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INCEST OR ADULTERY? FOR WHAT CRIME WERE KAZIMIERZ AND ZOFIA OF KLIMKÓWKA PUNISHED IN 1774? CASE STUDY¹

ABSTRACT

Adultery and incest were crimes that were severely punished in both urban and rural settings. In this article, the author, on the basis of a preserved case in the rural book of the village of Klimkówka, attempts to show what the punishment of this type of crime looked like after 1772 on the territory of the former Ruthenian Voivodeship.

Keywords: adultery, incest, village, court, 18th century, crime, sexuality, Ruthenian voivodeship

STRESZCZENIE

Cudzołóstwo jak i kazirodztwo były przestępstwami, które były surowo karane zarówno w środowisku miejskim jak i wiejskim. W niniejszym artykule autorka na podstawie zachowanego przypadku w księdze wiejskiej wsi Klimkówki postara się wykazać jak wyglądało karanie tego typu przestępstw po 1772 roku na terenach dawnego województwa ruskiego.

Słowa kluczowe: cudzołóstwo, kazirodztwo, wieś, sąd, XVIII wiek, przestępczość, seksualność, województwo ruskie

Introduction

A divine offensive, a transgression of a divine commandment. These are terms that very often appear in the content of the sentences of persons who have been convicted of offences of a sexual character in the early modern era, not only in the Polish-Lithuanian Commonwealth, but also in other countries. The offences analysed are also termed offences against morality and the sacrament of marriage. These included adultery, fornication (relations between free people), incest, bigamy, rape of a woman, rape of a child

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(modernly understood as pedophilia) and sodomy². The main purpose of this article is to reflect on the punishment of crimes such as adultery and incest in the rural areas of the Ruthenian Voivodeship after 1772, based on the analysis of a single case preserved in the village book of Klimkówka. I would like to emphasise that the article is only a case study. A comprehensive presentation of the results of the conducted work will be described by the author of the text in her PhD dissertation.

The material for the research was found in the court book of the village of Klimkówka³. The book was maintained at the turn of the 18th and 19th centuries; its original is stored in the Central State Historical Archive of Ukraine in Lviv. Only one court book has survived from this village, or rather its fragments dated 1742-1825. The village books mainly contained records of various transactions and wills, and content concerning criminal cases appeared sporadically in them. In most villages, all records were placed in one book regardless of their content; very rarely were they divided or separate books kept⁴. From the beginning they were written down on a paper because it was cheaper than parchment⁵. In the research, it is possible to come across entries that were not kept chronologically; this was due, among other reasons, to a lack of funds to purchase a new book. At the time, empty spaces in the old one were filled with writing⁶.

The investigated files include 40 pages, which contain information about legacies or wills made. However, two of them describe the course of an extremely interesting court case, during which a couple from the village of Klimkówka were tried for the crime of adultery and incest. This is all the more extraordinary because in village court books descriptions of cases of crimes of this type are usually very sparse: they are summarised in a few sentences, sometimes taking up a half page. Here, the description is a full two pages in large format, written in fine script throughout.

Klimkówka is a small village located in the former Sanok Land, in the Ruthenian Voivodeship. In the 18th century the village was inhabited

² M. Kamler, *Złoczyńcy: Przestępczość w Koronie w drugiej połowie XVI i w pierwszej połowie XVII wieku* [The villains: Crime in the Crown in the second half of the 16th and first half of the 17th centuries.], Warsaw 2010, pp. 277-298.

³ *Księga sądowa urzędu gromadzkiego wsi Klimkówki 1742-1825* [The court book of the Klimkówka village office 1742-1825], Central State Historical Archives of Ukraine in Lviv (CPAHU), ms. 111-1-7, Urząd gromadzki wsi Klimkówki.

⁴ S. Grodziski, *W obronie czci niewieściej. Szkice z dziejów kultury prawnej* [In defence of the honour of woman. Essays in the history of law culture.], Cracow 2000, p. 83.

⁵ J. Słowiński, *Kancelarie wsi małopolskich od końca XIV do schyłku XVIII wieku* [Chancellery of Lesser Poland's Villages from the Late 14th to the Late 18th Century], „*Studia Źródłoznawcze*”, vol. 31, 1990, p. 32.

⁶ J. Łosowski, *Dokumentacja w życiu chłopów w okresie staropolskim: studium z dziejów kultury* [Documentation in the life of peasants in the Old Polish period: a study in cultural history.], Lublin 2013, p. 74.

mostly by Catholics, as evidenced by the existence of a church, which was mentioned during the sentences. However, the area was inhabited by a German population in an earlier period, as foreign-sounding surnames still appear in the sources in the second half of the 18th century⁷. Little is known about the organisation of the judiciary during this period, as the ledger has only survived in fragments. The village was under the dominion jurisdiction of the Rymanów estate's heir. In superior matters it was subject to the municipal court in Sanok⁸. In the interesting period the owner of the village was Józef Kanty Ossoliński, the voivode of Volhynia. He was also the heir of the just mentioned Rymanów⁹. This meant that in the case of more serious crimes for which there was a death penalty, Ossoliński could send the accused to the municipal justice system in Sanok, as only towns had the so-called law of the sword and could try such crimes. However, a much more important role in the life of Klimkówka's inhabitants was played by the mayor's court, which met in the manor house. The building was one-storey, built on the plan of a wide rectangle. It was built of larch wood¹⁰.

Judgment

On 7 December 1774, a case of adultery and incest was judged and pronounced by Klimkówka residents. Kazimierz Kielar, a farmhand, was accused of having intercourse with the wife of the farmer he served at, Zofia Lachowska. Worse still, the couple were related to each other. After hearing the defendants, the court issued a verdict emphasising that the punishment was given for committing both crimes: adultery and incest. Unfortunately, from the description of the case it is not possible to clearly deduce how closely the couple were related to each other. However, I consider that it must have been at least degree III or IV of consanguinity, due to the nature of the penalties imposed and the way in which the sentence imposed was recorded. Furthermore, in the case of a closer degree of consanguinity, the defendants would most likely have been sent back to the municipal court which was a popular practice because of the seriousness of the crime committed. Perhaps with this example we are seeing a softening of the approach to this type of crime.

⁷ Klimkówka [in:] *Słownik geograficzny Królestwa Polskiego* [Geographical dictionary of the Polish Kingdom], vol. IV: Kęs – Kutno, Warszawa 1883, p. 149.

⁸ *Ibidem*, p. 149.

⁹ R. Aftanazy, *Dzieje rezydencji na dawnych kresach Rzeczypospolitej t. VIII Województwo ruskie, ziemia przemyska i sanocka* [History of residences on the former borderlands of the Republic of Poland vol. VIII, Ruthenian Voivodship: the lands of Przemysł and Sanok.], Wrocław 1996, p. 347.

¹⁰ *Ibidem*, p. 348.

So, having heard the inquisition on the above-described persons in consanguinity. From the first marriage of Cyparowa, and from the second marriage of this present Lachowska, with Kazimierz the farmhand performing such excesses, we issue the following decree¹¹.

In the present case, the couple were punished according to their crime. Zofia was to receive a flogging with a rod of 100 times. In addition, a church penance was ordered; she was to lie prostrate for three consecutive weeks during Sunday Mass. It is extremely interesting that Kazimierz Kielar received a much harsher sentence than his accomplice Zofia Lachowska, as she was only given a flogging and church penance. After all, it was the woman who was more guilty according to the law, as she was the one who had been married during the relationship. Therefore, they were tried for adultery and not for fornication, for which the penalties were much more lenient. The men also received the flogging. But what draws particular attention are the penalties of a financial nature, which were extremely high. Kazimierz was ordered to pay 7 fines to the manor and 4 fines to the court. The church penance was limited to the donation of four pounds of wax to the Klimkówka church. He was also ordered to leave the Lachowski house as soon as possible.

Zofia, now Lachowska, should receive punishments of one hundred flogging with rods and lie prostrate in the Klimkówka church on holy days for three masses. Kazimierz Kielar, her farmhand, should receive 100 lashes and lie prostrate for three masses. He should give seven fines to the Klimkówka court, give seven pounds of wax to the Klimkówka church for light, and four fines to the Klimkówka law and leave the house at once and never go there again. [...] The seedlings that Kazimierz the farmhand sowed on Lachowski's land in the winter of 1774 should not be harvested but by Lachowski, the present farmer, and whatever else Kazimierz the farmhand owes to his landlady, Lachowiczowa, is gone, and there is nothing to it¹².

For the crime of adultery and incest, convicts received a wide variety of both secular and church punishments. However, it should be remembered

¹¹ CPAHU, ms. 111-1-7, p. 2 [pol. Więc po wysłuchaniu inkwizycji na te osoby wyżej wyrażone, a jeszcze w pokrewieństwie będące. Z pierwszego małżeństwa Cyparowa, a z drugiego teraz niniejsza Lachowska, z Kazimierzem parobkiem swoim takowe excessa pełniąca, takowy ferujemy dekret.] [All the quotations translated into English by the author].

¹² *Ibidem*, p. 3 [pol. Zofia terazniejsza Lachowska powinna odebrać kary różgami plag sto i krzyżem leżeć w kościele klimkowskim w dni święte przez trzy msze. Kazimierz zaś Kielar, parobek jej, powinien odebrać różgami plag sto, krzyżem leżeć przez trzy msze. Grzywien do dworu klimkowskiego oddać siedem, do kościoła klimkowskiego na światło dać powinien wosku funtów siedem, a na prawo klimkowskie grzywien cztery i z tego domu zaraz odejść i tam więcej nie być. [...] Przysiewek który ma tenże Kazimierz parobek na gruncie terazniejszego Lachowskiego pod zimę roku 1774 posiany zbierać nie powinien tylko gospodarz terazniejszy Lachowski, i cokolwiek jeszcze znajduje się do tego czasu zasług temuz Kazimierzowi parobkowi u gospodyni jego terazniejszej Lachowiczowej i to wszystko przepada, i nie ma nic do tego].

that ecclesiastical penances were administered by the secular justice system. Of the secular punishments, flogging was the most common, with the rod being its lightest form. Other instruments were the ropes, the whip or the lash. Unfortunately, not every description of a court case mentions the instrument with which the times were inflicted. In the case of a high corporal punishment, it may have been spread over several sessions, as it was intended to punish rather than kill the convict. One could redeem oneself from the plagues by paying an additional financial penalty¹³. Such sentences were primarily intended to punish the convict but also to deter potential future offenders from committing a similar crime.

Another secular (financial) punishment was the so-called fines. This punishment was known in Poland since the Middle Ages and was calculated in groschen. Researchers say that on the territory of the Ruthenian Voivodeship in the 18th century it amounted to 48 groschen¹⁴. By comparison, a pound of candles in Lviv at that time cost an average of 60 to 90 groschen¹⁵. It was adjudged in favour of the court office, the alderman or the village owner. Its amount often depended on the seriousness of the offence committed, but much simply depended on the people sitting on the bench and their approach to particular offences. Often, it was on the basis of their own feelings that they decided on the amount of the sentence to be imposed. In addition to the convict's financial situation, mitigating circumstances affecting the sentence may have been the offender's age, illness, promise to improve, expressed regret for the act committed. However, in the case of recidivism, the sentence was strict er¹⁶. It should not be forgotten that the village owner had the final say on its amount. He could accept the ruling of the panel of judges or reject it and order his own. The villagers, in the case of a decision that was unjust in their eyes, had the right to appeal against it to the court in which the village master sat¹⁷.

In addition to secular punishments, the ecclesiastical penances mentioned earlier were also pronounced. These can be classified into two groups: corporal, aimed at humbling the convict, and material, i.e. benefits and tributes to

¹³ R. Łaszewski, *Wiejskie prawo karne w Polsce XVII i XVIII wieku* [The rural criminal law in Poland of the 17th and 18th centuries.], Toruń 1988, pp. 41-42.

¹⁴ *Fine* [in:] *Encyklopedia historii gospodarczej polski do 1945 roku* [Encyclopedia of Polish economic history up to 1945.], vol 1, A- N, ed. A. Mączak, Warsaw 1981, p. 221.

¹⁵ S. Hoszowski, *Ceny we Lwowie w latach 1701-1914* [Prices in Lviv 1701-1914], Lviv- Warsaw 1934, p. 31.

¹⁶ Z. Zdrójkowski, *Dawne polskie prawo karne wiejskie od połowy XV do połowy XVIII wieku* [Old Polish rural criminal law from the mid-fifteenth to the mid-eighteenth century], [in:] *Historia państwa i prawa Polski* [History of the Polish State and Law], ed. J. Bardach, vol. II, Warsaw-Toruń 1966, p. 363.

¹⁷ J. Bardach, B. Leśnodorski, M. Pietrzak, *Historia ustroju i prawa polskiego* [History of the Polish political system and law], Warsaw 1993, p. 224.

the temple indicated in the verdict¹⁸. The first group includes the order to kneel during the service or to lie prostrate, which was considered more shameful than flogging. It was performed in the most exposed places, and is often mentioned to be performed under the chancel arch. It is an arch designed to separate the presbytery from the nave¹⁹. It was the most prominent place where the convict was visible to all those attending the service. It could also be done at any of the side altars or under an important image²⁰. The punishment could be a one-off punishment or it could be prolonged for several consecutive Sunday or feast day masses, here too the severity of the punishment was determined by the rank of the offence committed. However, if it was served, it was not to be recalled, as one could be punished oneself²¹. In addition to corporal punishment for sexual offences, financial or material duties were often ordered. This was usually wax, tallow or ready-made candles.

In this case, only the couple who committed the crime of adultery and incest were punished. No mention was made of the farmer (Sophie's husband) for failing to report his wife, nor of the boy's parents, although this practice was extremely regular. There could be consequences for failing to report the commission of a crime in the village, and the principle of collective responsibility was applied.

The panel of judges who handed down the verdict consisted of five people: the deputy mayor (pol. podwójci) Antoni Kielar, the deputy landwójt (pol. ledwójci) Paweł Wais, the jurors Maciej Bagier, Wojciech Kasper, Mikołaj Polnar and the scribe Stanisław Maszeński. Observing court practice in the countryside, it can be seen from the surviving sources that the courts functioning there had extremely broad competences. Apart from criminal or criminal cases, they also dealt with taxes and commercial transactions. Their task was also to take care of orphans and they also had to watch over order in the village²². In addition to the mayor, the village court also included jurors, also called lay judges²³. There were usually seven jurors, although this number could vary depending on the area under study²⁴. In the case of this case there were only four. Judicial functions were usually held by

¹⁸ S. Grodziski, *Z dziejów staropolskiej kultury prawnej* [The history of Old Polish legal culture], Cracow 2004, p. 223.

¹⁹ *Chancel arch* [in:] *Sztuka świata* [Art of the world] vol. 18, *Słownik terminów L-Ż*, ed. M. Jendryczko, Warsaw 2013, p. 294.

²⁰ J. Dicker, *Pokuta kościelna w prawie wiejskim polskim od XVI do XVIII wieku* [Church penance in Polish rural law from the 16th to the 18th century.], „Pamiętnik Historyczno-Prawny”, vol. 1, 1925, p. 10.

²¹ *Ibidem*, p. 9.

²² *Historia chłopów polskich* [A history of the Polish peasants.], ed. S. Inglot, Wrocław 1992, pp. 68-69.

²³ J. Bardach, B. Leśnodorski, M. Pietrzak, op. cit., p. 243.

²⁴ J. Rafacz, *Ustrój wsi samorządnej małopolskiej w XVIII wieku* [The system of a self-governing Małopolska village in the 18th century.], Lublin 1922, p. 63.

the richest villagers, and they received remuneration for their involvement, e.g. they were exempted from various fees²⁵. A village scribe could only become a person who had the ability to write, read and knew the model of the registry form. They were usually teachers, monastic alumni, craftsmen or foresters, in exceptional cases the services of scribes from a nearby town were used²⁶. In cases threatened with the death penalty, a full panel of judges would meet, and the village owner or his representative would also appear²⁷.

While the presence of the deputy mayor, the jurors and the scribe should not come as a surprise, as they were usually the members of the village courts, the presence of the deputy land mayor remains a mystery. The court was sitting in the Klimkówka Court which suggests that the case was before the village justice. Why, then, did the deputy landowner, who was known to be a high-ranking court official but in the town, appear at the hearing. It is also puzzling that the name of the landwójt appears only under the double. Perhaps this is just an mistake made by the scribe transcribing the report of the case. The presence of the deputy landwójt may also be due to the specificity of the crime committed. We are dealing with two crimes of a sexual nature, with an account that came to light after a long time. It is possible that the owner of the village decided that a representative of the municipal judiciary (most probably from Rymanów or Sanok) should appear in the court pronouncing the sentence, although we do not find a single mention in the records of a possible threat of the death penalty against the accused²⁸. On the basis of the surviving sources, I am not in a position to state unequivocally why this person sat on the panel of judges.

The Trial

The case was judged to be so serious that it was not waited to be judged during the so-called, rug courts (pol. sąd rugowy). Besides, due to scarce resources, it is not known whether this kind of court in Klimkówka was held in general. People accused of crimes against morality were tried then²⁹. However, in this case they did not wait for an additional court to be convened, but were tried as soon as the case came to light. Adultery and incest were

²⁵ A history of Polish peasants..., p. 69.

²⁶ J. Łosowski, *Dokumenty i kancelarie wiejskie* [Village documents and chancelleries], [in:] *Dyplomatyka staropolska* [Old Polish diplomatics], ed. T. Jurek, Warsaw 2015, p. 452.

²⁷ M. Borucki, *Temida staropolska. Szkice z dziejów sądownictwa Polski szlacheckiej* [Old Polish Temida. Sketches from the history of judiciary of the Polish nobility], Warsaw 1979, p. 131.

²⁸ It may have been a landwójt (suspected misspelling). This office was held in very few villages. The landwójt was the equivalent of the deputy mayor. His duty was to deputise for him in his absence but, above all, he sat on the court bench. This error would explain the inclusion of his name just here in the book. [J. Łosowski, *Dokumentacja...*, s. 42].

²⁹ S. Grodziski, *Z dziejów* [From the history of...],..., Cracow 2004, p. 221.

punishable by death under the German law³⁰ in force in the area³¹. It must be stressed, however, that these punishments were very rarely carried out. This was only the case in the event of a gross and disgraceful breach of the rules, such as a close relationship between the accused³², or in the case of adultery when it was combined with another crime such as murder³³. However, in such situations the defendants were referred to the municipal court, which in the aforementioned cases actually imposed the death penalty on them.

Adultery, a forbidden relationship in which at least one person was married, was the most stigmatised crime in the rural environment. The preserved court books from the Ruthenian Voivodeship preserved the highest number of adultery cases compared to other crimes of a similar nature. Although the penalties for adultery were not the mildest (flogging, fines, church penances, banishment), the sentences contained clauses stipulating that if they committed this act again they could be sentenced to death and handed over to the executioner³⁴. Death penalties for adultery were also not handed down for a more prosaic reason: finances. There were considerable costs involved in conducting such a case: paying the executioner, bringing a jury from the city, or paying for detention if the convicted person was sent back to the city. However, the most costly seemed to be the loss of the subject³⁵.

³⁰ Although the author is aware that she should not use the term 'German law' in relation to the 18th century, it appears because of its frequent occurrence in source materials produced in the study area.

³¹ B. Groicki, *Ten postępek wybran jest z praw cesarskich...* [This act is chosen from the imperial laws.....], ed. M. Mięka, Cracow 2020. [incest: ARTICUL LXXIII If anyone takes and carries away another man's wife or a maiden unmarried above her husband's or father's will by force; and the husband or father of the maiden, even if the mother or the maiden herself has consented and it is done by her will, repents of it and demands that he be so reprimanded, he shall, when it appears to him, according to the prescription and description of the law, be sufficiently reprimanded by the advice and teaching of men skilled in the law [p. 34]. Groicki does not write about adultery explicitly, he mentions according to the acknowledgement of the transgression and the transgressions are to be punished in such a way that they do not multiply [p.35]. Then he additionally mentions flogging and banishment].

³² A. Komonicki, *Chronografia albo Dziejopis Żywiecki* [Chronography or Żywiec Chronicle], Żywiec 1987, p. 565. On 18 August 1727, a Żywiec court tried and sentenced a woman and her stepfather to death for having an incestuous relationship. In addition, the child the woman had given birth to was killed.

³³ *Księga sądu ławniczego miasta Rzeszowa 1724–1776* [Book of the jury court of the city of Rzeszow 1724–1776], State Archives in Rzeszów, ms. 59/1/0/3/27, pp. 393–394.

³⁴ T. Wiślicz, *Upodobanie: małżeństwo i związki nieformalne na wsi polskiej XVII–XVIII wieku: wyobrażenia społeczne i jednostkowe doświadczenia* [Preference: marriage and informal relationships in the Polish countryside of the 17th–18th centuries: social imaginaries and individual experiences], Wrocław 2012, p. 186.

³⁵ B. Baranowski, *Sprawy obyczajowe w sądownictwie wiejskim w Polsce wieku XVII i XVIII* [Moral cases in the rural judiciary in Poland of the 17th and 18th centuries], Wrocław 1955, p. 52.

In the case of incest, on the other hand, the level of punishment was influenced by the degree of kinship between the couple. The closer the relationship, the more severe the punishment, including the death penalty mentioned³⁶. It is worth remembering that incest was understood much more broadly than today. Sexual relations were also forbidden with relatives, adopted children and between godparents and godchildren³⁷. Relationships within a family in the early modern era were prohibited up to the fourth degree of consanguinity. This is a significant softening of the approach to the phenomenon, as in the Middle Ages relationships up to the eighth degree were forbidden, demonstrating this was almost impossible.

The case was tried before the Klimkówka court. Although the main defendant in the trial was Kazimierz Kielar, Zofia Lachowska, who was an accomplice to the crimes committed, was called in for detailed questioning. One could even say that it was the woman who should have been brought before the court first, as she was the one who was married during the relationship, while Kazimierz was unmarried. During the interrogation, it came to light that the woman had initially shied away from entering into this relationship. She was aware that she would be breaking a divine commandment by committing an offence, which, as a result of the disclosure of the affair, would involve the imposition of additional penalties on the Church, including those of dishonour.

His housekeeper Cyparka, now Lachowska, testifies that while her first husband was still alive but already ill, she lay down on the ground, and Kazimierz Parobek on a bench, and threw his coat over me. Then he himself came to me, but not quickly, and wanted to commit the sin of adultery with me. I said for God's sake give me peace it is a great sin, he departed from me³⁸.

Lachowska admitted, it was the man who allegedly persuaded her to commit adultery, however, she resisted. Finally, intercourse between the couple took place and it was not a one-time incident. Zofia said that they had met on a number of occasions, starting while her first husband was still alive, who was already ill at the time. Subsequently, after his funeral, she then admitted to secretly meeting the man throughout the summer.

³⁶ *Ibidem*, s. 93.

³⁷ R. Łaszewski, *Przestępstwa przeciwko religii i dobremu obyczajom w prawie wiejskim Rzeczypospolitej szlacheckiej* [Crimes against religion and morals in the rural law of the noble Republic], [in:] *Historia prawa. Historia kultury. Liber Memorialis Witoldo Maisel dedicatus*, ed. E. Borowska-Bagieńska, H. Olszewski, Poznań 1994, p. 189.

³⁸ CPAHU, ms 111-1-7, p. 2 [pol.: Zeznaje za chwilę jego gospodyni Cyparka, a terazniejsza Lachowska, iż gdy jeszcze żył jej pierwszy mąż, ale już chorował, położyła się na ziemi, a Kazimierz Parobek na ławie, i rzucił na mnie płaszcz. Potem sam do mnie przyszedł, ale nieprędko i chciał ze mną popełnić grzech cudzołóstwa. Jam rzekła dla Boga daj mi pokój to grzech wielki, odszedł ode mnie].

At other times he was lying in the stable and when I went out to get the hay and walked past him. He grabbed me by the hand and threw me down on the bedding. There the first sin was committed. The second time, after my late husband's funeral, I went to get the grain on the ceiling, and there he was lying in the stable. When he heard me and came over the poles to me, he threw me on the bedding and there the second time was the sin committed. After that they committed adultery with each other all summer long. As they themselves admitted before our law. But they could not give an account of how many times it was³⁹.

After the death of her first husband, Sophia decided to enter into a formalised relationship again with a Lachowski, but she had met Kielar four times since the announcement was made.

And after the announcements with Lachowski, the housekeeper herself also testifies that she committed the sin of adultery twice with her farmhand Kazimierz. [...] After the wedding and after the marriage he committed adultery with me two more times⁴⁰.

Finally, Kazimierz Kielar was summoned, who confirmed the words of the accused, thus incriminating himself. Extremely interesting in the case of this description are the details about the forbidden relationship given by the woman. When she was widowed, she was unable to count the number of times they had an intercourse; one can only guess how intense the relationship was. On the other hand, she was very precise in sharing information regarding encounters after the initial formalisation of her relationship with Lachowski. Perhaps she wanted to end the relationship with Kielar, or perhaps, fearing unmasking, she limited it to what she thought was an acceptable minimum that would not expose them to discovery. Nevertheless, they failed to keep their relationship secret.

Continuation of the case

One would have thought that the case was already closed, as the sentence had been passed, but nothing could be further from the truth. When the couple had already been flogged, the boy's father, Jan Kielar, appeared in front of the village hall sitting in the Klimkówka manor. He asked the court

³⁹ *Ibidem*, p. 2 [pol. Innym zaś czasem on leżał na stajni, a jak wyszłam po siano i szłam obok niego. On mnie złapał za rękę i cisnął mnie na pościel. Tam pierwszy grzech popełniony. Drugi raz po pogrzebie nieboszczyka męża poszłam po zboże na powałę, a on tam leżał na stajni. Jak mnie usłyszał i podszedł przez drągi do mnie, cisnął mnie na pościel i tam drugi raz był grzech popełniony. Potem już przez całe lato cudzołóstwo z sobą popełniali. Jako się i sami przed prawem naszym przyznali. Ale rachunku ile to razy być mogło dać nie mogli].

⁴⁰ *Ibidem*, p. 2 [pol. Zaś po zapowiedziach już z Lachowskim zeznaje też sama gospodyni, że dwa razy z parobkiem swoim Kazimierzem grzech cudzołóstwa popełniła. [...] Po weselu zaś i po ślubie jeszcze dwa razy cudzołóstwa dopuścił się ze mną].

to reduce the previously awarded fine, which was high. He pointed out that the woman, although an accomplice in the crime committed, had only received the whipping and was ordered to do church penance. The man felt this was unfair.

We have quite a lot of information about asking for leniency in sentencing, especially the death penalty in the urban centres. However, in the countryside it was very similar. This usually took place through the intercession of respected people in the community, such as a priest, official, property owner or just a family member. In the case of young people, the age of the accused and the associated emotional immaturity were pointed out⁴¹.

Interestingly, thanks to her father's intervention, the verdict was indeed changed so that the woman was also fined: Kazimierz was to pay a total of 7.5 fines (360 groschen), while Zofia was to pay 7 fines (336 groschen). The size of the church penance ordered was also changed. Initially, the couple were to lie prostrate during three consecutive Sunday masses. After the sentence was changed, the punishment was reduced to the two of them lying prostrate during one Sunday service under the great choir (the choir was located above the main entrance opposite the main altar⁴²).

Kazimierz the farmhand should give three and a half pounds of wax to the Klimkówka church for light, four fines to the Klimkówka law, and three and a half fines to the Klimkówka court. Kazimierz, a farmhand, who is to live on Lachowski's land, is to take half of the land he owns, and leave the other half to Lachowski, who is to live there. The present Zofia Lachowska, as a joint offender with him, should be punished equally. She is to give pounds 3 of wax to the Klimkówka church, fines of 4 to the Klimkówka court, and fines of 3 to the Klimkówka court, and both of them are to lie prostrate in a large choir in the Klimkówka church on a holy day and one next to the other for one mass⁴³.

⁴¹ M. Kamler, *Nadzwyczajne złagodzenia kar dla przestępców pospolitych w dużych miastach Korony w drugiej połowie XVI i pierwszej połowie XVII wieku* [Extraordinary leniency for common criminals in the large cities of the Crown in the second half of the 16th and first half of the 17th centuries], „Czasopismo Prawno-Historyczne”, vol. 59, (2007), pp. 196-200.

⁴² Choir [in:] *Sztuka świata* [Art of the world], vol. 17, Słownik terminów A-K, red. M. Jendryczko, Warsaw 2013, p. 124.

⁴³ CPAHU, ms. 111-1-7, p. 3. [pol. Kazimierz parobek dać powinien na światło do kościoła klimkowskiego wosku funtów trzy i pół, prawu klimkowskiemu grzywien cztery, dworowi klimkowskiemu grzywien trzy i pół. Przysiewek zaś który ma Kazimierz parobek na gruncie terazniejszego Lachowskiego, za powyższe w dekrete gromadzkim wyrażone słowa że roku nie dosłużył, przez połowę tylko zabrać sobie powinien będzie, a drugą połowę wspomnianemu Lachowskiemu zostawić ma. Zofia zaś terazniejsza Lachowska, jako wspólnie z nim grzesząca tak wspólnie i równo karana być powinna. Do kościoła klimkowskiego dać powinna na światło wosku funtów 3, prawu klimkowskiemu grzywien 4, dworowi klimkowskiemu grzywien 3 i krzyżem leżeć powinni jeszcze oboje w wielkim chórze w kościele klimkowskim w dzień święty oraz jedno przy drugim w bliskości przez jedną mszę świętą].

It also states at the very end that both parties have accepted the decree awarded and will not appeal to other courts.

Both parties accept this change to the Klimkówka court's legal decree and are willing to make any further appeals⁴⁴.

Conclusions

In the decision handed down, it can be seen that the main crime for which the couple were tried was adultery. There are two places in the description when incest is mentioned: at the announcement of the indictment and at the verdict. Despite Zofia Lachowska's extensive testimony, she was not asked any question related to the commission of incest, so we do not even know to what extent the couple were related to each other. It is also surprising that, despite such a serious case, neither the man nor the woman was ordered to be expelled from the village. The lives of these people were simply to go on, only the man had to leave the house they shared. There was also no information about the order for Zofia and her husband to live together happily. It is not known how their relationship continued. I believe that on the basis of this case, it is possible to conclude that the approach to this type of offenders in Klimkówka was freer than in other places during the period in question. As I have already mentioned, when two crimes of a sexual nature were combined or juxtaposed with another, especially a criminal one, it was very common to send such cases back to the city here it was decided to try the couple locally. I hope that in the course of my further research I will be able to expand my knowledge of this type of phenomena in the areas of the former Ruthenian Voivodeship.

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⁴⁴ *Ibidem*, p. 3. [pol. Tą melioracją dekretu prawnego klimkowskiego we Dworze Klimkowskim uczynioną strony obydwie przyjmują i jej zadosyć wszystkim nie zabierając się nigdzie do dalszej żadnej apellacyi uczynić chętnie deklarują].

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