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THE SYSTEM OF THE CHAMBERLAIN'S COURTS IN THE GRAND DUCHY OF LITHUANIA (1764–1791)

Abstract. Under the system established by the Third Lithuanian Statute of 1588, each chamberlain's court (*sąd podkomorski*) was presided over by a sworn chamberlain (*podkomorzy*), assisted (at times even replaced) by one or two komorniks (*komornicy*). The Duchy of Samogitia was a notable exception. From 1764, boundary disputes there were also adjudicated by ciwuns (*ciwuni*) appointed by the monarch. In exercising their judicial duties, these officials could draw on the assistance of a deputy of their own choosing. The proceedings held on contested land, together with the judgements rendered, were recorded by registrars (*regenci*). From 1588, the office of chamberlain was elective. Until 1764, local sejmiks (*sejmiki*) nominated four candidates, from among whom the ruler made the final appointment. In 1764, however, this prerogative was limited from the monarch. In an effort to shorten the duration of boundary litigation, the nobility proposed adding assessors to the composition of the chamberlain's courts. The office of chamberlain remained a lifetime appointment, although in the latter half of the eighteenth century the nobility advanced proposals to introduce fixed terms of office.

Keywords: Polish–Lithuanian Commonwealth, Grand Duchy of Lithuania, chamberlain's courts, first instance courts of the nobility

USTRÓJ SĄDÓW PODKOMORSKICH WIELKIEGO KSIĘSTWA LITEWSKIEGO (1764–1791)

Streszczenie. Zgodnie z ukształtowanym przez III Statut litewski z 1588 roku ustrojem sądów podkomorskich w składzie każdego z nich zasiadał zaprzysiężony podkomorzy, którego wspierali, a czasami nawet zastępowali jeden lub dwaj komornicy. Wyjątkiem pozostawało Księstwo Żmudzkie, gdyż od 1764 roku rozstrzyganiem sporów granicznych zajmowali się w nim także mianowani przez monarchę ciwunowie. Przy wypełnianiu obowiązków jurysdykcyjnych mogli oni korzystać z pomocy jednego wybranego przez siebie komornika. Przebieg podejmowanych na spornym grun-

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cie czynności oraz wyroki spisywali regenci. Od 1588 roku urząd podkomorzego był elekcyjny. O ile jednak do 1764 roku sejmiki wyłaniały czterech kandydatów, spośród których władca dokonywał ostatecznego wyboru, o tyle od 1764 roku tego wyboru mu nie pozostawiano. W celu skrócenia czasu trwania procesów granicznych szlachta proponowała dołączenie do składu sądów podkomorskich asesorów. Urząd podkomorzego był dożywotni, choć w drugiej połowie XVIII wieku szlachta zgłaszała propozycje uczynienia go kadencyjnym.

Słowa kluczowe: polsko-litewska Rzeczpospolita, Wielkie Księstwo Litewskie, sądy podkomorskie, pierwszoinstancyjne sądy szlacheckie

The great importance of landed estates in the Grand Duchy of Lithuania made effective legal protection indispensable (Kiaupa 2018, 307). As early as 1468, the *Sudebnik* of Casimir IV Jagiellon, which prohibited acts of self-help such as the unlawful felling of trees and incursions upon another's property, provided for the adjudication of the so-called "land cases" (*sprawy ziemskie*) (Wilkievicz-Wawrzyńczykowa 1938, 103–104)¹ by officials known as *jezdokowie* (Ćwikła 2011, 268; Zakrzewski 2013, 187; Łappo 1899, 342; Adamus 1937, 268).² The same role was ascribed to these officials by the First Lithuanian Statute of 1529 (Book VIII, art. 4) (Łazutka, Valikonis, Gudavičius 2004, 208). In the early sixteenth century, in Podlasie, on the border with the Crown of the Kingdom of Poland, the office of the chamberlain (*podkomorzy*) was introduced together with Polish law (Soszyński 2000, 93). In 1565 the Vilnius Sejm extended this institution to other Lithuanian voivodeships, and it was implemented in most of them the following year (Łappo 1899, 349–350; Zakrzewski 2013, 187).³ Ultimately, the legal status of the chamberlain courts was regulated by the Third Lithuanian Statute,⁴ together with Sejm constitutions (statutes) that supplemented its provisions. This arrangement remained in force until the proceedings of the Four-Year Sejm (the Great Sejm), during which a major reform of the nobility's first-instance courts was conducted. It also included the Lithuanian chamberlain courts. At the end of 1791, a constitution entitled *Rozgraniczenie normalne w Wielkim Księstwie Litewskim* (*Standard Demarcation in the Grand Duchy of Lithuania*) was adopted. It replaced chamberlain courts with district boundary commissions (*powiatowe komisje graniczne*) (Leśnodorski 1951, 349; Anipiarkou 2022, 228),⁵ also referred

¹ Alina Wilkievicz-Wawrzyńczykowa classified as land cases those "connected with land and its appurtenances and their economic exploitation, the resolution of which required an on-site examination of the facts".

² *Sudebnik Kazimira* 1967, p. 30, art. 20.

³ As early as 1565 the Grand Duke of Lithuania appointed Stanisław Narbutt to the office of chamberlain of Słonim.

⁴ The principal part of these regulations is contained in Chapter Nine, entitled *O podkomorzach w powiatach i o prawach ziemnych, o granicach i o miedzach* (On Chamberlains in the Districts and on Land Laws, Boundaries and Borderlines), see: *Statut WKL* (1744), pp. 280–306 (IX, 1–32).

⁵ *Rozgraniczenie normalne w Wielkim Księstwie Litewskim*, 1791, [in:] *Volumina Legum*, vol. 9, pp. 346–361. The boundary commissions operated in three different formations: divisional

to as standard courts (*sądy normalne*)⁶ or standard boundary courts (*sądy normalne graniczne*) (Jusupović 2019, 500).⁷ Under the new regulation, the election of boundary commissioners (*komisarze graniczni*), variously referred to in contemporary sources as standard commissioners (*komisarze normalni*), standard boundary (*komisarze normalnie graniczni*),⁸ for standard demarcation (*komisarze do normalnego rozgraniczenia*)⁹ or standard boundary judges (*sędziowie normalni graniczni*),¹⁰ was to be carried out on 14 February 1792 by the local noble sejmiks (dietines).¹¹ At this time, the nobility of Nowogródek began their deliberations. The election of the boundary commissioners (twenty-four in total) was conducted unanimously on 20 February “after the voluntary withdrawal of those who, beyond the required number of twenty-four, had stood as candidates.”¹² On the same day, the Słonim sejmik also proceeded to elect boundary commissioners (twenty-one in total). The task proved neither easy nor swift. It was completed only on 24 February at 3 p.m.¹³ Notably, in the Słuck district (*powiat słuczorzecki*) there were too few candidates to fill all the vacant posts (as many as thirty-three in total). To fill them, it was therefore necessary to obtain the consent of several more prominent individuals to stand as candidates (Anipiarkou 2020, 340; Anipiarkou 2022, 226–227). The Pińsk-Zarzecz sejmik unanimously elected the membership of its boundary commission, numbering eighteen commissioners.¹⁴ The Kobryn district boundary commission had the same number of members. It was

(three commissioners), appellate (seven commissioners), and plenary (all commissioners). The total number of commissioners could not be fewer than twelve. Exceptions were made for the Vitebsk voivodeship (“for which three commissioners shall suffice”) and the Duchy of Livonia, the Smolensk voivodeship and the Starodub district, which, under the provisions of the Sejm constitution, “shall require no boundary commissioners at all.”

⁶ Lithuanian State Historical Archives in Vilnius, manuscript, f. 285, ap. 1, No. 74, *Zażalenie przeciwko działaniom marszałka sejmikowego Ignacego Przeciszewskiego i przedstawicieli stronnictwa Nagurskich podczas obrad sejmikowych*, Rosienie, 29 February 1792, p. 778v; see also: The Princes Czartoryski Library in Kraków, manuscript, No. 879, *Laudum sejmiku połockiego*, Czaszniki, February 1792, pp. 824–826.

⁷ *Kredens dla komisarzy granicznych kowieńskich*, 18 February 1792.

⁸ The Princes Czartoryski Library in Kraków, manuscript, sygn. 879, *Laudum sejmiku połockiego*, Czaszniki, February 1792, pp. 825–826.

⁹ Lithuanian State Historical Archives in Vilnius, manuscript, f. 337, ap. 1, No. 2, *Laudum sejmiku telszewskiego*, Telsze, 18–19 February 1792, p. 3.

¹⁰ The Princes Czartoryski Library in Kraków, manuscript, No. 879, *Laudum sejmiku szawelskiego*, Szawle, 22 February 1792, p. 811.

¹¹ *Rozgraniczenie normalne w Wielkim Księstwie Litewskim*, 1791, [in:] *Volumina Legum*, vol. 9, p. 346, art. 1.

¹² The Princes Czartoryski Library in Kraków, manuscript, No. 886, *Laudum sejmiku nowogródzkiego*, Nowogródek, February 1792, pp. 727–728.

¹³ The Princes Czartoryski Library in Kraków, manuscript, No. 886, *Laudum sejmiku słonimskiego*, Słonim, February 1792, p. 735.

¹⁴ The Central Archives of Historical Records in Warsaw, manuscript, archival collection (zespół) 354 (Archiwum Warszawskie Radziwiłłów), archive unit (dział) II, No. 3216, *Laudum sejmiku pińsko-zarzeczego*, Płotnica, February 1792, p. 2.

established on 22 February 1792, and the election there, too, was unanimous.¹⁵ On 24 February 1792, the Połock nobility resolved to appoint thirty “standard, that is boundary”, judges. As it turned out, however, only twenty-nine individuals put themselves forward and they were all elected unanimously. While awaiting the thirtieth candidate, the session was adjourned until the following day. The previously agreed-to composition was then completed. On that occasion as well, the nobility was entirely unanimous.¹⁶ A little earlier, on 22 February 1792, the Szawle sejmik¹⁷ likewise unanimously elected twenty-four standard judges. The Telsze nobility decided that the same number should be chosen “so that in their repartitions [districts – O.K.] they might form eight departmental judicial panels.” These intentions were brought to fruition unanimously on 17 February 1792, following the withdrawal of some candidates.¹⁸ A day later the Kaunas sejmik unanimously elected the twenty-four-member composition of the district boundary commission (Jusupović 2019, 500–501).¹⁹

According to Bogusław Leśnodorski, who examined the reforms of the Four-Year Sejm, the boundary commissions were not intended as a permanent solution; in future, adjudication of disputes over the demarcation of landed estates was to be entrusted to the gentry courts (*sądy ziemiańskie*) established in the same year (Leśnodorski 1951, 349; Szpoper 2015, 38). Stanisław Kutrzeba even argued that the gentry courts assumed, among other things, the functions of the abolished chamberlain jurisdictions (Kutrzeba 1917, 265). The basis for this conclusion is, however, puzzling, for according to the Sejm constitution that defined the organisation of the gentry courts, they were to hear at first instance “all those cases which had hitherto fallen within the competence of the land courts and the castle courts.”²⁰ In any case, throughout most of the reign of Stanisław August Poniatowski, the responsible task of adjudicating boundary disputes continued to rest with the chamberlain courts.

Under the Lithuanian Statute of 1588, every district of the Grand Duchy of Lithuania was to have a chamberlain, resident in the district [i.e. holding land there – O.K.], and duly sworn into office. This applied also to the Duchy of Samogitia (*Księstwo Żmudzkie*).²¹ The Sejm in 1764, however, observed that “a single chamberlain could not be deemed sufficient to adjudicate disputes in so

¹⁵ The Princes Czartoryski Library in Kraków, manuscript, No. 886, *Laudum sejmiku kobryńskiego*, Kobryń, 22 February 1792, p. 613.

¹⁶ The Princes Czartoryski Library in Kraków, manuscript, No. 879, *Laudum sejmiku połockiego*, Czaszniki, February 1792, pp. 824–825.

¹⁷ The Princes Czartoryski Library in Kraków, manuscript, No. 879, *Laudum sejmiku szawelskiego*, Szawle, 22 February 1792, p. 811.

¹⁸ Lithuanian State Historical Archives in Vilnius, manuscript, f. 337, ap. 1, No. 2, *Laudum sejmiku telszewskiego*, Telsze, February 1792, pp. 3–3v.

¹⁹ *Kredens dla komisarzy granicznych kowieńskich*, Kaunas, 18 February 1792.

²⁰ *Sąd ziemiański*, 1792, [in:] *Volumina Legum*, vol. 9, p. 372, art. 3.

²¹ *Statut WKL* (1744), p. 280 (IX, 1).

vast and populous a duchy”, and therefore authorised fourteen Samogitian ciwuns (*ciwuni*) to resolve disputes falling within the chamberlain's jurisdiction as well. At the same time, they were forbidden to hold at the same time the office of land court judge or castle court judge, which had previously not been uncommon. Despite the absence of any formal prohibition, there were no instances of the offices of ciwun and chamberlain being held concurrently. Interestingly, although the ciwun possessed judicial powers more limited than those of the chamberlain, he ranked above him in the official hierarchy (Stankevič 2018, 93; Goldstein 1913, 128; Lulewicz, Rachuba, Romaniuk, Haratym 2015, 35).²² It is therefore hardly surprising that candidates seeking a ciwun's office frequently applied for the patronage of powerful magnates.²³ The example of Colonel Wincenty Przeciszewski, appointed as ciwun of Korszew, demonstrates that such efforts could at times prove effective (Lulewicz, Rachuba, Romaniuk, Haratym 2015, 114). The granting of privileges for the offices of the Samogitian ciwuns remained subject to the discretionary decision of the monarch (Skrzetuski 1787, 237; Zakrzewski 2000, 154–155).²⁴

Until 1588 the appointment of chamberlains remained the exclusive prerogative of the Grand Duke of Lithuania (Downar-Zapolski 2005, 151). In the end, however, the demands voiced by the Lithuanian nobility to make this office elective (in accordance with the Polish model) eventually bore fruit, for under the provisions of the Third Lithuanian Statute, the ruler was to make the final appointment from among four candidates previously selected by the sejmik (Zakrzewski 1997, 174; Liubawskij 1910, 13, 27; Kutrzeba 1914, 166; Radaman 2010, 82).²⁵ To this end, the king conferred upon the nominee a royal privilege.²⁶ In the eighteenth century, Wincenty Skrzetuski (1745–1791) observed that, in practice, for the office of starosta, “as for other land offices,” the Lithuanian nobility often nominated only a single candidate, thereby imposing its will upon the monarch (Skrzetuski 1787, 240–241; Zakrzewski 1997, 175–177). While this practice, in the case of starostas, conflicted with the provisions of the Constitution on Starostwa and Crown Lands of 1775,²⁷ in respect of the office of chamberlain it was

²² *Activitas ciwunów Księstwa Żmudzkiego*, 1764, [in:] *Volumina Legum*, vol. 7, p. 181.

²³ The Central Archives of Historical Records in Warsaw, manuscript, archival collection (zespół) 354 (Archiwum Warszawskie Radziwiłłów), archive unit (dział) V, No. 12482, *List pułkownika Wincentego Przeciszewskiego*, 17 July 1780, p. 10.

²⁴ According to Wincenty Skrzetuski, “the Samogitian offices of the ciwuns, of which there are fourteen, exist solely by royal privilege”. It would appear that the office of ciwun was filled in the same manner in the Trakai district.

²⁵ *Statut WKL* (1744), p. 280 (IX, 1). At least initially, the new regulations were not observed everywhere.

²⁶ The Princes Czartoryski Library in Kraków, manuscript, No. 879, *Kredens zaświadcający wybór na urząd podkomorzego orszańskiego Tadeusza Przysieckiego*, Chołopienicze, 12 February 1790, p. 733.

²⁷ *Starostwa i królewszczyny*, 1775, [in:] *Volumina Legum*, vol. 8, p. 93.

consistent with the regulations of 1764. For, according to the constitution adopted at that time for the Grand Duchy of Lithuania, the chamberlains of the land courts were to be “elected by *pluralitate votorum*,²⁸ not by choosing four candidates, but only one for each office” (Umiastowski 1782, 56).²⁹ Precisely one candidate for a vacant chamberlain’s office was elected by the nobility at the sessions of the Vilnius sejmik in 1770,³⁰ the Trakai sejmik in 1771,³¹ the Kaunas sejmik in 1784 (Jusupović 2019, 373–374),³² and the Orsha sejmik in 1790. In the last of these a unified position was achieved after the remaining candidates³³ had been “prevailed upon” [persuaded – O.K.]. An unusual election, however, took place in Kaunas, where on 9 February 1791, as a result of a split in the local sejmik, two individuals were chosen to the office of chamberlain – Michał Kossakowski (Jusupović 2019, 457–458)³⁴ and Adam Kozakowski (Jusupović 2019, 466–467).³⁵ The latter even went so far as to sign a *kredens* (a letter of attestation) for the newly appointed Kaunas rotmistrz (captain of cavalry), Józef Szaniawski, styling himself “elected chamberlain of Kaunas” (Jusupović 2019, 489).³⁶ Ultimately, however, Kozakowski’s election was declared void (Lulewicz, Rachuba, Romaniuk, Haratym, Macuk, Aniszcanka 2009, 401). The election was certified by a *kredens*.³⁷ The office was conferred for life,³⁸ and the very act of election by the nobility must have rendered it all the more prestigious and, at the same time, attractive (Lulewicz, Rachuba, Romaniuk, Haratym 2015, 35). In 1786, Józef Judycki (1719–1797), lieutenant general of the army of the Grand Duchy of Lithuania, reporting to the king on the deaths of the chamberlain and the marshal (*marszałek*)

²⁸ By a majority of votes.

²⁹ *Sądy ziemskie*, 1764, [in:] *Volumina Legum*, vol. 7, pp. 88–89.

³⁰ Lithuanian State Historical Archives in Vilnius, manuscript, f. 21, ap. 1, No. 128, *Kredens zaświadcujący wybór na urząd podkomorzego wileńskiego Tadeusza Żaby*, Wilno, 7 February 1770, p. 18.

³¹ Lithuanian State Historical Archives in Vilnius, manuscript, f. 345, ap. 1, No. 2, *Kredens zaświadcujący wybór na urząd podkomorzego trockiego Stefana Dominika Romera*, Troki, 6 February 1771, pp. 598a–601v.

³² *Kredens na podkomorstwo kowieńskie*, Kaunas, 11 February 1784.

³³ The Princes Czartoryski Library in Kraków, manuscript, No. 879, *Kredens zaświadcujący wybór na urząd podkomorzego orszańskiego Tadeusza Przysieckiego*, Chołopienicze, 12 February 1790, p. 733.

³⁴ *Kredens dla podkomorzego*, Kaunas, 9 February 1791.

³⁵ *Kredens dla podkomorzego*, Kaunas, 9 February 1791; see also: Lithuanian State Historical Archives in Vilnius, manuscript, f. 163, ap. 1, No. 50, *Kredens na urząd podkomorzego kowieńskiego dany Adamowi Kozakowskiemu*, Kaunas, 9 February 1791, pp. 94–95.

³⁶ *Kredens dla rotmistrza kowieńskiego*, Kaunas, 9 February 1791.

³⁷ Lithuanian State Historical Archives in Vilnius, manuscript, f. 345, ap. 1, No. 2, *Kredens zaświadcujący wybór na urząd podkomorzego trockiego Stefana Dominika Romera*, Troki, 6 February 1771, pp. 598a–601v.

³⁸ *Statut WKL* (1744), p. 280 (IX, 1); see also: *Sądy ziemskie*, 1764, [in:] *Volumina Legum*, vol. 7, p. 89.

of the Rzeczyca district (Rostworowski 1964–1965, 311–314), observed that the resulting vacancies aroused great interest among the nobility and that their rivalry might even lead to bloodshed. To prevent this, Judycki proposed that elections be suspended “until matters should in the meantime be settled” and postponed until the next session of the local sejmik.³⁹ Not everyone was content with the lifetime tenure of the office of chamberlain, for in 1790 the nobility of Pińsk instructed their envoys that, “as regards judicial offices held for life (...), their term should be reduced to a fixed number of years” [i.e. limited by a set term of office – O.K.] (Jurgaitis, Stankevič, Verbickienė 2015, 318).⁴⁰ What was clearly regarded as important, however, was the statutory requirement that candidates be resident [i.e. hold land in the given district – O.K.]. For instance, the election of Tomasz Wawrzecki (1753–1816) (Lulewicz, Rachuba, Romaniuk, Haratym, Macuk, Aniszcanka 2009, 401)⁴¹ to the office of Kaunas chamberlain in 1784 was contested by the Zabiełło and Kossakowski factions precisely on the grounds that he held no estates in the district (Lulewicz, Rachuba, Romaniuk, Haratym, Macuk, Aniszcanka 2009, 401). The Convocation Sejm⁴² of 1764 confirmed the residency requirement. Each newly elected chamberlain was to receive from the royal chancery a map of his district bearing the monarch's seal (Skrzetuski 1787, 443; Goldstein 1913, 131).⁴³ The chamberlain's registers kept by his deceased predecessor were to be handed over to the local land court, whose officials were obliged both to preserve them together with the land registers and to issue copies from them.⁴⁴

To shorten the time needed for the adjudication of boundary disputes, the Third Lithuanian Statute authorised the chamberlains to appoint one or two *komorniks* (*komornicy*) to assist them. Candidates for this office were expected to be men of worth and stability, and further to demonstrate noble descent, residence in the given district, legal knowledge, and literacy. Crucially, however, the *komorniks* were to adjudicate boundary disputes “only in minor and insignificant matters, where a włóka of land or less was at issue, (...) in greater and weightier matters the chamberlain himself was to travel and decide.”⁴⁵ The *kredens* attesting

³⁹ The Princes Czartoryski Library in Kraków, manuscript, No. 697, *List strażnika wielkiego litewskiego i generała lejtnanta wojsk Wielkiego Księstwa Litewskiego Józefa Judyckiego do Stanisława Augusta Poniatowskiego*, Rzeczyca, 22 February 1786, p. 459.

⁴⁰ 1790 m. lapkričio 18 d. Pisko pavieta seimelio instrukcija.

⁴¹ Tomasz Wawrzecki held the chamberlain's office of Kaunas from 1784 to 1791.

⁴² *Sądy ziemskie*, 1764, [in:] *Volumina Legum*, vol. 7, p. 89.

⁴³ *Statut WKL* (1744), p. 289, (IX, 8); see also: *Podkomorzy*, [in:] *Prawa z Statutu W. X. Litewskiego y konstytucyi, dla wygody pilnujących z urzędu albo potrzeby sądów y dla innych obywateli koronnych y litewskich wiadomości porządkie podług alfabetu zebrane, a ile w processa prawne wchodzących o pretensye wszelakie*, Warszawa 1783: printed and published at the expense of Michał Gröll, p. 415.

⁴⁴ *Statut WKL* (1744), p. 290 (IX, 9); see also: *Podkomorskie księgi...*, [in:] *Prawa z Statutu W. X. Litewskiego...*, p. 416.

⁴⁵ *Statut WKL* (1744), pp. 290–291, (IX, 10).

to the election of Michał Wnentowski as a Trakai komornik stipulated that he “shall have power to measure and delimit lands (...) and to perform all duties appropriate to that office.”⁴⁶ In turn, Adam Woyniłłowicz, chamberlain of Nowogródek, appointed Piotr Welinowicz as a komornik “to assist in the work of the chamberlain’s court, in view of his abilities and his excellent knowledge of the geometric art possessed by His Honour Mr Welinowicz.”⁴⁷ The emphasis on the nominee’s knowledge of geometry may have stemmed from the necessity of his preparing maps (Goldstein 1913, 131). In addition, chamberlains were also assisted by surveyors (*mierniczowie*), diggers (*kopacze*) (Liubawskij 1910, 13; Zakrzewski 2013, 187; Szpopier 2015, 33), and registrars (*regenci*).⁴⁸ The role of the latter was to receive the reports submitted by court ushers (*woźnych sądowych*) confirming the service of summonses⁴⁹ and, above all, record the course of procedural acts (inspections, hearings) conducted on the disputed land, and, once concluded, also the decree settling the proceedings (Umiastowski 1782, 61–62, 64). In 1790, when assessing the composition of the chamberlain’s court, the Trakai nobility concluded that there was no need to appoint a clerk, since “the chancery and the chamberlain’s records, remaining at the chamberlain’s disposal, do not require the election of a separate clerk” (Jurgaitis, Stankevič, Verbickienė 2015, 106).⁵⁰

The Samogitian ciwuns, too, were entitled to appoint one komornik to assist them.⁵¹ It is evident, however, that this provision was not always observed, for, as the Samogitian advocate Antoni Jacek Klementt recorded, one of them acted “contrary to the prohibition laid down in national law, since Article 10 of Chapter 9 permits a chamberlain to elect one, or at most two, komorniks, yet His Lordship the ciwun (...), having chosen Narbutt, resolved to appoint a third.”⁵² The kredens issued on 9 April 1791 to komornik Maciej Gilwicki by Ludwik Gorski, ciwun of

⁴⁶ Lithuanian State Historical Archives in Vilnius, manuscript, f. 341, ap. 1, No. 1, *Kredens na urząd komornika trockiego dany Michałowi Wnentowskiemu*, 2 August 1778, pp. 758–759v.

⁴⁷ Lithuanian State Historical Archives in Vilnius, manuscript, f. 20, ap. 1, No. 35, *Kredens na urząd komornika nowogródzkiego wydany Piotrowi Welinowiczowi przez podkomorzego Adama Woyniłłowicza*, Sawicze, 24 May 1791, pp. 303–306.

⁴⁸ Lithuanian State Historical Archives in Vilnius, manuscript, f. 162, ap. 1, No. 17, *Kredens na pisarstwo aktowe ziemiańskie powiatu kowieńskiego*, 17 February 1792, p. 13; see also: Lithuanian State Historical Archives in Vilnius, manuscript, f. 20, ap. 1, No. 35, *Kredens na urząd komornika nowogródzkiego wydany Piotrowi Welinowiczowi przez podkomorzego Adama Woyniłłowicza*, Sawicze, 24 May 1791, p. 304.

⁴⁹ Lithuanian State Historical Archives in Vilnius, manuscript, f. 341, ap. 1, No. 1, *Zeznanie podanego pozwu*, 1781, pp. 819–819v.

⁵⁰ 1790 m. lapkričio 16 d. Trakų vaivadijos seimelio instrukcija.

⁵¹ *Activitas ciwunów Księstwa Żmudzkiego*, 1764, [in:] *Volumina Legum*, vol. 7, p. 181.

⁵² Lithuanian State Historical Archives in Vilnius, manuscript, f. 1135, ap. 2, No. 73, *Dzieło własnoręczne moje odbywanych spraw w grodzie i ziem[stwie] czasu obowiązków palestranckich dopełnione w Rosiejniach od r[ok]u 1783 do r[ok]u 1792, czyli otwarcia sądów w Telszach m[iesiąc] Febr[uari] 18 d[nia], gdzie pisarzem aktowym zostałem, dla dowodu pracowitości w tej księdze zostawuję następcom*, vol. 1, p. 416.

Retów, emphasised his “aptitude and knowledge of the surveying art.”⁵³ It seems that here too the law was violated,⁵⁴ since only a few days earlier Ciwun Gorski had issued a *kredens* for the office of *komornik* to Stanisław Mackiewicz.⁵⁵

In addition, with a view to shortening the duration of boundary trials, the Vilnius nobility proposed in 1788 “that to each chamberlain of every voivodship and district, besides the court officials, the citizens should annually elect up to four assessors, and that the bench [adjudicating panel – O.K.] should necessarily consist only of three persons together with the chamberlain” (Jurgaitis, Stankevič, Verbickienė 2015, 43).⁵⁶ Similar proposals were put forward at the same time by the Starodub (Jurgaitis, Stankevič, Verbickienė 2015, 191)⁵⁷ and Nowogródek (Jurgaitis, Stankevič, Verbickienė 2015, 220)⁵⁸ sejmiks. Two years later, the nobility of Minsk (Jurgaitis, Stankevič, Verbickienė 2015, 332–333)⁵⁹ and of Trakai (Jurgaitis, Stankevič, Verbickienė 2015, 106)⁶⁰ also stressed the need to appoint two assessors, elected by the sejmik, to the chamberlain's court.

Assuming the office of chamberlain required taking an oath before the officials of the land court and the nobility assembled for the session. Its formula stipulated, in particular, that disputes be decided with regard to justice and impartiality, and that no heed be paid to attempts at bribery or intimidation.⁶¹ The *komorniks* appointed by the chamberlains were obliged to take the same oath as chamberlains themselves. This act was to be carried out “at roki [court sessions

⁵³ Lithuanian State Historical Archives in Vilnius, manuscript, f. 367, ap. 1, No. 22, *Kredens na urząd komornika wydany Maciejowi Gilwickiemu przez ciwuna retowskiego Ludwika Gorskiego*, 9 April 1791, p. 783.

⁵⁴ *Activitas ciwunów Księstwa Żmudzkiego*, 1764, [in:] *Volumina Legum*, vol. 7, p. 181. The constitution entitled each of the Samogitian ciwuns to appoint one *komornik*.

⁵⁵ Lithuanian State Historical Archives in Vilnius, manuscript, f. 367, ap. 1, No. 22, *Kredens na urząd komornika wydany Stanisławowi Mackiewiczowi przez ciwuna retowskiego Ludwika Gorskiego*, 4 April 1791, p. 591–591v.

⁵⁶ 1788 m. rugpjūčio 20 d. Vilniaus vaivadijos seimelio instrukcija.

⁵⁷ 1788 m. rugpjūčio 18 d. Starodubo pavieta seimelio instrukcija.

⁵⁸ 1788 m. rugpjūčio 20 d. Naugarduko vaivadijos seimelio instrukcija. The election of assessors was to follow the model of the election of land officials.

⁵⁹ 1790 m. lapkričio 21 d. Minsko vaivadijos seimelio instrukcija.

⁶⁰ 1790 m. lapkričio 16 d. Trakų vaivadijos seimelio instrukcija.

⁶¹ *Statut WKL* (1744), pp. 280–281, (IX, 1). The oath of the chamberlain read as follows: “I, N., swear to Almighty God in the Holy Trinity that in this land office of chamberlain, which by the grace and from the hands of His Royal Majesty I receive, I shall remain loyal to His Royal Majesty [...] and to the citizens of this district; and that I shall discharge this office faithfully and justly, both in my chamberlain's court and in defining boundaries, in raising boundary mounds and in correcting boundary lines, having regard in this office to nothing else but holy justice, allowing myself to be led astray by nothing, neither by friendship nor by enmity, neither gifts nor threats of any person, giving counsel to neither party, fearing no one, but the Lord God Himself having His holy justice before my eyes. Likewise, I shall diligently conduct all my chamberlain's business in every respect, entering in my court registers the disputes settled by me between the parties, and issuing extracts from those registers. So help me God.”

– O.K.] before the castellan or the marshal and before the district land officials, and, in the absence of castellans or marshals, before the land court officials and the nobility assembled at roki.”⁶² The surviving sources confirm that this obligation was observed in practice.⁶³ The Samogitian ciwuns were also to be sworn in according to the oath formula proper to the chamberlain, at sessions of the Rosienie land court in the presence of its officials and the assembled nobility. In addition, before entering upon their duties, the komorniks were likewise required to take the oath “described in the Lithuanian Statute.”⁶⁴

The chamberlain’s remuneration consisted of fees paid separately for such tasks as issuing a summons and a letter notifying of the date of the chamberlain’s departure to the disputed land, lodging the aktor (i.e. entering the case in the register), drafting a letter to another chamberlain,⁶⁵ adjourning proceedings (dylacje), raising boundary mounds (depending on their size), and issuing copies of documents entered in the court records (Wisner 2008, 197).⁶⁶ If, owing to the location of the disputed land in adjoining districts, two chamberlains took part in the proceedings, “each of them is to receive his chamberlain’s income (...) from the actions carried out within his own district.”⁶⁷ The komorniks’ remuneration was to correspond to that of the chamberlains.⁶⁸

Despite the Lithuanian nobility’s complaints about the high costs of proceedings before the chamberlain’s courts (Jurgaitis, Stankevič, Verbickienė 2015, 43, 191),⁶⁹ evaluations of chamberlains were not invariably critical. The adjudication of matters as important to the nobility as the demarcation of landed estates required a degree of maturity and considerable intelligence (Goldstein 1913, 132). In 1790 the nobility of Grodno commended Tomasz Wawrzecki, chamberlain of Kaunas, to the ruler “out of respect and attachment to this person, who has always served *publico*”⁷⁰ faithfully and willingly” (Jurgaitis, Stankevič, Verbickienė 2015, 133).⁷¹ Chamberlain Wawrzecki was also esteemed by the Smolensk nobility for his

⁶² *Statut WKL* (1744), pp. 290–291 (IX, 10).

⁶³ Lithuanian State Historical Archives in Vilnius, manuscript, f. 367, ap. 1, No. 22, *Kredens na urząd komornika wydany Stanisławowi Mackiewiczowi przez ciwuna retowskiego Ludwika Gorskiego*, 4 April 1791, p. 591–591v.

⁶⁴ *Activitas ciwunów Księstwa Żmudzkiego*, 1764, [in:] *Volumina Legum*, vol. 7, p. 181.

⁶⁵ *Statut WKL* (1744), p. 289 (IX, 8). Two chamberlains took part in the settlement of a boundary dispute concerning land situated in adjoining districts. In such a case, a letter from the chamberlain to whom the matter had been referred was to be delivered to his counterpart from the other district by the plaintiff.

⁶⁶ *Statut WKL* (1744), p. 290 (IX, 9).

⁶⁷ *Statut WKL* (1744), p. 289 (IX, 8).

⁶⁸ *Statut WKL* (1744), p. 291, (IX, 10).

⁶⁹ 1788 m. rugpjūčio 20 d. Vilniaus vaivadijos seimelio instrukcija; see also: 1788 m. rugpjūčio 18 d. Starodubo pavieta seimelio instrukcija.

⁷⁰ publicly

⁷¹ 1790 m. lapkričio 16 d. Gardino pavieta seimelio instrukcija.

“zealous labours and exemplary devotion to His Majesty and to the good of the nation” (Jurgaitis, Stankevič, Verbickienė 2015, 185).⁷² The nobility of Polotsk were of a similar opinion (Jurgaitis, Stankevič, Verbickienė 2015, 207).⁷³ In 1790 the Brześć sejmik resolved, in its instruction, to single out its chamberlain, Zenon Wysłouch (1727–1805), and at the same time to commend him to the king for higher offices (Lulewicz, Jaszczolt, Radaman, Rachuba, Romaniuk, Macuk, Danilczyk, Haratym 2020, 141).⁷⁴ The justification given was his merits and virtuous discharge of his functions as deputy to the Tribunal of the Grand Duchy of Lithuania and as deputy to the Sejm, with unstinting labour and solicitude (Jurgaitis, Stankevič, Verbickienė 2015, 305).⁷⁵

At times, however, opinions expressed about the chamberlains were sometimes divided. In 1780 the Trakai sejmik petitioned the monarch to honour their chamberlain, Stefan Dominik Romer (1721–1793), who, in its view, was “renowned for the multitude of his services.”⁷⁶ It is enough to note that by that time Romer already had considerable experience in holding public offices. He had held the office of chamberlain for nearly a decade,⁷⁷ and earlier had served, among other posts, as Trakai castle court clerk (1741–1752) and as land court judge (1752–1766) (Lulewicz, Rachuba, Romaniuk, Haratym, Macuk, Aniszcanka 2009, 160, 174, 197). Nevertheless, in 1791, during a hearing before the Trakai castle court, the advocate Andrzej Olechnowicz publicly insulted the widely respected chamberlain. In criticising the decision of the chamberlain’s court, he did not hesitate to compare Romer to Adam Poniński (1732–1798) (Stankevič 2022, 285; Borucki 1979, 70).⁷⁸

Adopted from the Crown of the Kingdom of Poland in the 1560s, the chamberlain jurisdictions remained an important component of the nobility’s first-instance judiciary in the Grand Duchy of Lithuania for more than two centuries. Until the establishment of the district boundary commissions, they administered justice in the adjudication of land disputes, which were of particular importance to the nobility. This long period of operation saw numerous proposals for reform. Those put forward during the reign of Stanisław August Poniatowski most often aimed to shorten hearing times and reduce costs. Nevertheless, the system of the chamberlain courts, established already by the Third Lithuanian Statute, was only slightly reorganised at that time.

⁷² 1790 m. lapkričio 17 d. Smolensko vaivadijos seimelio instrukcija.

⁷³ 1790 m. lapkričio 22 d. Polocko vaivadijos seimelio instrukcija.

⁷⁴ Zenon Wysłouch became chamberlain of Brześć in 1781.

⁷⁵ 1790 m. lapkričio 20 d. Bresto vaivadijos seimelio instrukcija.

⁷⁶ Lithuanian State Historical Archives in Vilnius, manuscript, f. 345, ap. 1, No. 3, *Instrukcja sejmiku trockiego*, Troki, 21 August 1780, p. 528.

⁷⁷ Lithuanian State Historical Archives in Vilnius, manuscript, f. 345, ap. 1, No. 2, *Kredens zaświadczejący wybór na urząd podkomorzego trockiego Stefana Dominika Romera*, Troki, 6 February 1771, pp. 598a–601v.

⁷⁸ On 1 September 1790, the Sejm court deprived Adam Poniński of his nobility and offices and sentenced him to exile for conspiring with diplomatic representatives of the Russian Empire.

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