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**SZLACHTA INCORPORATION IN GALICIA TO KNIGHTHOOD
OF THE AUSTRIAN EMPIRE AT THE END OF THE XVIIIth –
THE BEGINNING OF THE XIXth CENTURIES**

Abstract. *The methodology of the research is based on the principles of historicism, scientificity, verification, as well as the use of general scientific (analysis, synthesis, generalization) and special historical (historical-typological, historical-systemic) methods. The scientific novelty is that for the first time the Ancient Rzeczpospolita gentry (szlachta) entry/non-entry issue into the knightly and magnate states of the Kingdom of Galicia within the Austrian Empire was found out, and the explanation concerning the szlachta part absence among the nobility was given. The Conclusions.* After the First of Partition of Rzeczpospolita in 1772, Halychyna became part of the Austrian Empire. A major problem was the incorporation of the former Rzeczpospolita szlachta into the Austrian Empire. The Imperial Patent of 1775 defined the legal basis for the confirmation of the nobility. Subsequently, the patent was supplemented by other regulations designed to streamline the process. The successful completion of the confirmation of the nobility was marked by the receipt of a document – the legitimation. The nobility could only take full advantage of their privileged rights after the legitimation fit into the special books,

the nobility metrics. However, such a procedure was optional. As a result, some part of the nobility did not fit in (did not intabulate) their legitimacy in the nobility metrics. The presence of unintabulated legitimations raises an important question about the relationship between issued legitimations and extant ones. There is reason to believe that some of the legitimation has been lost. The scale of losses cannot be calculated. The above-mentioned situation explains why some of the nobility did not confirm the nobility status, but fully benefited from their privileged position and did not feel offended.

Key words: *szlachta, Galicia (Halychyna), legitimation, confirmation of nobility.*

ІНКОРПОРАЦІЯ ШЛЯХТИ В ГАЛИЧИНІ ДО РИЦАРСЬКОГО СТАНУ АВСТРІЙСЬКОЇ ІМПЕРІЇ У КІНЦІ XVIII – ПОЧАТКУ XIX ст.

Анотація. Мета дослідження – проаналізувати правові підстави nobilitації шляхти Галичини австрійського періоду. З'ясувати масштаби nobilitації серед колишньої шляхти Давньої Речі Посполитої та прояснити причини відсутності вказаної шляхти серед nobilitованих. **Методологія дослідження** базується на принципах історизму, науковості, верифікації, а також на використанні загальнонаукових (аналіз, синтез, узагальнення) та спеціально-історичних (історико-типологічний, історико-системний) методів. **Наукова новизна:** уперше актуалізоване питання виходження/невходження шляхти Давньої Речі Посполитої до рицарського і магнатського станів королівства Галіції у складі Австрійської імперії та запропоноване пояснення відсутності серед nobilitованих частини шляхти. **Висновки:** Після першого поділу Речі Посполитої у 1772 р. Галичина відійшла до складу Австрійської імперії. Чільною проблемою стала інкорпорація колишньої річпосполитської шляхти до складу Австрійської імперії. Імператорський патент 1775 р. визначав правові засади підтвердження шляхетства. Згодом вказаний патент доповнювався іншими нормативними документами, покликаними оптимізувати процес. Успішне завершення підтвердження шляхетства знаменувалося отриманням документу – легітимації. Сповна користати зі своїх привілейованих прав шляхта могла лише після того, як легітимація вписувалася (інтабулювалася) до спеціальних книг – шляхетських метрик. Утім така процедура не була обов'язковою. Як наслідок, частина шляхти не вписувала (не інтабулювала) свої легітимації до шляхетських метрик. Наявність неінтабульованих легітимацій актуалізує важливе питання про співвідношення між виданими легітимаціями та тими, що дійшли до нашого часу. С підстави стверджувати, що частина легітимацій були втрачені. Масштаб втрат обрахувати неможливо. Відтак це пояснює, чому частина шляхти нібито не підтвердила шляхетство, однак сповна користалася зі свого привілейованого становища і не почувала себе скривдженою.

Ключові слова: *шляхта, Галичина, легітимація, підтвердження шляхетства.*

The Problem Statement. The Ancient Rzeczpospolita gentry incorporation into the nobilitated state of Russia, Austria, and Prussia after the three partitions of Poland became an urgent problem of the public life. The success of its solution depended on many factors. There were the following factors the legal settlement, and thus the opportunities to prove their noble origins. In Galicia (Halychyna), which became part of the Austrian Empire, a mechanism was developed for the incorporation of the nobility into the knightly and magnate estates of the Kingdom of Galicia and Lodomeria. Due to the actual comparison and analysis of the legal norms and everyday realities, it gave an opportunity to reconstruct the incorporation process comprehensively and to answer a number of important questions: how did the process happen, whether the nobility took full advantage of the opportunities, why some part of the nobility did not receive the legitimacy and probably they received the legitimation but where are the confirmation documents?

The purpose of the article is to analyze all aspects of the Polish szlachta incorporation into the Austrian nobility.

The Analysis of Recent Researches. Numerous Polish historians studied the topic. In particular, K. Slusarek focused on studying the small szlachta of Galicia from the end of

the XVIIIth to the middle of the XIXth century, devoted a separate section to the nobility legitimization and its inclusion in the knighthood of the kingdom of Galicia and Lodomeria (Slusarek, 1994). Later on, one more researcher, S. Górczyński, published some results on the above-mentioned issue, who studied the history of the titled nobility in Galicia and the titles' acquisition of counts, barons, princes by representatives of the former Polish nobility (Górczyński, 2009). Finally, the above-mentioned issue can be found present in the reference edition written by I. Smutok, L. Smutok in the introductory section (Smutok I., Smutok L., 2016). However, all these researchers emphasized the legal basis of legitimization. The process of confirming the nobility realities remained out of their attention. Therefore, the question concerning the part of the nobility, who did not receive the identification and how to interpret it, wasn't asked and highlighted.

The Statement of the Basic Material. After the First Partition of Rzeczpospolita in 1772, Galicia (Halychyna) became part of the Austrian Empire. The newly acquired territories were in deep decline, and the local society was in drastic need of the modernization. Hence, the new government regulated the economic, administrative, legal, and social relations in Galicia (Halychyna) immediately and managed to adjust them to Austrian realities.

The nobility issue obtained the prominent place among the worries and troubles, which Vienna had to solve. There were no difficulties formally. The Polish nobility, who lived in the newly annexed territories, retained their social status and joined the Austrian nobility automatically. However, it quickly became clear that in order to incorporate into the Austrian nobility successfully, two tasks had to be solved: first of all, to change the Galician nobility structure by rebuilding it on the Austrian model; second of all, to verify the ancestral and personal composition of this nobility (Slusarek, 1994, pp. 118–137).

Hence, work began on the legal settlement of the above-mentioned problems immediately after the accession of Galicia (Halychyna). According to the patent issued on the 13th of June in 1775, on the regional states' creation in Galicia, all the nobility was divided into two groups (classes): the magnates and the knights. The first included persons, who used the titles of princes, counts and barons, the rest of the nobility was considered to be a knighthood. These titles could be claimed by families, who used the appropriate titles before 1772, or held 'zemsky' governments, in particular, former voyevoda, castellans, crown officials could apply for the county, and county officials (the patent did not specify which ones, but probably it was a question of 'zemsky' khorunzhyi (military rank), 'stolnik', 'łowczy' (Master of the Hunt – was a Polish royal court official), judges, defendants, etc.) – apply for barony title. The same patent introduced a new magnates honorary titles hierarchy (the highest regional: 'okhmistr' (the queen's court manager), marshal, 'podkomorzy', cook, 'łowczy', stableman, falconer, cupbearer, storekeeper) and the knighthood honorary titles hierarchy (regional: archistol, vice-marshal, vice-podkomorzy, miecznik (sword-bearer) treasurer, vice-chamberlain, 'kraychyi', khorunzhyi) (Edita et mandata, 1775, vol. 3, p. 95).

It was necessary to prove the noble origin in order to enter one of the estates. In particular, the applicant had to derive his pedigree on the basis of relevant documents, present the Coat of Arms and certify in the same document that his ancestors lived in the territory of Rzeczpospolita for at least 150 years and owned 'zemsky' estates. Relevant cases were instructed to be considered by a The Commission of Magnates, which was specially created and dealt with the relevant cases, consisted of five people: 1) Count Joseph Vandalin Mniszek, a former Krakow castellan; 2) Count Ignatius Zettner, former Belz voyevoda; 3) Stanislav Potocki, former mayor of Belz; 4) Count Vaclav Jerome Serakowski, Archbishop of Lviv;

5) Count Jan Zamoyskiy (Marcinek, Ślusarek, 1996, pp. 2–5. Górzyński, 2009, pp. 9–81. Górzyński, 1999, pp. 3–58. If the verdict of the decision was positive, the Commission would issue a special document known as the “identification”, which confirmed the noble origin of the person. It was not necessary that all the commission members should be present at the meeting. The three members’ signatures out of its five members were sufficient. It came as no surprise that the case was often considered by two magnates. The Commission granted the request of only 70 – 80 people and issued no more than a hundred identification cards during its activity (1776 – 1783) (Górzyński, 2009, p. 29; CSHAUL, f. 165, d. 6a, c. 20, pp. 30–31; c. 21, pp. 261–262). As a result, the government decided to engage other institutions in the process due to the Commission’s low productivity. In 1782 the city zemsky courts in Lviv, Przemyśl, Halych, Terebovlia, Sanok, Belz, Czchów, Beč, Sandeczy, Pilzno, and Auschwitz received the right to confirm the nobility. The above-mentioned city zemsky courts issued the lion’s share of all the legitimations. Due to the considerable workload, the authorities extended their activity terms regularly, for instance, firstly until the end of 1783, later on until 1786 and finally until the 31st of December in 1788. The Establishment Committee (State Committee) or the Department of Estates (Collegium Statuum), established in 1782, was given to the right to issue legitimations in 1786. Since 1789 The Establishment Committee (Collegium Statuum) became the only authority authorized to consider cases on the confirmation of nobility. The identification process itself lasted until 1817. On the 5th of March in 1817, an imperial patent appeared, which stopped the issuance of legitimations. Since then, the confirmation of the nobility was carried out only with the Emperor’s permission by special privilege (Górzyński, 2009, pp. 33–34).

The legitimation’s holder had to include (“matriculate”) it in the so-called “noble metrics” or “majestic books” in order to enter the knightly or magnate titles and take full advantage of the nobility’s rights (“Liber generalis novus Majestatis sive Diplomatum Nobilitationum cujusunque Status nec non Rescriptorum et Decretorum Aulicorm”). The “noble metrics” or “majestic books” were introduced in 1782 and were conducted at the State Committee (Collegium Statuum), later on at the National Department until 1921 (CSHAUL, f. 165, d. 6a, c. 19–46).

The enrollment procedure into the noble metrics was neither automatic nor mandatory. However, there was an order according to which, having received the legitimation (identification card), its owner was obliged to enter it in the metrics within 6 months. Although the above-mentioned norm was ignored and people did not keep to it. It is quite complicated to find any obvious reasons for disobeying the norm. Furthermore, the circumstance was unclear to the Department of Estates officials during the 1830-ies and 1840-ies. In addition, such kind of situation was explained in one of the government correspondence the following “on the nobility issue confirmation and the matriculation, which should be considered separately. In order for a party not to be able to have a consequence of its position, it is either forbidden to issue an attestation, or not. That’s why, a person could not ask also for the matriculation” (written in Polish): “o Wydanie szlachectwa a oddzielnie o immartrykulacye. Dla tego ze strona nie mogła o skutku swey posby czyli jej będzie dozwolone wydanie attestatu, lub ni., dla tego nie mogła prosić razem i o immatrikulacyę”. In the same document “przepisow na to niebyło zadnych, ani żadnego normale” (CSHAUL, f. 165, d. 3, c. 88, p. 3). The government officials were guided by the established practice of their predecessors.

Hence, the nobleman, who was issued the legitimation, could delay the fill in the nobility’s metrics, and th phenomenon was not something unusual. For example, the 12th volume of

the metric was formed from 1784 to 1787, but almost all the several hundred legitimations inscribed in it were issued in 1782 (sometimes in 1783). (CSHAUL, f. 165, d. 6a, c. 30, pp. 1–438). The subsequent volumes also contain numerous legitimations issued by city and zemstky courts. Therefore, the time interval between the documents' publication and their entry with each subsequent volume only increased and ranged from several to several years.

As a result, a category of legitimations emerged, which was not included in nobility metrics under such circumstances. The category of legitimations' existence was no secret to the Department of State. The government officials, while preparing for the publication "The Heraldry with a list of noble Galician and Bukovinian families" (*Poczet szlachty Galicyjskiej i Bukowińskiej*), singled out in it the above-mentioned kind of the identification under the eloquent title: "The appendix to the document confirming the affiliation to the Galician nobility certifies the name of the Nobility, which received the confirmation of the nobility, but made no effort to fill in/enlist the name in the nobility metrics" ("*Dodatek do szlachty Galicyjskiej zawierający nazwiska Szlachty, która otrzymawszy legitymację szlachectwa, o wpisanie teje do metryk nie postarała się*") (*Poczet szlachty*, 1857, pp. 318–335). In total, the appendix contained a list of about three hundred legitimations that were known to the States Department and were the subject to registration. Eventually, the vast majority of them, in fact, was issued by this institution, and the legitimations' draft versions were stored in the materials of the Department of States.

The presence of the non-intabulated legitimations raises the important question of the relationship between issued legitimations and those which were kept unharmed till our present days. It is obvious that there were more issued legitimations. The scale of this phenomenon can be assessed by the example of issued legitimations by the Department of States. In total, this institution during its existence issued more than 1,050 documents confirming the nobility (*Poczet szlachty*, 1857, pp. 1–335). There were 700 legitimations, which were enlisted in the nobility metrics. The rest, which is a third, remained unintabulated and are stored in the archives of the Department of Estates in drafts. The City and zemstkyo courts, endowed with the right to confirm the nobility, during the period of 1782 – 1783, issued about 4,800 legitimations/credentials, inscribed in the nobility metrics (Smutok I., Smutok L., 2016). Extrapolating the preliminary data, it is suggested that more than a thousand such acts were not filled in the nobility metrics. It is impossible to confirm or refute these calculations. After all, the legitimations issued by the city and zemsky courts were not deposited in the archives of these institutions. Moreover, only those surnames that were intabulated to the nobility metrics kept unharmed till the present days and some single copies of those surnames which were not intabulated, can be found in the Department of State Archives. In any case, it can be claimed that some of the legitimations were lost. Obviously, such considerations are too bold and, perhaps, the losses are calculated not by thousands, but they were not also limited to the several dozen legitimations.

The above-mentioned information explains partly why some part of the szlachta did not confirm the nobility allegedly, but took full advantage of their privileged position and did not feel offended. The history of the Krokowski family is the vivid example of such situation. In the second half of the XVIIIth century the above-mentioned situation occurred in several families, in particular, they were: Dominic – Kamenets city judge (1725), chervonogrodskyi swordsman (1729 – 1744), Kamenets 'łowczy' (1744 – 1748), Kamenets zemskyi judge (1748 – 1773), Buz'kyi castellan (1783 – 1785) (Gąsiorowski (Ed.), 1998, p. 213). Dominic's brothers were Toma, 'stolnyk' from Kyiv and Samuel, 'pidstolnyk' from Zhytomyr, who are mentioned

several times in Lviv city acts of the 1760-ies. (CSHAUL, f. 9, d. 1, c. 307, pp. 318–319; c. 308, p. 29; c. 313, p. 208). Toma lived until the beginning of the 1780-ies and had two sons – Adam and Thaddeus, who sold part of the village of Kokhayovychi to Modzalevsky family in 1791 (CSHAUL, f. 166, d. 1, c. 5437; Boniecki, 1908, p. 294). Their contemporary descendant was Bohuslav, either from the Melnytskyi troops or Novokorchynskyi troops, was mentioned for the first time in 1745, he lived until the 1800-ies (CSHAUL, f. 9, d. 1, c. 290, p. 421; f. 149, d. 3, c. 2606). At the turn of the XVIIIth – XIXth centuries there were some written records about two brothers: Joseph and Matthew. Joseph lived until the end of the 1810-ies, Matthew was the pastor in the village of Vyshatychi, died childless in 1797 (CSHAUL, f. 149, d. 2, c. 3656; f. 149, d. 3, c. 2654). There were some records in the Regional Tabula dating back to the 1790 concerning Martin, apparently, the same one who died in 1807 in the village of Moranets and who had three sons, Simon (his brother) got the custody his children (Boniecki, 1908, p. 294. CSHAUL, f. 149, d. 3, c. 2451). Only Bohuslav confirmed his nobility on the 18th of October in 1782 among all his relatives in Lviv Zemstky Court (Smutok I., Smutok L., 2016, p. 230). The identities of other Krokowski family members are unknown. It can be assumed that one of them left Galicia, or, like Dominic, had no sons and, lived to old age, did not need the legitimation. However, there were those who, by the logic of circumstances, inevitably had to confirm their nobility status, but there is no corresponding act, in particular, was Joseph Krokowski. In the 1780-ies and the beginning of the 1790-ies he lived in Lviv and for some time was a clerk of the nobility court (1788 – 1791). Hence, Joseph was well-educated and the knowledge of bureaucratic procedures were enough to handle with the confirmation of his status. He conducted property affairs actively, operating in large sums, which indicated his financial ability to pay for the costs of the identification. During the 1790-ies and 1800-ies, Joseph used acts of the Regional Tabula regularly, which were allowed only to the legitimized gentry. In the mid-1790-ies, Joseph, as one of the creditors, took over dead John Srokowski's lands in the village of Tchaikovychi. Once Joseph appeared among the Tchaikovsky nobility, he from time to time was a witness during the property agreements' conclusion or was writing them himself in the local tabular soil book. His son John and daughters were connected to the Tchaikovsky with family bonds. Hence, he was not standing out from the local nobility, which had the legitimation. After his death, the case of inheritance was heard in the Nobility Court in Lviv, whose powers extended to persons of proven nobility origin (CAHR, f. 309, c. 829, p. 25; CSHAUL, f. 149, d. 3, c. 2654; f. 166, d. 1, c. 3997, p. 12; c. 4027, p. 448; c. 4028, p. 451; c. 4031, p. 175; c. 4551, pp. 220–221; c. 4554, pp. 88–89, 94–95; c. 4556, p. 152; c. 4576, pp. 182–184; c. 4582, pp. 318–319; c. 4594, p. 110; c. 4624, pp. 105–106; c. 4823, p. 13; c. 4977, p. 244; c. 4993, pp. 290–291; c. 509, pp. 47, 348–349; c. 5029, p. 201). Where is Joseph's legitimacy then? Perhaps the answer lies on the surface, in particular, in the tabular book of the village of Tchaikovychi in 1801. According to the excerpt from the decree of Lviv Nobility Court, Joseph Krovovsky heir the legacy of John Srokovsky. The preamble to the document states, inter alia, that the decree issued to Joseph burned down. (CSHAUL, f. 166, d. 1, c. 2258, p. 87). It is possible that other documents burned during the fire, including the legitimation, which was not pre-established in the nobility metrics.

The logical end of this case is the following: in 1848, Joseph's grandsons – Joseph and Alexander appealed to the Department of Estates to confirm their nobility. However, they were denied on the grounds that there were no documents on their grandfather's affiliation to the nobility, which could be found in the nobility's metrics (CSHAUL, f. 165, d. 3, c. 2545, p. 9).

The Conclusions. The legal basis for the Ancient Rzeczpospolita szlachta incorporation into the nobilitated state of the Austrian gentry in Galicia (Halychyna) was quite liberal and allowed to receive the legitimation if there were minimal grounds. However, part of the nobility did not have such a document. As a result, a stereotype was formed about the new government's attempts to limit the nobility's entry into the Austrian knighthood. The explanation for this should be sought in the ratio of issued and preserved to date legitimations. That is, the illegitimate szlachta, in fact, also proved their nobility status and received, although, apparently, not all, the relevant documents, but due to numerous reasons some documents did not manage to be kept till the present days.

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