between fascicles of copies that were transcribed into induct books (*Fasciculi copiarum inductarum*) and fasciculi of copies that remained untranscribed (*Fasciculi copiarum non inductarum*). In addition, some fascicles contain minor clerical acts and reference materials.

The receipt of a large number of documents with different content led to the fact that in some town courts there was a significant separation among the act material, as a result of which new types of act books are distinguished. However, this did not apply to all courts. At the same time, in different courts, acts of the same nomenclature were not always identically systematized and separated into books. The latter led to certain inconsistencies, on the one hand, it created new books with a clearly defined topic of documents, and on the other hand, far from identical types of acts were placed under the same names.

Among the collection of town books of CSHA of Ukraine in Lviv, there are also books of oblations documents (*Libri oblatorum*). They were exclusively intended for records of oblation original documents (Kupchynskyi, 1998, pp. 23–24).

The records of zemstvo and town chancelleries in the Ruthenian and Belz Voivodeships, in contrast to other similar institutions in the Ukrainian territories, were conducted in Latin. This was stipulated by the law, which began to operate on the territory of the voivodships immediately after the liquidation of Ruthenian law in 1435 and establishment of courts. However, the Latin language of acts and their spelling cannot be called classical. Especially in spelling, the Ukrainian and other Slavic words are often used, as well as proper names of people and settlements. The Latin language reigned supreme until 1543, since that time it was allowed to use the Polish language in courts alongside Latin. It is allowed, in particular, to enter lawsuits and decrees in the act books in Polish. But court scribes of that time continued to give preference to the Latin language in current business administration, since it was much easier for them to draft acts in the language to which they were accustomed and which already had long-established formulas for the presentation of many legal concepts. In this regard, the Polish language was mainly used only from the 17th century. Act books were not kept in Ukrainian (as was the case in Volyn, Bratslav, Kyiv and other voivodships on the Ukrainian lands) (Kupchynskyi, 1998, pp. 33–34).

Not all judicial and administrative zemstvo and town institutions that were located in voivodship and povit towns come down to us with documentary materials that were formed in the past in act books. Documents were subject to destruction and were constantly lost from their appearance until our time. For some cities, they preserved almost completely (Lviv), for the others, individual act books or fascicles have been lost (Przemyśl), for the others there are no groups of books for many years, and almost no fascicles have been preserved (Busk zemstvo court). Once again, from the activities of the judicial institutions of towns such as Horodok and Liubachiv, only one book has been preserved, for Hlyniany, Shchyrets, Sokal, Stryi – only fragments and separate entries (oblations) in the act books of other zemstvo and town courts. We find only fragmentary references to the judicial and administrative institutions of the Ruthenian Voivodeship and their acts, for example, in such areas as Koropets, Chervonohorod and the others. The reasons for the loss of these documentary monuments were different, but most often they are fires in towns, floods, destruction during their movement and during periods of military battles.

In this regard, in order to clarify the issue of the preservation of the documentary base of zemstvo and town courts, the smallest documentary references are drawn, primarily about the existence of document-creating institutions, the presence of court officials or references, which often may not be the product of the zemstvo or town courts themselves, and higher state institutions. Information on the resolutions of the Diets, which affect the activities of the courts, royal decrees, and constitutions, are also used. It is not always clear whether these data are comprehensive and reliable. With a gradual discovery of new historical facts, information about availability and composition of documents of zemstvo and town courts may be clarified and changed (Kupchynskyi, 1998, pp. 35–36).

The documents of zemstvo and town courts, by their content, reflect the judicial system, administration and interests of the state in the Middle Ages and early modern times, and reflect the aspirations of people, primarily landowners. At the same time, in many cases, the acts reflect the life of lower strata of population of that time – the peasantry and burghers-artisans. All documentary records of zemstvo and town courts (as well as other courts whose acts are included in these court records) can generally be divided into five main groups by content: 1) documents about population (composition, its location, language); 2) documents on the organization of political power, on the law and territory within which this power operates, the armed forces; 3) documents on a historically defined set of social and industrial relations characterizing the economic system of society, its basis and general management,

ownership of means of production, purchase and sale of movable and immovable property, i.e. documents that elucidate issues of economy, finance and trade; 4) documents about a social and political life of the country; 5) documents about everyday life, culture and the church (Kupchynskyi, 1998, p. 39).

Confirmation of privileges was granted for various cities, institutions, brotherhoods, churches, monasteries, individuals and was entered into zemstvo and town court act books. On the pages of the above-mentioned books, we can find information about measures to confirm privileges, about exposing false privileges and their cancellation, announcements about arrival of representatives of organizations, societies, institutions and individuals to check privileges (Kupchynskyi, 1998, p. 57).

Royal privileges, in the absence of foundation documentation, created legal and material foundations for the functioning of monastic communities. These privileges were granted both to monasteries and to individual monks who were elected to the positions of archimandrites. After all, most of the archimandria were under royal patronage.

Foundational and confirmatory types of documentation can be singled out among the privileges. If the foundational privileges regulated the issue of establishing monasteries or their legalization, then the confirmation privileges were aimed at confirming not only their economic rights and freedoms, but also at determining the main directions of the spiritual work of monasticism. Upon receiving the privilege, the monks entered it into town registers, and this copy acquired a legal force in case of loss of the original. After all, the wooden monastery premises were often destroyed by fire and documentation of the archive was burnt as well. Under such circumstances, the administration of the monastery turned to the notary of the registers of town about production of extracts about the ablated privileges.

Foundation privileges for monasteries, which were both in royal and private noble estates, were confirmed by the monarch. The possession of arable land was the basis of a material support of each monastic community at that time. Monastic foundations were increased by income from the hayloft, garden, and mill. The monks received some income from interest on the amount recorded on the estates. Privileges were also supplemented by various servitudes: the right to freely collect wood in the forest for heating and construction work, salting, brewing, milling, and innkeeping (Stetsyk, 2018, p. 46).

We will consider the peculiarities of the use of royal privileges on the example of Lishnia Monastery of St. Illyia. The history of the foundation and functioning of this monastery is still poorly researched. After all, the archive of the monastery office has practically not been preserved in a complete complex to this day. Single documents are found among various manuscript collections stored in archival institutions, scientific libraries and museums (Stetsyk, 2013, p. 211).

In the absence of foundation documentation, which is instead replaced by royal privileges as legal acts, the issue of the beginnings of the monastery foundation remains debatable. Thus, V. Slobodian, relying on financial and property documentation of the end of the 18th and beginning of the 19th centuries, derives the first documentary mention of the monastery from 1570 (Slobodian, 1998, p. 160). On the other hand, in the minutes of 1764 the visitors of the monastery note that due to the lack of foundation acts, it is impossible to determine the time of formation of the monastery and its founders. At the same time, it was noted that its origins should be sought during princely times (CSHAUL, f. 201, d. 46, c. 1917, p. 351). However, the documentation of the period of the Galicia-Volhynia state does not provide any hints about the existence of a monastic centre in the vicinity of the village of Lishnia (Kupchynskyi, 2004). We believe that under such circumstances, an approximate date – 1650 – as the time of official recognition by the Polish authorities of Lishnia monastery can become scientifically acceptable.

After all, oblation (a notarial registration) of Jan Casimir's privilege dated 10.30.1650, entered into Przemyśl town acts (1650), about the appointment of Fr. Sylwester Lenkevych, a hegumen of Lishnia Monastery (CSHAUL, f. 13, d. 1, c. 377, pp. 113–115).

On February 12, 1652, the Polish King Jan Casimir reconfirmed with a new privilege the appointment of Fr. Sylwester Lenkevych with the donation of land and rights to free felling of forest and grinding in the royal mill. The availability of small profits forced the king to allow the construction of a brewery, an inn, and a vineyard on the monastery border. It was assumed that all profits received from them would be used for the needs of the monastery. However, apparently, the monastic monastery did not exist for so long and continued to be developed, expanding the boundaries of the monastery compound (CSHAUL, f. 13, d. 1, c. 380, pp. 165–167).

The granting of the next privilege dated 02.07.1666 was connected with the death of the abbot, Fr. Sylwester Lenkevych and with the appointment of hegumen Fr. Sylwester Twarowski. According to the content of the privilege, the boundaries of the monastery's land holdings, possessions and liberties are described: arable land, soil, income, free felling of trees in Lishnia and Medvezhitsky forests for heating and other monastic needs, free grinding in Lishnia mill without measure and queue, free brewing and trade drinks that were brought from all over for the holiday of St. Illia (CSHAUL, f. 159, d. 9, c. 3595, p. 1).

The next king Jan III Sobieski (1674 – 1697) significantly expanded the monastic estates by granting a privilege dated 31.03.1681 to own the land of Ranevtsky papacy (CSHAUL, f. 575, d. 1, c. 245, pp. 141–143). At the request of the monastery administration, on July 6, 1691, John III issued a privilege to supplement the land fund of the monastery filvark with soils that were designated by the toponymic names “Mindyna Poliana” and the tract “Pohar” with the surrounding streams and old courtyards from the old village, which extended to the monastery fences. In connection with the death of the abbot, Fr. Sylwester Twarowski the Polish king appointed Mitrofan Radzyminski as the abbot of the monastery. Under the management of a new hegumen, in addition to fields, arable land, meadows, gardens, orchards, houses, forests, ponds with a mill and an inn and subjects with all their duties, haymakers in Psina Manor and Pohar tract with surrounding streams and old courtyards were granted. These lands were not recorded in ancient inventories and did not belong to the royal economic accounting. Land on the outskirts of Drohobych was also donated with the right of free salting for the needs of the monastery (CSHAUL, f. 575, d. 1, c. 245, pp. 135–136).

The Conclusion. Thus, at the end of the 17th century the monastery filvarok of Lishnia monastery took on a clear outline. Owing to the royal privileges, economic support was created for the operation of the monastery. The privileges analyzed by us, in addition to the economic component, contained the issue of regulating the administrative management of the monastery. After all, the abode under consideration was located on the lands that were part of the royal dining estates of Sambir economy. Accordingly, the royal right of patronage and the right of submission extended to the monastery. Since, as evidenced by the privileges, the kings not only granted land for the monastic filvark, but also approved the abbots of the monasteries. However, with the formation of the Holy Intercession Province (1739) and the withdrawal of the Union monasteries from the jurisdiction of the local bishops, the Polish kings, as well as the local nobility, lost the right to approve the abbots of the monasteries, and instead, they retained the right of the colliers – the granting of various economic rights and freedoms (the right to cut down the forest, milling, innkeeping, salt making, provision of soil, buildings, etc.). The appointment of abbots was transferred to the competences of provincial administration (archabbot and four advisers). The state registration of the royal privileges granted to Lishnia monastery in Przemyśl town court act books gave them legal validity for the protection of their property rights. The discovery and study of these privileges

allows modern researchers to outline the material foundations of the monastery's existence, determine its abbots, and trace the legal relations of church institutions with secular authorities. It was determined that in the absence of primary monastery foundation documentation, royal privileges as act sources recorded information about the monastery existence.

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