

New Europe College Yearbook
Gerda Henkel Program
2016-2020



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Gerda Henkel Fellowship Program is supported by Gerda Henkel Stiftung, Düsseldorf.

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ISSN 1584-0298

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“INSTEAD OF MYSELF, I ENTRUST TO BE IN THE COURT AND TO ATTEND...”: ADVOCATES IN EIGHTEENTH-CENTURY SLOBODA UKRAINE

Abstract

The article explores the history of the legal profession in Ukraine focusing on a border region of Sloboda Ukraine (*Slobozhanshchyna*) throughout the eighteenth century as a case study. For the first time in historiography, the topic is analyzed on the basis of sixty-three court cases from the 1720s–1790s held in the Central State Historical Archive of Ukraine in Kyiv. In all of these cases, either one or both litigants were substituted for by an advocate known as *poverennyi* (lit., “trustworthy person”). The sources reveal that the agents who acted on behalf of their principals were also widely engaged in economic activity (e.g., contracting, bargaining and transferring property). The statistics compiled on the basis of the archival data demonstrate that the majority of the clients belonged to the nobility, that is Ukrainian Cossack officers (*starshyna*) and Russian noble families. The advocates came from various social strata with the leading positions occupied by Cossacks and the related subgroups of state peasantry, then the bailiffs of estates authorized by their landlords and finally, employees of local chanceries. From the perspective of appropriate experience and knowledge, the members of the latter group presented the closest equivalent to professional lawyers in the region prior to the official establishment of a professional bar in the Russian Empire in 1864.

Keywords: legal profession, advocacy, advocate, bar, Sloboda Ukraine, eighteenth century.

Introduction*

The legal profession traces its origins back to the classic times.¹ The Latin *advocatus* meant “counsellor”, “professional pleader”, “mediator” and “supporter”.² This name mainly referred to

* I am sincerely grateful to the colleagues who contributed to making this text better during the discussions at New Europe College, the Department for Historical and Legal Studies of V. M. Koretsky Institute of State and Law of the National Academy

the patron or to the juriconsult, yet there would seem to be no doubt that the forensic orators and juriconsults of the latter period of the Roman Republic, who followed the law as a profession and received *honoraria* for their services, occupied a position closely analogous to the advocate of the present day, and thus it has been said that ‘the profession is older than the name’.³

In the mid-sixth century, Roman advocates attained their professional status according to the provisions of the Codex Justinianus, which organized them into a corporation with compulsory five-year education, qualifying exam and the oath.⁴

The “reinvention” of the profession in medieval and early modern Europe went hand in hand with the institutionalization of law schools. The school of glossators that emerged at the Bologna University in the late eleventh century was of special importance for the revival of the Codex Justinianus.⁵ Later, it was Italian lawyers who contributed to the flourishing of Renaissance humanism.⁶ From the mid-fourteenth–fifteenth centuries onward, the legists of the heterogeneous Holy Roman Empire graduated from the universities of Prague, Vienna, Heidelberg, Rostock and Tübingen.⁷ Advocates defended women indicted on criminal offences in the seventeenth-century German courts.⁸ In England, during the 1180s and 1190s Oxford university students began to be trained in canonical and Roman law, while accredited pleaders performed in civil processes already in the fourteenth century,⁹ and throughout the later periods the diverse branches and ranks of the English legal profession proceeded toward the composition which we observe nowadays.¹⁰ From the mid-fourteenth century, French advocates who acted in the court of Parliament were considered members of a separate order and enjoyed this status for the next four centuries.¹¹ At the same time, “the legal profession of early modern Europe was a somewhat diverse body [...] to include all those who supplied legal or quasi-legal services”.¹² The functions performed by the advocates of different countries did not always coincide or at least not accurately.¹³ The advocates assisted in court as often as they acted on behalf of clients in business affairs.¹⁴ For those involved in legal work at this period even a proper educational level remained a relatively flexible requirement.¹⁵

of Sciences of Ukraine and at the seminar of the Economic History Initiative at the Ukrainian Catholic University. I am equally appreciative of Maryna Kravets, an adjunct professor in the Department of Near and Middle Eastern Civilizations, University of Toronto, who helped me with the proofreading.

Similar to other European countries, the historical roots of professional advocacy in Ukraine stretch to the late medieval era. Then, subsequent to the collapse of Kyivan Rus' and the Kingdom of Galicia and Volhynia, the Ukrainian lands fell under the Polish and Lithuanian rule. In the Kingdom of Poland, as early as 1347 the Statutes of Casimir the Great declared the "natural right" of everyone to be protected as well as the obligation "to have their own advocate, procurator or defender" in the crown courts.¹⁶ In the Grand Duchy of Lithuania, the legislative framework for advocacy was ultimately set by the Lithuanian Statutes of 1529, 1566 and 1588, which were formulated with an active participation of the Ukrainian nobility.¹⁷ At that time, legal representatives were called *procurator*, *pryiatel'* ("friend") or *plenipotent*¹⁸; along with the professional advocates "a great number of amateur lawyers" supplied legal advice as well.¹⁹

In the course of the mid-seventeenth and eighteenth centuries, the Third Lithuanian Statute was adopted for the needs of the Cossack-dominated society in the early modern Ukrainian state, the Hetmanate, located on the left bank of the Dnipro River. Despite the Hetmanate's subordination to Muscovy and later the Russian Empire, the Statute remained in force until 1842. However, advocacy in the Hetmanate continued to be practiced by a wide circle of participants until Alexander II's reforms of 1864, which introduced a professional bar in the Russian Empire.²⁰

In this respect, the historical region of Sloboda Ukraine (Ukr., *Slobozhanshchyna*) provides an excellent model for investigating a borderland juridical culture. Having been the closest eastern neighbour to the Hetmanate in the eighteenth century, the region now encompasses both the far eastern corner of contemporary Ukraine (the entire Kharkiv oblast and parts of the Sumy, Donetsk and Luhansk oblasts) and the very western edge of the Russian Federation (parts of the Belgorod, Voronezh and Kursk oblasts). Settlement in this zone of the East European steppe frontier began in the 1580s–1610s, when the Muscovite state erected the first strongholds for the prevention of regular Crimean Tatar incursions into the state's heartland. The fortress of Belgorod (1596) grew into a military and administrative centre for the surrounding territory. Nonetheless, waves of the mass settlement reached *Slobozhanshchyna* several decades later from the opposite direction: the fierce war against the authorities of the Polish-Lithuanian Commonwealth (1648–1658) and the ensuing civil conflict in the Hetmanate (1659–1676) drove Ukrainians from both the right bank and the left bank of the Dnipro River eastward, to the vast realm at the Muscovite border. Muscovy was interested in colonizing this

area and granted foreigners an autonomous status under the mandatory military service as part of the Belgorod irregular borderland troops. Hence, five Sloboda Ukrainian Cossack regiments – those of Ostrohozsk, Kharkiv, Okhlyrka, Sumy and Izium – were established in the 1650s–1680s. They existed until the mid-1760s when the Russian imperial administration was brutally imposed on them in lieu of the local self-governing.²¹ In short,

Sloboda Ukraine, from the very beginning of its existence, had been forming as an innovational region on the outskirts of the Tsardom of Moscow. It was the result of a successful experiment of decentralization that aimed at the establishment of privileged settlements of the foreign colonizers, first of all, the Ukrainian Cossacks, under the state control. This policy continued in the enlightened reforms of governance and education in the second half of the 18th century, which turned Kharkiv into the centre of the vast Sloboda Ukraine region.²²

This paper focuses on the history of justice in Sloboda Ukraine with specific attention to the legal profession. I want to explore the court procedure: was it accusatory or inquisitory? What were the stages of a typical juridical process? What legislation did the local courts refer to when they were rendering a verdict? But I am also interested in the social aspects: what social strata did the advocates and their clients come from? What career path did the advocates pursue? Did any client-representative interactions exist beyond the legal work? Did women appear before a court in any role? Therefore, I see this article as a combination of social history and history of justice. This is my first attempt to elaborate on the topic and I am aware that in this text I may inadvertently omit some of its important aspects and nuances. My exploration is based on the primary sources which I have examined in the Central State Historical Archive of Ukraine in Kyiv – fifteen collections in total, containing the files of the Sloboda Ukraine regimental chanceries, the *guberniia* and provincial chanceries, the Kharkiv *namiestnichestvo* governing body, the district courts, the lower *razpravas* (summary courts) and the Kharkiv magistrate.²³ In these archival collections I have located sixty-three files of law cases in which advocates participated (see *Appendix*). A number of additional files provide information about the advocates' assistance in civil affairs.

The topic I am dealing with is rather new in the Ukrainian historiography. For my study, Viktor Brekhunenko and Ivan Syniak's work on the advocates in the Hetmanate as well as Yurii Voloshyn's monograph concerning the

Poltava Castle Court (1770s–1780s) are highly relevant.²⁴ The sources published in the series titled “The Archive of the Early Modern Ukrainian State” enable case studies in the eighteenth-century Cossack justice.²⁵ Regarding Sloboda Ukraine specifically, Volodymyr Maslychuk in his monograph on the court of conscience of the Kharkiv *namiestnichestvo* (1780–1796) explores the phenomenon of juvenile delinquency in the context of the western periphery of the Russian Empire.²⁶ On a separate note, a new monograph by the American historian Nancy Shields Kollmann, *Crime and Punishment in Early Modern Russia*, offers a valuable discussion of the development of legislation and justice in Muscovy and the nascent Russian Empire during the long period from the late fifteenth to the early eighteenth century.²⁷

I start my narrative below with a concise outline of the transformations which the juridical system in Sloboda Ukraine underwent in the course of the late seventeenth and eighteenth centuries. I intend to demonstrate how surprisingly well the Cossack justice harmonized and coexisted with the “foreign” legislation during the decades just prior to the replacement of Cossack governing with the imperial administration. I then scrutinize the procedure of the processes in which advocates were involved. From that I proceed to analyzing the social status of the advocates and their clients. I rely on numerous examples culled from my sources to elucidate the role of the representatives in property disputes, civil affairs and lawsuits concerned with health, life and violation of honour, whereas the final section highlights the deviations. In the conclusion, I share my interpretation of who and why may be considered forerunners of the professional bar in Sloboda Ukraine.

The Judiciary and the Judicial Process

The autonomy of Sloboda Ukraine entailed the privilege of the Cossack justice on the local level. In each regiment, the colonel as the chief officer adjudicated criminal offences, with the exception of the highest crimes of treason or espionage, and property disputes. It was his responsibility to give a verdict of capital punishment and confiscation of property in cases involving criminals and escapees.²⁸ There was a rank of the regimental judge as well, but the colonel’s supremacy significantly limited his influence. Each regiment consisted of ten to twenty companies, where the captains carried out civil proceedings.²⁹ In the villages and hamlets, the

elected leaders of the communities, the *atamans*, settled minor disputes, conducted community surveys and delivered suspects to their company or regimental centre.

The trials took place in the regimental chanceries, and it was the Cossacks and their officers who most frequently resolved their conflicts in court. On the one hand, the Cossack justice was built on the norms of the Third Lithuanian Statute (1588), avoided needless formalization and tended to the oral accusatory procedure. Consequently, up to the early eighteenth century the chanceries produced only a small amount of court records.³⁰ On the other hand, the distinct circumstances in Sloboda Ukraine dictated the utilization of the legislation of the Tsardom of Moscow and later of the Russian Empire – the *Sobornoe Ulozhenie* (Conciliar Law Code of 1649)³¹, the monarchs' decrees and the Senate's orders which, in the course of the eighteenth century, gained the total domination in the region.

With regard to appeals, the Sloboda Ukraine regiments were initially subject to the jurisdiction of the Military Service Chancery (*Razriadnyi Prikaz*) in Moscow. In the years 1682–1700, the purposely established Chancery of Great Russia (*Prikaz Velikoi Rossii*) oversaw the regiments and handled their “court and appeal cases of various sorts”.³² After Peter I initiated the *guberniia* administrative division (1708), the region was attached to the Kyiv and then (1727) to the Belgorod *guberniias*. The Belgorod *guberniia* chancery served as the court of appeal for the Sloboda Ukraine regiments until their liquidation (1765) save for the years 1734 to 1743.

The imperial centre repeatedly confirmed the Sloboda Ukraine self-governing, yet interfered in it constantly. Unprecedented measures were introduced in 1733–1734, when the regiments were placed under the control of the Chancery of the Commission for the Establishment of the Sloboda Ukraine Regiments.³³ The Commission was to keep an eye on the local courts and to revise their verdicts in case of complaints from litigants. The appeals of the Commission's decisions had to be lodged with the Military College (*Voennaia kollegiia*) or the Senate in Saint Petersburg. The other imperial initiative was aimed at the bureaucratization of the regimental chanceries, which were thereby turned into judicial authorities obligated to keep court records. Additionally, the land possession agencies (*krepostnyie kontory*) were set up in each regiment to document all land operations there.³⁴

On November 22, 1743, the empress Elizabeth ordered that some of the earlier changes be revoked and disbanded the Commission.³⁵ Two

decades later, however, the imperial policy led to the final elimination of Sloboda Ukraine's autonomy by the empress Catherine II in 1764–1765.³⁶ Prior to this, the Sloboda Ukraine Cossack officers were removed from their positions due to accusations of corruption and abuse. In her correspondence, Catherine II labelled them the “offenders of our laws” and the “violators of the state legitimations” who deserved the worst punishment, but the empress granted them her forgiveness “not so much in the severity of justice as in our mercy”.³⁷ Yet, this did not restore them to their former positions.

After 1765, the hierarchy of institutions in the region consisted of several levels, with the Sloboda Ukraine *guberniia* chancery on the upper, the provincial chanceries on the middle and the commissar offices on the lower levels. These bodies provided justice for the locals in court and appeal court. The commissars could adjudicate “verbally” minor misdemeanors at the amount of up to twelve rubles, especially those of “squabbles, fights, destructions of fields and meadows, seizures of livestock and the like”.³⁸ The suspects in felony crimes, particularly of murder, robbery or theft, were to be brought to the provincial chancery for investigation and trial. The appeals were directed to the governor and then to the College of Justice (*Yustits-kollegiia*) or the Senate.

Fifteenth years later, a radically new system of authorities was launched in accordance with the 1775 *Statute for the Administration of the Gubernii of the Russian Empire*. Rejecting the previous practice, the Statute “provided for a clear separation of administration, finance and justice, for the establishment of separate juridical organs for each estate, with elected participation by members of the estate, and for a degree of social participation in the management of welfare and education in each estate”.³⁹ There was a three-branch structure of the inferior and superior courts in the fifteen districts of the Kharkiv *namiestnichestvo*: the district and the higher land courts for the nobility; the town and the *guberniia* magistrates for the townsmen; the lower and the higher *razpravas* (summary courts) for the peasantry. The lower land court, which was the lowest executive, police and judicial body, and the court of equity (the court of conscience) were situated in separate places. The chambers of the criminal and civil courts inspected the local courts and accepted the appeals on their decisions, leaving the right to final judgment to the Senate and the Colleges. The procurators monitored the law enforcement and were subordinated both to the governor of the *namiestnichestvo* and to the Procurator General in Saint Petersburg. The governor of the

namiestnichestvo was not involved in delivering justice but had the right to step in case of a delay or violation of the procedure.⁴⁰

With the enthronement of Paul I, the judiciary was once again redesigned. The renewed Sloboda Ukraine *guberniia* of ten districts (1797) lost the higher and lower land courts together with the *guberniia* magistrate, whereas the district courts were transformed into the all-estate courts of the first instance. The town magistrates maintained their jurisdiction unchanged, while the chambers of the criminal and civil courts merged into the single chamber of justice and appeal.⁴¹

Kollmann argues that “in Muscovy inquisitory procedure often contained elements of the accusatory trial”.⁴² This coexistence/fusion of both formats is easily recognized in the legislation and trial protocols of the subsequent imperial period. In particular, the decree *On the Form of Court* issued by Peter I on November 5, 1723 framed litigations in keeping with the accusatory procedure (*sud*) but simultaneously reinforced their bureaucratic facet.⁴³ The Senate’s explanatory order of March 3, 1725 secured the accusatory format for the minor cases and required the inquisitorial method (*rozysk*) concerning the suspects in the higher crimes: the violators of the secular or ecclesiastical foundations of the state, along with old-believers, murderers, robbers and thieves caught in the act.⁴⁴ Catherine II went further in her Enlightenment-inspired endeavours to institute the so-called “legal monarchy” in the Russian Empire.⁴⁵ One of her first decrees issued on July 30, 1762 stipulated “the rules of appeal”: litigants were permitted to appeal a verdict they were not satisfied with, but no later than a year from the day the verdict was given; the intention to appeal had to be declared a few days after the verdict. The court in its turn was obligated to send a “description” of the case to the appeal institution.⁴⁶ These measures aimed at simplifying the procedure, preventing red tape and corruption, as well as humanizing punishments – the key goals Catherine pursued in the field of justice.⁴⁷

The sources examined for this article clearly indicate that regardless of the institution or time slot the procedure in Sloboda Ukraine remained more or less stable throughout the eighteenth century. In the cases in which advocates participated the procedure happened to be accusatory and unfolded as follows. A plaintiff or her/his advocate submitted to the court a “suing petition” (*iskovaia chelobitnaia*) written “point by point” (*po punktam*) and addressed to the sovereign. The court summoned a

defendant with an “instruction” (*instruktsyia*) three times at most so that she/he would either arrive at the court in person or send an advocate on her/his behalf. If the advocate was delegated, he confirmed his willingness to “be in the court and to intercede” with a special “statement” (*skazka*). Thereafter, the court appointed the date of the hearings and requested the litigants or their representatives to appear on that date at a certain time: the claimant or her/his representative accepted a mandatory “ticket” (*bilet*), while the opponent or her/his representative took a copy of the suing petition and gave a “reverse” (*revers*) in return. The participants were allowed to adjourn the debates (*sudebnyie rechi*) amicably (*poliubovno*), but were required to stay in the town where the process was taking place until it was terminated. The debates commenced at eight o’clock in the morning⁴⁸ with the defendant’s “response” (*otvet*) and “justification” (*opravdanie*). The plaintiff put forward “evidence” (*dokazatelstva*) in order to expose the opposite side. The court could request additional documents, question witnesses (“interrogation”) and local old-timers, inspect a scene of a wrongful act, examine bodily damage, gather material proof or conduct a community survey if it was assumed to be necessary. The collected testimonies and evidence together with the excerpts from the respective legislation were compiled in a concluding “abstract” (*vypyska*). Based on it, the court rendered a verdict called a “decisive sentence” (*reshytelnoe opredilenie*) and began with the formula “[we] have ordered” (*prikazali*). The sides were listening to the verdict in the court “with open doors” (*pri otkrytykh dveriakh*) and agreed or disagreed with it in writing (“satisfaction or dissatisfaction to sign”). If disagreed, they used the right to appeal.⁴⁹

An Advocate and a Client

The article 7 of the decree *On the Form of Court* in general terms determined the role of an advocate in the lawsuit:

Petitioners and respondents are given the freedom to send another person to the court instead of them. This person can be anyone they want but with a power of attorney. They are not to disprove what that person will commit.⁵⁰

A common name for an advocate was *poverennyi*, i.e. a trustworthy person who acted on behalf of another individual in court or in civil affairs.⁵¹ A synonymous name, *upolnomochennyi*, literally “an authorized

person”, made its appearance in the 1790s. A power of attorney legitimized the representative’s actions, much as it does nowadays:

A power of attorney is a legal document an individual can use to give another person (or persons) the authority to take agreed-upon actions on the individual’s behalf. The individual granting the authority is the “principal,” and the person acting on behalf of the principal is the “agent”.⁵²

There were two variations of the power of attorney: an “entrusting petition” (*verushchaia chelobitnaia*) and an “entrusting letter” (*verushcheie pismo*).⁵³ The first, written in the form of petition, asked the ruling monarch to admit a certain person to the court on behalf of someone else. The second was less formal and addressed the entrusted person directly; here, a signature of a principal (*vveritel*) and certification from an official institution were compulsory. From the 1770s on, the entrusting letter began to be designated by a related term, *doverennost*.⁵⁴

At the present stage of my research, the earliest mention of the advocacy in Sloboda Ukraine I am aware of is located in the file on the destruction of the land, fisheries and meadows near the hamlet of Lysa Hora owned by the Countess Anna Sheremeteva, widow of the Field Marshal Count Boris Sheremetev. The Izium Cossacks were the respondents. The Belgorod *guberniia* chancery tried the case in 1726 and the bailiff of the Sheremeteva’s estates (*prikazhchik*) Stepan Periachnekov solicited for the Countess. It is almost all of what we know about this proceeding.⁵⁵ The amount of relevant sources increased rapidly in the 1740s, with further persistent growth. The upper chronological limit I have reached is the year 1803, when a lawsuit of Prince Petr Volkonsky against a retired ensign and a landlord Vasyl Zelensky-Dobachevsky over the harbouring of escaped peasants was adjudicated.⁵⁶ The sixty-three case records at my disposal cover the period from 1726 to 1803.

The law cases fall into two main categories: the wrongful acts against property and those against health, life and honour.⁵⁷ The first category contains seizure of land or property (*zavladienie, vziatie, nezakonnoe vladenie*), logging in the forest (*porubka*), mowing of hay (*pokos*), peasants’ escape and harbouring them (*pobeg, perederzhyvanie*), theft (*vorovstvo, krazha, zabranie*), destruction (*razorenie*), trespass (*naezd, priezd*) and offence (*obida*).⁵⁸ The second includes battery (*boi, poboii, uvechie*), assault (*napadenie, smertnyi boi, pokhvalnye slova poboi/pribit do smerti*), robbery (*razboi*)⁵⁹, *napadenie razboinichim obrazom, grabezh, usilnoe/*

zhestokoe razorenje), murder (*ubit do smerti, smertnoe ubyvstvo*), insult (*neprilichnoe rugatelstvo, nepotrebnymi slovami, bran'*) and dishonour (*ponoshenie chesti, bezchestie*). Given a usual combination of material and bodily violations in the same act, this categorization should be thought of as conditional. Furthermore, it is almost unfeasible to draw a borderline between misdemeanours and felonies, insofar as at that time Russian legislation did not distinguish them in a clear manner.⁶⁰ I came across the term "criminal case" (*delo kriminalnoe*) only once with regard to death caused by the severe battery.⁶¹

A point of particular interest is the social standing of the advocates in Sloboda Ukraine. Since there were no entrance requirements imposed, advocacy attracted members of all social layers. My calculations demonstrate that thirty-two people out of ninety-eight (32, 65 %) performing as advocates were Cossacks, common military men (former Cossacks after 1765) and *odnodvortsy* (a subgroup of the state peasantry).⁶² Near the end of the century, these groups integrated into a heterogeneous stratum of state peasantry. This fraction prevailed due to the number of cases where a few common military men or *odnodvortsy* acted all at once as community advocates. Then, twenty-nine persons were bailiffs or servants who represented their landlords (29, 59 %). Seventeen officials of various chancery ranks held the third (17, 35 %), fourteen Cossack officers and the officers of other troops the fourth (14, 29 %) and four townsmen (4, 08 %) the sixth positions. Two persons were unidentified (2, 04 %).⁶³ More information about the advocates and the careers typical for them will be presented below with the help of illustrative examples.

A counter-question arises of who the clients were. Among eighty litigants, both the claimants and the respondents, fifty-six persons (70 %) belonged to the nobility in a broad sense, i.e. the Cossack officers and members of the Russian noble estate. Large landownership and superior social position defined this group. The unexpected fact is that eleven people among them appeared to be noble widows. As a rule, their adult sons did military service far away from home and the mothers had to run vast estates and protect family material interests on their own. Then, nineteen Cossacks and the allied subgroups constituted near one fourth (23, 75 %) of the clients. The mid-1760s reforms and the *Grand Land Survey* brought about numerous land disputes between the Cossack officers or the Russian noblemen on the one side, and the common military men or the *odnodvortsy*, on the other.⁶⁴ The latter appointed several (up to ten) community advocates (*obshchestvennyie poverennyie* or *poverennyie ot*

obshchestva) from their own social stratum. In the beginning, the sides tried to reach an amicable agreement; if they were not successful, the case was going to be adjudicated. The community advocates were permitted to delegate the authority to other defender(s) who conducted the case in the court. Within an acting group of community advocates, at least one was literate and signed the documents on behalf of himself and his illiterate comrades. The litigants from the clergy and the townsmen shared the minor fractions – two persons (2, 50 %) and one person (1, 25 %) respectively. Here again, the identity of the clients in two records remained uncertain.⁶⁵

The Advocates in the Property Disputes and Civil Affairs

The violations of the property rights held uncontested priority among the sources consulted. Nothing else prompted the people of the eighteenth century to go to court as often as the risk of losing their possessions or the desire to acquire them did. Advocates, therefore, provided services in the proceedings of this sort on a regular basis. They were equally active outside the courtrooms when acting as confidants in real estate or trade transactions.

Amongst the earliest and best-preserved files, there is one that reveals a classic “battle of advocates”.⁶⁶ The case began on September 21, 1737, when the Kharkiv fellow-of-the-banner Fedir Pankratev filed a suit at the Kharkiv regimental chancery against Paraska Shydlovsky, widow of the Kharkiv and Izium colonel Lavrentii Shydlovsky,⁶⁷ because of the seizure of his pond plot (*zaima stavna*) and forest at the Merefá River on the outskirts of the village of Ohulsi. The plaintiff accused Paraska of taking over his property “for unknown reasons”, even though he could prove that as early as 1695 it had been purchased by his father Herasym for ten rubles from the Cossack widow Hanna Hryhorivna.⁶⁸

The next day, the chancery sent a courier (*narochnyi*) to the Shydlovskys’ manor in the village of Merchyk to summon Paraska “to respond in the Kharkiv regimental chancery or to delegate a *poverennyi* [to act] on her behalf with a *verushchaia chelobitnaia*”.⁶⁹ The respondent ignored this request and the lawsuit was suspended until March 30, 1742, when Pankratev handed in a new petition arguing that in 1739 Shydlovsky’s servant had beaten his worker and destroyed the distillery near the disputed plot. Simultaneously, he mandated the scribe (*pysar*) of the Kharkiv regimental chancery Semen Antonov to plead the cause instead of him. This

time Paraska asserted that she had nobody “to send against that petition and the mentioned Pankratev had to meet her son, captain of the Sloboda Ukraine dragoon regiment Roman Shydlovsky, in the court”.⁷⁰ When the *narochnyi* arrived for the second time, he was not allowed into the house. Only on the third attempt, the bailiff Ivan Zakorynsky came to the court on behalf of his landlady. It took another two years (!) for Zakorynsky to receive the power of attorney and the hearings were scheduled on February 14, 1744. That day the advocates appeared in court and “after having talked to each other postponed [the next hearing] amicably” to March 1, then to March 3 and afterwards for another month.

The debates ultimately took place on April 5: the plaintiff’s advocate referred to the documents and eyewitness evidence, while his opponent searched for inconsistencies in the testimonies of the other side and tried to turn the provisions of the law in his own favour.⁷¹ At first, Zakorynsky “said in the interrogation” (*v doprosie skazal*) that Paraska Shydlovsky did not know whether Hanna Hryhorivna had indeed given the claimant’s father the bill of sale (*kupchaia*) on the questioned land but she herself possessed the documents regarding the plot, and if Pankratev had something, he would better “demonstrate it and add to the file”. Antonov replied “in evidence” (*v uliku*) that it was the defendant’s responsibility to submit the allegedly relevant documents since it was she, Paraska, who took the property “in vain without any bills of sale forcibly”. Zakorynsky pointed out that the bill which Pankratev had just shown was dated April 2, 1698 and not 1695 as it was written in the statement of claim. Antonov explained this awkward moment by the “copyist’s error”. Zakorynsky continued that in 1698 Herasym Pankratev had given the bill of sale to Lavrentii Shydlovsky and “signed [it] personally to [secure] Shydlovsky’s wife and children [in] eternal possession”. Antonov insisted that the plaintiff’s father had not given sale documents on that land; however, should there be any, they had been written “thievishly” with no certification from the authorities. Zakorynsky explained that there was no need to certify Herasym’s purchase separately, owing to the existence of the allotting excerpt (*otkaznaia vypys*) of June 12, 1700, which Lavrentii’s uncle, the colonel Fedir Shydlovsky, obtained on his “*pomiesnaia* [acquired under the obligatory military service] land, hayfields, the land of all sorts and the mills” including the plots at the upper Merefa River. After Fedir passed away, his nephew Lavrentii inherited the estate and later Lavrentii’s family did he same “with no dispute or petition against”. The defendant’s advocate strengthened his own position with the reference to the article 54

of the chapter 16 “On the *pomiesnyie* lands” of the *Sobornoe Ulozhenie*, which permitted to dispute the lost estates up to fifteen years, and to the article 63, which ordered to refuse claims for a land that had already been allotted.⁷² Antonov disagreed, emphasizing that Herasym had possessed the land undisputedly until his death in 1736 and the Ohultsi residents could confirm this. At the very end, Antonov put forward the strongest argument: on August 26, 1742, Zakorynsky asked the suitor for settlement agreement “without going to the court” as well as promised to return the loot and repair the distillery. Zakorynsky did not get confused and confirmed his earlier intention to resolve the dispute amicably, but he abandoned this course immediately after the owners had instructed him not to allow anyone onto the land.

The copies of the abovementioned Hanna Hryhorivna’s bill of sale (1698), the allotting extract (1700) and Zakorynsky’s request for the settlement agreement (1742) are all attached to the file.⁷³ Doubts arose concerning Herasym Pankratev’s bill of sale (1698): Zakorynsky reported that it had been transferred to the Kharkiv regimental chancellor Ivan Nesterov for certification, but thereafter Nesterov went to the Military Chancery in Moscow and his trace was lost. Meanwhile, the regimental chancery ordered the Valky captain Yakiv Bohaievsky to inspect the borders of the disputed plot and gather evidence from the Ohultsi old-timers. The litigants or their advocates were to be present during the procedure, but the respondent’s side ignored the order. This investigation turned in the claimant’s favour: the locals confirmed Herasym Pankratev’s purchase from Hanna Hryhorivna in 1698 and his possession of the land prior to 1736.⁷⁴

The case drew out to three decades and was terminated amicably in 1775. That year the litigants’ descendants, the retired captain Heorhii and corporal Prokip Pankratev on the one hand, and the major Hryhorii Shydlovsky on the other hand, submitted a joint petition to the Sloboda Ukraine *guberniia* chancery declaring that:

There is a court case already debated but still unfinished due to the death of our father, [Fedir] Pankratev, and my, Shydlovsky, grandmother. And whereas after the plaintiff we, the Pankratevy, and after the defendant I, Shydlovsky, inherited legally all the immovable property, then having considered this case and with no intention to wait until it would be decided upon, we talked to each other and settled it amicably under the condition that since this petition is submitted all the property remains in my, Hryhorii Shydlovsky’s, possession and in the possession of my heirs.⁷⁵

The Pankratevy apparently relinquished the land for a reward. I retold this case in detail finding it indicative for both the accusatory process in the eighteenth century Sloboda Ukraine and for the occupations of the two advocates': a scribe and a bailiff. Semen Antonov's career has proved to be a model for the representatives from office staff. Born into a Cossack family near 1720, Antonov was enrolled at the lowest office rank of copyist (*pisets'*) at the Kharkiv regimental chancery in 1734. Two years later, he rose to scribe and in 1745 was appointed clerk (*kantseliaryst'*) "by virtue of his diligent service, enduring work and assiduity".⁷⁶ Through 1747, Semen was occupying a profitable place of a keeper (*nadsmotrshchik*) at the Kharkiv Land Possession Agency and thus was responsible for certifying property operations in the whole regiment. In ten years, he received the rank of captain and soon, like many other Cossack officers, was indicted for abuse and exploitation of rank-and-file Cossacks.⁷⁷ The following anecdote that occurred in 1762 survives in the case file. When the courier arrived to summon him to Kharkiv for testifying at the Commission on the Sloboda Ukraine Regiments, the captain, having caught sight of the messenger, prudently hid inside the house, while his wife Iryna

behaved disobediently and scolded both him, the courier, and the personnel of the Kharkiv regimental chancery with obscene words, announced that neither she nor her husband was obeying the brigadier and the colonel as well as the Commission, eventually drove the courier by the neck out of the house and locked herself from the inside inaccessibly.⁷⁸

Such among Antonov's colleagues as the scribe of the Okhtyrka regimental chancery Ivan Kardashev⁷⁹ and copyists Pavlo Yahotynets⁸⁰ and Petro Perebyinis participated in the trials of the 1740s.⁸¹ The latter worked at the Okhtyrka Land Possession Agency in 1745 and defended clients in two trials simultaneously.⁸² Being already a clerk (1764), Perebyinis earned a yearly salary of five rubles. The scribes then received three rubles and the copyists were not paid at all.⁸³ To compare, at that time a saddle "with the supplies" or a sheepskin coat (*kozhukh*)⁸⁴ cost three rubles, a rifle – six rubles and a half, and an ox cost ten rubles.⁸⁵ This gives a clue why the chanceries' employees practiced advocacy so enthusiastically: it provided them with a certain extra income.

There is more biographic information about the officials of the Kharkiv regimental chancery who supplied legal aid in property operations. For example, Ivan Pashchenko from the Cossack officer's family started as a

copyist (1740), in twelve years ascended to clerk (1752), then headed the Kharkiv Land Possession Agency (1760) and retired a captain (1764).⁸⁶ In 1763, he signed the testament of the noblewoman Kseniia Abaza on her behalf and took the original document back after the keeper Andrii Sydorenko had copied it into the register.⁸⁷ The same year Kardashev took care of the registration of the bills of sale of his wife Maria, the Cossack Piddubny and the captain Hryhorii Chornohlazov.⁸⁸ The aforementioned Sydorenko occupied the keeper's position for 1763–1765 and in 1764 certified the sale of land by the *odnodvoret's* Fedir Prokopov to Count Petr Devier.⁸⁹ The soldier's son Semen Shaforostov began his career also as a soldier (1744), then became a squadron scribe (1747), a copyist (1749) and a clerk (1752) at the Kharkiv regimental chancery.⁹⁰ In 1763, "according to the power of attorney" issued by the Khotomlia resident Yakiv Polupanov, Shaforostov signed and collected a bill of sale on two plots at the Khotomlia River.⁹¹

In the late 1760s–1770s, the lower staff of the Sloboda Ukraine chanceries continued to perform additional paid duties despite the negative attitude towards this activity on the part of the governor Yevdokim Shcherbinin. To Shcherbinin's mind, the residents were forced "to incur the substantial costs of the 'eagle' paper, court fees and hiring the advocates owing to their own misunderstanding of the court procedures; the poorest of them lost even more".⁹² The instance of the copyist of the Kalytva commissar office Mykhailo Zhelezniakov reveals some possible "losses" of the clients and anticipated "profit" of the advocates to illustrate the governor's words. Aged twenty-two (1773), Mykhailo was exposed for "bribery" (*likhoimstvo*) and under interrogation told the following about himself. Being of low origin, he learnt literacy when he attended church and later himself taught children "to write in Russian" for the reward of fifteenth kopecks and did copying of documents for ten kopecks. Once he was asked to compose a request for permission to produce wine and "to intercede [*khodataistvovat*] in that case" on behalf of a common military man, resident of the hamlet of Krasnohorska Hordii Butenko, who "gave him, Zhelezniakov, three rubles of money, not by coercion but solely out of good will".⁹³

Completing the section on the advocates with office background, a trial over the heritage of the Sumy colonel Vasyl Perekhrestov-Osypov⁹⁴ heard at the Sloboda Ukraine chancery (1770–1775) must be elucidated.⁹⁵ To be precise, there were two related lawsuits between the same sides. The suitors were a noble married couple, the Konovnytsyn: Lieutenant

of the Preobrazhensky lifeguard regiment and future Saint Petersburg governor Petro, together with his wife Hanna and her minor children, Yemerii and Anastasiia, born in her first marriage to Vasyl Perekhrestov-Osypov's son Vasyl. The respondents were Hanna's sisters-in-law by the first marriage, Yevdokiia Perekhrestova-Osypova, then already a widow, with her children Mykhailo, Vasyl, Hanna, Paraska and Anastasiia, and Iryna Smakovska, in the first marriage Perekhrestova-Osypova, with her son Petro. The matter of contention pertained to the village of Krynychne in the Okhtyrka province, "illegally possessed" by the defendants, and to the joint payment of the loans inherited from the colonel. Hanna's sister-in-law Iryna Lesevytska, Vasyl Perekhrestov-Osypov's daughter, supported the Konovnytsyny. The claimants hired the retired clerk Dmytro Andrievsky, but the respondents impeded the hearings for three years: they neither attended the court themselves, nor sent anyone else in their place. They justified themselves on the grounds of their gender and helplessness:

Since we, Yevdokyia [Perekhrestova-Osypova] and Iryna [Smakovska], are of female gender [*zhenskoho pola*] and our children are minor, and we possess no competence in the juridical procedures, for this reason we are not able to respond to their, [Hanna] Konovnytsyna and [Iryna] Lesevytska's, petition, and we have no relatives or servants who would respond according to the power of attorney; on this account, we are now forced to search for such a man among the outsiders knowledgeable in court procedures but have not found anyone yet.⁹⁶

The case was settled amicably in 1775, when the claimants withdrew the case.⁹⁷ However, it would be wrong to consider family relationships exclusively from the point of never-ending confrontations: relatives assisted each other too. For instance, adult sons solicited for their widowed mothers, like Ivan and Oleksandr Kvitkas did in 1754 and in 1760 respectively, when they sued instead of Paraska Kvitka.⁹⁸ Nephews acted on behalf of their uncles as Andrii Kaplunovsky, nephew of the Court chorister Fedir Kaplunovsky, did in the case regarding land seizure (1756–1760).⁹⁹ Another example came from 1767–1769, when the clerk Hryhorii Tomashevsky substituted for his wife Olena and his brother, the priest Ivan, in a similar case against Sofiia, wife of state councillor Nikita Bestuzhev.¹⁰⁰ Nevertheless, apart from family relationship, common material interest should also be taken into account when analyzing cases of this sort.

The situation with the estate staff who rendered a wide range of services on behalf of their property owners looks somewhat different: advocacy apparently belonged to the scope of their “direct” duties. In 1762, the bailiff Vasyl Yershov carried out two errands in Moscow according to the power of attorney received from Paraska Shydlovsky’s son Roman: Yershov delivered the saltpeter produced in the Shydlovskys’ estates to the Chancery of the Main Artillery and Fortification, as well as petitioned the Senate for the exemption of the estates from quartering troops.¹⁰¹ A year later, Roman’s wife Kateryna authorized Yershov to collect the money lent to Hanna Konovnytsyna on a bill of exchange (*po vekseliu*) and should the debtor refuse to pay to bring an action to the Belgorod *guberniia* chancery.¹⁰² The same year, the bailiff Vasyl Sokolov went to Moscow with Shydlovskys’ saltpeter and the bailiff Ivan Fylkevych filed a lawsuit in the Kharkiv regimental chancery against the Zolochiv Cossacks on the charge of “merciless” logging and constant thefts of Paraska Shydlovska’s forest.¹⁰³

The servants of the Kulykovsky noble family fulfilled similar responsibilities. For instance, in March 1757, Vasyl Tatarynov, servant of the acting Kharkiv colonel Matvii Kulykovsky, asked the Kharkiv regimental chancery to force the captain Stepan Nadarzhynsky to give the bill of sale on the Pylevtsy manor sold to the colonel for three thousand rubles.¹⁰⁴ In 1760, Ivan Dankov and Danylo Kyrychevsky, the bailiffs of the village of Borky owned by Matvii’s brother Yurii, submitted statements of claim over the theft of hay from their landlord’s field and the reaping and theft of barley.¹⁰⁵ In 1765, the bailiff Andrii Levchenko defended Matvii Kulykovsky from an identical accusation brought against his “people” by the Stara Vodolaha landowner, officer Oleksandr Dunin, who was represented by his manager Ivan Mokiiev.¹⁰⁶

An entangled dispute was adjudicated over the estates belonging to the most prosperous family of the Sumy regiment, the Kondratevys.¹⁰⁷ In January 1741, the Sumy regimental aide-de-camp Ivan Kondratev started proceedings in the Chancery of the Commission for the Establishment of the Sloboda Ukraine Regiments against the widow of Prince Aleksei Shakhovskoi, Princess Tatiana, and her son, Lieutenant of the lifeguard horse regiment Prince Nikolai. The plaintiff complained about the appropriation “disguised as a purchase” of his “grand-paternal and paternal immovable property”, namely the village of Ilek, the hamlet of Zakobylie and four mills in the Krasnopillia company,¹⁰⁸ committed by Prince Aleksei Shakhovskoi in 1734; the property was subsequently inherited by the Prince’s family. Already in 1737, Ivan Kondratev sent a commissioned

servant to Moscow with a letter demanding the property back from Princess Tatiana; she promised to reimburse him one thousand rubles but did not keep her word.¹⁰⁹

The Commission ordered the Zakobyliie bailiff Petro Sokolov to find Prince Nikolai in Saint Petersburg and inform him of Kondratev's suit, so that he would issue the power of attorney. In February 1742, Sokolov reported that his trip was unsuccessful because of his landlord's participation in a military campaign outside Saint Petersburg.¹¹⁰ On January 1743, Ivan Kondratev died and his widow Uliana Kondrateva joined the lawsuit.¹¹¹ The Commission sent an inquiry to the Senate regarding the case and was instructed in the reply to summon Sokolov again. In spite of the bailiff's refusal to attend while there were no documents in his hands, he was forcibly taken to Symu for the third summon.¹¹² However, the lawsuit slowed down for another couple of years and was reactivated in 1747 by Ivan Kondratev's sister Marfa Zarudna. The servant Ivan Khoinsky performed on her behalf.¹¹³ And it was Marfa who ultimately won the dispute: the Land College (*Votchinnaia kollegiia*) ordered the Sumy regimental chancery to allot to her the villages.¹¹⁴

Later on, Marfa's son, officer Ivan Zarudny, inherited Zakobyliie and the other lands owned by his mother.¹¹⁵ He was married to Matvii Kulykovsky's daughter Yevdokiia and possessed vast estates with nearly two and a half thousand tenants.¹¹⁶ Zarudny appeared in a number of cases in the local courts in the last decade of the eighteenth century. In the trial of 1791, his advocate, the minor nobleman Hryhorii Huzhvytsky¹¹⁷, was in charge of legalizing the client's paternal property: a mill with a miller's yard, a plot of land and a forest in the village of Kozyntsi. The Kupyansk district court examined the indisputability of the ownership through the Kupyansk lower *razprava* and allotted the property to the claimant.¹¹⁸ Huzhvytsky continued working for Zarudny later on: in 1797, he issued a revision report (*revizskaia skazka*) on the tenants in the village of Khatnie, which Zarudny also had inherited from his mother.¹¹⁹ This report served as an argument in the case of the fugitive tenant, where the gubernial registrar Oleksii Birailov appeared for Zarudny.¹²⁰

One more dispute involving Ivan Zarudny exemplifies the work of the community advocates.¹²¹ In 1794, the common military man Yerofii Popov, "authorized from the common military men community of the hamlet of Olkhovotka of the Kupyansk district", filed an action stating that a Chuhuiv landowner, the retired ensign Ivan Kartavy, sold the arable and non-arable land, hayfields, a forest and a mill in the vicinity of Olkhovotka

to Zarudny in spite of the fact that the ownership of these landed properties had been attached to the Olkhovatka community during the *Grand Land Survey* partition (1780).¹²² He asked the court not to certify the bills of sale. After consideration, the court ordered to allot twenty-five *desiatynas*¹²³ to the claimants and the rest of four hundred one *desiatyna* to Zarudny.

The confrontation between the retired lieutenant Yakiv Danylevsky and the former Cossacks of the hamlet of Andriivka of the Iziium province lasted many years. The first proceeding was launched at the Izuim province chancery in 1769, after the filing of Danylevsky's complaint against the local residents Fedir Vasylenko, Serhii Mereshchenko and Mykola Shevchenko "with comrades" about the illegal logging in his forest near Andriivka.¹²⁴ The common military man Petro Kolodiazhny substituted for the respondents. The verdict passed in 1775 was in favour of Danylevsky.

In the second lawsuit during 1773–1781 at the same court, the sides exchanged the roles: the residents of Andriivka Mykyta Zharko, Andrii Lymanny, Petro Kolodaizhny (once again), Pavlo Dub, Hryhorii Nechytailo, Yakiv Shelest, Havrylo Orobets, Vasyl Peregelytsia, Vasyl Serdiuchenko, Tymofii Myshura, Vasyl Kriachko, Fedir Kupchyn, Anton Panenko, Danylo Puhach, Pylyp Zherebny and Ivan Zhukov "along with all common military men of that hamlet" charged Yakiv Danylevsky with the seizure of the arable "communal" plots at the Bolakliia River in 1768–1772, alleging that his action had caused them "extreme offence".¹²⁵ The claimants asked the court to oblige the respondent to return the land and to redress the loss and court fees. Being busy with seasonal agricultural work, Andriivka's residents empowered Lieutenant Borys Korolkov to "testify and intercede in the court prior to the decision instead of us, as stated in our petition".¹²⁶ The chancery summoned the respondent, he arrived and by mutual agreement the parties postponed the debates for a month and a half until June 1, 1773. In fact, that was a trick aiming at delaying the proceeding: Danylevsky immediately petitioned the court and blamed the claimants for being "renowned rebels", who, in line with the article 2 of the chapter 53 of the 1720 *General Regulation (Generalnyi reglament)* concerning publicly defamed people, were not to be heard in court. Simultaneously, the defendant insisted on an amicable settlement, but neither he nor his representative attended the proceedings.¹²⁷ Although the claimants were going to "search for their satisfaction wherever the decrees require", even in 1781 the case still remained "undecided" and neglected by the litigants. For this reason, and because the *General Land Survey* had already been completed, the Iziium district court asked the

Kharkiv *namiestnichestvo* governing body for permission to finally close the case.¹²⁸

The Advocates in the Lawsuits concerning Health, Life and Violations of Honour

It often came about in the eighteenth century that a property dispute or a trivial squabble evolved into violence and physical harm. We are dealing here with “this image of a society in which violence was endemic, and conflict a feature of everyday life”,¹²⁹ even if it appears overstated. Cruelty constituted a daily norm, with the gender identity of neither the culprit nor the victim predetermined. Symbolic injury to honour and reputation was perceived as being as offensive as bodily harm, especially with respect to social elites.

There are representative materials among the files investigated to support the above statements. In a case from 1749, the aforementioned scribe of the Okhtyrka regimental chancery Ivan Kardashev defended the Kotelva captain Ivan Matiushynsky from the accusations of assault put forward by the Cossack of his command Osyp Hnylosyr.¹³⁰ Osyp acted as the plaintiff (*istets*), but in fact he appeared for his wife Tetiana and his father (whose name is unknown), both of whom the captain had abused. The story started on the day when Tetiana and the ensign Angelov’s wife were drinking “*horilka*”¹³¹ at her [Tatiana’s] home” and began to fight. The intoxicated Tetiana came to the captain Matiushynsky’s home to complain, but unexpectedly met there the Cossack wife Zabashta, who started accusing her slanderously of the theft of sheep milk. Tatiana

justified herself and went out of the yard; but having just stepped out she was overtaken by the Cossack Shevchenko of the captain’s command and by his servant [...] and they grabbed her forcibly and dragged her along the street, and when they were at the yard, the captain ordered the Cossack to whip her [*bit’ pletiu*], and then the captain himself grasped her by the hair, dragged her to the yard and having taken away the whip from the Cossack, together with his wife and servant were whipping, punching and kicking her to half-death, so that she barely survived, and wounding her, and abusing her with indecent words [...] [they] let her go home barely alive.¹³²

The next day Tetiana's father-in-law went to the captain in order to find out what had happened on the previous day

and then he, the captain, without any of the father's fault hit him in the cheek and grasped him by the hair, and was dragging him on the earth, stomping and kicking mercilessly, and broke a rib, and being unsatisfied with all that ordered the Cossack Shevchenko to fetter him at the town hall, and the Cossack obeyed and fettered [him around] the neck, and kept in custody [...] innocently.¹³³

The advocate Kardashev employed the tactics of proving his client to be innocent: he dismissed Hnylosyr's accusations and blamed the victims for provoking Matiushynsky. The captain was deemed guilty, but the file has survived incomplete and it remains unclear whether he received any punishment.

The earlier trial of 1741 between the nobleman Fedor Turgenev, represented by the bailiff Serhii Alekseev, and the Krasnopillia captain of the Sumy regiment Ivan Romanov unfolded according to a similar scenario.¹³⁴ Alekseev complained to the Sumy regimental chancery that the captain had beaten a peasant from the hamlet of Tymofiivka "with the sticks and whipped deadly" during fieldwork, put the victim in stocks (*kolodki*) and kept him in custody threatening to "beat [him] to death"; he had also robbed the peasant of two horses, a cart, harnesses and some money.¹³⁵ The defendant was summoned three times, but did not arrive: he referred to urgent matters in the company and assured repeatedly of commissioning an advocate. The "outsiders" (*storonnie liudi*) examined the victim and "the fighting signs of this kind appeared: the shoulders, the back from the waist to the neck and the belly are all beaten and covered with scars".¹³⁶ On the basis of the *Sobornoe Ulozhenie* (the articles 94, 113, 117, 124, 133 and 141 of the chapter 10, "On the Court"), the court found Romanov guilty and ordered him to pay two hundred sixty rubles and fifty-nine kopeks as compensation and court fees, as well as to collect a surety bond (*poruchnaia zapis'*) in order to prevent him from murdering the peasant. However, Turgenev's subsequent petition from October of that year demonstrates that the captain ignored the verdict.¹³⁷

The lawsuit of Motrona Hoholeva vs. Yakiv Borodaevsky was taking place later, in 1773–1776, with an unexpected turn along the way.¹³⁸ On February 25, 1773, Motrona filed a lawsuit in the Sloboda Ukraine *guberniia* chancery stating that

in the former year of 1770 my husband marched to the Turkish campaign and I stayed where we were stationed, in Valky; and the last year of 1772, visiting the house of the retired captain Raiakovych, I was innocently offended, insulted with all sorts of low and obscene words and hit on the cheek and the head by captain Borodaevsky with [his] hand.¹³⁹

The claimant recounted the conflict during dinner at the home of the Raiakovych couple, who were hosting guests after the Sunday service. They invited the priest of Saint Ilia's church Andrii Leontovych, Motrona with her sister Yevdokiia and Yakiv Borodaevsky with his wife Yefrosyniia. At first, everything was fine: when meeting, the guests "kissed" each other and then "had fun" playing checkers and "joking". Suddenly Yakiv lost to the priest, lit a pipe and approached Motrona. He began to denounce her for gossiping about his daughter Ksenia on "giving birth to a child while being a maiden". The woman objected, but "being excited" the captain was shouting at her, then grasped her, hit on the cheek and, after she fell to the floor, was dragging her by the hair "until [he] became weary".¹⁴⁰

Motrona authorized the aforementioned retired clerk Dmytro Andrievsky. The defendant did not react to two summons and on December 19 of that year, in response to the third summon, sent a retired gubernial registrar, resident of Kharkiv Ivan Nosachov, with a power of attorney "who the same day, on December 19, signed his willingness concerning that case".¹⁴¹ The investigation led to new facts, such as Father Andrii's dispute with Borodaevsky over the seizure of his own paternal land. The Raiakovychs refused to appear in Kharkiv to give evidence, saying that they were ill. At last, Uliana Raiakovych testified that the "squabble" (*ssora*) indeed erupted in her house, but she missed the beginning "staying in the other room". She caught only the moment when the captain was grabbing Motrona "by the nape"; though it did not come to the "battery" (*boi*) thanking to the guests' and her personal intervention.¹⁴² Borodaevsky himself rejected the incriminations and insisted that "the plaintiff [*istitsa*] was neither insulted nor beaten by him".¹⁴³

On October 2, 1775, Hoholeva, "at the end of that trial because of ill health" entrusted her husband, a captain Petro Hoholev, who was back from the Turkish campaign, "to participate, to sign the abstract and to hear it, to receive a copy of the decisive determination and to sign the satisfaction or dissatisfaction instead of me in that court case, on my behalf".¹⁴⁴ On May 5, 1776, the court announced the verdict which convicted Borodaevsky pursuant to the article 153 of *The Military Articles*

(1715) on the loss of the right by those who insulted, as well as in response to the decree of February 21, 1697 on witnesses' testimonies in lieu of face-to-face confrontations in the trials for insult, assault, battery, injuries and destructions.¹⁴⁵ Borodaevsky was to compensate the plaintiff in the amount of four thousand eighty-two rubles and ninety kopeks.

The defendant predictably remained dissatisfied. He announced his intention to appeal to the College of Justice and for this reason refused to pay the sum stipulated. The appeal, nonetheless, suffered complications: Borodaevsky's second advocate, a landlord from the town of Bolkhiv, Lieutenant Afanasii Logvynov, filed the appeal in Moscow on May 24, but on his way back reportedly fell ill for ten days in the village of Znamenske of the Bolkhiv district. He confessed and received communion there.¹⁴⁶ The illness prevented him from delivering the College's order to the Sloboda Ukraine *gubernia* chancery on the non-execution of the sentence within the time allotted for the appeal. But on September 30 of the same year, the College issued a new order and explicitly prohibited the chancery from enforcing the verdict until the final decision.¹⁴⁷ At this point the file ends, leaving the impression that Logvynov's illness, whether pretended or not, served the purpose in delaying the trial.

The Cossack and advocate Danylo Bublyk encountered obstacles too, when the case in which he acted on behalf of his wife Yevdokiia and her sister Feodosiia was under appeal at the First Department of the Kharkiv *guberniia* magistrate in 1794.¹⁴⁸ The women took action against Pavlo Serdiuk the Younger, son of the Bilopillia merchant of the Third Guild Petro Serdiuk, on battery and insult. Problems arose when Bublyk came to the court to sign his statement of satisfaction/dissatisfaction and the court did not admit him to the procedure. The advocate protested and asked the governor of the Kharkiv *namiestnichestvo* Fedir Kyshensky to interfere. Kyshensky sent a request to the First Department of the *guberniia* magistrate and they replied that the sisters had authorized Bublyk because of their "weak health" but had not submitted a doctor's certificate in support of that claim. Thus, the court ordered the local doctor to examine the plaintiffs and should their illness be confirmed, the advocate would be allowed to represent them.¹⁴⁹

From the petitions submitted by managers of noble estates we learn of two cases of massive robberies. Namely, on July 22, 1762 the aforementioned Shydlovskys' bailiff Vasyl Sokolov reported to the Kharkiv regimental chancery the capture of "two vagabonds" (*dvoe burlak*), Nykyfor Fedorenko and Kornii Telbushenko, in his employers' estate.¹⁵⁰

It turned out that in 1759 they attacked the Merchyk manor following the tips of the Shydlovskys' escaped peasant Hryhorii and under the guidance of the "ringleader" (*vatah*) Fedir Svyrydenko. The gang stabbed a servant and stole horses, silver and money inflicting five thousand three hundred fifty rubles worth of damages. The suspects were, therefore, interrogated "separately" and "fettered in heavy hand and leg irons under a strong guard".¹⁵¹ They confessed that the gang included seventeen participants and kept the stolen goods "in a hidden place" (*tainyk*) in the forest. However, the Cossacks sent to inspect the place found nothing. Further search led to the bailiff of the noble Rozumovsky family Ivan Vodianytsky, but ultimately stalled.¹⁵²

The second case comes from 1771: the robbery of the captain Havrylo Venetsky's manor in the village of Yendovyshche of the Osrohozk province. The case was later considered by the Voronezh *guberniia* chancery, but Venetsky's servant Ivan Bily immediately filed a suit at the Ostrohozk province chancery. He complained that at dawn on February 2 the squad of Lieutenant Colonel Stepan Titov counting nearly two hundred people burst into the manor's yard, damaged it badly, stole fifteen barrels of "wine" and numerous household belongings costing six thousand one hundred eighty-one rubles and seventy-four kopeks, then "undressed my landlord, captured him, put him into the sledge and took somewhere".¹⁵³ When Havrylo Venetsky was released from the Voronezh custody, where Titov had kept him for a few days, he composed a new petition and a supplementary list of the stolen goods.¹⁵⁴ He recounted that "these villains" (*sii zlodei*) dirtied their faces and put on "peasant clothes"¹⁵⁵ so that they could not be recognized. They broke into the house "with a great noise and mischief", caught the captain by the hair, kicked him, tore his fox fur coat, "then threw me undressed and without a hat onto the sledge and were driving me to Voronezh in severe cold". Venetsky's wife, "being in fear of mortal danger", begged the attackers to stop, but "neither the tears of the children nor the yells of the wife" affected them. Even more, "some of that robber band" (*razboinichei shaiki*) went even further and "kicked her heavily and tore off her shawl, her kerchief and her shirt".¹⁵⁶

Apart from such "extreme" cases, there are dozens of files where violence comes into view in a so to say routine way, as a sideshow to property disputes. In 1745–1749, the Ohktyrka regimental chancery tried the unlawful deeds of Martyn Hlazenko (Hlaz), Cossack of the Zhyhailivka company. He was accused by his cousin, the Cossack of the Borovenka company Stepan Hlazenko (Hlaz), of the illegal possession of a forest in

the vicinity of Borovenka (which Martyn's father captured by force from Stepan's widowed mother in 1733), as well as of the battery of Stepan's nephew Danylo, the threats "to beat Stepan to death" and the theft of harvest.¹⁵⁷ The debates took place on January 22, 1746 and the copyist of the Okhtyrka regimental chancery Pavlo Yahotynets defended Martyn. However, three years later, in June 1749, the plaintiff complained that "this case has not yet been finalized with a decision, because of his, Martyn's, excessive and needless justifications, which he provided by means of false petitions posterior to the trial; all that has led me to a considerable loss".¹⁵⁸

For the duration of this trial, Pavlo Yahotyhets was engaged in affairs on a significantly greater scale.¹⁵⁹ Being an experienced "informer" (*donoschik*), he intrigued against the top officers of the Okhtyrka regiment, blaming them for the abuse and appropriation of the state finances. The Okhtyrka command, in their turn, inculpated Yahotynets in regular thefts of tax money which he as a scribe was responsible for gathering and registering. In 1747, Yahotynets went to Moscow aiming at acquiring additional incriminating evidence and even allegedly pleaded on behalf of his friend, the nobleman Subochiev, at the Land College. His new accusations happened to be much more serious: he stated that on April 25, 1746 the Okhtyrka colonel Spetan Lesevytsky and other officers failed to attend the solemn church service in honour of the anniversary of the empress Elizabeth's coronation because they were drunk. His accusation reached the Secret Inquisitorial Chancery but was adjudicated false and Yahotynets was sentenced to be punished by whipping.¹⁶⁰

Certainly, not all the advocates were as skilled in scheming as Yahotynets.¹⁶¹ Nevertheless, some of them carried out their cases for long periods of time. For example, Tymofii Lebedynsky, "an advocate on behalf of the Ostrohozsk common military men, resident of Ostrohozsk", promoted the community's legal interests for around ten years.¹⁶² In the trial which took place at the Ostrohozsk provincial chancery in 1766, he competed with the advocates of the Kalytva common military men over the hay meadows at the Chorna Kalytva River appropriated by the Kalytva side. The residents of Ostrohozsk also threatened their opponents, promising "to beat them to death". The case was reactivated in 1773, but the chancery's survey approved the earlier amicable separation (1768) and the Ostrohozsk side lost the case.¹⁶³

A similar lawsuit developed in 1770–1772 at the Sloboda Ukraine Department of Estates and later at the Okhtyrka provincial chancery over the lands in the vicinity of the hamlet of Yamna.¹⁶⁴ The litigants were Prince

Nikolai Golitsyn substituted for by the bailiff of the hamlet of Pysarivka Dmytro Sokolovsky and the Yamna common military men together with the Volny *odnodvortsy*. The latter delegated the authority to the retired hussar Mykhailo Ionin and *odnonvoret*s Osyp Pafomov, who neglected their responsibilities and did not appear at the Department to listen to the decision. Then, a new team of advocates got involved with the case: Nykyfor Bondarev, Tymofii Stelmakh, Illia Taranets, Ivan Zolotukhyn, Havrylo Pohotovka, Ivan Myronenko (Yamna), Vasyl Chervianov, Ahei Kramsky and Maksym Antypov (Volny).¹⁶⁵ This time the defence performed in a more responsible way and made a written commitment “to remain with our possessions as the Manifesto [of September 19, 1765 on the *Grand Land Survey*¹⁶⁶] found us, not to extend them and not to engage in disputes, squabbles and fights under the threat of a fine for default”.¹⁶⁷ Despite this undertaking, violence near Yamna went on: in June 1772, Sokolovsky reported that “on different days, the residents of the hamlet of Yamna of the Okhtyrka province gathered in crowds, equipped with clubs and spears (*dubem i kopiami*), assaulted Pysarivka’s tenants, robbed them and once murdered a peasant”.¹⁶⁸

The Deviations

Exploration of deviations or, in other words, divergences from norms and rules dominant in a particular community during a given period of time presents one of the key problems confronted by scholars of early modern societies. In this light, court records are of exceptional significance insofar as they reveal a vast palette of wrongdoings and crimes officially condemned there and then.¹⁶⁹ However, this palette comes through not only (and not so much) in the “official” judicial courts and procedures, but rather through the episodes which fall out of the general picture.

Some instances have been already considered, such as Pavlo Yahotynets’s intrigues or the disregard towards the judicial process by Mykhailo Ionin and Osyp Pafomov. In fact, the latter ignored his duties not only once: in the trial of 1740–1741, Pafomov defended the Sumy fellow-of-the-banner Ivan Hadiatsky from the accusation of trespass and robbery of the village of Kostevka owned by the Borovenka captain of the Okhtyrka regiment Petro Romanov. On the first attempt, the *narochnyi* did not find Hadiatsky at his home in the village of Semerenky. In response to the second summon he did not set off either, but “sent an advocate on

his behalf, resident of Volny Osyp Pafomov, and he, the advocate, did not wait in Sumy until the petition would be submitted and ran away to an unknown place".¹⁷⁰ The third summon was also fruitless and the case ended in nothing.

In 1763–1764, the Borovenka company scribe Hryhorii Sumsky participated on the plaintiff's side in two processes adjudicated in the Okhtryrka regimental chancery.¹⁷¹ In the inheritance dispute between the members of a family of Cossack officers, brothers Semen and Andrii Smakovsky, Sumsky appeared for the former. Due to the reluctance on the part of the litigants, the advocate was left out in the cold: the client picked up all the relevant documents and did not supply the advocate with the financial resources to cover the court fees. Next year the dispute was decided amicably. In the second trial where the bailiff of the Rozumovskys' estate Ivan Vodianytsky sued against the Krasny Kut Cossacks Mykhailo Luchys, Mark Yakovenko and Stepan Raroh over illegal logging in the forest and battery on the foresters, it was Sumsky who neglected his responsibilities: "Insofar as he, Vodianytsky, noticed that he, Sumsky, had no involvement and diligence in the case, he, Vodianytsky, authorized the Okhtryrka resident, the scribe Zakharii Boiko, to submit a petition and attend the court".¹⁷²

Another example of the advocate's carelessness concerns the abovementioned lawsuit of the Tomashevsky family against Sofiia Bestuzheva. After Bestuzheva lost the case at the Sumy province chancery, on August 28, 1767 her servant Roman Tukhlychenko lodged an appeal with the Sloboda Ukraine *guberniia* chancery, but did not pay six rubles of fees and "secretly" departed from Kharkiv.¹⁷³ The *guberniia* chancery ordered the province authorities to search for Tukhlychenko and this command was redirected to the Myropillia commissar office. The advocate came to the commissar centre in December and reported that the money had been sent earlier with the respondent's servant. The Sumy province chancery summoned him anyway and the Myropillia office replied: in her statement, Bestuzheva testified that in August she handed the cash to Tukhlychenko and delegated him to the *guberniia* chancery, he then returned and assured of the successful execution of this errand. Later, "for her domestic needs, he [Tukhlychenko] was sent to the hamlet of Popivka of the Sumy province riding her own horse and did not come back yet, and nobody knew wherein he was staying".¹⁷⁴

Karp Ruban, retired ensign and advocate of the nobleman Mykola Donets-Zakhazhevsky in the property dispute with his brother Yakiv

Donets-Zakharzhevsky, behaved in a completely brutal manner toward the noble assessor of the Kupiansk lower land court Yevdokym Onufriev, who arrived to inspect the disputed place in the first days of 1798. In the victim's own words:

In the fulfilment of the Sloboda Ukraine *guberniia* governing body's order issued to the Kupiansk land court, I was assigned to remove the peasant house settled forcibly by the captain Mykola Donets-Zakharzhevsky on the land owned by the major Yakiv [Donets-Zakharzhevsk] [...] Subsequent to my arrival, in order to oblige the captain with the pledge [*podpiska*] on not-expanding his possession there I required the pledge from the captain Mykola Donets-Zakharzhevsky according to the order, and the captain assured [me] that the retired ensign Karp Ruban had been authorized and delegated by him with a lawful power [of attorney] to perform [on his behalf]. And being convinced therewith, me and the outsider witnesses [*storonnie poniatyie*] accompanied by Ruban came to the plot with that house. Regarding the power of attorney, I demanded from Ruban that pledge on the removal of the house and not-expanding. But instead of the proper obedience to authorities, he, Ruban, did not give the document demanded and, furthermore, rebuked me with reproachful words, threatened me with his hand and menaced with an inevitable punishment in case I began to accomplish the order, which the mentioned outsiders can testify. Whereas the outsiders and I were protesting, he, Ruban, tried to disguise his guilt and demonstrated to us a wrong pledge and referred to the inappropriate power of attorney, a copy of which I am submitting here and asking the land court to consider the reproachful words and the threats addressed to me while I was performing the official duties in accordance with the law.¹⁷⁵

The Kupiansk district court ordered the lower land court to arrest Ruban and interrogate him. Nonetheless, the search for the advocate turned into a genuine detective story: he disappeared from Mykola Donets-Zakharzhevsky's manor and was therefore listed as wanted over the neighbouring *gubernias*. The reply arrived in a couple of months from the Voronezh *guberniia* governing body that on April 12, 1798 "he, an ensign Ruban, pursuant to the case of the major Count Devier and major Polutov for the tortures of the doctor Gezy and the doctor's ensuing death [...] and for receiving two thousand rubles for that from the Lieutenant Colonel's wife Poiarkova has been exiled to a textile factory in Irkutsk".¹⁷⁶

Sometimes the advocates found themselves in the role of a victim. The servant Ivan Notych solicited for his landlord, major Oleksii Yershov in

the dispute with the Bohodukhiv captain's widow Hafiia Lysenko, her mother-in-law, the captain's widow Yefymiia Pavlova and Yefymiia's grandson, the Okhtyrka fellow-of-the-banner Maksym Pavlov.¹⁷⁷ Yershov accused Lysenko of retaining for over a year the estate near Bohodukhiv purchased in August 1750 (Lysenko herself acquired the land from her mother-in-law) and of assaulting his servants. The claimant requested six hundred forty-one rubles and eighty-seven kopecks as compensation for the "red tape and damages". Notych left Okhtyrka for a couple of days in order to visit the village of Perekhodivka which he managed, and:

The Bohodukhiv captain Ivan Novoselsky in agreement with the aforementioned captain's widow Yefymiia Pavlova wishing to repel him [Notych] from that purchase and the suit, called him to Bohodukhiv ostensibly for some urgent needs; and when he [Notych] arrived to the town of Bohodukhiv, the captain placed him in custody for six weeks under a strong guard, threatened to beat him, reproached [him], and by means of that arrest prevented him from attending the court. And on his release, he, Notych, having experienced such a distress and the attacks on the village of Perekhodivka as well as being afraid of beatings and mutilations, abandoned the case and the village of Perekhodivka, entrusted to him by the major, and was forced to run away to an unknown place in 1751.¹⁷⁸

Later, Yershov petitioned himself, but the case fell apart due to the delays on the side of the defendants. This tactic of postponing hearings was popular among the litigants. I recounted the case of Paraska Shydlovsky vs. Fedir Pankratev at the beginning of the article and would like to round off with another two examples related to the Shydlovsky family. In 1746–1747, the Kharkiv regimental chancery tried the cause initiated by Feodora Lukianenko, Cossack daughter from the village of Liubotyn, on the seizure of her grand-paternal land with a mill, a distillery and an apple orchard at the Merefa River by the Kharkiv colonel Fedir Shydlovsky and inherited by Paraska Shydlovsky. The respondent, in her usual manner, ignored the summons but finally sent a servant Ivan Husak (Husakovsky) to Kharkiv. The advocate came to the regimental centre and on October 15, 1747, after two weeks of purposeless stay there, asked the court for a permission to return due to the prolonged absence of the claimant and as a consequence his "vain losses".¹⁷⁹ At that moment, Husak could not have predicted that he would reappear in Kharkiv two years later, in August 1749, this time to file a claim instead of Roman Shydlovsky about the trespass of the estate, the theft of twenty-eight beehives and the

assault against the beekeeper committed by the Liubotyn Cossacks and their captain Andrii Petrovsky. The attackers were caught and arrested, but soon fled from the Kharkiv custody, while the captain did not attend the court at all.¹⁸⁰

Conclusions

Thus, this article presents a study on the history of the legal profession in a borderland region of Sloboda Ukraine throughout the eighteenth century. My primary goal was to approach the topic from the perspectives of social history and history of justice combined and based on the examination of mostly archival primary sources. While conducting this research and later being engaged in writing, and also during discussions with colleagues, I tried to make sure that this article corresponds to the higher standards of historical scholarship and that it is relevant to imperial studies, history of bureaucracy and economic history. I intend to continue investigating these fields further and hope to expand my research into the first decades of the nineteenth century.

The sources identified so far have made it possible to explore the beginnings of advocacy in Sloboda Ukraine from the 1720s. In the mid-eighteenth century, the involvement of the advocates in the judicial processes became a common practice in the local courts. Although the juridical organs in the region underwent frequent redesigns during the period, the demand for legal support persisted. The lawsuits in which the advocates participated took place in keeping with the accusatory procedure. The legislation of the Tsardom of Moscow and later of the Russian Empire dominated the local courts of Sloboda Ukraine.

The earliest original term for an advocate was *poverennyi*, and it was only in the closing decades of the eighteenth century that a synonymous designation *upolnomochennyi* came into use. Being authorized with the power of attorney (*verushchaia chelobitnaia*, *verushcheie pismo* or *doverennost*), an advocate or a group of them pleaded the case in court as well as tackled a wide range of legal issues on behalf of another individual or a whole community. Managers of private estates and chancery office staff typified the social strata from which legal practitioners were initially enlisted. The Ukrainian Cossacks, reduced in 1765 to the status of common military men, and the *odnodvortsy* lobbied mostly for the interests of their communities. There were isolated cases of advocates originating from

townsmen and clergy. Another trend detected is that of relatives soliciting for their kindred. The widows figured in lawsuits quite frequently, yet they were represented in court either by someone from their own family and household (husband, son, servant or estate manager) or by an advocate hired from the outside.

Advocacy in the period under discussion remained essentially a practical endeavour. None of the advocates who participated in the sixty-three processes that formed the source base for this article could boast specialized education in the juridical field. However, their proficiency was acquired and honed through practical work. To some extent, it was about common sense, ability to reason, talent for eloquence, good memory. These competencies facilitated the legal work at the time when neither a formal training nor corporate requirements restricted it in the region. Bearing in mind this precondition of intellect and experience, the representatives of the chanceries' personnel (copyists, scribes and clerks) appear to have been the most professional lawyers in the region during the period preceding the establishment of a professional bar, official introduction of the advocate's name and founding of the legal corporation in the Russian Empire in 1864. Through their routine exercises – registration of incoming and outgoing documentation as well as legal acts, scribing and copying by hand numerous reports, orders, summons and court records – they acquired appropriate knowledge and honed their skills. They worked and performed at the same institutions, i.e., regimental, provincial and *guberniia* chanceries or bodies of the *namiestnichestvo*, and in contrast to the Cossacks or managers of estates they did not interfere in a “foreign” area of expertise.

The most common deviations committed by the advocates seem to have been limited to skipping court sessions or escaping the court entirely, as well as abandoning the duties of representation undertaken previously. Sometimes this occurred owing to the advocates' personal irresponsibility, but in other instances the clients clearly left their agents no choice, having deprived them of necessary funding or relevant documents. Karp Ruban's behaviour is a case apart. In a narrow sense, it appears to be the result of his own criminal background and inclinations. But viewed in a broader context, it supports the idea of the presence of habitual violence in the everyday life of eighteenth-century Sloboda Ukraine.

Appendix

	Year	Plaintiff	Plaintiff's advocate	Defendant	Defendant's advocate	Subject, accusation	Verdict, result
1	1726	Anna Petrovna Sheremeteva, Countess, widow of Field-Marshal Count Boris Sheremetev	Stepan Periachnekov , bailiff of Sheremeteva's estates	The officers and Cossacks of the Izium regiment	**	Destructing of the hamlet of Lysa Hora's land, fisheries and meadows	–
2	1737–1775	Fedir Pankratev, fellow-of-the-banner of Kharkiv	Semen Antonov , scribe of the Kharkiv regimental chancery	Paraska Shydlovsky, noblewomen, widow of the Izium colonel Lavrentii Shydlovsky	Ivan Zakorynsky , bailiff of the estates	Seizure of a pond plot and forest at the Merefá River	Settled amicably in 1775 by the litigants' descendants
3	1737–1738	Fedor Turgenev, nobleman, major	Pylp Zalonsky , servant	An unknown captain, apparently Ivan Romanov	–	An assault	–

** The en dash denotes the absence of an advocate in a given case or the lack of relevant data in the case file.

4	1740– 1741	Petro Romanov, the Borovenka captain of the Okkhtyrka regiment	–	Ivan Hadiatsky, fellow-of-the-banner of Sumy	Osyp Pafomov , resident of Volny	Trespass and robbery of the plaintiff's village of Kostevka in the Volny district	–
5	1741	Fedor Turgenev	Serhii Alekseev , bailiff of the estates	Ivan Romanov, the Krasnopillia captain of the Sumy regiment	–	Trespass, assault on a peasant, robbery of belongings and money, putting in stocks, keeping in custody and threats	The respondent found guilty but ignored the verdict

6	1741– 1747	1) Ivan Kondratev, nobleman, aide-de-camp of the Sumy regiment; 2) Uliana Kondrateva, Ivan's widow; 3) Marfa Zarudna, née Kondrateva, Ivan's sister	–	Princess Tatiana Shakhovskaia and her son, Prince Nikolai Shakhovskoi	Petro Sokolov , bailiff of the estates	Seizure of property	Marfa Kondrateva won the case
7	1745– 1749	Stepan Hlazenko (Hlaz), Cossack of the Borovenka company (Okhtyrka regiment)	–	Martyn Hlazenko (Hlaz), Cossack of the Zhyhailivka company (Okhtyrka regiment), the plaintiff's cousin	Pavlo Yahotynets , copyist of the Okhtyrka regimental chancery	Seizure of the "paternal forest" in the vicinity of Borovenka, assault on the plaintiff, battery of his nephew Danylo and theft of the harvest	–

8	1745	Yosyp Nadarzhynsky, landlord	Hryhorii Karlovsky, servant	Stepan Halkyn "with his comrades" from the town of Vilshana (Okhtyrka regiment)	-	Logging in the forest	-
9	1745	"The plaintiffs Yakubynskys"	Avram Dobrohorsky	Vasyl Lysniak, Hryhorii Vovnianyk and Spetan Volyk, residents of Borovenka	-	-	The case was in progress
10	1745	Tymofii Kramar (Karbovsky), Cossack of the Okhtyrka regiment	Avram Dobrohorsky	Trokhym Illin, the Bohodukhiv lieutenant	Petro Perebyinis, copyist of the Okhtyrka regimental chancery and Okhtyrka Land Possession Agency	-	The case was in progress

11	1745	Ivan Koltunovsky	–	Unnamed defendants	Petro Perebyinis , copyist of the Okhtyrka regimental chancery and Okhtyrka Land Possession Agency	–	The case was in progress
12	1746–1747	Feodora Lukianenko, Cossack daughter from Liubotyn (Kharkiv regiment)	–	Paraska Shydlovsky	Ivan Husak (Husakovsky) , servant	Seizure of the grant-paternal land	–

13	1749	Hryhorii Kletsunov, resident of Hadiach	–	Residents of the hamlet of Mykytivka (Kharkiv regiment), which belonged to Kasandra Khrushchova, the late Ivan Khryshchov, colonel of the Nizhyn regiment	Oleksii Sokolovsky, servant	Assault on Kletsunov's "people" and the robbery of 6 oxen and 3 carts of fish	–
14	1749	Roman Shydlovky, nobleman, son of Lavrentii Shydlovsky, retired prime-major, and his wife Paraska	Ivan Husak, servant	The Liubotyn captain Andrii Petrovsky and Cossacks under his command	–	Trespass of Shydlovsky's estate, theft of 28 beehives and assault on the beekeeper	–

15	1749–1752	Danylo Kapnist, fellow-of-the-banner	1) Leontii Kucherenko , bailiff of the Riasne estate; 2) Anton Osypov , clerk of the Sumy regimental chancery	Brothers Hryhorii and Lukian Savchenko and Krasnopillia Cossacks of the Sumy regiment	1) Hryhorii Savchenko , on behalf of himself and his brother; 2) Mark Lazarev , a resident of Sumy	Battery of the tenants, robbery of 12 oxen, 4 horses, 12 carts, their yokes, etc., and killing of 2 oxen and 1 horse; seizure of a forest, hayfield and pond. The defendants continued logging in the forest during the trial	Lukian escaped from custody in the Sumy chancery. Hryhorii was released on surety bond on the eve of Easter. The claimant won the case, but the respondents were delaying the payment of the compensation and fees
16	1749–[1750]	Osyp Hnylosyr, Cossack of the First Kotelva company (Okhtyrka regiment)	–	Ivan Matiushynsky, captain of the First Kotelva company	Ivan Kardashev , scribe of the Okhtyrka regimental chancery	Assault on the plaintiff's wife Tetiana and his father	Incomplete file; “he, the captain, to be accused”

17	1751– 1759	Oleksii Yershov, landlord, prime-major, later together with his wife	<p>1) Ivan Notych, bailiff of the estates; 2) Hryhorii Shapoval, bailiff, got ill; 3) Fedir Afanasev, bailiff of the estates</p>	<p>1) Hafiiia Lysenko, widow, in succession, of the Bohodukhiv captain and Berezivka captain (the Chernihiv regiment); 2) Yetymiia Pavlova, widow of the Bohodukhiv captain, Hafiiia's first mother-in-law, together with her grandson Maksym Pavlov, fellow- of-the-banner</p>	<p>Fedir Krylov, aide-de- camp of the Moldavian hussar regiment; Pavlova's son- in-law</p>	<p>Seizure of the estate in the Bohodukhiv company of the Ohktyrka regiment</p>	<p>The case fell apart</p>
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18	1756– 1760	Fedir Kaplunovsky, chorister at the Court	Andrii Kaplunovsky, plaitiff's nephew	Hanna Illinska, widow of the Rublivka captain Fedir Illinsky, and her son Kostiantyn Illinsky, fellow-of-the- banner	Kostiantyn Illinsky, respondent's son	Seizure of a pond plot at the Merl River	Considered in the Okhtyrka and then in the Sumy regimental chanceries
19	1757	Matvii Kulykovsky, prime-major, the acting Kharkiv colonel	Vasyl Tatarynov, servant	Stepan Nadarzhynsky, captain of the Okhtyrka regiment	–	Sale of property without a bill	The respondent fulfilled the demand

20	1759– 1763	Roman Shydlovsky	Vasyl Sokolov , bailiff of the estates	“Two vagabonds” Nykyfor Fedorenko and Kormii Telbushenko, their “ringleader” Fedir Svyydenko, and Hryhorii, a fugitive tenant of Shydlovsky	–	Trespass and robbery of the Merchyk estate	The investigation conducted by the Kharkiv regimental chancery
21	1760	Paraska Kvitka, widow of the Izium colonel Ivan Kvitka	Oleksandr Kvitka , claimant’s son, officer	–	–	Theft of 60 beehives from the plaintiff’s cellar	The suing petition only
22	1760	Paraska Kvitka	Oleksandr Kvitka	Yurii Kulykovsky, prime-major, with his son	–	Trespass on the claimant’s estate	The suing petition only

23	1760	Yurii Kulykovsky, prime-major	Ivan Dankov , bailiff of the estates	-	-	Theft of hay from the plaitiff's field	The suing petition and the counter-petition only
24	1760	Yurii Kulykovsky	Danylo Kyrychevsky , bailiff of the estates	-	-	Reaping and theft of the barley	The suing petition and the counter-petition only
25	1760	Matvii Kulykovsky, prime-major, the acting Kharkiv colonel	Yurii Kolorat , bailiff of the estates	von Ziegler, lieutenant colonel, neighbouring landlord	-	Plowing Kulykovsky's field and assaulting his tenants	-
26	1760	Oleksandr Dunin, officer, nobleman	Ivan Mokiiiev , bailiff of the estate	Matvii Kulykovsky, prime-major, the acting Kharkiv colonel	Andrii Levchenko , bailiff of the estate	Theft of hay from the plaitiff's field	The suing petition and the counter-petition only

27	1761	Mark Zhyvotovsky, priest	Fedir Yakovlev , scribe of the church vestry	Serhii Turchyn, resident of the village of Polkova Mykytivka	-	Seizure of a hereditary arable field and forest	-
28	1761 – 1768	Ivan Zarudny, major, nobleman	Roman Kochiukov , clerk	Roman Romanov, the Sudzha captain (Sumy regiment), with his nephews, workers and tenants	Vukol Bogdanov , servant of the retired brigadier Osyp Kutuzov	Night theft of the bread barn and logging in Zarudny's forest	The case left unfinished
29	1763	Paraska Spychansky, noblewoman	Ivan Fylkevych , bailiff of the estates	Zolochiv Cossacks of the Kharkiv regiment	-	Logging in and constant thefts from the forest	The petition was to be sent to the Commission on the Sloboda Ukraine Regiments

30	1763– 1764	Semen Smakovsky, nobleman	Hryhorii Symsky , scribe of the Borovenka company	Andrii Smakovsky, nobleman, the Okhtyrka aide-de-camp, the claimant's brother	–	Seizure of the movable and immovable property bequeathed to the plaintiff by their father	Settled amicably
31	1764	Oleksii Vodianytsky, bailiff on behalf of Oleksii Rozumovsky	1) Hryhorii Symsky , scribe of the Borovenka company; 2) Zakharrii Boiko , scribe	Mykhailo Luchys, Mark Yakovenko and Stepan Raroha, residents of Krasnyi Kut	–	Logging in the forest and battery of the foresters	The case was in progress
32	1764	Yosyp Tansky, retired captain, nobleman	Pypyl Martynov , resident of Okhtyrka	Kostiantyn Chuto, second-major, the claimant's son-in-law, and Ivan Chertov, bailiff	Andrii Paskevych , scribe of the Kobyshecha company of the Kyiv regiment (the Hetmanate)	Seizure of the estate	The case was in progress

33	1766– 1773	Common military men of Ostrohozok	Tymofii Lebedynsky, – resident of Ostrohozok	Common military men of Kalytva	“Advocates on behalf of the common military men of Kalytva”	Seizure of hay meadows at the Chorna Kalytva River and assault on Ostrohozok residents	The Ostrohozok side lost the case
34	1767– 1769	The Tomasheskys: Clerk Hryhorii, his wife Olena and his brother, priest Ivan	Hryhorii Tomashesvsky, clerk	Sofia Bestuzheva, wife of State Councillor Nikita Bestuzhev	Roman Tukhly- chenko, servant	Seizure of inherited land	The case was decided in favour of the claimants, the opposite side appealed

35	1770– 1775	1) Hanna Konovnytsyna, with her minor children born in her first marriage; 2) Iryna Lesevytska, her sister-in- law in that marriage; 3) Petro Konovnytsyn, officer, the Okhtyrka voevoda, Hanna's husband	Dmytro Andrievsky , retired clerk	Hanna and Iryna's sisters-in-law: Yevdokiia Perekhrestova- Osyypova, widow, and Iryna Smakovska with their children	Vasyl Perekh- restov- Osyypov , officer, Yevdokiia's son, joined the case upon returning from the war	Payment of loans inherited from the Sumy colonel Vasyl Perekhrestov- Osyypov and "illegal possession" of a village	Settled amicably
36	1770	Petr Sheremetev, Count, landowner	Andrii Kazakiev , bailiff of the estates	<i>Odnodvortsy</i> of the village of Ruska Lozova	–	–	Amicable separation

37	1770	Common military men of Nadruhaïiv	Bulhakov , collegiate assessor, comrade of the Putyvl voevoda's	Odnodvortsy of Nadruhaïiv	–	–	Amicable separation
38	1770	Anastasiia Myklashevska, noblewoman	Ivan Myklashevsky , officer, her son	Ivan Lysohub, standard-bearer, and his brother Ivan	–	Robbery of the hamlet of Oknynsky, theft of hay and battery of bailiff and a tenant	Decided in favour of the claimant at the Sloboda Ukraine department of estates

39	1770– 1772	Prince Nikolai Golitsyn, officer	Dmytro Sokolovskyy , bailiff of the hamlet of Pysarivka	Common military men of Yamna and <i>odnodvortsy</i> of Volny	1) Mykhailo Ienin , retired hussar, and Osyp Pafomov , residents of Volny; 2) Nykyfor Bondarev , Tymofii Stelmakh , Illia Taranets , Ivan Zolotukhyn , Havrylo Pohotovka and Ivan Myronenko , residents of Yamna, Vasyl Chervianov , Ahei Kramsky and Maksym Antypov , residents of Volny	Disagreement over borders of the surveyed land in the vicinity of the hamlet of Yamna, later mutual assaults, robberies and murder of a peasant	The case was considered at the Sloboda Ukraine department of estates, later transferred to the Okhtyrka provincial chancery
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40	1770– 1776	Ivan Karpov, the retired Okhtyrka regimental judge	Tymofii Kravtsov , retired wachtmeister, Okhtyrka resident	Andrii Sydorenko, <i>otaman</i> of the hamlet of Pysarivka, “with comrades”	–	Theft of hay in the vicinity of the village of Riasne	Decided in favour of the claimant, but he received “no satisfaction” and asked the provincial chancery for the compensation
41	1771	Havrylo Venetsky, former Cossack captain	Ivan Bily , servant	Stepan Titov, lieutenant colonel and his command	–	Robbery of the claimant’s household, battery and dishonor of the claimant and his wife, kidnapping of the claimant and holding him in custody, the damages	The case was considered in the Voronezh guberniia chancery

42	1772	Petro Shcherbinin, nobleman, second-major	Ivan (?) Filevsky , retired clerk	Kateryna Bulska, colonel's wife	Petro Kaleev (?) , <i>odnodvoretz</i>	–	The plaintiff's petition to allow Filevsky "to sue Bulska"
43	1772	Ivan Gendrikov, Count	Kashevtsov , scribe, resident of the hamlet of Rubizna	–	–	Escape of the landlord's peasants	The "appearing petition" only
44	1772	The advocate's son	Ivan Veis , retired wachtmeister	–	–	–	Asked to allow him to petition on behalf of his son
45	1772	Hryhorii Kremenetsky, former fellow-of-the-banner, presently common military man	Hryhorii Kremenetsky and Yakiv Strilets, common military men	Petro Konovnytsyn, the Okhtyrka voevoda	–	Theft of public pears	The suing petition only

46	1773– 1776	Motrona Hoholeva, noblewoman, wife of Petro Hoholev, officer	1) Dmytro Andrievsky , retired clerk; 2) Petro Hoholev , the claimant's husband	Yakiv Borodaiev-sky, retired captain	1) Ivan Nosachov, retired gubernial registrar; 2) Afanasii Logvynov, nobleman from Bolokhov	Dishonor and battery of Motrona Hoholeva	The defendant appealed to the Justice College, but the advocate fell ill and the case was not decided on time
47	1773– 1774	Common military men of Livenky	Kindrat Durakov and Osyp Dubovy , "the advocates of the common military men's community of the hamlet of Livenky of the Biriucha district"	Kateryna Putilina, noblewoman, widow of Hnat Putilin, officer	Yefym Putilin , bailiff of Ivan Betsko	Flooding of the gardens, seizure of the land and mowing of the meadow belonging to Livenky	The case fell apart

48	1773	Common military men of Bilohore	Nykon Lytvynov , common military man	Yakiv Svitlychny, common military man of Bilohore	–	Seizure of the estate sold by the respondent	The provincial chancery ordered not to register the purchase
49	1773–1781	Common military men of Andriivka	1) Mykyta Zhyrko, Andrii Lymansky, Petro Kolodiashny and Pavlo Dub , common military men of Andriivka; 2) Borys Korolkov , lieutenant	Yakiv Danylevsky, nobleman	–	Seizure of the arable plots that caused the plaintiffs "extreme offence"	The Izium district court asked the Kharkiv <i>namiestnichestvo</i> governing body to close the case as not decided
50	1775	Yakiv Danylevsky, nobleman	–	Common military men of Andriivka	Petro Kolodiashny , "the advocate of that hamlet"	Logging in the forest	The verdict in favour of the plaintiff

51	1779– 1780	Common military men of Kolomak	Vasyl Borysenkov, Ivan Zolotarev and Semen Vedmid "on behalf of the whole community"	Andrian Lesevytsky, retired major, and Ivan Butovych, Cossack captain	–	Seizure of land, theft of hay and assault	Amicable separation
52	1786	Petro Shcherbinin, nobleman	Mykola Hnyppov , bailiff of the estates	Semen Turkovsky, <i>horodnychy</i> of Bohodukhiv	–	Harboring of runaway peasants	The advocate asked the governor to interfere and handle the situation
53	1791	Ivan Zarudny, nobleman, major	Hryhorii Huzhivynsky , nobleman, retired ensign	–	–	An estate near the hamlet of Kozynka	The estate was allotted to the claimant
54	1792	Brothers Mykhailo and Dmytro Zhuravel, Cossacks	Ivan Zhuravel , retired Cossack, the plaintiffs' cousin	Shevelev, Cossack	–	The "apiary place" sold by the claimants' sister to the respondent, battery of one of the plaintiffs	The advocate asked the <i>namiestnistestvo's</i> governor to interfere

55	1792	Mariia Varavkyna, noblewoman	Ivan Varavkin , retired second-major, the claimant's husband	Kanevetsky , ensign	–	Seizure of land	The advocate asked the <i>namiestnistestvo</i> 's governor to interfere
56	1794	Feodosia Pasyanko and Yevdokia Bubyk, sisters	Danylo Bubyk , Cossack, Yevdokia's husband	Pavlo Serdiuk the Younger, son of a merchant of the Third Guild of Bilopillia	–	Battery and insult	The advocate asked the <i>namiestnistestvo</i> 's governor to interfere
57	1794	Hryhorii Vyrodiv, officer, secretary at the headquarters of the army corps	Oleksii Bazhenkov , Zolochiv merchant	Brothers Heorhii and Ivan Vyrodivy, captains, second cousins of the claimant	–	Inherited property	The claimant Hryhorii won the case, but the respondents appealed to the Zolochiv higher land court

58	1794	Yevstafii Zabashta, peasant (kazennyi obyvatel) of Izium	–	State peasants of Izium	Hryhorii Kucherev, Herasym Tahai, Fedir Klymash, Ivan Husak and Hryhorii Koval	Damage and sowing of the plaintiff's field	The claimant won the case
59	1794	Hryhorii Vyshnevsky, retired ensign	Pavlo Kupatsov , retired clerk of the Izium magistrate	Kuzma Seredyn, peasant (kazennyi obyvatel) of Izium	–	Insult with abusing words	The case was in progress
60	1794	Common military men of the hamlet of Olkhovatka	Yerofii Popov , common military man of Olkhovatka	Ivan Kartavy, retired ensign, landlord	–	An estate near Olkhovatka	The claimants asked not to register the purchase of the estate. The court ordered a return of 25 desiatynas to the plaintiffs

61	1796–1803	Prince Petr Volkonsky	1) Ozeretsky , bailiff of the estates; 2) Omelian Marchenko , servant of the hamlet of Vesela; 3) Roman Kovalchuk , gubernial secretary	Vasyl Zelensky- Dobachevsky, landlord, retired ensign	Hryhorii Kartashevsky , collegiate registrar	Harboring of escaped peasants	The plaintiff lost the case and was to pay a compensation and fees
62	1797	Ivan Zarudny	1) Oleksii Birailov , gubernial registrar; 2) Hryhorii Huzhvytsky confirmed the information about the peasant	Yakiv Levchenko, fugitive peasant	–	Escape of a peasant	The advocate brought the peasant to the court to investigate his escape

63	1798	Yakiv Donets-Zakharzhevsky, nobleman	–	Mykola Donets-Zakharzhevsky, retired captain, nobleman	Karp Ruban , retired ensign	Peasant hut built illegally on the plaintiff's land	Decided in favour of the plaintiff. Insult and assault on Yevdokym Onufriev, noble assessor of the Kupiansk lower land court
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NOTES

- 1 Anton-Hermann Chroust, "Legal Profession in Ancient Athens", *Notre Dame Law Review* 29, no. 3 (1954): 339–389.
- 2 "Advocatus", in <https://www.online-latin-dictionary.com/latin-english-dictionary.php?lemma=ADVOCATUS100> (accessed 07.06.2020).
- 3 E. M. Timberlake Jr., "Origin and Development of Advocacy as a Profession", *Virginia Law Review* 1, no. 1 (1922): 27. Also, Anton-Hermann Chroust, "Legal Profession in Ancient Republican Rome", *Notre Dame Law Review* 30, no. 1 (1954): 97–148.
- 4 Yevgenii Vaskovski, *Organizatsiia advokatury* (Saint-Petersburg: Tipografiia P. P. Soikina, 1893), 1: 34–37; Anton-Hermann Chroust, "Legal Profession in Ancient Imperial Rome", in *Notre Dame Law Review* 30, no. 4 (1955): 606–614.
- 5 Hunt Janin, *Medieval Justice: Cases and Laws in France, England and Germany, 500–1500* (North Carolina: McFarland & Company, 2004), 172–174.
- 6 William J. Bouwsma, "Lawyers and Early Modern Culture", *The American Historical Review* 78, no. 2 (1973): 303–327.
- 7 Janin, *Medieval Justice*, 152.
- 8 Ulinka Rublack, *The Crimes of Women in Early Modern Germany* (Oxford: Clarendon Press, 1999), 63, 65.
- 9 John Briggs et al., *Crime and Punishment in England: An Introductory History* (London: Routledge, 1996), 9.
- 10 Anton-Hermann Chroust, "The Ranks of Legal Profession in England", *Case Western Reserve Law Review* 11, no. 4 (1960): 561–601; W. W. Boulton, "The Legal Profession in England: Its Organization, History and Problems", in *American Bar Association Journal* 43, no. 6 (1957): 507–510, 566–568.
- 11 William Forsyth, *The History of Lawyers Ancient and Modern* (New York: James Cockcroft & Company, 1875), 212–215.
- 12 Bouwsma, "Lawyers and Early Modern Culture", 305.
- 13 Chroust, "Legal Profession in Ancient Athens", 339.
- 14 Bouwsma, "Lawyers", 311; Chroust, "Ranks of Legal Profession in England", 591–593.
- 15 Bouwsma, "Lawyers and Early Modern Culture", 305. Chroust emphasized that even in the mid-twentieth century the educational level of the English lawyers varied, so that solicitors were usually better prepared than barristers, whom he defines as "simply [...] tested and qualified gentlem[e]n [...] permitted to speak or act on behalf of a client before a court or advise him in his legal affairs" ("The Ranks of Legal Profession in England", 597–598).
- 16 "Quia euilibet sua defensio et tuitio (cum juris sit naturalis) non est deneganda; ideoque statuimus quod in iudicijs nostri Regui, quilibet homo cuiuscunque sit status et conditionis, potest et debet habere suum advocatum

- procuratorem, seu prolocutorem" (*Volumina Legum* [Saint Petersburg: Nakładem i drukiem Jozafata Ohryzki, 1859], 1:3).
- 17 Mykhailo Dovbyshchenko, *Ukrainska advokatura Voluni lytovsko-polskoi doby (XVI–XVIII st.)* (Kyiv: KViTs, 2019), 66–91. The most up-to-date Ukrainian publication of the Statutes is: *Statuty Velykoho Kniazivstva Lytovskoho: In three volumes* (Odessa: Yurydychna literatura, 2002–2004).
- 18 Natalya Starchenko, "Umotsonovani – prokuratory – pryiateli: Khto vony? (Stanovlennia instytutu advokatury na Volyni v kintsi XVI st.)", *Sotsium: Almanakh sotsialnoi istorii* 1 (2002): 111–144; Viktor Brekhunenکو and Ivan Syniak, *Advokaty v sudochynstvi rannomodernoi Ukrainskoi derzhavy Hetmanshchyny* (Kyiv: KViTs, 2017), 10; Kyrylo Vyslobokov, ed., *Prava, za yakymy sudytisia malorosiiskyi narod, 1743* (Kyiv: IDP im. V. M. Koretskoho, 1997), 120.
- 19 Dovbyshchenko, *Ukrainska advokatura*, 203.
- 20 Brekhunenکو and Syniak, *Advokaty*, 95–128, 218; Yurii Voloshyn, *Kozatska Femida: Grodske sudochynstvo v Hetmanshchyny* (Kyiv: KIS, 2019), 55–60.
- 21 There is a considerable body of literature on the history of Sloboda Ukraine, the most recent publications are: Dmytro Bahalii, *Istoriia Slobidskoi Ukraïny*, foreword and comments by Volodymyr Masliychuk, ed. Oleksandr Savchuk (Kharkiv: Vydavets Oleksandr Savchuk, 2019); Volodymyr Sklokin, *Rosiiska imperiia i Slobidska Ukraïna u druhii polovyni XVIII st.: Prosvichenyi absoliutyzm, imperska intehratsiia, lokalne suspilstvo* (Lviv: UCU Press, 2019); Volodymyr Masliychuk, *Zdobutky ta iliuzii: Osvitni initsiatyvy na Livoberezhnii ta Slobidskii Ukraïni druhoi polovyni XVIII – pochatku XIX st.* (Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2018).
- 22 Volodymyr Kravchenko, "Provincial Searches for Collective Identity: The Case of Sloboda Ukraine", in *Imperial Identities in Ukrainian History (the 18th and the First Half of the 19th Century)*, eds. Vadym Adadurov and Volodymyr Sklokin (Lviv: UCU Press, 2020), 125.
- 23 The Central State Historical Archive of Ukraine in Kyiv (TsDIAK of Ukraine, henceforth – TsDIAK), fond 380 "The Sumy Regimental Chancery", fond 1721 "The Okhyrka Regimental Chancery", fond 1722 "The Izium Regimental Chancery", fond 1723 "The Ostrohozsk Regimental Chancery", fond 1725 "The Kharkiv Regimental Chancery", fond 1710 "The Sloboda Ukraine Guberniia Chancery", fond 420 "The Sumy Provincial Chancery", fond 1584 "The Izium Provincial Chancery", fond 1801 "The Okhyrka Provincial Chancery", fond 1807 "The Ostrohozsk Provincial Chancery", fond 1709 "The Kharkiv Namiestnichestvo Governing Body", fond 1760 "The Kharkiv Guberniia Magistrate", fond 1840 "The Kupiansk District Court", fond 1860 "The Chuhuiv District Court" and fond 1906 "The Izium Lower Razprava". My search in fonds 1723 and 1760 has not so far yielded any results.
- 24 Brekhunenکو and Syniak, *Advokaty*; Voloshyn, *Kozatska Femida*.

- 25 *Arkhiv rannomodernoï Ukraïnskoï derzhavy*, vol. 1: Viktor Brekhunenko and Inna Tarasenko, eds., *Dokumenty kolektsii Oleksandra Lazarevskoho* (Kyiv: IUAD NAN Ukraïny, 2019); vol. 2: Ivan Syniak, ed., *Dokumenty Nizhynskoho polkovoho sudu, 1736–1747* (Kyiv: IUAD NAN Ukraïny, 2019); vol. 3: Ivan Syniak, ed., *Dokumentu Nizhynskoho polkovoho sudu, 1745–1758* (Kyiv: IUAD NAN Ukraïny, 2020).
- 26 Volodymyr Masliychuk, *Nepovnolitni zlochyntsi v Kharkivskomu namisnytstvi. 1780–1796 rr.* (Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2011).
- 27 Nancy Shields Kollmann, *Crime and Punishment in Early Modern Russia* (New York: Cambridge University Press, 2012). Kindle.
- 28 Volodymyr Masliychuk, *Kozatska starshyna slobidskykh polkiv druhoï polovyny XVII–pershoï tretyny XVIII st.* (Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2003), 44–45.
- 29 Filaret [Dmitrii Gumilevsky], *Istoriko-statisticheskoe opisanie Kharkovskoi yeparkhii*, vol. 2, *Uezdy Kharkovsky i Valkovsky* (Kharkiv, 1859), 118.
- 30 M. Ye. Slabchenko, *Maloruskii polk v administrativnom otnoshenii (Istoriko-Yuridicheskii ocherk)* (Odessa: Tekhnik, 1909), 310–312. Recent contributions to the historiography of administrating justice in Cossack Ukraine include: Kyrlo Vyslobokov, “Sudova vlada v Hetmanschyni”, in Ihor Usenko, ed., *Sudova vlada v Ukraïni: Istorychni vytoky, zakonmirnosti, osoblyvosti rozvytku* (Kyiv: Naukova dumka, 2014), 149–187; Viktor Horobets, *Konflikt i vlada v rannomodernii Ukraïni: Sotnyk novhorod-siverskyi proty hetmana Viiska Zaporozkoho, 1715–1722* (Kyiv: IIU NASU, 2016).
- 31 *Polnoe Sobranie Zakonov Rossiiskoi Imperii* (Saint Petersburg, 1830), 1:1–161; the modern edition is: Arkadii Mankov, ed. *Akty Zemskikh soborov*, in Oleg Chistiakov, ed., *Rossiiskoe zakonodatelstvo X–XX vekov* (Moscow: Yuridicheskaiia literatura, 1985), 3:76–446. See also: Arkadii Mankov, *Ulozhenie 1649 goda kak kodeks feodalnogo prava Rossii* (Leningrad: Nauka, 1980). For the earlier legislative tradition see: Daniel H. Kaiser, *The Growth of Law in Medieval Russia* (Princeton: Princeton University Press, 1980).
- 32 Gurov, ed., *Sbornik sudebnykh reshenii, sostiazatelnykh bumag, gramot, ukazov i drugikh dokumentov, otnosiashchikhsia k voprosu o starozaimochnom zemlevladdenii v mestnosti byvshei Slobodskoi Ukrainy* (Kharkov: Tipogr. Okruzh. Shtaba, 1884), 493. See also: S. Pyatnytska, “Prykaz Velikiia Rossii”, in *Pratsi Komisii dlia vyuchuvannia istorii zakhidno-ruskoho ta vrkaïnskoho prava 2* (1926): 29–251.
- 33 Volodymyr Masliychuk, *Provintsii na perekhresti kultur: Doslidzhennia z istorii Slobidskoï Ukraïny XVII–XIX st.* (Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2007), 105–138.
- 34 *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 9:386–387.

- ³⁵ Vasilii Gurov, *Sbornik*, 529–533.
- ³⁶ I discuss the mid-1760s reforms in more detail in the following articles: “Sluzhbovtsi polkovykh kantseliarii Slobidskoï Ukraïny pershoï polovyny 1760-kh rokiv: Chyselnist, personalnyi i sotsialnyi sklad, rodyinni zviazky”, *Naukovi Zapysky Instytutu ukraïnskoï arkheohrafii ta dzhereloznavstva im. M. S. Hrushevskoho NAN Ukraïny* 16 (2008): 67–99; “Kantseliarski ustanovy Slobidskoï Ukraïny druhoï polovyny 60-kh rr. XVIII st.: Osoblyvosti funkcionuvannia ta personalnyi sklad sluzhbovtsiv”, *Naukovi Zapysky Instytutu ukraïnskoï arkheohrafii ta dzhereloznavstva im. M. S. Hrushevskoho NAN Ukraïny* 18 (2009): 5–22; “Cossack Officials in Sloboda Ukraine: From Local Elite to Imperial Nobility?”, in “Dimensions of Modernity: The Enlightenment and its Contested Legacies”, eds. Pawel Marczewski and Stefan Eich, special issue, *IWM Junior Visiting Fellows’ Conferences* (Vienna), 34 (2015) <http://www.iwm.at/publications/5-junior-visiting-fellows-conferences/vol-xxxiv/cossack-officials-in-sloboda-ukraine/> (accessed 07.06.2020).
- ³⁷ The Russian State Archive of Ancient Acts (RGADA), fond 16, op. 1, no. 938, fol. 283.
- ³⁸ From the *Instruction to the Commissars* (1766) published by Dmitrii Bagalei in *Materialy dlia istorii kolonizatsii i byta stepnoi okrainy Moskovskogo Gosudarstva (Kharkovskoi i otchasti Kurskoi i Voronezhskoi gubernii)*, vol. 2 (Kharkov: Tipografiia K. P. Schastni, 1890), 301. The other known version of this document stipulates concisely: “The commissars are to adjudicate verbally the litigations and the first thefts among the common men (*mezhdū obyvateliamī*) [of amounts] up to twelve rubles with a single journal record and a fine from a *polтина* [fifty kopeks] to three rubles” (RGADA, fond 16, op. 1, no. 939, fol. 34).
- ³⁹ Isabel de Madariaga, *Russia in the Age of Catherine the Great* (London: Wieldenfeld and Nicolson, 1981), 282.
- ⁴⁰ The 1775 Statute’s text was published in: *Blagochestiveishaia, Samoderzhavneishaia, Velikiia Gosudaryni Imperatitsy Yekateriny Vtoryia Uchrezhdeniia dlia Upravleniia Gubernii Vserossiiskoi Imperii* (Saint Petersburg, 1779).
- ⁴¹ For an overview of the imperial justice in Ukraine from the late eighteenth to the mid-nineteenth century see: Oleksandr Malyshev, “Sudova vlada na ukraïnskiikh zemliakh Rosiiskoi imperii”, in Usenko, ed., *Sudova vlada v Ukraïni*, 179–206.
- ⁴² Kollmann, *Crime and Punishment*, 113.
- ⁴³ *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 7:147–150.
- ⁴⁴ *Ibid.*, 466–467. For the civil, criminal and procedure legislation of Peter I see: Arkadii Mankov, ed. *Zakonodatelstvo perioda stanovleniia absolutizma*, in Oleg Chistiakov, ed., *Rossiiskoe zakonodatelstvo X–XX vekov* (Moscow: Yuridicheskaia literatura, 1986), 4.

- ⁴⁵ Oleg Omelchenko, *Zakonnaia monarchiia Yekateriny Vtoroi: Prosveshchionnyi absolutizm v Rossii* (Moscow: Yurist, 1993). On the discussion around the understanding and acceptance of a notion of “law” during the rule of Catherine II see the new contribution by Elena Marasinova: *‘Zakon’ i ‘grazhdanin’ v Rossii vo vtoroi polovine XVIII veka* (Moscow: Novoe literaturnoe obozrenie, 2017).
- ⁴⁶ *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 16:29–31.
- ⁴⁷ Oleg Chistiakov, ed., *Zakonodatelstvo Yekateriny II* (Moscow: Yuredicheskaiia literatura, 2001), 2:866–881; Simon Dixon, *Catherine the Great* (Harlow: Pearson Education Limited, 2001), 130–140. As attested by her letters, the empress’s attitude towards advocacy seems to have been negative: “Lawyers, depending on when and how much they were paid, support either truth or lie as well as either justice or injustice”; “Advocates and procurators do not legislate in my country and will never do while I am alive and they will follow my principles thereafter” (quoted in: Iosif Gessen, *Istoriia russkoi advokatury* [Moscow: Isdatelstvo Soveta poverennykh prisiashnykh, 1914], 1:26). However, the issue requires further investigation.
- ⁴⁸ There are several indications of 8 a.m. as the time when trials started: TsDIAK, fond 380, op. 2, no. 12, fol. 3; fond 1725, op. 1, no. 66, fol. 18; fond 420, op. 2, no. 37, fol. 37; fond 1906, op. 1, no. 53, fols. 12–15.
- ⁴⁹ These files are probably the most representative with respect to the original terms characterizing the judicial process: *Ibid.*, fond 1725, op. 1, no. 66, 109 fols.; fond 420, op. 2, no. 37, 128 fols.; fond 1860, op. 1, no. 1038, 305 fols.
- ⁵⁰ *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 7:149. It seems that in the Petrine legislation, the term “advocate” (*advokat*) appears for the first time in the *The Land Forces Regulations* (1716) with regard to a commissar’s participation in trial (*Ibid.*, 5:227). The standard names for advocates in early modern Russia were *khodatai* and *striapchii*. See the abovementioned monographs by Yevgenii Vaskosky and Iosif Gessen as well as Yevgenii Solomatn’s article “Doreformennaia advokatura v Rossii: Osnovnie tendentsii i problemy razvitiia”, *Izvestiia Tulskego gosudarstvennogo universiteta: Ekonomicheskie i yuridicheskie nauki* 2 (2011): 185–195. Gessen came to the conclusion that the absence of legal regulations before Alexander II’s reforms “did not prevent the practice of interceding at court [*sudokhozhdenie*] from the development into a certain social phenomenon which undoubtedly played a prominent role in that time social life” (*Istoriia*, 1:3).
- ⁵¹ L. A. Glinkina, *Slovar zabytykh i trudnykh slov iz proizvedenii russkoi literatury XVIII-XIX vekov* (Orenburg: Orenburgskoe knizhnoe izdatelstvo, 1998), 136; L. V. Belovinskii, *Illustrirovanyi entsyklopedicheskii istoriko-bytovoii slovar russkogo naroda. XVIII–nachalo XIX veka* (Moscow: Eksimo, 2007), 489.

- 52 Sheila-Marie Finkelstein, "Powers of Attorney", in "Estate Planning", special issue, *GPSolo* 33, no. 4 (2016): 37.
- 53 For the entrusting petitions and entrusting letters bound in volumes see: TsDIAK, fond 1725, op. 1, no. 1017–1037 and others; fond 1710, op. 2, no. 2394, 2450, 2700, 2723 and others.
- 54 *Ibid.*, fond 1801, op. 1, no. 314, fol. 4; fond 1584, op. 2, no. 265, fol. 4a; fond 1807, op. 1, no. 1620, fol. 1; fond 1710, op. 2, no. 772, fol. 77v.
- 55 *Ibid.*, fond 1722, op. 1, no. 34, 27 fols.
- 56 *Ibid.*, fond 1860, op. 1, no. 1038, 305 fols. Three advocates – the bailiff Ozeretsky, servant Omelian Marchenko and gubernial secretary Roman Kovalchuk – solicited for the plaintiff who ultimately lost the case and was ordered to pay compensation. The defendant at first empowered a collegiate registrar named Hryhorii Kartashevsky, but later ended up acting in his own defence, skilfully enough.
- 57 Here, I interpret the categorization introduced by Mikhail Vladimirskii-Budanov in *Obzor istorii russkogo prava* (Kiev: Litotipografiiia I. N. Kushnerev, 1907), 357–363.
- 58 There is no certainty about *obida*. Daniel H. Keizer, an American historian of the Russian legislation, explains it as "offense or slander. Gradually converted into a sense of economic loss. Consequently, composition for certain non-lethal affronts was expressed as payment 'for the offense' (*za obidu*)" (*Growth*, 269).
- 59 "Recidivist serious criminal activity, especially homicide and assault" (*Ibid.*, 272).
- 60 See Kollmann's reflections on the question in *Crime and Punishment*, 27–29. Nonetheless, theft, robbery, murder and dishonour undoubtedly constituted serious crimes.
- 61 TsDIAK, fond 380, op. 2, no. 20, fol. 7.
- 62 The calculations mentioned above were done on the basis of the data culled from the sixty-three files tabulated in *Appendix*.
- 63 TsDIAK, fond 1721, op. 1, no. 139, fols. 12, 41, 45, 76; fond 380, op. 2, no. 49, 171 fols.
- 64 I examine how the *Grand Land Survey* affected the social transformations in Sloboda Ukraine in my article on "Loyalty in Exchange for Wealth: Sloboda Ukrainaska Peripheral Nobility in the Late Eighteenth and Early Nineteenth Centuries", in "Ukraina Moderna", special issue, *The Economic Elite of Ukraine from a Comparative Historical Perspective* 25 (2018): 103–120. See also Volodymyr Sklokin's considerations on the problem: *Rosiiska imperiia i Slobidska Ukraina*, 161–177.
- 65 TsDIAK, fond 1721, op. 1, no. 139, fols. 12, 76; fond 1710, op. 2, no. 2549, fol. 2.
- 66 *Ibid.*, fond 1725, op. 1, no. 66, 109 fols.

- 67 The Shydlovskys descended from the Izium (1693–1711) and Kharkiv (1706–1709) colonel Fedir Shydlovsky and were related to the Kharkiv colonel family Donets-Zakharzhevskys. Fedir’s nephew and Paraska’s husband Lavrentii headed the Kharkiv (1709–1712) and Izium (1725–1735) regiments subsequent to his uncle (Masliychuk, *Kozacka starshyna*, 164–165).
- 68 TsDIAK, fond 1725, op. 1, no. 66, fols. 2–2v.
- 69 Ibid., fols. 3–3v.
- 70 Ibid., fol. 8.
- 71 Ibid., fols. 21–24v.
- 72 *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 1:82–84, 86.
- 73 TsDIAK, fond 1725, op. 1, no. 66, fols. 26–32.
- 74 Ibid., fols. 79–79v.
- 75 Ibid., fols. 104–104v.
- 76 Ibid., fond 1725, op. 1, no. 802, fol. 79.
- 77 Ibid., no. 467, fols. 24v, 49; no. 511, fols. 19v, 24v; Svitlana Potapenko, *Elita Slobidskoï Ukraïny: Spysky kozatskoï starshyny 60-kh rokiv XVIII stolittia* (Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2007), 102, 251.
- 78 TsDIAK, fond 1725, op. 1, no. 515, fol. 38.
- 79 Ibid., fond 1721, op. 1, no. 52, 62 fols.
- 80 Ibid., no. 32, 84 fol.
- 81 Ibid., no. 139, fol. 51; no. 56, 27 fols.
- 82 Ibid., no. 139, fols. 41, 45, 51.
- 83 Ibid., no. 215, fol. 19. For comparison, in the late 1760s domestic workers in the neighboring to Sloboda Ukraine Poltava regiment of the Hetmanate received wages between one and five rubles per year: Tymofii Brik, “Wages of Male and Female Domestic Workers in the Cossack Hetmanate: Poltava, 1765 to 1769”, in “Economic History of Developing Regions”, special issue *The Economic History of Eastern Europe* 33, no. 2 (2018): 123–146.
- 84 Traditional Ukrainian winter outerwear.
- 85 TsDIAK, fond 1721, op. 1, no. 215, fol. 270v.
- 86 Ibid., fond 1710, op. 2, no. 115, fol. 87; fond 1725, op. 1, no. 977, fols. 1–1v; Volodymyr Masliychuk, *Kozatska starshyna Kharkivskoho slobidskoho polku 1654–1706 rr.* (Kharkiv: Universytet vnytrishnikh sprav, 1999), 66.
- 87 TsDIAK of Ukraine, fond 1725 op. 1, no. 1016, fols. 2–3v; no. 1017, fols. 4–4v.
- 88 Ibid., no. 1016, fol. 2; no. 1018, fols. 6–6v, 54.
- 89 Ibid., no. 1017, fols. 5v, 8v; no. 1018, fol. 1v; no. 1033, fol. 13; no. 1037, fols. 3v, 10.
- 90 Ibid., fond 1710, op. 2, no. 115, fol. 29v; fond 1725, op. 1, no. 515, fol. 44; fond 1817, op. 1, no. 28, fols. 75–75v; Potapenko, *Elita Slobidskoï Ukraïny*, 255.
- 91 TsDIAK, fond 1725 op. 1, no. 1018, fol. 8v.

- 92 RGADA, fond 16, op. 1, no. 951, fol. 108. “Eagle” paper denoted sheet paper stamped with the image of the coat of arms of the Russian Empire (the double-headed eagle) which was compulsory for usage in court proceedings and paid for by litigants.
- 93 TsDIAK, fond 1807, op. 1, no. 1599, fol. 22v.
- 94 Vasył Perekhrestov-Osypov, son and grandson of Okhtyrka colonels, commanded the Sumy regiment in 1728–1737 (Maslychuk, *Kozatska starshyna*, 163, 166).
- 95 TsDIAK of Ukraine, fond 1710, op. 2, no. 772, vol. 1, 97 fols; vol. 2, 100 fols.
- 96 *Ibid.*, vol. 1, fol. 77v. Interestingly enough, excuses referring to “female gender” and “weakness” were frequently invoked before the court by female suspects and litigants: Rublack, *Crimes*, 60–64; Olga Posunko, ‘V razsuzhdenii zhenskago polu moiego neudobno...’: Zakhyst mainovykh interesiv zhinok u sudakh Katerynoslavskoho namisnytsvtva u 80–90-kh rr. XVIII st.’, *Sotsium: Almanakh sotsialnoi istorii* 13–14 (2017): 215–232.
- 97 TsDIAK, fond 1710, op. 2, no. 772, vol. 1 fol. 95–96v.; vol. 2, fol. 18.
- 98 Dmitrii Bagalei, “Iz vlechenie preosviashchennogo Filareta iz familnykh zapisok Kvitok”, *Khakovskii sbornik* 3 (1889): 194; TsDIAK, fond 1725, op. 1, no. 196, fols. 17–17v., 31–32.
- 99 *Ibid.*, fond 380, op. 2, no. 49, 171 fols.
- 100 *Ibid.*, fond 420, op. 2, no. 21, 22 fols.
- 101 *Ibid.*, fond 1725, op. 1, no. 1009, fols. 6v–7.
- 102 *Ibid.*, no. 1037, fol. 11v.
- 103 *Ibid.*, no. 1021, fols. 10–10v., 13–13v.
- 104 *Ibid.*, no. 196, fols. 7–7v.
- 105 *Ibid.*, 18–18.
- 106 *Ibid.*, 60–66.
- 107 *Ibid.*, fond 380, op. 2, no. 21, 149 fols.
- 108 Ivan Kondratev, son of the Sumy colonel Ivan Kondratev (1708–1728), grandson and great-grandson of Sumy colonels, inherited Zakobylie and Ilek a few years before from his mother Hanna, who herself acquired the ownership in 1728, having won the case on the repartition of the Kondratev’s estates. The property’s description compiled then lists a church, a manor house, eighty-seven tenant households and two forest apiaries in Zakobylie with another manor house, twenty-eight tenant households, three mills and a forest apiary in Ilek (Dmitrii Miller, *Arkhivy Kharkovskoi gubernii* [Kharkov, 1902], 169).
- 109 TsDIAK, fond 380, op. 2, no. 21, fols. 1–2.
- 110 *Ibid.*, fols. 3–5.
- 111 *Ibid.*, fols. 9–10.
- 112 *Ibid.*, fols. 11–19.

- 113 Ibid., fols. 40–43.
- 114 Ibid., fols. 130–130v.
- 115 Volodymyr Pirko, ed., *Opysy Kharkivskoho namisnytsva kintsia XVIII stolittia* (Kyiv: Naukova dumka, 1991), 156.
- 116 The Russian State Historical Archive, fond 1343, op. 51, no. 543, fol. 19.
- 117 Svitlana Potapenko, *Elita Slobidskoï Ukraïny*, 339.
- 118 TsDIAK, fond 1840, op. 1, no. 50, 45 fols.
- 119 Ibid., no. 80, fol. 6; Pirko, *Opysy Kharkivskoho namisnytsva*, 156.
- 120 TsDIAK, fond 1840, op. 1, no. 80, 13 fols.
- 121 Ibid., no. 57, fol. 16.
- 122 Ibid., fol. 1.
- 123 1 *desiatyna* equalled 1,0925 hectare.
- 124 TsDIAK, fond 1584, op. 2, no. 298, 35 fols.
- 125 Ibid., fond 1584, op. 2, no. 265, fol. 49.
- 126 Ibid., fols. 6–6v.
- 127 Ibid., fols. 21–21v.
- 128 Ibid., fols. 65–66v.
- 129 Neal Garnham, “How Violent Was Eighteenth-Century Ireland?”, *Irish Historical Studies* 30, no. 119 (1997): 377. Jim Phillips notes about “the violent nature” of the eighteenth-century Halifax society with regard to the crimes committed by female culprits as well as against women: “Women, Crime, and Criminal Justice in Early Halifax, 1750–1800”, in *Essays in the History of Canadian Law*, vol. 5 of *Crime and Criminal Justice*, eds. Jim Phillips, Tina Loo and Susan Lewthwaite (Toronto: University of Toronto Press for The Osgoode Society for Canadian Legal History, 1994), 174–205.
- 130 TsDIAK, fond 1721, op. 1, no. 52, 62 fols.
- 131 Traditional Ukrainian strong alcohol beverage.
- 132 TsDIAK, fond 1721, op. 1, no. 52, fols. 55–55v.
- 133 Ibid., fol. 55v.
- 134 Ibid., fond 380, op. 2, no. 17, 32 fols.
- 135 Ibid., fols. 3–3v.
- 136 Ibid., fol. 16.
- 137 Ibid., fols. 16–24.
- 138 Ibid., fond 1710, op. 2, no. 1455, 76 fols.
- 139 Ibid., fols. 9–9v.
- 140 Ibid., fols. 12v–13.
- 141 Ibid., fol. 8v.
- 142 Ibid., fol. 13.
- 143 Ibid., fol. 29.
- 144 Ibid., fol. 6.
- 145 *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 3:278; 5:364.
- 146 TsDIAK, fond 1710, op. 2, no. 1455, fol. 53.

- 147 Ibid., fols. 70–71.
- 148 Ibid., fond 1709, op. 2, no. 2307, 6 fols.
- 149 Ibid., fols. 4v–5.
- 150 Ibid., fond 1725, op. 1, no. 591, fol. 73.
- 151 Ibid., fol. 20v.
- 152 Ibid., fol. 23.
- 153 Ibid., fond 1807, op. 1, no. 1193, fols. 1–1v.
- 154 Ibid., fols. 10–14.
- 155 There is another case describing masquerade elements of a crime: in 1760, the young noble brothers Petro and Pavlo Chornohlazovy “arrived purposefully at night in two carts with a crowd dressed in women’s clothes and hats and equipped with sticks” to kidnap a widowed female servant with her daughter from the captain Andrii Petrovsky’s house (Ibid., fond 1725, op. 1, no. 196, fols. 34–34v.).
- 156 Ibid., fond 1807, op. 1, no. 1193, fols. 10–10v.
- 157 Ibid., fond 1721, op. 1, no. 32, 84 fols.
- 158 Ibid., fol. 82.
- 159 Andrei Shymanov, “Deiateli Slobodskoi Ukrainy proshlogo veka”, *Kievskaia starina* 6 (1891): 423–445.
- 160 Ibid., 429.
- 161 The Yahotynets’ intrigues could be treated in terms of a so-called *yabednichestvo* or “dirty” (insidious and fraud) methods of legal work: Sergei Gavrilov, *Professionalnoe yabednichestvo v istorii Rossii XIX veka (Avtoreferat na soiskanie uchienoi stepeni kandidata istoricheskikh nauk, 07.00.02 – otechestvennaia istoria)* (Arkhangelsk, 2005).
- 162 TsDIAK, fond 1807, op. 1, no. 1616, fol. 1.
- 163 Ibid., fol. 8. In the midst of this confrontation, Lebedynsky asked the provincial chancery for a “passport” to visit Moscow “due to the lawsuit considered in the Moscow *Guberniia* Survey Chancery” regarding the Ostrohozsk lands (Ibid., no. 1620, fol. 1).
- 164 Ibid., fond 1801, op. 1, no. 219, 117 fols.
- 165 Ibid., fol. 7.
- 166 *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 17: 329–339.
- 167 TsDIAK, fond 1801, op. 1, no. 219, fol. 74.
- 168 Ibid., fols. 96–96v.
- 169 Masliychuk is the first author to address the issue of deviations and their gender aspect based on the source material of Sloboda Ukraine: *Provintsiia na perekhrestii kultur*, 304–338.
- 170 TsDIAK, fond 380, op. 2, no. 15, fols. 5–5v.
- 171 Ibid., fond 1721, op. 1, no. 96, 94 fols.
- 172 Ibid., no. 215, vol. 1, fol. 180.
- 173 Ibid., fond 420, op. 2, no. 21, fol. 1.

- ¹⁷⁴ *ibid.*, fol. 19v.
¹⁷⁵ *ibid.*, fond 1840, op. 1, no. 128, fols. 4v–5.
¹⁷⁶ *ibid.*, fols. 19–19v.
¹⁷⁷ *ibid.*, fond 1721, op. 1, no. 54, 62 fols.
¹⁷⁸ *ibid.*, fols. 10v. –11.
¹⁷⁹ *ibid.*, fond 1725, op. 1, no. 193, fols. 11–11v.
¹⁸⁰ *ibid.*, no. 247, 23 fols.

Bibliography

- "Advocatus". In <https://www.online-latin-dictionary.com/latin-english-dictionary.php?lemma=ADVOCATUS100> (accessed 07.06.2020).
- BAGALEI, Dmitrii. "Iz vlechenie preosviashchennogo Filareta iz familnykh zapisok Kvitok". *Kharkovskii sbornik* 3 (1889): 189–194.
- BAGALEI, Dmitrii. *Materialy dlia istorii kolonizatsii i byta stepnoi okrainy Moskovskogo gosudarstva (Kharkovskoi i otchasti Kurskoi i Voronezhskoi gubernii)*. Vol. 2. Kharkov: Tipografiia K. P. Schastni, 1890.
- BAHALII, Dmytro. *Istoriia Slobidskoï Ukraïny*. Foreword and comments by Volodymyr Masliychuk, edited by Oleksandr Savchuk. Kharkiv: Vydavets Oleksandr Savchuk, 2019.
- BELOVINSKII, L. V. *Illustrirovannyi entsyklopedicheskii istoriko-bytovoï slovar russkogo naroda: XVIII – nachalo XIX veka*. Moscow: Eksimo, 2007.
- Blagochestiveishaia, Samoderzhavneishaia, Velikiia Gosudaryni Imperatritsy Yekateriny Vtoryia Uchrezhdeniia dlia Upravleniia Gubernii Vserossiiskoi Imperii*. Saint Petersburg, 1779.
- BOULTON, W. W. "The Legal Profession in England: Its Organization, History and Problems". *American Bar Association Journal* 43, no. 6 (June 1957): 507–510, 566–568.
- BOUWSMA, William J. "Lawyers and Early Modern Culture". *The American Historical Review* 78, no. 2 (1973): 303–327.
- BREKHUNENKO, Viktor, and Inna TARASENKO, eds. *Dokumentu kolektsii Oleksandra Lazarevskoho*. Arkhiv rannomodernoï Ukraïnskoï derzhavy, vol. 1. Kyiv: IUAD NAN Ukraïny, 2019.
- BREKHUNENKO, Viktor, and Ivan SYNIAK. *Advokaty v sudochynstvi rannomodernoï Ukraïnskoï derzhavy Hetmanshchyny*. Kyiv: KVITs, 2017.
- BRIGGS, John, Christopher HARRISON, Angus MCINNES, and David VINCENT. *Crime and Punishment in England: An Introductory History*. London: Routledge, 1996.
- BRIK, Tymofii. "Wages of Male and Female Domestic Workers in the Cossack Hetmanate: Poltava, 1765 to 1769". In "Economic History of Developing Regions". Special issue, *The Economic History of Eastern Europe* 33, no. 2 (2018): 123–146.
- CHISTIAKOV, Oleg, and Tatiana NOVITSKAIA, eds. *Zakonodatelstvo Yekateriny II*. Vol. 2. Moscow: Yuredicheskaiia literatura, 2001.
- CHROUST, Anton-Herman. "Legal Profession during the Middle Ages: The Emergence of the English Lawyer Prior to 1400". *Notre Dame Law Review* 32, no. 2 (1957): 268–299.
- CHROUST, Anton-Herman. "Legal Profession in Ancient Athens". *Notre Dame Law Review* 29, no. 3 (1954): 339–389.
- CHROUST, Anton-Herman. "Legal Profession in Ancient Imperial Rome". *Notre Dame Law Review* 30, no. 4 (1955): 521–616.

- CHROUST, Anton-Herman. "Legal Profession in Ancient Republican Rome". *Notre Dame Law Review* 30, no. 1 (1954): 97–148.
- CHROUST, Anton-Herman. "The Ranks of Legal Profession in England". *Case Western Reserve Law Review* 11, no. 4 (1960): 561–601.
- DIXON, Simon. *Catherine the Great*. Harlow: Pearson Education Limited, 2001.
- DOVBYSHCENKO, Mykhailo. *Ukrainska advokatura Volyni Lytovsko-Polskoï doby (XVI–XVIII st.)*. Kyiv: KVITs, 2019.
- Filaret [Dmitrii GUMILEVSKY]. *Istoriko-statisticheskoe opisanie Kharkovskoi yeparkhii*. Vol. 2, *Uezdy Kharkovsky i Valkovsky*. Kharkov, 1859.
- FINKELSTEIN, Sheila-Marie. "Powers of Attorney". "Estate Planning". Special issue, *GPSolo* 33, no. 4 (2016): 36–40.
- FORSYTH, William. *The History of Lawyers Ancient and Modern*. New York: James Cockcroft & Company, 1875.
- GARNHAM, Neal. "How Violent Was Eighteenth-Century Ireland?" *Irish Historical Studies* 30, no. 119 (1997): 377–388.
- GAVRILOV, Sergei. *Professionalnoe yabednichestvo v istorii Rossii XIX veka (Avtoreferat na soiskanie uchenoi stepeni kandidata istoricheskikh nauk, 07.00.02 – otechestvennaia istoriia)*. Arkhangelsk, 2005.
- GESSEN, Iosif. *Istoriia russkoi advokatury*. 3 vols. Moscow: Izdatel'vsto Soveta poverennykh prisiazhnykh, 1914–1916.
- GLINKINA, L. A. *Slovar zabytykh i trudnykh slov iz proizvedenii russkoi literatury XVIII–XIX vekov*. Orenburg: Orenburgskoe knizhnoe izdatel'stvo, 1998.
- GUROV, Vasilii. *Sbornik sudebnykh reshenii, sostiazatelnykh bumag, gramot, ukazov i drugih documentov, otnosiashchikhhsia k voprosu o starozaimochnom zemlevladenii v mestnosti byvshei Slobodskoi Ukrainy*. Kharkov: Tipogr. Okruzh. Shtaba, 1884.
- HOROBETS, Viktor. *Konflikt i vlada v rannomodernii Ukraïni: Sotnyk novhorod-siverskyi proty hetmana Viiska Zaporozkoho, 1715–1722*. Kyiv: IIU NASU, 2016.
- JANIN, Hunt. *Medieval Justice: Cases and Laws in France, England and Germany, 500–1500*. Jefferson, NC: McFarland & Company, 2004.
- KAISER, Daniel H. *The Growth of Law in Medieval Russia*. Princeton: Princeton University Press, 1980.
- KOLLMANN, Nancy Shields. *Crime and Punishment in Early Modern Russia*. New York: Cambridge University Press, 2012. Kindle.
- KRAVCHENKO, Volodymyr. "Provincial Searches for Collective Identity: The Case of Sloboda Ukraine". In *Imperial Identities in Ukrainian History (the 18th and the First Half of the 19th Century)*, edited by Vadym Adadurov and Volodymyr Sklokin, 115–170. Lviv: UCU Press, 2020.
- MADARIAGA, Isabel de. *Russia in the Age of Catherine the Great*. London: Wieldenfeld and Nicolson, 1981.
- MALYSHEV, Oleksandr. "Sudova vlada na ukraïnskykh zemliakh Rossiiskoï imperii". In *Sudova vlada v Ukraïni: Istorychni vytyky, zakonomirnosti*,

- osoblyvosti rozvytku*, edited by Ihor Usenko, 179–206. Kyiv: Naukova dumka, 2014.
- MANKOV, Arkadii, ed. *Rossiiskoe zakonodatelstvo X–XX vekov*. Vol. 3, *Akty Zemskikh soborov*. Moscow: Yuridicheskaia literatura, 1985.
- MANKOV, Arkadii, ed. *Rossiiskoe zakonodatelstvo X–XX vekov*. Vol. 4, *Zakonodatelstvo perioda stanovleniia absoliutizma*. Moscow: Yuridicheskaia literatura, 1986.
- MANKOV, Arkadii. *Ulozhenie 1649 goda kak kodeks feodalnogo prava Rossii*. Leningrad: Nauka, 1980.
- MARASINOVA, Elena. *‘Zakon’ i ‘grazhdanin’ v Rossii vo vtoroi polovine XVIII veka*. Moscow: Novoe literaturnoe obozrenie, 2017.
- MASLIYCHUK, Volodymyr. *Kozatska starshyna Kharkivskoho slobidskoho polku 1654–1706 rr.* Kharkiv: Universytet vnytrishnikh sprav, 1999.
- MASLIYCHUK, Volodymyr. *Kozatska starshyna slobidskykh polkiv druhoi polovyny XVII–pershoi tretyny XVIII st.* Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2003.
- MASLIYCHUK, Volodymyr. *Nepovnolitni zlochyntsi v Kharkivskomu naminytstvi 1780–1796 rr.* Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2011.
- MASLIYCHUK, Volodymyr. *Provintsiia na perekresti kultur: Doslidzhennia z istorii Slobidskoi Ukraini XVII–XIX st.* Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2007.
- MASLIYCHUK, Volodymyr. *Zdobutky ta iliuzii: Osvitni initsiatyvy na Livoberezhnii ta Slobidskii Ukraini druhoi polovyny XVIII – pochatku XIX st.* Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2018.
- MILLER, Dmitrii. *Arkhivy Kharkovskoi gubernii*. Kharkov, 1902.
- OMELCHENKO, Oleg. *Zakonnaia monarchiia Ekateriny Vtoroi: Prosveshchionnyi absolutizm v Rossii*. Moscow: Yurist, 1993.
- PHILLIPS, Jim. “Women, Crime, and Criminal Justice in Early Halifax, 1750–1800”. In *Essays in the History of Canadian Law*, vol. 5, *Crime and Criminal Justice*, edited by Jim Phillips, Tina Loo, and Susan Lewthwaite, 174–205. Toronto: University of Toronto Press for The Osgoode Society for Canadian Legal History, 1994.
- PIRKO, Volodymyr, and Oleksandr HURZHII, eds. *Opysy Kharkivskoho namisnytsva kintsia XVIII stolittia*. Kyiv: Naukova dumka, 1991.
- Polnoe Sobranie Zakonov Rossiiskoi Imperii*. Saint Petersburg, 1830. Vols. 1, 3, 5, 7, 9, 16, 17.
- POSUNKO, Olga. “V razsuzhdenii zhenskago polu moiego neudobno...”: Zakhyst mainovykh interesiv zhinok u sudakh Katerynoslavskoho namisnytstva u 80–90-kh rr. XVIII st.”. *Sotsium: Almanakh sotsialnoi istorii* 13–14 (2017): 215–232.
- POTAPENKO, Svitlana. “Cossack Officials in Sloboda Ukraine: From Local Elite to Imperial Nobility?” In “Dimensions of Modernity: The Enlightenment and its Contested Legacies”, edited by Pawel Marczewski and Stefan Eich. Special

- issue, *IWM Junior Visiting Fellows' Conferences* (Vienna), 34 (2015) <http://www.iwm.at/publications/5-junior-visiting-fellows-conferences/vol-xxxiv/cossack-officials-in-sloboda-ukraine/> (accessed 07.06.2020).
- POTAPENKO, Svitlana. "Kantseliarski ustanovy Slobidskoï Ukraïny druhoï polovyny 60-kh rr. XVIII st.: Osoblyvosti funktsionuvannia ta personalnyi sklad sluzhbovtiv." *Naukovi Zapysky Instytutu ukraïnskoï arkhieohrafii ta dzhereloznavstva im. M. S. Hrushevskoho NAN Ukraïny* 18 (2009): 5–22.
- POTAPENKO, Svitlana. "Loyalty in Exchange for Wealth: Sloboda Ukrainka Peripheral Nobility in the Late Eighteenth and Early Nineteenth Centuries". In "Ukraina Moderna." Special issue, *The Economic Elite of Ukraine from a Comparative Historical Perspective* 25 (2018): 103–120.
- POTAPENKO, Svitlana. "Sluzhbovtiv polkovykh kantseliarii Slobidskoï Ukraïny pershoï polovyny 1760-kh rokiv: Chyselnist, personalnyi i sotsialnyi sklad, rodynni zviazky". *Naukovi Zapysky Instytutu ukraïnskoï arkhieohrafii ta dzhereloznavstva im. M. S. Hrushevskoho NAN Ukraïny* 16 (2008): 67–99.
- POTAPENKO, Svitlana. *Elita Slobidskoï Ukraïny: Spysky kozatskoï starshyny 60-kh rokiv XVIII stolittia*. Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2007.
- PYATNYTSKA, S. "Prykaz Velikiia Rossii". *Pratsi Komisii dlia vyuchuvannia istorii zakhidno-ruskoho ta vrkaïnskoho prava* 2 (1926): 229–251.
- RUBLACK, Ulinka. *The Crimes of Women in Early Modern Germany*. Oxford: Clarendon Press, 1999.
- SHYMANOV, Andrei. "Deiateli Slobodskoi Ukrainy proshlogo veka". *Kievskaiia starina* 6 (1891): 423–445.
- SKLOKIN, Volodymyr. *Rosiiska imperiia i Slobidska Ukraïna u druhii polovyni XVIII st.: Prosvichenyi absoliutyzm, imperska intehratsiia, lokalne suspilstvo*. Lviv: UCU Press, 2019.
- SLABCHENKO, M. Ye. *Malorusskii polk v administrativnom otnoshenii (Istoriko-Yuridicheskii ocherk)*. Odessa: Tekhnik, 1909.
- SOLOMATIN, Yevgenii. "Doreformennaia advokatura v Rossii: Osnovnie tendentsii i problemy razvitiia". *Izvestiia Tul'skogo gosudarstvennogo universiteta: Ekonomicheskie i yuridicheskie nauki* 2 (2011): 185–195.
- STARICHENKO, Natalya. "Umotsonovani – prokuratory – priyateli: Khto vony? (Stanovlennia instytutu advokatury na Volyni v kintsi XVI st.)." *Sotsium: Almanakh sotsialnoi istorii* 1 (2002): 111–144.
- Statuty Velykoho Kniazivstva Lytovskoho: In three volumes*. Odesa: Yurydychna literatura, 2002–2004.
- SYNIAK, Ivan, ed. *Dokumenty Nizhynskoho polkovoho sudu, 1736–1747*. Arkhiv rannomodernoï Ukraïnskoï derzhavy, vol. 2. Kyiv: IUAD NAN Ukraïny, 2019.
- SYNIAK, Ivan, ed. *Dokumenty Nizhynskoho polkovoho sudu, 1745–1758*. Arkhiv rannomodernoï Ukraïnskoï derzhavy, vol. 3. Kyiv: IUAD NAN Ukraïny, 2020.

- TIMBERLAKE, E. M., Jr. "Origin and Development of Advocacy as a Profession".
Virginia Law Review 1, no. 1 (1922): 25–40.
- VASKOVSKI, Yevgenii. *Organizatsiia advokatury*. 2 vols. Saint Petersburg:
Tipografiia P. P. Soikina, 1893.
- VLADIMIRSKII-BUDANOV, Mikhail. *Obzor istorii russkogo prava*. Kiev:
Litotipografiia I. N. Kushnerev, 1907.
- Voloshyn, Yurii. *Kozatska Femida: Grodske sudochynstvo v Hetmanshchyni*.
Kyiv: KIS, 2019.
- Volumina Legum*. Saint Petersburg: Nakładem i drukiem Jozafata Ohryzki, 1859.
Vol. 1.
- VYSLOBOKOV, Kyrylo, and Yurii SHEMCHUSHENKO, eds. *Prava, za yakymy
sudyttisia malorosiiskyi narod, 1743*. Kyiv: IDP im. V. M. Koretskoho, 1997.
- VYSLOBOKOV, Kyrylo. "Sudova vlada v Hetmanshchyni." In *Sudova vlada v
Ukraïni: Istorychni vytoky, zakonmirnosti, osoblyvosti rozvytku*, edited
by Ihor Usenko, 149–187. Kyiv: Naukova dumka, 2014.

Archives***

- The Central State Historical Archive of Ukraine in Kyiv (TsDIAK of Ukraine):
- fond 380, op. 2, nos. 12, 15, 17, 20, 21, 33, 49;
 - fond 420, op. 2, nos. 21, 37, 39;
 - fond 1584, op. 2, nos. 265, 298;
 - fond 1709, op. 2, nos. 923, 2043, 2044, 2307, 2343;
 - fond 1710, op. 2, nos. 115, 772, 774, 775, 1455, 2394, 2450, 2549,
2700, 2723;
 - fond 1721, op. 1, nos. 32, 52, 54, 80, 96, 139, 215;
 - fond 1722, op. 1, no. 34;
 - fond 1725, op. 1, nos. 66, 193, 196, 246, 247, 467, 511, 515, 591, 802,
977, 1009, 1016–1037;
 - fond 1801, op. 1, nos. 199, 219, 225, 314;
 - fond 1807, op. 1, nos. 1193, 1616, 1620, 1624, 1571, 1599;
 - fond 1817, op. 1, no. 28;
 - fond 1840, op. 1, nos. 50, 57, 80, 128;
 - fond 1860, op. 1, nos. 1007, 1038, 1248;
 - fond 1906, op. 1, no. 53.
- The Russian State Archive of Ancient Acts (RGADA), Moscow:
- fond 16, op. 1, nos. 938, 939, 951.
- The Russian State Historical Archive, St. Petersburg:
- fond 1343, op. 51, no. 543.

*** The list includes the archival files referred to in the body of the article, as well as those used for culling the information presented in the *Appendix*.