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# **Russian Empire County Court officials: Structure and Functions**

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### **Abstract**

The article deals with the staff structure of the Russian Empire county courts, which operated since 1775, eliminated as a result of judicial reform of 1864. A large number of people were employed in these institutions. The author identified four categories of employees in county courts: judges, court assessors, clerks and secretaries, hired technical personnel. The major functions of the officials of these judicial institutions, as well as the nature and role in their participation in the judicial process are highlighted in this work.

Legislative sources and archive documents, in particular from the State Archives of Sumy region (Ukraine) and Central State Historical Archives of Ukraine, Kiev were widely used as sources.

**Keywords:** Russian Empire, district (uezdnyy) court, nobility, officials.

#### 1. Introduction

Eastern Europe is populated predominantly by Slavic peoples, each of them having its own history, with specifics determined by the ethnographic, geographic, political and other factors. They were in contact with representatives of other Nations, States (both Slavic and non-Slavic), etc. This influenced specifically the development of different spheres of Eastern European societies: economic, administrative, cultural, etc. For example, active relations of the Russian State with the European countries, in particular with Sweden, influenced the evolution of bureaucracy in Russia. Peter 1st's administrative reforms relied largely on Sweden's precisely and on a number of other European States' experience, though they were performed according to local traditions (Troitsky, 1977: 75).

In this work, we will cover some of the representatives of the bureaucratic system of the Russian Empire – county court officials, who appeared as a result of the administrative reforms of Catherine II, which, were also largely influenced by the European contacts of several Russian statesmen.

One of the basic regulations for all state institution employees of the Russian Empire was the Table of Ranks. This law established a clear hierarchy of positions and ranks of civil, military and court departments, enshrined the principle of promotion through the ranks of officials not by birth and nobility, but by depending on the personal period of service, merits to the monarch and the state. Thus, the monarchy tried to undermine the principle of "generations" in management. But in reality, the public service was seen as the implication of power, and therefore the government didn't want to allow the representatives of underprivileged sections of the population to such an

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important matter, the nobility and the Russian government itself in the first place (which actually consisted of the very apex of the nobility).

But various regions of the Empire could have their own specifics. For example, in the North-Eastern Ukraine, which in XVIII was already a part of the Russian Empire, people from other segments of the population were also allowed to managerial, judicial or other functions, not only the representatives of the local elites. In the so-called Great Russian provinces, local gentry, which were often not willing to take the legal procedures and institutions, had to prevail in the courts, whose work required certain professionalism and the ability to find the necessary laws. Most of the nobles did not prefer such a duty. They entrusted this activity to lower officials and clerks. As a result, the courts of XVIII and in the beginning of XIX century practically consisted of two independent parties:

- judges, former military servicemen mostly, were not engaged in formal procedures and were not focused in law, had a little experience of judicial practice. But they held the authority to make decisions;
- Chancellery, where law knowledge and bureaucratic procedure were concentrated, prepared the case, and often even carried a ready solution to the judge to be signed.

Moreover, civil service authority in the second half of the XVIII century among the nobility on the entire, in the Russian Empire was quite low. The Governorate reform of 1775 practically did not change such an attitude to it.

Let us have a more detailed view on the staffing of county courts and on certain aspects of life therein.

# 2. Sources and methods

- 2.1. The core of the research base consists of archive materials, memoirs of the contemporaries and regulatory acts of the Russian Empire, which controlled the activity of district courts and their personnel structure. Specifically the documents from the fund of Konotop district court Chernigov province, stored in the State Archives of Sumy region, as well as the funds of the Kiev province administration and Malorossiya provincial government of Central State Historical Archives of Ukraine in Kiev (Ukraine) were used.
- 2.2. The historicism, objectivity and historical anthropologic principles were used in this article. We took into account certain historical conditions of the studied era, the connection between the events, causes, time and places of event, used actual facts, etc. The historical anthropologic principle was used as one of the main, because the central reference point of this article is a person (the community of people united by particular professional grounds, to be more exact).

#### 3. Discussion and results

The County Court was the primary (lowest) institution. Initially it consisted of a county judge and two assessors, who were elected by the nobility of the county and were approved by the Governor, (Eroshkin, 1968: 134). But a large number of lower level officials were also involved in these courts. In 1800, the county courts of St. Petersburg and Moscow were divided into two departments: the Penal and Civil (MOL 2). Other district courts of the Empire also consisted of certain structural units, in particular the civil and criminal offices. For each such trial, except for those, that were held in the provincial centers, in the first half of the 30-ies of the nineteenth century a special institution was created under the name of the Serf Affairs (Code of Laws of the Russian Empire, 1835: 206). County courts also had their own archives, where the closed cases were stored. And in each department there were working officials: the head clerks, registrars, clerks, scribes, department chiefs and others.

Some employees of these institutions were appointed, and some of them were elected. There were certain rules of appointment and dismissal of an official position employee. At first, these rules were not strictly regulated. But with time, the regulatory framework appeared to control these processes.

The positions of district court judges and nobility assessors, and later the peasant assessors, were elective. But there were cases when the government appointed officials to these positions. Then they became known as "the crowned". In some cases, the secretary positions of these courts were also elective.

## 3.1. County judges

County judges were very powerful people in the districts. Often they were the protégées of the governor or wealthy landowners. Frequently this caused negative events in legal proceedings, such as corruption. Nicholas I and his advisors believed that this problem could be solved by shortening the involvement of impoverished gentry in the sessions. They thought that wealthy nobles, eligible to vote, would be more sufficient and independent to elect honest judges.

County judges were elected for a three year period by the nobility, who had the right to vote in the county councils. After the Act of December 6, 1831, this period increased up to six years.

Some regions had their own peculiarities in electing judges. Thus, in October, 1781, a decree was issued, addressed to Governor-General of Malorossiya, P. Rumyantsev-Zadunaisky, which determined that the county judges in Kiev, Chernigov and Novgorod-Seversk provinces, the local nobility - the estate owners, even those of them, who wished to resign from the military service and to switch to the civil service at the county courts could be elected (MOL 1).

The Governor confirmed the district judge candidate after the election. Since the second third of the nineteenth century, notices, considering this were published in the "Gubernskie vedomosti" in "County authority dispositions" column. In 1850 – 1860 one could often come across notices like that: "Staff Captain Arkady Vladimirovich Skalon, a former candidate, is approved for the Kharkov county judge position December 23, 1860" in this newspaper (Kharkovskye gubernskye vedomosti. 2: 25).

By the mid-nineteenth century, the majority of courts were headed by the judges of noble origin, but the number of non-gentry judges increased. While the majority of county courts belonged to the middle landed gentry, the number of landless was still increasing. The growing of the number of non-gentry district judges did not mean that these courts were formed by a group of employees who had served in chancellery offices. The distance between the judges and chancellery officials continued to exist even in the absence of nobility judges. The judges for these institutions were selected not from the clerical staff, but from the officials, who had held important management positions in the county.

Many judges started their careers in the military service. But over time their number became less. This was primarily caused by the increasing of the number of non-gentry employees. Unlike the central and provincial institutions, in the second quarter of the nineteenth century, the percentage of gentry, who began their career with the civil service, had slightly decreased. The number of judges, who did not have the civil service experience prior to the appointment, had increased dramatically. The lack of applicants for district judge positions in the second third of the nineteenth century was so large, that a decree in 1841 allowed the reserve officers to hold an elected position. This could have lead to an increase of the number of judges with no experience in the civil service (Korf, 1906: 601-602). Officers with no experience of such a service rarely intervened in legal procedure. Non-gentry judges, many of whom had served in the district courts of the central city of the province, usually were men of the Governor. Appointed for a period until the next election, they often again were elected to this position by the nobility, who could not or did not want to challenge the candidacy of the Governor's protégé.

A classic example of this is a career path of a Glukhovski County Court judge (Chernigovskaya province), a nobleman Anton Petrovich Magerovskiy, displayed in his formulary list. At the time of compilation of the list in 1855, he turned 64. The position of the district judge was the first (and only) in his civil service. Magerovsky was elected in 1851. The previous experience of this official was entirely military. After the "education in the Noble Regiment" in 1817 he got the rank of an ensign, and in 1818 he was already a lieutenant. Since 1820 he served in the Kremenchug Infantry Regiment, in 1829 transferred to Akhtyrsk Hussar Regiment. In 1828, he took part in the war with the Turks in Bulgaria and Moldova, in 1831 took part in the suppression of Polish rebels in Volyn province and during the siege of the Zamostye fortress and other facilities in the Kingdom of Poland. He was discharged from military service on November 11, 1832, in the rank of captain and with the right to wear a military uniform. A. Magerovsky had a number of awards: Imperial gratitude, a silver medal for the war with Turkey, St Anna's Order class III (SASO, f. 630, op. 1, d. 55, l. 10b-4).

American scientist R. Wortman singled out two categories of county courts: a retired officer with no experience (or with a very little experience) of the civil service and non-gentry official,

appointed by the local government and having almost no contact with the local nobility. The wide proliferation of both types symbolized the strengthening of the negative attitude towards service in the district courts among the nobility (Wortman, 2004: 152).

But, for example, in the left-bank Ukrainian provinces, usually it was not difficult to find noble officials, who could occupy the position of county judges. In the analyzed period, the cases when this position was replaced by a representative of another class were extremely rare. The concentration of the nobility, especially lower ones in this region was high, because a great number of lower and middle Cossack foremen in the late eighteenth - early nineteenth centuries were granted the nobility rights. For example, on March 25, 1847, the Konotop district court judge (Chernigovskaya province), a former military serviceman, the staff captain Fedor Kulyabko-Koretsky died. Since then, the judge duties were executed by a senior member of the court, assessor Ivan Kostenetsky (a nobleman) [this right of a senior assessor was defined by the decree of 12 December 1834]. (MOL 7). Eventually, it became clear, that he had no right to hold this position, "due to being under investigation in the Chernigov Criminal Court for despicable expressions in his service reports and other illegal activities during his service as a Konotop District police captain" (SASO, f. 582, op. 1, d. 606, l. 7). For this reason, on November 26, 1847, another assessor was assigned to perform the duties of a judge, Peter Kolchevsky (also a nobleman), so he performed, until January 21, 1848, when Fedor Laschinsky (a nobleman), an elected and approved collegiate assessor, formally took the position of a county judge (SASO, f. 582, op. 1, d. 608, l. 6-6ob). Prior to the appointment of Judge F. Laschinsky, the Chernigov county board was considering two other candidates for the position - Major Dolgy and lieutenant I. Kostenetsky. The latter's candidacy was rejected for the reasons mentioned above. Major Dolgy was also not allowed to the position "due to illness, as attested by a medical certificate" (SASO, f. 582, op. 1, d. 606, l. 6). As it follows from the above, it is clear that there was no lack of judgeship candidates of noble origin in Konotop district. In other regions of Chernigov, Poltava provinces there was also no shortage of such personnel.

The county judge often had other obligations that went beyond the competence of the court. In some cases, he had to replace the district nobility marshal, perform in the nobility guardianship sessions (Kharkovskie gubernsie vedomosti 3: 168-169). In 1824, the Senate determined, that if the provincial town, due to vacation or illness, lacked the town's police chief, and while there were no private police or wardens, his functions were to be performed by the county judge, until the town mayor position would be substituted (MOL 4). Until 1841 there was even a practice of county judges' detachment by the decrees of county authorities, for investigation or on other errands. But these trips were regarded as one of the reasons why the judicial duties were not performed properly. Therefore, in April 1841, a decree was issued, banning the Senate to send them on the investigation and other cases, except for the most important ones (MOL 10).

Despite a wide range of socially important functions, assigned to the county judges, their participation in the judicial process and other activities was often formal. Most of these officials had no proper education, not to mention the lack of specific judicial skills. The cases when the judge only signed the documents, and real proceeding of cases was performed by other employees of the court, happened more than once.

The judges rarely monitored the progress of the case, which caused various violations and abuses. By the Decree of 29 September 1848, it was ordered that the county judges, when assuming office, were to pay attention to the number of closed and open cases in court. This had to be done "to control the process of case proceedings under the threat to personal liability for the failure to correct omissions of his [the judge's] predecessors" (MOL 11). Unfortunately, it is not known how this decree worked in reality.

## 3.2. The assessors and secretaries

If the district court judge was in chief, the following officials for subordination were the assessors and a secretary. Noble assessors took place in the court, depending on the number of points scored in the elections, and took part in proceeding of all cases in court, without any exceptions.

The part of the nobility assessors with former military experience was smaller, in comparison to county judges. The lack of skills or at least of practice in civil service institutions had a negative

impact on the performance of such assessors' functions. They could be late to work, skip office meetings, etc. But many assessors have had the experience of the civil service.

Sometimes officials were appointed for elective positions by special government orders. From the beginning of the nineteenth century the practice of "the crown" substitution of elective positions in the county court officials, was constantly expanding. There was even a special uniform for those judges (MOL 6).

By the Decree of Alexander I, on September, 9, 1801, the position of a peasant-chosen assessor was introduced to the county courts. Each court should have had two of them (Monuments of the laws of 1807: 223). The assessors from the peasants were to participate in sessions, along with other members of the Court, considering the disputes related to the nobles and state peasants. To the consideration of the judges were given only rural affairs, which earlier were solved by the Lower court and which applied only to the state peasants (MOL 3). At the beginning of 1827 the peasant assessors' monopoly of these cases' proceeding had been eliminated. From now on, these disputes were to be proceeded by the district judge, the noble and rural assessors together (MOL 5). One of the reasons for this decision was rural assessors' low educational level.

Some contemporaries of the court judges, elected from the peasants, recalled them as people, who could not influence the functioning of the judicial institutions, where they served, and that "those elected from the rural inhabitants, were often perceived for night watchmen in district courts". Often these assessors acted as messengers, guards, stokers "and even ran to the store by the clerks' request, bringing drinks and snacks to them". Naturally, they were not allowed to solve important cases (Bochkaryov, 1915: 213; Degtyarev, 2014: 75; Degtyarev, 2014a).

The number of the most influential employees of district courts should also include the secretaries of these institutions. They signed the majority of documents. Even if the documents were made by clerks, they did it usually under the watchful attention of the secretary. And therefore, to a large extent, the contents of particular documents could be affected by this official. The secretaries of county courts had a deliberative vote in solving of certain disputes. Thus, they influenced the course of the trial, not only by working with the documents of the case, which was being proceeded, but also by the direct participation in it.

In different regions of the Empire, county court officials' service could be governed by special regulations, which applied only to these regions. Thus, in 1839, the procedure of appointment and dismissal of county court secretaries of Chernigov and Poltava provinces was finally determined. While the judicial authorities in these provinces were functioning according to the rules defined for them by Paul I, the position of a district court secretary was elective. At the end of 1831, these rules were finally eliminated. The secretary appointment and dismissal functions in these provinces were transferred to the county government, as it was in other parts of the Empire (MOL 9).

#### 3.3. Clerks

Lower (or chancellery) positions in the County Court were not elective, people were appointed to them freely. There were several positions like that. In particular, clerks, copyists, department chief, head clerks and other employees, all of them performing their own functions, but in general they all worked with documents. Eventually, in the nineteenth century, reports about county clerks' appointments were published in the local official press (same notices as about the judges' and assessors' appointments). For example, in the mid-nineteenth century periodicals, one can see announcements that: "... County Court is willing to offer a position of a Civil Affairs chief clerk" (Code of Charters of the State improvement, 1842; Systematic code of the existing laws of the Russian Empire, 1816). If a candidate for the position was assigned, it was also being notified about - "Chief officer's son, Andrey Ivanovich Mogyliansky, according to his petition, was appointed a clerical servant of Lebedinsky County Court; ... The Nobleman Nikolai Erazmovich Borodaevsky, according to his petition, was appointed a clerical servant of Volchansk County Court" (Kharkov province) (Kharkovskye gubernskie vedomosty 1: 1). The media analysis (mainly the "Gubernskye vedomosti" newspaper) shows, that such an enrollment was very common. This happened due to the high mobility of the bureaucracy, when officials, especially low-level ones, were fired or appointed on positions, changing their places of service.

The vast majority of these people were descents from the underprivileged segments of the population. These were the people from the clergy, the so-called chief officers' children, bourgeois, Cossacks, sometimes peasants. Only the lower nobles were appointed to such positions.

The tendency was preserved throughout the whole time of the district courts' existence. So, in 1857 in Konotop County Court out of 28 employees only 7 were hereditary nobles, and 1 personal. At the same time there were 7 honorary citizens and 13 representatives of other classes (SASO, f. 582, op. 1, d. 686, l. 35).

The number of clerks wasn't distinctly regulated in the lower county institutions. The district courts weren't an exception. M. Lazarev wrote that there could be 30–60 employees of that kind in a single institution. But most of them served only to obtain ranks, claiming the nobility and not always appearing at their workplace. Only about half of the clerks really performed their duties, but they often left work to deal with their personal problems. Some clerks never appeared at the workplace, except the times of the governor's court checks (Lazarevsky, 2004: 69-70). The data presented by M. Lazarevsky are supported by archival data. For example, the list of employees of Konotop County Court for 1832 consisted of 21 people (SASO, f. 582, op. 1, d. 541, l. 36-36ob). Perhaps the actual number of such officials was bigger, because only those who were to receive the salary and financial aid were identified in the list. Most likely, there were the so-called supernumerary clerks, who were ready to serve without being paid, only to get the ranks. List of 1835 indicates, that 29 people served in the same court (SASO, f. 582, op. 1, d. 556, l. 183-184ob). It wasn't mentioned in the document, whether any of these employees were supernumerary. Lists of 1832 and 1835 contained only a number of clerks.

Getting apponted to the chancellery office, these employees had the opportunity to obtain their first ober-officer rank by the Table of Ranks, this affected their social status and made it possible to qualify for higher positions in state institutions, though of local level. It was possible to make a relatively quick career at clerical positions, although not rising too much up the career ladder. M. Lazarev, for example, recalled, that after enrolling for the county court clerk position in 1804, he was later appointed the registrar and a journalist next year. Then he advanced, holding the positions of a department chief, a district clerk, an assessor, attorney, judge. And over time he was even elected as a nobility marshal (Lazarevsky, 2004: 66).

In some institutions there was a large amount of unsorted documents and disordered, open or not copied cases. Such cases involved clerks from the institutions, which employed a big number of them. Thus, by the decree of Malorossiya Chernigov Province Administration on December 17, 1834, 28 clerks were summoned from the district courts of the Chernigov province for analysis of documents, which were accumulated in the board for three months (SASO, f. 582, op. 1, d. 556, l. 7-8).

This category of employees played a very important role in functioning of district courts. Large amounts of documentation into which the senior officials often did not delve, were compiled by the chancellery employees. The clerks, who had experience in document composition, could influence the content of those documents. In fact, they held all the "secrets" of the judicial proceedings. For this reason, when the secretary of a district court acted as a county attorney, the eldest or the most experienced department chief could take over the secretarial authority (MOL 8). The county court archivist was entrusted with organizing and preservation of the solved cases. Execution of these functions was complicated by that fact, that at the end of XVIII – the beginning of XIX century, as a result of frequent administrative reforms, county centers were often transferred from one town to another. This led to the fact, that during the transfer of district courts archives, many cases were lost or an open case could end up moving to the archive. The big issue was the lack of the archival facilities or their unsatisfactory state (Lazarevsky, 2004: 80, 91).

The vast majority of district courts chancellery employees were young men between 15 and 25 years. Sometimes clerks between 9-12 years old can be found mentioned in the archives. The young age of the employees was often the reason for their senior colleagues to be forced to take on their duties as well (Lazarevsky, 2004: 82). For example, the list of officials of the district courts in 1797 referred to a 16-year-old Gregory Khrapal, who was a copyist at the Gadyach County Court and already held the rank of a provincial registrar. At the same time it was stated that he was appointed in 1794, being 13 years old (CSHAU, f. 1336, op. 4, d. 1405).

There were a lot of such examples. Thus, in the clerk group record of different institutions of the Kiev governorship for 1785, it was stated that out of 273 people enrolled, 165 were less than 16 years old when they were appointed. Thus one of them was appointed at the age of 5, 2- at the

age of 7, 3 – at the age of 8, 4 – at the age of 9, 11 – at the age of 10, 11 at the age of B 11, 31 – at the age of 12. 102 people between 13-15 years old were appointed (CSHAU, f. 193, op. 1, d. 2972).

## 4. Conclusion

Analyzing the composition of the county courts of the Russian Empire and their functional duties, there are four categories of employees in these institutions:

- 4.1. The judges heads of the county courts, elected by the nobility of the County, rarely appointed by the Government. They were mostly nobles by the origin. Many of them had a previous experience in military service. Sometimes a position of a district judge was the first in civil career of those individuals. Judges' authorities were quite honorable and numerous, but often were reduced to a formal participation in the judicial process or other events.
- 4.2. Assessors and Secretaries. An assessors' position was elective. They, just like the judges, were elected from the local nobility. And since 1801 to each county court, judges were also elected from the peasants. Sometimes these officials were appointed by government orders. The assessors were present at all the court sessions, carried out a number of investigative and notary functions. The district court secretaries monitored observance of the judicial process rules and the proper maintenance of documentation in court. Until 1831, the secretary position was elective in some regions of the Russian Empire. The assessors, especially those elected from the nobility, and secretaries of district courts could really influence the course and the outcome of the judicial process.
- 4.3. Clerks: typists, scribes, department chief, head clerks, archivists and others. County courts clerks, whose main functions were compiling, copying, recording, storing documents, thus they provided document flow in these institutions. Many lower nobles and people from other social groups started their service with clerical positions, often at a younger age.
- 4.4. Hired technical staff: watchmen, stockers, etc. They usually did not belong to a privileged segment of the society, receiving low wages for their work. Sometimes their duties were performed by lower chancellery officials for the purpose of earning extra money. In this article we did not cover this category of county courts employees.

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