

UDC 347.62(477.8)“16/17”
DOI 10.24919/2519-058X.38.354905

Lesia SMUTOK

PhD (History), Associate Professor of the Department of World History and Special Historical Disciplines, Drohobych Ivan Franko State Pedagogical University, 24 Ivan Franko Street, Drohobych, Ukraine, postal code 82100 (smutokigor@gmail.com)

ORCID: 0000-0001-8918-2258

Oleh NALYVAIKO

PhD hab. (Law), Associate Professor, leading researcher of the Research Laboratory of Public Community Safety Educational and Scientific Institute of Law and Social Management of the Donetsk State University of Internal Affairs, 1 Velyka Perspektyvna Street, Kropyvnytskyi, Ukraine, postal code 25015 (larysa-nalyvaiko@ukr.net)

ORCID: 0000-0002-2911-2108

Леся СМУТОК

кандидатка історичних наук, доцентка, доцентка кафедри всесвітньої історії та спеціальних історичних дисциплін, Дрогобицький державний педагогічний університет імені Івана Франка, вул. Івана Франка, 24, м. Дрогобич, Україна, індекс 82100 (smutoklesia@gmail.com)

Олег НАЛИВАЙКО

кандидат юридичних наук, доцент, провідний науковий співробітник науково-дослідної лабораторії публічної безпеки громад навчально-наукового інституту права та соціального менеджменту, Донецький державний університет внутрішніх справ, вул. Велика Перспективна, 1, м. Кропивницький, Україна, індекс 25015 (larysa-nalyvaiko@ukr.net)

Bibliographic Description of the Article: Smutok, L., & Nalyvaiko, O. (2026). Marriage and its Legality through the Prism of Canonical Norms and Everyday Practice (based on materials from secular and church courts of Przemyśl land of the 17th – 18th centuries). *Skhidnoievropeiskyi Istorychnyi Visnyk [East European Historical Bulletin]*, 38, 23–32. doi: 10.24919/2519-058X.38.354905

**MARRIAGE AND ITS LEGALITY THROUGH THE PRISM OF CANONICAL
NORMS AND EVERYDAY PRACTICE (BASED ON MATERIALS FROM
SECULAR AND CHURCH COURTS OF PRZEMYŚL LAND
OF THE 17th – 18th CENTURIES)**

Abstract. *The purpose of the research is to characterize the procedure for concluding marriages and determine the legal boundaries of its legitimacy in the Ukrainian society of the early modern period using the example of Przemyśl land of the Ruthenian Voivodeship in the 17th – 18th centuries. The methodology of the research is based on the principles of historicism, authorial objectivity, scientific verification of historical sources, and the use of general (analysis, synthesis, typology, classification)*

and special (historical-genetic, historical-systemic, historical-typological) scientific methods. **The scientific novelty** consists in the fact that there has been carried out a comprehensive analysis on the procedure for concluding a marriage based on the factual material of Przemysl land territory (Western Ukrainian lands); the legal foundations of its existence have been clarified through the prism of law and everyday practices. **Conclusions.** The family creation had established forms and procedures in the territory of the Ruthenian Voivodeship (Western Ukrainian lands nowadays) in the 16th – 18th centuries. The marriage was concluded with the consent of both parties and participation of a wider circle of the family, and not only on the initiative of a groom and a bride. The procedure began with engagement – a preliminary consent of both parties to get married. The engagement was followed by marriage, the result of which was the conclusion of a marriage contract. According to the preserved texts on marriage contracts of the 16th – 18th centuries, material issues were the subject of marriage contracts primarily. In the 16th – 18th centuries, when marriage was concluded, there were taken into account social and public realities of the time and they provided for numerous restrictions and prohibitions, the violation of which caused legal conflicts and served as a basis for marriage annulment. The documents of the 17th – 18th centuries provide a rich factual material. There were several aspects, which became the subject of legal proceedings and ultimately they led to marriage annulment, for example, violation of social norms, age restrictions, failure to comply with material obligations of marriage contracts, close blood relationship, different religious affiliation, etc.

Key words: marriage contracts, creation of a family, history of family law, mediation, Przemysl Land.

УКЛАДЕННЯ ШЛЮБІВ І ЇХНЯ ПРАВОЧИННІСТЬ ЧЕРЕЗ ПРИЗМУ КАНОНІЧНИХ НОРМ ТА ПОВСЯКДЕННОЇ ПРАКТИКИ (ЗА МАТЕРІАЛАМИ СВІТСЬКИХ І ЦЕРКОВНИХ СУДІВ ПЕРЕМИШЛЬСЬКОЇ ЗЕМЛІ XVII – XVIII ст.)

Анотація. Мета дослідження – всебічно охарактеризувати процедуру укладення шлюбів та визначити правові межі його легітимності в українському суспільстві ранньомодерного часу на прикладі Перемишльської землі Руського воєводства у XVII – XVIII ст. **Методологія дослідження** базується на засадах історизму, авторської об'єктивності, наукової верифікації історичних джерел та використання загальних (аналіз, синтез, типологізація, класифікація) і спеціальних (історико-генетичний, історико-системний, історико-типологічний) наукових методів. **Наукова новизна:** здійснений всебічний аналіз процедури укладення шлюбу на фактологічному матеріалі з теренів Перемишльської землі (західноукраїнські землі). з'ясовано правові засади його існування через призму права та повсякденних практик. **Висновки.** Шлюб укладався за згодою обох сторін та за участі ширшого кола сім'ї, а не тільки з ініціативи нареченого і нареченої. Процедура розпочиналася із заручин – попередньої згоди обох сторін на шлюб. Далі йшли зашлюбини, результатом яких було укладення шлюбного договору. Тексти збережених шлюбних угод XVII – XVIII ст. засвідчують, що предметом зашлюбин були насамперед матеріальні питання. Шлюб у XVII – XVIII ст. укладався із врахуванням тогочасних соціальних та суспільних реалій й передбачав низку обмежень і заборон, порушення яких спричиняло правові колізії й слугувало підставою для уневажнення шлюбу. Документи XVII – XVIII ст. засвідчують це багатим фактологічним матеріалом. Порушення станових норм, вікових обмежень, недотримання матеріальних зобов'язань шлюбних угод, близька кровна спорідненість, різна кофесійна приналежність тощо часто ставали предметом судових розглядів та зрештою могли спричинити уневажнення шлюбу.

Ключові слова: шлюбні угоди, створення сім'ї, історія сімейного права. Перемишльська земля.

Problem Statement. During the Middle Ages and the Modern Age, in Europe the institution of marriage was formed on the basis of diverse historical traditions. The ancient heritage, barbaric accretions, and church guidelines could be found among the above-mentioned historical traditions. The latter was considered to be the foundations for legal functioning of marriage. By the end of the late Middle Ages, the main parameters of

marriage – the procedure for concluding it, material aspects of its functioning, the system of prohibitions and restrictions, the nullification of marriage, etc. – had finally crystallized. To a large extent, they are observed in the majority of European countries to this day. Ukraine is no exception to this rule. The Ukrainian society has its own long tradition of creating and legitimizing the family legally, which dates back to the 16th – 18th centuries. It is crucial to study the above-mentioned issue in order to better understand the process regarding how family law evolved.

Review of Recent Research. The Polish legal historians studied the history of family law and in particular family creation at the beginning of the 20th century, as well as other scholars, as the issue has a long research tradition. In particular, Przemysław Dąbkowski was the first one, who tried to systematize information about the institution of marriage in the Middle Ages and Modern times in his two-volume research on the history of the Polish law (Dąbkowski, 1910, pp. 333–448). Unfortunately, the Polish historical science did not address this issue in the Soviet times. At the beginning of the 21st century, the studies on the history of marriage and family were resumed. There emerged numerous studies on this issue over the past two decades. wrote about this in detail. Such scholars covered the above-mentioned issue: K. Sulej (Sulej, 2001), Ja. Kuchta (Kuchta, 2007), M. Lubczyński (Lubczyński, 2001), U. Kicińska (Kicińska, 2013). A. Penkała-Jastrzębska studied this issue comprehensively and quite fruitfully (Penkała, 2016; Penkała-Jastrzębska, 2020; Penkała-Jastrzębska, 2022; Penkała-Jastrzębska, 2023; Penkała-Jastrzębska, 2025). Obviously, if we are talking about the Polish historiography, it should be stated that the above-mentioned studies were based on the factual material from the territories of modern Poland (*in Polish* – Małopolska, Mazowsze, Wielkopolska). It does not diminish their scientific significance, because their conclusions are adequate and relevant in most cases. However, they cannot replace the corresponding studies on the history of marriage in Western Ukrainian society of the 16th – 18th centuries completely. I. Voronchuk (Voronchuk, 2006) and N. Starchenko (Starchenko, 1999; Starchenko, 2001) wrote about the institution of marriage among the Ukrainian historians. However, their studies dealt with the Ukrainian lands within the Grand Duchy of Lithuania, which used its own legislation and even after the Union of Lublin, the Second Lithuanian Statute continued to operate in the territories of Volhynia and Kyiv region. Some financial and property aspects of marriages among the Ukrainian nobility are revealed in the works of I. Smutok (Smutok, 2006; Smutok, 2017; Smutok, Ilnytskyi, & Haliv, 2024), Ya. Lyseyko (Lyseyko, Haliv, & Ilnytskyi, 2025), and others.

The purpose of the research is to characterize the procedure for concluding marriages and determine the legal boundaries of its legitimacy in the Ukrainian society of the early modern period using the example of Przemyśl land of the Ruthenian Voivodeship in the 17th – 18th centuries.

Research Results. In the Old Polish-Lithuanian Commonwealth the institution of marriage had established forms in the late Middle Ages, which remained unchanged in the 17th and 18th centuries. They were based on the procedures and regulations regulated by the church law in the field of the marital cohabitation and secular law in the field of property relations between spouses.

Marriage began with an engagement – a potential agreement to enter into marriage. Such preliminary agreements could arise between the families, parents, guardians and close relatives of the bride and groom. In most cases, they were oral. Their time frame was not limited and could be concluded when a potential husband and wife were still children. Engagements

were not mandatory and could be annulled without any legal consequences. However, this circumstance did not always prevent the offended party from seeking satisfaction in court. The subject of the legal proceedings in such cases could be certain things that the parties exchanged as evidence of agreements. Hence, in 1638, Mykolai Ilnytsky sued Marianna Turianska, demanding the return of the ring and scarf that he had given to her during the engagement (CSHAUL, f. 13, d. 1, c. 297, p. 370).

The next stage of marriage was called a betrothal. Its essence was the conclusion of a marriage contract. Several dozens of such contracts with the participation of local nobility were preserved in Przemyśl Grodsky acts. Hence, we can remodel the content and course of a betrothal.

A betrothal was concluded with the participation of two parties – the representatives of a groom and, similarly, the representatives of a bride, the same parties as during engagement. A groom himself could act as a party to the agreement, since he disposed of his movable and immovable property independently. These could be also his parents, provided that a son had not yet received a share of his inheritance from his father. On a bride's side, in all cases without exception, these were her parents, guardians and close family. The family involvement often gave rise to the situations in which marriages were concluded without the consent of the young. It concerned not only a bride, but also a groom. For example, a nobleman Toma Matkivsky testified in 1702 in Przemyśl Episcopal Court that he was forced to marry under pressure of his mother and her brothers (SAP AGCB, c. 2, p. 376).

According to the content of agreement, it was designed to regulate the property aspects of marriage. Taking into consideration the practice of that time, the bride received a certain share (movable or immovable property) from her father's and mother's inheritance, the so-called dowry. The above-mentioned material security was transferred to a husband. A husband, for his part, added to it an equivalent amount in monetary terms and recorded all this in his estate. All this was done in order to protect a wife from material losses. After all, according to the law, in the event of a husband's death or under other circumstances, she could not be evicted from her husband's house and estate until she received the amount recorded by her husband (Dąbkowski, 1910, pp. 387–402; Penkała, 2016).

The size and components of the dowry could vary. A wealthier nobility gave their daughters several or even several thousands of zloty. In 1708, Bazyli Ustrzycki promised his daughter Kateryna a dowry of 15 thousand zloty in cash and 5 thousand in movable property (w kleynotach) (1708) (CSHAUL, f. 13, d. 1, c. 504, p. 3487); Ludovica Romer, before her daughter's marriage Helena to Heorhiy Naguyovskyi in 1740, undertook to pay a thousand thalers, which at the then exchange rate was 20 thousand zloty (CSHAUL, f. 13, d. 1, c. 553, p. 1643); Anna Hulianicka gave 3,000 zloty to her daughter Marianna, of which 2,000 were paid in cash, and the rest – “in jewels, pearls and other possessions” (1678) (CSHAUL, f. 13, d. 1, c. 489, p. 922)

Less wealthy nobility gave their daughters a dowry of several hundred zloty, before that – a pair or two oxen, the same number of cows and one or two horses; various household utensils. It was exactly the dowry prescribed by the Turecki couple for their daughter Kateryna (200 zloty in cash, 200 zloty in promissory note, a pair of oxen, two cows, a stallion) in 1700 (CSHAUL, f. 13, d. 1, c. 471, p. 1959), the Pażewicz couple daughter's Marianna dowry was the following: 200 zloty, 4 oxen, 4 cows, 1 horse, 1 beehive in 1724 (CSHAUL, f. 13, d. 1, c. 530, p. 2530); the Bandriwski couple daughter's Oleksandra dowry was 400 zloty, 4 oxen, 4 cows, 2 horses in 1728 (CSHAUL, f. 13, d. 1, c. 541, p. 295); the Kulczycki-Smetanka

couple daughter's Anastasia dowry was 400 zloty in cash, 100 zloty for the purchase of oxen, 2 young oxen, 3 cows and a heifer and "ochedostwo szlacheckie" in 1780 (CSHAUL, f. 13, d. 1, c. 651, p. 192).

There could be seen deviations from this standard and other methods, forms of dowry payment in some agreements. The Popeli-Czarnokożyczi, before their daughter's Anna marriage to Pawel Bachyński undertook to give his future son-in-law 6 plots of arable land in the village of Bereźnica, which were valued at 400 zloty, instead of a monetary sum in 1669 (CSHAUL, f. 13, d. 1, c. 454, p. 1031). Another case, Kostiantyn Telesznycki and his sons promised to pay 2000 zloty as a dowry for their daughter Susanna, but not in money, but by allocating a land plot from their estate in the village of Nowoszydzi in 1693 (CSHAUL, f. 13, d. 1, c. 462, pp. 786–787). The Matkiwski Budzowyczi brothers gave their sister Anna a pair of oxen, a pair of cows, a heifer and allocated a quarter of their estate of arable land in the village of Matkiw (CSHAUL, f. 13, d. 1, c. 491, p. 67).

Marriage contracts specified in detail when and under what circumstances a bride's party was obliged to transfer the dowry (cash and movable property). Having received the dowry, a groom undertook immediately, together with an equivalent amount, to register it on his estates (usually half of all property). This procedure was formalized by a special document, which was entered into the acts of the local town or Zemstvo courts and was called a "reformatio". A bride, in turn, undertook to renounce her rights to her father's and mother's estates. This action was also recorded by a special act in the Grodsky or Zemstvo courts, and is known as *abrenuntiatio* (Lubczyński, 2001 p. 141; Głuszak, 2019).

Such measures were quite justified. After all, it was about material values, and both parties tried to protect themselves as much as possible from various surprises and force majeure situations. According to the court cases, related to the payment of dowries and the material support of the newly created family, even such reservations could not completely eliminate misunderstandings, and documents of the 17th and 18th centuries are full of records (protests, demonstrations, complaints, etc.) about non-compliance with marriage agreements in terms of dowries payment. As it turned out from these lawsuits, despite promises to pay the money as quickly as possible and give the movable property promised to a bride, a bride's family often did not comply with these conditions. Non-payments dragged on for years, and sometimes for several dozens of years. For example, a peasant from the village of Ozymyn, Sambir Starostwo, sued the Pruski brothers in 1702, accusing them of not paying him 100 zloty of dowry, which the Pruski brothers' late father had promised him 9 years earlier (SAP AGCB, c. 2, p. 372).

The agreement often included a separate clause warning against its non-compliance. In such a case, the parties stipulated a certain monetary deposit, which was paid by a violator of the agreement to an aggrieved party. For example, the marriage contract between Franciszek Didynski and Theresia Ciebrówka in 1672 provided for such a deposit in the amount of 1,400 zloty (CSHAUL, f. 13, d. 1, c. 408, p. 2520.), the contract of Remigian Baczyński and Susanna Teleszczyńska – 2,000 zloty (1693) (CSHAUL, f. 13, d. 1, c. 462, p. 787), the agreement of Stanisław Kolakowski and Franciszek Agnieszka Terlecka – 6,000 zloty (1705) (CSHAUL, f. 13, d. 1, c. 480, p. 962).

The church and secular law was designed to regulate family relations, and in particular the creation of a family, provided for a number of restrictions and prohibitions on marriage. They were not immutable and in the 17th and 18th centuries, could either weaken or, conversely, strengthen.

One of the factors that influenced the marriage policy was the class differentiation of society of that time. Diverse social groups had different rights and obligations that limited inter-class contacts, including marriage. There was no direct ban on creating families between people of different social origins. However, there were indirect restrictions that made such marriages difficult. Hence, a noblewoman, having married a peasant or a burgher, became a member not only of a peasant family, but also of a rural or urban community and took on all the corresponding obligations: paying taxes, working off serfdom, etc. A noblewoman also lost protection from Zemstvo law and was the subject to jurisdiction of the private nobility or the king, depending on who her husband was – a royal or private noble peasant-subject or a burgher. Despite this, inter-class marriages arose throughout the existence of the Old Polish-Lithuanian Commonwealth. It was well illustrated by the examples from the history and genealogy of the petty nobility of Przemyśl land. In general, the percentage of such marriages was about 8-9%. These marriages were more common in pairs of non-noblemen – noblewomen (13%), while in pairs of noblemen – non-noblewomen it occurs less often (4%). The nobility was equally related to the townspeople, priests, viyty, millers, innkeepers, peasants from royal and noble villages (Smutok, 2006).

The uneven position of diverse social classes and groups, and in some cases the subordination of some to others, also affected marriage policy. In particular, peasant subjects could not marry without the consent of their owners. It is difficult to say how far this right of lords extended over their subjects. The sources of that time do not record any reliable examples. According to the Sejm resolution of 1511, the peasant daughters were given freedom to marry without any consent of their lord (Volumina Legum, I, 379). However, the relics of such restrictions continued to operate later. In particular, a peasant woman could not marry a peasant from another village belonging to another lord without any consent of her lord. The transition from one jurisdiction to another involved the payment of a certain monetary compensation. In contemporary documents, it is called “kunica”, “virginal” (*in Polish* – kunica, pojemszczyzna, conagium, nuptiale, virginal).

Descriptions of the royal estates of the Ruthenian Voivodeship in the 1560s were full of references to such payments. The amount of such payment was 12 groszy from a girl and 30 groszy from a widow. It was higher and amounted to 2 zloty or a bunch of groszy per girl in some places. It was provided that marriage was concluded with a peasant from another estate. If such a marriage was concluded with a peasant from a neighbouring village of the same royal estate, the payment was lower and amounted to 6 groszy (Hruszevskij, 1895, p. 35, 47, 55, 56 etc). According to the fines and payments registers of Sambir economy villages, “kunicie” paid 2 zloty in the middle of the 17th century (NB LNU, VRSRK, c. 514/III, pp. 24, 27, 31, 32, 35 etc).

Marriage was also performed taking into account a religious factor. The above-mentioned issue was especially relevant in the territories of the Ukrainian lands as part of the Old Polish-Lithuanian Commonwealth, where the Catholic and Orthodox worlds intersected. The Catholic Church consistently defended the right to limit kinship relations between the representatives of other Christian denominations in every possible way. Hence, the change of religion of one of the parties from the Orthodox to Roman Catholic was considered to be a necessary condition for marriage in the late Middle Ages in the 15th – 16th centuries. The history of noble families, who formed the elite of the Rus' Voivodeship and traced their roots from the boyar families of the Galician Rus, showed that this approach was practised actively. The rebaptism of the Ruthenians (rebaptizatio ruthenorum) was attested by the

documents from the 15th century. For example, there was a direct indication of the need for rebaptism in the marriage contract of 1441 between Freder of Pleszowycz and the Bybelski on the marriage of Senek of Bybelski to Jadwiga, Freder's daughter (Zazulak, 2012).

However, in the 17th and 18th centuries, such re-baptism was not practised. Interfaith marriages arose, especially actively in the bourgeois and gentry environment. They were not very common. For example, among the Ruthenian gentry of Przemyśl land, their share was very low and fluctuated within a few percent. The history of such families showed that each party to marriage could remain in their faith (Smutok, 2017, pp. 65–67).

Both parties were required to have the appropriate physiological ability in order to get married. After all, one of the main functions of the family is the reproduction of an offspring and family continuation. Non-compliance with these requirements also created obstacles. These factors were not regulated by any special norms of the church or secular law. They were so obvious that they did not require any legal reservations. However, when violations of these norms occurred, the courts, primarily the church courts, were forced to respond. Age immaturity was considered one such inconsistency. Marriage with parents' and family consent, where the opinion of a groom or bride was not always taken into account, gave rise to strange and unnatural situations in which marriage was concluded between children or one of the parties was still a child, incapable of conjugal cohabitation. Such excesses were not isolated. For example, the noblewoman Maria Popel testified in Przemyśl Episcopal Court that she was only 9 years old when she got married (SAP AGCB, c. 2, p. 163); the peasant Maria from the village of Nanczulki and her husband Stefan, the son of a local priest, claimed to the same court that they got married when they were barely 11 years old (*in Polish* – lat nie miei więcej na iedynascie kiedy szlub brali) (SAP AGCB, c. 2, p. 433); the noblewoman Anna Komarnicka Fagaras claimed that she got married at the age of 9 under duress (SAP AGCB, c. 4, pp. 101–102); the priest from the village of Łużok was challenged in the Spiritual Court for daring to perform a marriage where the bride was only 12 years old (SAP AGCB, c. 8, p. 100).

Another factor that was taken into account when concluding a marriage was the blood and family relationship between future spouses. The legislation of the crown lands of the Old Polish-Lithuanian Commonwealth did not contain clear norms on this issue, since they were regulated by the church. According to the church, it was prohibited to get married with relatives up to the fourth generation, both on the paternal and maternal lines; it was forbidden to marry widows of brothers, uncles, stepmothers, and daughters-in-law. Such marriages were considered invalid, and children from such marriages were considered illegitimate (Dąbkowski, 1910, p. 367). However, as evidenced by everyday practices, these regulations were interpreted quite flexibly. Hence, the nobleman Teodor Kopystynski, after the death of his son Nicholas in 1638, married his bride Maria Horodyska and had a son and two daughters with her (Smutok, 2017, p. 233).

Apparently, remarriage was prohibited if either party had been previously married. This norm was also obvious and did not require special regulation. However, its non-compliance gave rise to legal conflicts, which required the intervention of the church courts. This phenomenon was quite widespread and was caused by various factors. For example, the Tatar attacks of the 17th century led to the destruction of families. One of the spouses was captured and his fate remained unknown. Under such circumstances, a man or a woman remarried. Hence, the parish priest from the village of Stebnyk married 7 men from the village of Hayi, who lost their wives during the Tatar attack of 1696 (*in Polish* – ktorych zony zyją w niewoli) (SAP AGCB, c. 2, p. 375)

In the 17th and 18th centuries, migration in search of a better fate was a fairly typical phenomenon. People from the Carpathian regions went east to Podillia or south to Transcarpathia. Leaving their families, some couples would create new families in a new place within a few years. It is difficult to say how widespread this phenomenon was, but the documents of Przemyśl Episcopal Court indicate that such situations were not exceptional. For example, in 1718 the court considered the case of Jan Jasenycki from the village of Kolpets and Anna Bandrowska. The priest's confession in this case is quite revealing and eloquent. In particular, the local parish priest testified that Jan's wife had lived in Podillia with another man for seven years, but under pressure from the local royal administration he was forced to remarry Jan Jasenycki to Anna Bandrowska (SAP AGCB, c. 8, p. 32). On the same day, the court examined a similar case of a peasant named Basil from Tarnawa, who accused his father-in-law, Petro Koniw, of allowing the plaintiff's wife to marry while he was away working for several years (SAP AGCB, c. 8, p. 33).

Conclusions. In the 16th – 18th centuries the creation of a family in the territory of the Ruthenian Voivodeship (present-day Western Ukrainian lands) acquired established forms and procedures. Marriage was concluded with the consent of both parties and with the participation of a wider circle of family, and not only on the initiative of a groom and a bride. The procedure began with an engagement – the preliminary consent of both parties to marriage. This was followed by a marriage contract, the result of which was the conclusion of a marriage contract. The texts of the preserved contracts of the 16th – 18th centuries show that the subject of marriage contracts was primarily material issues. The parties determined the size of the dowry for a bride and obliged her to renounce her rights to paternal and maternal inheritances after receiving the dowry. The groom's party, in turn, undertook, having received the dowry, to record it on part of his real estate. In the 16th – 18th centuries marriage was concluded taking into account the social and public realities of the time and provided for a number of restrictions and prohibitions, the violation of which caused legal conflicts and served as a basis for the annulment of marriage. The materials of the Przemyśl Grodsky and Zemstvo courts and the Przemyśl Episcopal Court testify to this with a rich factual material. Violations of class norms, age restrictions, failure to comply with material obligations of marriage contracts, close blood relationship, different confessional affiliations, etc., often became the subject of court proceedings and could ultimately cause the annulment of marriage.

Acknowledgements. We express sincere gratitude to all members of the editorial board for consultations provided during the preparation of the article for publishing.

Funding. The authors received no financial support for the research, authorship, and/or publication of this article.

BIBLIOGRAPHY

Archiwum Państwowe w Przemyślu, Archiwum Biskupstwa Greckokatolickiego, suplement [State Archives in Przemyśl, Archives of the Greek Catholic Bishopric, supplement – SAP AGCB]

Dąbkowski, P. (1910). *Prawo prywatne polskie, T. 1: Zarys dziejów prawa prywatnego polskiego* [Polish private law, Vol. 1: An outline of the history of Polish private law]. Lwów: Towarzystwo dla Popierania Nauki Polskiej. [in Polish].

Gluszak, M. (2019). Abrenuncjacja od substancji rodzicielskiej w świetle akt grodzkich przemyskich z lat 1651 – 1657 [Abrenunciation of parental substance in the light of the Przemyśl castle records from 1651 – 1657]. *Krakowskie Studia z Historii Państwa i Prawa – Krakow Studies in the History of State and Law*, 12(1), 23–38. DOI:10.4467/20844131KS.19.002.10600 [in Polish].

Hrushevskiy, M. (Ed.). (1895). *Zherela do istorii Ukrainy-Rusy [Sources for the history of Ukraine-Rus]*. Vol. 1. Lviv: Nakladom Naukovoho tovarystva imeni Shevchenka. [in Ukrainian and Latin].

Kicińska, U. (2013). Umowa dożywocia jako przykład regulacji majątkowej małżonków w dawnej Polsce [The life annuity agreement as an example of property regulation of spouses in old Poland]. *Rocznik Lubelskiego Towarzystwa Genealogicznego – Yearbook of the Lublin Genealogical Society*, 5, 266–272. [in Polish].

Kuchta, J. (2007). Instytucja małżeństwa w świetle intercyz przedślubnych w okresie staropolskim [The institution of marriage in the light of prenuptial agreements in the Old Polish period]. *Annales Academiae Paedagogicae Cracoviensis. Studia Historica*, 6, 65–75. [in Polish].

Lyseyko, Y., Haliv, M., & Ilnytskyi, V. (2025). The monetary dimension of losses in the Land of Lviv caused by Tatar raids in the first third of the 17th century. *The Ukrainian Numismatic Annual*, (9), 129–140. DOI: 10.31470/2616-6275-2025-9-129-140 [in English].

Lubczyński, M. (2001). Zawieranie małżeństw przez szlachtę w świetle intercyz przedślubnych w krakowskich księgach grodzkich w latach 1680 – 1730 [Marriage conclusion by the nobility in the light of prenuptial agreements in the Cracow castle records in the years 1680 – 1730]. In: H. Suchojad (ed.), *Wesela, chrzciny i pogrzeby w XVI – XVIII wieku. Kultura życia i śmierci* [Weddings, baptisms and funerals in the 16th–18th centuries. Culture of life and death], (pp. 137–155). Warszawa. [in Polish].

Naukova biblioteka Lvivskoho natsionalnoho universytetu imeni Ivana Franka, viddil rukopysnykh, starodrukovanykh ta ridkysnykh knyh imeni F. P. Maksymenka [Scientific Library of the Ivan Franko National University of Lviv, Department of Manuscripts, Early Printed and Rare Books named after F. P. Maksymenko – NB LNU, VRSRK].

Penkala, A. (2016). *Panięskie ochędóstwo. Kwestie posagowe i wienne w małżeństwach szlachty województwa krakowskiego w czasach saskich* [Maidenly equipment. Dowry and dower issues in marriages of the nobility of the Krakow Voivodeship in Saxon times]. Kraków. [in Polish].

Penkala-Jastrzębska, A. (2020). Mīt srebrnej łyżeczki? Przedmioty prestiżowe w szlacheckich inwentarzach majątkowych z ksiąg grodzkich województwa krakowskiego w czasach saskich [The myth of a silver spoon? Prestigious items in noble property inventories from the castle records of the Krakow Voivodeship in Saxon times]. *Kwartalnik Historyczny*, 127(1), 33–62. [in Polish]. DOI: 10.12775/KH.2020.127.1.02 [in Polish].

Penkala-Jastrzębska, A. (2022). “Prośba o jak najprędszą intencji swoich konkluzję”. Analiza materiałów źródłowych dotyczących magnackich pertraktacji przedślubnych (przykład małżeństwa Teresy Barbary z Radziwiłłów z Józefem Scipionem del Campo) [“A request for the speediest possible conclusion of one's intentions”. Analysis of source materials regarding magnate premarital negotiations]. *Prace Historyczne*, 149(1), 53–71. DOI: 10.4467/20844069PH.22.005.14618 [in Polish].

Penkala-Jastrzębska, A. (2023). Noble Matrimonial Policy at the Royal Court in Dresden during the Reign of King Augustus the Strong (1697 – 1733): Public Affairs, Private Interests. *The Court Historian*, 28(1), 80–95. DOI: 10.1080/14629712.2023.2173411 [in English].

Penkala-Jastrzębska, A. (2025). “Świat rzeczy szlacheckiego dworu”. Kolekcje – zbiory – biblioteki – gabinety osobliwości: Wprowadzenie [“The world of things of a noble court”. Collections – holdings – libraries – cabinets of curiosities: Introduction]. *Res Gestae. Czasopismo historyczne*, 20, 99–100. DOI: 10.24917/24504475.20.7. [in Polish].

Smutok, I. (2006). Stanova zamknutist / ne zamknutist dribnoshliakhetskykh rodiv Sambirskoho povitu XVI st. [Estate closure / non-closure of petty noble families of Sambir district in the 16th century]. *Zapysky NTSh – Memoirs of the Shevchenko Scientific Society, CCLII*, 477–490. [in Ukrainian].

Smutok, I. (2017). *Ruska shliakhta Peremyslshkoi zemli (XIV – XVIII st.): Istoryko-henealohichne doslidzhennia* [Ruthenian nobility of the Przemysl land (14th – 18th centuries): Historical and genealogical research]. Lviv: Prostr-M. [in Ukrainian].

Smutok, I., Ilnytskyi, V., & Haliv, M. (2024). Hroshovyi obih u Ruskomu voievodstvi periodu Rechi Pospolytoi (persha polovyna XVIII st.) za pysemnymy dzherelamy [Money circulation in the Ruthenian Voivodeship of Rzeczpospolita period (the first half of the 18th century) according to written records]. *The Ukrainian Numismatic Annual*, (8), 258–269. DOI: 10.31470/2616-6275-2024-8-258-269 [in Ukrainian].

Starchenko, N. P. (1999). Deshcho pro stanovyshe zinky v shliakhetskomu sotsiumi (Volyn kintsia XVI – seredyny XVII st.) [Something about the position of women in the noble society (Volhynia of the late 16th – mid-17th century)]. *Geneza: Spetsialnyi vypusk. Filosofski, istorychni ta politolohichni studii – Genesis: Special Issue. Philosophical, historical and political studies*, 66–74. [in Ukrainian].

Starchenko, N. P. (2001). Shliubna stratehiia vdiv i kilka problem navkolo nei (shliakhetska Volyn kintsia XVI st.) [Marriage strategy of widows and several problems around it (noble Volhynia of the late 16th century)]. *Kyivska starovyna – Kyiv Antiquity*, 1, 42–62. [in Ukrainian].

Sulej, K. (2011). Mariaże magnackie w XVI – XVIII wieku na podstawie intercyz przedślubnych [Magnate marriages in the 16th – 18th centuries on the basis of prenuptial agreements]. In: A. Karpiński (ed.), *Spoleczeństwo staropolskie. Seria nowa* [Old Polish society. New series], (vol. 3, pp. 63–96). Warszawa. [in Polish].

Volumina Legum. (1859). *Przedruk zbioru praw staraniem XX. Pijarów w Warszawie, 1732 – 1782 wydane* [Reprint of the collection of laws published by the Piarists in Warsaw, 1732 – 1782]. Vol. 1. Saint Petersburg: Nakładem i drukiem Jozafata Ohryzki. [in Polish and Latin].

Voronchuk, I. O. (2006). Podruzni zrady yak naslidok praktyky ukladannia shliubiv v Ukraini v XVI – XVII st. (na materialakh rannomodernoi Volyni) [Marital infidelities as a consequence of the practice of marriage in Ukraine in the 16th – 17th centuries (on the materials of early modern Volhynia)]. *Socium. Almanakh sotsialnoi istorii – Socium. Almanac of Social History*, 6, 161–201. [in Ukrainian].

Voronchuk, I. O. (2012). *Naselennia Volyni v XVI – pershii polovyni XVII st.: rodyna, domohospodarstvo, demografichni chynnyky* [Population of Volhynia in the 16th – first half of the 17th century: family, household, demographic factors]. Kyiv. [in Ukrainian].

Zazuliak, Yu. (2007). Rebaptizatio ruthenorum: podviini imena ta konfesiino-kulturna identychnist shliakhty ruskoho pokhodzhennia v Halychyni XV st. [Rebaptizatio ruthenorum: double names and confessional and cultural identity of the nobility of Ruthenian origin in Galicia in the 15th century]. *RUTHENICA*, 6, 275–298. [in Ukrainian].

*The article was received April 14, 2025.
Article recommended for publishing 27/02/2026.*