

COMPENSATION CLAIMS OF THE UKRAINIAN EXILES, 1686–1690. ORIGINS OF THE WARSAW COMMISSION OF 1691

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ABSTRACT

Under the Grzymułtowski's treaty the Commonwealth received from Moscow a sum of 730,000 *złotys*. This money has been sought by the Ukrainian nobility who – by the virtue of the treaty – had lost any chance of recovering their Transdnieprian estates. Kyivian, Chernihivian and Bratslavian *sejmiki* instructed their deputies to obtain a compensation for their citizens for the lost property. These claims were presented at the Grodno diet of 1688, as well as on the successive two diets in Warsaw. The Warsaw Sejm in 1690 approved John III's patent appointing the Warsaw commission to divide the treaty money among the exiled nobility of the ceded palatinates.

Key words: Ukrainian nobility (exiles), *sejmiki*, compensations, Włodzimierz

In the Grzymułtowski's treaty (the Eternal Peace Treaty of 1686), the Commonwealth agreed to permanently surrender to Russia its title to the territories previously temporarily ceded to Muscovia under the Andrusovo Truce. These were the Smolensk palatinate (belonging to the Grand Duchy of Lithuania), as well as the Crown lands of the Chernihiv palatinate and the Transdnieprian part of the Kievan palatinate, including the city of Kiev itself.¹ As a compensation, Muscovy paid a sum of 146,000 rubles (i.e. 730,000 *złotys*) – the third such payment since 1667 – prompting

¹ The latest work on Grzymułtowski's treaty is Z. Wójcik, *Epilog traktatu Grzymułtowskiego w roku 1686* [in:] *Trudne stulecia. Studia z dziejów XVII i XVIII wieku ofiarowane Profesorowi Jerzemu Michalskiemu w siedemdziesiątą rocznicę urodzin*, Warszawa 1994, p. 27–45. See there for earlier literature, including by the same author Z. Wójcik, *Jan Sobieski 1629–1696*, Warszawa 1983, ch. XV. Another treatise has been published in Moscow: К. Кочегаров, *Речь Посполитая и Россия в 1680–1686 гг. Заключение договора о Вечном мире*, Москва 2008. For the text of the treaty see *Volumina Legum*, vol. VI, Warszawa 1980, p. 73–82, territorial issues being discussed in article 3.

the exiles from the lost territories to undertake a new effort to obtain compensation for their individual losses, this time out of that sum.

This article presents an account of the activities of the Ukrainian gentry aimed at obtaining compensation for their losses, as reflected in the transactions of the *sejmiki* (provincial diets) and instructions for their deputies to the general diet and delegates to the king. The article does not address the activities of the other group of exiles, i.e. the Lithuanian expatriates from the Smolensk palatinate, as their attitudes and activities merit a separate presentation.

Initially, the funds obtained from Muscovia have been appropriated towards financing the war against the Porte. After the failure of the 1686 Moldavian campaign, at the Senate council held in Lwów in December of that year, the exiles interested in the allocation of the sums obtained from the tsar drafted a document declaring their acceptance of the peace conditions and expressing their hope of obtaining a compensation for their lost estates out of these funds.² The document indicated that exiles had to accept the irrevocable loss of their estates, and that the compensation was possible only from the sums brought by envoys from Moscow. The authors of the document committed themselves to co-operate in the prosecution of their claims.

The earliest *sejmiki* of the Kievan palatinate held after the signing of the Grzymultowski's treaty, in 1686/1687, considered a number of issues – such as Cossack depredations on gentry estates and tax contributions of the palatinate – but did not deal directly with the matter of the compensation funds, as it was to be decided at the next general diet.

The *sejmiki* preceding the general diet summoned to Grodno for 1688 were held in December 1687. The first meeting of the provincial diet of the Kievan palatinate was broken up. While the immediate cause remains unknown, the preserved protestations suggest that conflicts over the compensation issue were the underlying reason. This hypothesis is supported by, inter alia, the examination of several documents recorded in the castle records by Transdnieprian exiles Jan and Stefan Danicz. The Daniczes are mentioned in these sources for the first time, so it is reasonable to suppose that their appearance was connected to the spreading of the news that the funds had been received from Moscow.³ Another protestation has been filed in the name of the exiles coming from the Transdnieprian territories by Samuel Posochowski, who had actively advocated on the behalf of this group in previous years, during the disputes over the division of the *reclinatorium* estates.

The two *sejmiki* held in Włodzimierz – Chernihivian and Bratslavian – were concluded successfully. The Chernihivian gentry, quite understandably, expressed

² Brought into scholarly attention by M. Kulecki, *Wygnańcy ze wschodu. Egzulanci w Rzeczypospolitej w ostatnich latach panowania Jana Kazimierza i za panowania Michała Korybuta Wiśniowieckiego*, Warszawa 1997, p. 197–198. Located in Archiwum Główne Akt Dawnych (hereafter cited as AGAD), Archiwum Potockich z Radzyna 233, p. 1–4. “Senatusconsilium”, Lwów 6–10 XII 1686, AGAD, Archiwum Publiczne Potockich, 47, t. I, p. 422–426.

³ I discuss the pre-diet *sejmiki* preceding the Grodno Diet and related sources at length in a forthcoming article: *Wygnańcy ukraiński po traktacie Grzymultowskiego* [in:] *Spółczesność Polska i wojsko. Studia i materiały*, Siedlce 2016, p. 71–82. Only principal conclusions are presented herein.

stronger views on the subject of compensation.⁴ The deputies were directed to present the palatinate's *desideria*, insist on their postulates being carried out, and – most importantly – reassert the claim to the Muscovite sums, both recent and earlier ones. The gentry clearly emphasized that the money received from the tsar had been obtained in exchange for “substancje nasze” (our substances), directly referring to the view that the peace was established only because of the *pro publico bono* concessions of the frontier gentry. Other issues related to the compensation had also been discussed at length in the instruction. The *sejmik* has demanded accounting for all moneys received since the earlier Grodno Diet. In the matter of estates previously granted to exiles as a *reclinatorium*, the deputies were to insist that the Krosno lieutenancy (*starostwo*) and other particulars be restored to the exiles pending their return to their inheritances. Since diverse rumours concerning the improprieties committed during the Grzymułtowski's mission circulated in the Commonwealth, the deputies were also to call for presenting the documents of the legation to the diet even before the election of the Speaker.

The Bratslavian gentry addressed those issues more briefly.⁵ They called for accounting for all funds, including those received from the tsar, and for issuing a constitution facilitating the return of Transdneprian exiles to the estates granted them as a *reclinatorium*. The Bratslavian gentry also interceded on the behalf of those exiles involved in various litigation in conjunction with the received compensations. Both *sejmiki* called for decisive measures to be taken at the general diet against the Cossacks stationed in the Ukraine, who were a significant nuisance for local estate holders.

The second meeting of the *sejmik* of the Kievian palatinate came to a successful conclusion.⁶ A significant part of the instruction given to the deputies dealt with the peace with Moscow. The Kievian gentry accepted the Grzymułtowski's treaty, but they pointed out at the same time that there had been no representatives of their community among the envoys concluding the treaty and agreeing to cede Transdnepria and part of the Kiev county. Nevertheless, the Kievians showed understanding for the difficult position of the Commonwealth and the king's objectives. They recognized the necessity of an alliance with Muscovy in the war against the Porte and Khanate. It appears likely that the support for the policy of John III was a consequence not only of a certain pragmatism and political option of the Kievian gentry, but also of the influence exerted by the court party, where the Kievian palatine Marcin Kański was a major figure.

Like the Chernihivians, the Kievian deputies emphasized at the very beginning of the diet that the peace had been made at the price of giving up their estates. Con-

⁴ Instrukcja województwa czernihowskiego posłom na sejm grodzieński, 16 XII 1687, Центральний державний історичний архів України у Києві (hereafter cited as ЦДІАУК), ф. 28, кн. 132, арк. 1384v–1393.

⁵ Instrukcja województwa braclawskiego posłom na sejm, 16 XII 1687, ibidem, арк. 1370v–1378. Print, *Архив Юго-Западной России*, ч. 2, т. II, Київ 1888 (hereafter cited as АЮЗР), р. 467–479.

⁶ Instrukcja województwa kijowskiego posłom na sejm dana, 9 I 1688, ЦДІАУК, ф. 28, кн. 133, арк. 795v–803.

cerning this matter, they demanded that the funds brought from Moscow be paid out of them as already promised. The deputies were also to request that the Krosno lieutenancy be given to the exiles as a *reclinatorium*. To administer the settlement of the exiles' claims, the *sejmik* proposed to establish a commission following the model of the one organized pursuant to the diploma that the exiles obtained by the exiles from King John Casimir. If their demands were to meet with a negative reception from the king and the estates, the deputies have been instructed to oppose the ratification of the treaties with the tsar and conclusion of the diet.

Some important provisions of the instruction reflected the gentry's concerns about the palatinate's day-to-day administration. The deputies demanded that judicial terms be regularly held. They expressed their concerns about castle officials and reminded that the books left in Kiev had to be returned to them. Furthermore, they opted to keep holding *sejmiki* at Włodzimierz. These concerns were as well articulated by the demand already familiar from two other gatherings, namely to free the palatinate from Cossacks, justified by the insignificance of their participation in military operations.

In all three instructions we find a number of private intercessions in favour of various members of the Ukrainian exile community. They are frequently accompanied by recitals of the services rendered by them to the palatinate or of the losses they suffered as a result of the treaty with Muscovia. Accordingly, the instructions have called for them to be reimbursed out of the funds received from the tsar. The Kievians emphasized the merits and losses of succamerarius Marcejan Czaplic, associate justice Jan Olizar Wołczkiewicz and venator Stanisław Kazimierz Kowalewski. Both Kievan and Chernihivian *sejmiki* interceded on behalf of the Chernihivian *horodniczy* (aedile) Jan Biergielewicz and Kievan gladifer Jan Ferensbach, supporting their claims to compensation for their losses. The Chernihivian *sejmik* has also recommended that the estates of Samuel Posochowski, another exile, be exempted from military duties.

Held in the first months of 1688, the Grodno diet was dominated by a sharp conflict between the king and magnate opposition and has been broken up. At the post-diet Senate council the issue of the compensation for exiles was debated and it was resolved "eksulom po 30 tys. tak litewskim, jako i koronnym tymczasem wypłacić."⁷ The full text of the resolves has been recorded at the Włodzimierz castle registry by a Transdniprian exile Stefan Krynicki.

The post-diet *sejmiki* of the Kievan and Chernihivian palatinates passed lauda, appointed delegates to the king and adjourned themselves. The Kievan gentry raised a number of issues related to the sums obtained from Muscovia. They expressed their appreciation to the deputies: "Iż nam przywieźli assekuracją z łaski JKMci et senatus consulto, że summa od carów moskiewskich dana nie komu inszemu, ale województwom naszym kijowskiemu i czernihowskiemu ma być na przyszłym sejmie wypłacona."⁸ They further declared that "spodziewamy się całej summy moskiew-

⁷ Senatus consilium roku 1688, dnia 15 marca zaczęte, Biblioteka Czartoryskich w Krakowie, rkps 866, p. 30–33. Ekstrakt z rady posejmowej ЦДІАУК, ф. 28, кн. 133, арк. 1000–1000v. (obl. 15 IV).

⁸ Laudum sejmiku województwa kijowskiego, 29 V 1688, ibidem, арк. 1280–1282.

skiej odzyskania, której ma być dobrej monety dziewięććroć sto tysięcy.” During the *sejmik*, an old controversy between the former Transdneprian and Cisdneprian gentry resurfaced, as it usually did when the issue of compensation was under discussion. The contested issues have been postponed until the next *sejmik*.

Delegates to the king have been appointed to present him with the demands of local citizenry. They met with a positive response.⁹ The king reminded the delegates of his earlier activities and assured the exiles that the moneys brought from Moscow would be used to satisfy their just claims. He has also responded favorably to the intercessions presented by the delegates on behalf of the individual claimants. The king’s answer has been recorded on September 14, so it had to be read during the *podeputacki sejmik*. Unfortunately, no records of the September *sejmiki* have survived.

Chernihivians did not pass any resolutions at the subsequent *sejmiki*, as their delegates to the king had made no report of their mission.¹⁰ It should be noted that the sum granted to exiles by the Senate council was used by *sejmiki* to reward the efforts undertaken by both the delegates and other persons who have rendered services to the community for their endeavors. The king decided to call a new diet for December 17, 1688. Instructions of all three Ukrainian *sejmiki* have survived and are known to scholars. The most extensive instruction was passed by Kievian gentry.

All *sejmiki* reiterated their prior instructions and added new demands. Kievians granted their deputies “plenariam potestatem do skończenia i approbowania z carami ichm. moskiewskiemu traktatu” according to the wishes of the king and instructed them “aby konkludowali co będzie cum bona naszego województwa.”¹¹ They demanded full participation of their representatives in all decisions affecting their palatinate, and called for the sum received from the tsar to be appropriated towards the claims of Kievian citizenry. They proposed to appoint a commission to “podzielenia co będzie należało komu z ichmciów ad portionem straconych fortun dziedzicznych,” according to the old diploma of John Casimir. A considerable part of the instruction is dedicated to intercessions for influential members of the local gentry and their claims on the account of the loss of their estates.

Much more concise instruction of the Chernihivian palatinate focused primarily on the issue of compensations. The deputies were to thank the king for his actions supporting the exiles’ cause and to implore him to pay out the recently promised sum. They have been specifically authorized to bring the money, because the exiles wanted to avoid the appointment of special commissioners, whose costs would have to be

⁹ Respons JKMcI posłom województwa kijowskiego na instrukcję danego, *ibidem*, apk. 1454–1456v.

¹⁰ Laudum sejmiku województwa czernihowskiego, 29 V 1688, *ibidem*, apk., 1246v–1247v. Similarly, the question of sums was only mentioned (and postponed) during the adjourned session of the Chernihivian *sejmik* on June 28. The session was again adjourned until the day succeeding the *sejmik* for the election of the deputies to the Crown Tribunal, Laudum sejmiku województwa czernihowskiego, *ibidem*, apk. 1325v–1326v; Laudum sejmiku województwa czernihowskiego 14 IX, *ibidem*, apk. 1453v–1454.

¹¹ Instrukcja sejmiku województwa kijowskiego, 5 XI 1688, *ibidem*, apk. 1505v–1511v.

charged against the requested funds. The *sejmik* pointed out that the *reclinatorium* formerly granted to the palatinate “dotąd ad effectum nie przyszło.” The permanent peace treaty having been concluded, the deputies were to beseech the king and estates to take up their claims, and not to address any other issues before obtaining a declaration on this matter. The deputies took an oath:

Iż desideria województwa naszego promowować mamy ratio summy za dobra zadnieprskie od carów ichm. moskiewskich, które concernunt województwu naszemu. Jako przez nas żadna dyminucya stać się nie ma, kiedy będziemy traktowali cum Reipublica o tę summę jeden bez drugiego kolegi w traktat wchodzić nie ma, jako i pro commodo privato nostro nie mamy nic obracać.¹²

A similarly brief Bratslavian instruction called for a prompt compensation of the Kievan and Chernihivian gentry out of the Muscovian moneys.¹³ Both instructions included intercessions in favor of local terrigenes who have lost estates under the treaty.

The following diet was also broken up and therefore the demands of the Ukrainian exiles had to be postponed again. In the spring of 1689, the political struggle aggravated, and the conflicts within the exile community caused many *sejmiki* to be broken up as well. A large number of protestations related to diverse controversies arising at the Ukrainian gatherings has survived.

The first meetings of all three pre-diet *sejmiki* held in Włodzimierz were broken up.¹⁴ The Kievan *sejmik* did not elect deputies at all, while the Bratslavian and Chernihivian ones were successfully concluded at the second attempt.

Chernihivians again reiterated their prior instruction, since, as they argued, the king had also referred to his previous proclamation in summoning the diet. They particularly emphasized the demand for the deputies to bear in mind “osobliwie o summie moskiewskiej napisanej.”¹⁵ Bratslavian citizens also reiterated their prior instructions, while adding a new proviso that the deputies take care that none but the rightful claimants participate in the distribution of the Muscovite sum.

The conflict between the court and the opposition subsided after a compromise was made at the diet of 1690. The fierce political struggle and ongoing war considerably restricted the activities of Ukrainian exiles. The issue of their activities at the diets deserves a separate consideration. They ended in a success as John III issued a diploma, confirmed by a constitution of the diet of 1690.¹⁶

After the conclusion of the Eternal Peace with Muscovia, the gentry bereft of any hope of regaining their estates, again attempted to obtain a compensation for the losses. In the instructions for three successive diets the Ukrainian *sejmiki* (provin-

¹² Instrukcja sejmiku województwa czernihowskiego, 5 XI 1688, ibidem, apk. 1515–1517v, at. apk. 1517

¹³ Instrukcja województwa braclawskiego posłom na sejm, 5 XI 1688, AIO3P, p. 482–485

¹⁴ This information can also be found in an account of the proceedings of the pre-diet *sejmiki*, W Żółkwi die 15 XII 1689, AGAD APP 162, t. I, p. 315–316

¹⁵ Instrukcja województwa czernihowskiego posłom na sejm, 17 XII 1689, AIO3P, p. 485–487.

¹⁶ Approbatio diplomatis na ukontentowanie exulum, VL, vol. V, p. 380. Dyplom AGAD, Archiwum Radziwiłłów, dz. II suplement 668 A (8).

cial diets) firmly insisted on their claims. The instructions extensively presented the grievances of the Ukrainian gentry. The local gentry accepted the peace settlement, but sought to resolve the incidental issues in a favorable manner. It demanded that sums received from Muscovy for compensations be paid out and that a new *reclinatorium* be granted. Kievians pressed for appointing a commission analogous to the one established in the closing years of John Casimir's reign. Their objectives were finally fulfilled in 1690.

Arguments set forth in the instructions have been generally similar to those already brought up before. The principal new circumstance was the peace treaty itself, permanently and conclusively affirming the loss of estates. Moreover, the money was received from Muscovy, so no argument could have been made about the Commonwealth's problems with finding funds available to satisfy exiles' claims. It was also recalled that the Commonwealth had already granted them a *reclinatorium*, which, however, did not constitute a sufficient compensation, and that abuses have occurred in connection with its distribution.

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