**LES SUJETS MIXTES: THE PROBLEM OF DOUBLE
SUBORDINATION IN THE PERIOD OF THE PARTITION
OF THE POLISH-LITHUANIAN COMMONWEALTH,
AND THE CASE OF MYKOLAS KLEOPAS OGINSKIS**

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ABSTRACT The seizure of territory from the Polish-Lithuanian Commonwealth in 1772, and its incorporation into Russia, Prussia and Austria, was accompanied by many problems related to land ownership, population relocation, religious affairs and others, which treaties between the Commonwealth and the countries that had carried out the Partition had to regulate. Treaties made in 1775 in the Warsaw Sejm with Russia, Prussia and Austria set the conditions for the resettlement of the population, principles for the separation of holdings, the terms for trade and religious relations, as well as legalising the status of double subordination. Our topic is the status of the double subject as defined in the treaties between the Commonwealth and the Russian Empire, relying on examples of the practical application of this status disclosing the problems accompanying the double subject in the period between the First and Second partitions of the Polish-Lithuanian state. On the basis of new materials from sources, we come to the conclusion that the status of the double subject legalised in the 1775 treaties not only failed to ensure existing land ownership, as in the Russian Empire it could be sequestered and confiscated, but also restricted the landlord's political freedom. The political choice of double subject was limited, and with extensive cross-border relationships, dual subordination was not possible.

By the First Partition in 1772, the Polish-Lithuanian state lost about a third of its territory and about 35% of its population. Russia seized the Vitebsk and Mstislaw palatinates, the Grand Duchy of Lithuania's part of the Minsk and Polotsk palatinates, and Livonia, a total of about 92,000 square kilometres of territory of the Polish-Lithuanian Commonwealth, with a population of 1,300,000. Prussia obtained about 36,000 square kilometres of Pomerania, West Prussia and Warmia, with a population of 580,000. Austria

took 81,900 square kilometres of lands of Little Poland, with a population of 2,650,000. The bilateral agreements signed in 1773 at the Warsaw Extraordinary Sejm between the Polish-Lithuanian Commonwealth and Russia, Prussia and Austria, confirming the cession of the occupied territories, 'legalized' the partition. However, these agreements did not elaborate on the economic, social and religious issues that accompanied the takeover of the territories, for which special interstate commissions were formed. Negotiations for additional treaties were held in 1773–1776, while the discussions of border demarcation issues went on until 1781. The new cross-border treaties fixed the terms for trade, discussed religious relations, regulated conditions for the resettlement of the population, and the principles of the separation of holdings, and legalised the status of double subordination, to guarantee the rights of the landlord to his property in both countries.

In the abundant scholarship on the Partitions of the Polish-Lithuanian state, most attention is devoted to the political and diplomatic aspects of the Partitions: the causes of the Partition, the diplomatic agreements between Russia, Prussia and Austria with respect to Poland and Lithuania, the process of the validation of the partition in the Sejm, the territorial claims of the dividing states, and so on.¹ The broad literature on the topic also covers the development of the Polish-Lithuanian Commonwealth in the period between the first and second partitions.² Meanwhile, on the implementation of interstate agreements in 1774–1775, except for the demarcation of borders,³ issues of the rights of

¹ An analysis of the historiography on the partitions is provided in the works of M.H. Serejski, T. Cegielski and D. Dukwicz, see: M.H. Serejski, *Europa a rozbiory Polski. Studium historiograficzne* (Warsaw, 1970); T. Cegielski, 'Finis Poloniae. Spory historyków polskich wokół rozbiorów Rzeczypospolitej', *Wiadomości Historyczne*, 2 (1996), pp. 65–71; D. Dukwicz, 'Kilka słów na temat historiografii pierwszego rozbioru', W. Konopczyński, *Pierwszy rozbiór Polski* (Kraków, 2010), pp. XLVII–LI; J. Lukowski, *The Partitions of Poland, 1772, 1793, 1795* (London, 1999).

² Recent studies on this subject: R. Butterwick-Pawlikowski, *The Polish Revolution and the Catholic Church, 1788–1792: A Political History* (Oxford, 2012); R. Šmigelskytė-Stukienė, E. Brusokas, L. Glemža, R. Jurgaitis, V. Rakutis, *Modernios administracijos tapšmas Lietuvoje: valstybės institucijų raida 1764–1794 metais* (Vilnius, 2014).

³ J. Topolski, 'La formation de la frontière polono-prussienne à l'époque du premier partage de la Pologne (1772–1777)', *La Pologne et les Affaires Occidentales*, 5 (1969), pp. 96–127; M. Drozdowski, 'Ziemie pomorskie w negocjacjach

dissidents⁴ have not been analysed widely. The status of double subjects, fixed in the documents of the first partition, and known in the diplomatic language of the time by the French term *les sujets mixtes*,⁵ and the issue of the preservation of the rights of landowners in the Kingdom of Poland and the Grand Duchy of Lithuania to their property which through the partition fell to foreign countries, have not received special investigation. On the aspect of the loss of property rights, the work of Janusz Iwaszkiewicz ‘Digest of Confiscated Land Holdings by the Partitioning Powers in 1773–1867’, published in 1929, has not lost its relevance, revealing the confiscation of land as a tool to ensure political loyalty, applied in the Russian Empire both in the last

ratyfikacyjnych pierwszego rozbioru Polski’, *Śląskie Studia Historyczne*, no. 7 (1999), pp. 71–80; Ia.K. Anishchanka, ‘Akop uzdoŭh miazhy’, *Spadchyna*, № 3 (1992), pp. 14–15; Iu.A. Borisenok, ‘Belorussko-russkoe pogranich’e v usloviiakh Rosiiskoi imperii (vtoraia polovina XVIII – pervaiia polovina XIX vv.)’, *Voprosy istorii*, № 3 (2003), pp. 116–122; Z. Góralski, ‘Die Grenzdemarkationen nach der dritten Teilung (1795–1797)’, *Jahrbücher für Geschichte Osteuropas*, 19 (1971), pp. 212–238; R. Šmigelskytė-Stukienė, ‘Abiejų Tautų Respublikos sienos su Rusija demarkavimo problemos 1774–1775 metais’, *Lietuvos istorijos metraštis*, 2005/2 (2006), pp. 53–68; E. Zielińska, ‘Sprawa polsko-rosyjskiej komisji granicznej w latach 1778–1780’, *W cieniu wojen i rozbiorów. Studia z dziejów Rzeczypospolitej XVIII i początków XIX wieku*, ed. U. Kosińska, D. Dukwicz, A. Danilczyk (Warsaw, 2014), pp. 339–368.

⁴ B.V. Nosov, *Pol’sha i Evropa v XVIII veke: Mezhdunarodnye i vnutrennie faktory razdelov Rechi Pospolitoi* (Moscow, 1999), pp. 20–101; L.M. Arzhakova, ‘Dissidentskii vopros i padenie Rechi Pospolitoi’, *Studia Slavica et Balcanica Petropolitana*, 1(3) (2008), pp. 31–39.

⁵ The term ‘les sujets mixtes’ is used in the treaties made in the French language between the Polish-Lithuanian Commonwealth and Russia, Prussia and Austria, and means ‘mixed subjects’, i.e. persons having land holdings in two countries and therefore being subject to the will of two rulers (sovereigns). In the documents of the treaty in the Russian language as well as the term ‘subject’ (Russian *Poddannyi*) was maintained: ‘*Poddanyim takim, kotorye imejut ili imet’ budut v odno vremia pomestja v gosudarstvach obeich sodogovarivajutshichsia derzhav...*’, *Polnoje sobranije zakonov Rosijskoi imperii* vol. 20, (St Petersburg, 1830), p. 74. In the translations of the treaty into the Polish language ‘mixed subordinates’ are identified by the term ‘citizens’ (Polish *obywatele*): ‘*Obywatele, którzy maią, albo mieć będą swoje possessye razem w Stanach obydwóch Potencyi kontraktujących...*’, *Volumina Legum*, vol. 8 (St Petersburg, 1860), pp. 47–58. Considering that the term ‘citizen’ is not suitable to describe a person with land ownership in a certain country but not participating in the political life of that country, in this article we will use the term ‘subject’.

quarter of the 18th century and in the 19th century,⁶ as well as the work of Uno Ludwig Lehtonen,⁷ Władysław Konopczyński⁸ and Eugene Anishchanka,⁹ which in addition to general questions of the partition also analysed the problematic question of the incorporation of territories of the Grand Duchy of Lithuania into the composition of the Russian Empire.

The purpose of this article is to discuss the validation of the status of the double subject in the documents of the first partition, and to reveal what problems in practice a person with property in two countries encountered during the period between the First and Second Partitions. For the analysis, a typical case of the time is selected: the question of the preservation of the property rights of the Lithuanian nobleman Count Mykolas Kleopas Oginskis (Michał Kleofas Ogiński) in the Grand Duchy of Lithuania taken by the Russian Empire. Taking into account the fact that Oginskis had land holdings in the Polish-Lithuanian Commonwealth and the Russian Empire, so that according to his property he was a subject of both the king of Poland and grand duke of Lithuania, Stanisław August, and the Russian empress, Catherine II, we will devote attention only to relations with Russia, without going into the status of the double subject in Austria or Prussia.

The sources for the research are the interstate treaties of 1773–1775 between the Polish-Lithuanian Commonwealth and Russia,¹⁰ the correspondence between Mykolas Kleopas Oginskis and King Stanisław August Poniatowski,¹¹ the family correspondence and

⁶ *Wykaz dóbr ziemskich skonfiskowanych przez rządy zaborcze w latach 1773–1867*, zestawiał J. Iwaszkiewicz (Warsaw, 2013 (Reprint)).

⁷ U.L. Lehtonen, *Die polnischen Provinzen Russlands unter Katharina II in den Jahren 1772–1782*, (Berlin, 1907), p. 267. <<https://archive.org/stream/diepolnischenpr00lehtgoog#page/n313/mode/2up>>.

⁸ W. Konopczyński, *Pierwszy rozbiór Polski* (Craców, 2010).

⁹ Ia.K. Anishchanka, *Belarus' u chasy Katsiaryny II (1772–1796 gady)* (Minsk, 1998).

¹⁰ The article is based on the publications of bilateral treaties published in the collection of laws, *Volumina Legum*, vol. 8, pp. 21–29, 47–58; *Polnoe sobranie zakonov Rossiiskoi imperii*, vol. 20, pp. 74–79, as well as the publication *Lenkijos–Lietuvos valstybės padalijimų dokumentai*. 1 dalis: *Sankt Peterburgo konvencijos*, ed. R. Šmigelskytė-Stukienė (Vilnius, 2008).

¹¹ Based on the correspondence of M.K. Oginskis and Stanisław August stored in the Central Archives of Historical Records (Archiwum Główne Akt Dawnych) in Warsaw (AGAD), in the collection of Popielów. Letters dated from 9 August 1790 in The Hague to 11 August 1791 in Raków. Letters of M.K. Oginskis to

property documents of the Oginskis family, stored in the Oginskis fund in the Lithuanian State Historical Archives,¹² and the memoirs of M.K. Oginskis.¹³

The status of double subjects at the First Partition: the norms of international treaties and the practice of the retention of land holdings

Through the First Partition of the Grand Duchy of Lithuania, the greater part of the palatinate of Polotsk, the palatinates of Vitebsk and Mstislav, and part of the Minsk palatinate were torn off and joined to the Russian Empire. The boundary between the two countries was established by the Dnieper, Druts and Daugava rivers.¹⁴ The incorporation of the annexed areas into the Russian Empire was legalised on 18 September 1773 in the Sejm in Warsaw by the treaty signed between 'His Majesty the King of the Brightest Republic of Poland and Her Majesty the Empress of All the Russias'. The third article of the treaty declared that 'His Majesty the King of Poland in his own name and that of his heirs, as well as in the name of Poland and Lithuania, in exactly the same way for ever waives all rights and claims which he could have or had in any of the areas which currently comprise the Monarchy of All the Russias, under any name, excuse, stipulation of a treaty, any kind of event or circumstance that could ever be or could arise in the future for these rights and claims.'¹⁵ In the fifth article of the

Stanisław August dominate, mainly written in his own hand (of 15 letters four were handwritten by a secretary). There are eight letters from Stanisław August to M.K. Oginskis (two of them written in the king's hand), see: AGAD, Zbiór Popielów, no. 60.

¹² Documents of the Oginskis family see LVIA, d. 1177.

¹³ The memoirs of M.K. Oginskis in French were first published in 1827 in Paris: *Mémoires de Michel Oginski sur la Pologne et les Polonais, depuis 1788 jusqu'à la fin de 1815* (Paris, 1827). The article is based on the translation into the Lithuanian language: M.K. Oginskis, *Atsiminimai apie Lenkiją ir lenkus nuo 1788 iki 1815 metų pabaigos*, trans. V. Baranauskas, vol. 1–4 (Vilnius, 2007–2010).

¹⁴ St Petersburg Convention of 5 August (25 July) 1772 between Russia and Austria, *Lenkijos–Lietuvos valstybės padalijimų dokumentai*, pp. 154–156.

¹⁵ 'Sa Majesté le Roi de Pologne pour Lui et ses Successeurs, et les Etats de Pologne et de Lithvanie renoncent également à perpétuité à tous les droits ou prétentions quelconques qu'ils peuvent avoir, ou avoir eu, sur aucune des y Provinces qui composent actuellement la Monarchie de toutes les Russies, sous quelque de nomination, pretexte, stipulation, d'évenemens et de circonstances

treaty, it was set out that by the above-mentioned treaty with Russia 'the Roman Catholics of the handed over areas *utriusque ritus* will enjoy use of all their holdings and civil property [...] Her Imperial Majesty and Her successors will never use their sovereign rights to harm the *status quo* of the Roman Catholics in the mentioned regions.'¹⁶ In none of the articles was there mention of the assurance of property rights, the separation of land holdings, or possibilities for the resettlement of the population, but the treaty only specified that an additional conclusion, a separate act, with the same power as the treaty itself, would be formed to harmonise questions not covered by the treaty. And if in the future disputes still arose over the borders between the two countries or their subordinates, commissioners of one or the other state would be appointed to try to sort out the differences amicably.¹⁷

The drafting of additional treaties was delayed, and a Separate Act of the Polish-Lithuanian Commonwealth's treaty with Russia, involving conditions in the treaty related to land ownership, was only signed on 15 March 1775 in the Warsaw Sejm. The second article of this document defined the legal status of the double subject, declaring that 'Mixed subjects according to dependency are those who at the same time have holdings in both contracting states, will be able to live and use their income whichever of the two states, they choose to settle, without restriction, nor for this will they in addition be forced with any additional right to assets or have [additional] tributes imposed.'¹⁸ The fourth article of the treaty determined that 'all Polish nobles, subjects of the Republic, who currently have duties in Poland, and at the same time are owners in those lands which went over to the

quelconques, que les dits droits et prétensions ayent jamais pu, ou dûssent jamais à l'avenir avoir lieu de s'exercer', *Volumina Legum*, t. 8, p. 25.

¹⁶ 'Les Catholiques Romains *utriusque ritus* jouiront dans les Provinces cédées, par le présent traité, de toutes leurs possessions et propriétés quant au civil; et par raport à la religion ils ci seront entièrement conservés in statu quo, ... et Sa Majesté Impériale, et ses Successeurs ne se serviront jamais des droits du souverain, au préjudice du statu quo de la religion Catholique Romaine, dans les païs susdits', *ibid.*, p. 26.

¹⁷ *Ibid.*, p. 27.

¹⁸ 'Les sujets mixtes, c'est à dire ceux, qui ont, ou auront en même tems des possessions dans les États respectifs des deux Puissances contractantes, pourront vivre et jouir de leurs revenus à leur choix dans celui des deux États, où il leur plaira de fixer leur habitation, sans être gênés en aucune manière, ni assujettis pour cela à quelque droit ou impositions de plus', *ibid.*, p. 51.

dominion of Her Imperial Majesty, will be allowed to use their income without paying contract taxes, and at the same time perform those duties, completely unhindered by the government of the country in which they have holdings.¹⁹ However, relief was provided for only six years. A six-year period, starting from the date of the signing of the Separate Act, was also set for the decision to choose which country should be their place of residence. The nobles and burghers of the Polish-Lithuanian Commonwealth, having become at the time of the partition free subjects of the Russian Empress, were required during a specified period of time to decide to return to live in the Republic or 'permanently move to the holdings of Her Imperial Majesty'. People who determined their place of residence to be in the Polish-Lithuanian Commonwealth were required over six years to sell their property. To facilitate the sale, the condition was provided that no charge for the sales contract would be taken. However, moving to the Republic was not so simple. Those who wished to move from one state to another had to first pay off debts and 'fulfil the requirements arising from their obligations in the country which they were preparing to leave'. Otherwise, they were threatened with arrest and detention under the jurisdiction of their place of residence.²⁰

Thus, the status of double subordination was valid only for a specified period, six years, beginning from 15 March 1775. We will note that the same articles, word for word, were included in the treaties of 16 March 1775, signed between the Polish-Lithuanian

¹⁹ *'Il sera permis à tous les nobles Polonais sujets de la République, qui revêtus actuellement de charges en Pologne se trouvent en même tems possessionnés dans les païs passés sous la domination de Sa Majesté Impériale, de jouir de leurs revenus sans paier les droits de traites foraines, ainsi que d'exercer les dites charges, sans aucun empêchement de la part du gouvernement, sous lequel ils ont leurs possessions'*, *ibid.*, p. 52.

²⁰ *'Il sera permis à tout gentilhomme et bourgeois, sujet de la République de Pologne de se transporter dans les Etats de Sa Majesté Impériale, et réciproquement aux nouveaux sujets libres de l'Impératrice, de fixer leur demeure dans les Etats de la République, et de vendre leurs biens dans l'espace de six ans, à compter de la date de l'acte présent, sans paier le droit de traite foraine. Cependant ceux qui voudront se transporter entièrement d'un païs à l'autre, devront acquitter préalablement les dettes et prétensions, qui se trouveraient à leur charge dans le païs, qu'ils voudront quitter, sous peine d'être arrêtés et retenus par la jurisdiction du lieu, où ils ont demeuré'*, *ibid.*

Commonwealth and Austria, and the Polish-Lithuanian Commonwealth and Prussia.²¹

Looking at it from a formal point of view, the international treaties created conditions for the ‘mixed by subordination’, i.e. for the double subject, to choose freely in which country he wanted to live, and not to experience any difficulties or additional taxation. However, experience showed that, in the terms of modern terminology, it was not sufficient simply to ‘declare a place of residence’. It was also necessary to confirm their loyalty to the new ruler, i.e. to take an oath of loyalty. Otherwise, they risked losing their land holdings abroad: the estates could be confiscated.

We will note that the population of the annexed areas, from the very first days of the annexation, were constrained by various Russian government orders and instructions. By the 27 (16) August 1772 order of the Russian Empress Catherine II, Zakhar Chernyshev, the appointed governor general of the Belarusian lands, was mandated to take over the administration of territories that ‘fell under the authority of Russia’s sceptre,’ to deploy troops in the occupied lands in such a way that they would ‘guarantee order and internal stability,’ and at the same time to designate time and personnel to accept the oath of allegiance to the empress and her empire by the whole population without exception.²² A circular (*Плакатъ*) was proclaimed in the name of the governor general to inform the residents of the annexed lands about the changes that had taken place and the procedure for the oath to the new ruler. In the text of the circular approved by a decree of Catherine II, it was stated ‘to everyone and anyone, starting from the most famous nobility, clergy and officials, and ending with each one who is required to do so in the current **period of one month** [emphasis added], to take a solemn oath of allegiance in the presence of witnesses designated for that purpose. If any of the landlords, or their representatives, owning property, without sparing his own well-being, does not take the oath, such a person is free to sell their property and travel abroad during a three-month period.’²³ At the end of the specified

²¹ Ibid., pp. 39–40, 59.

²² Order of Catherine II on 27 August 1772 to Governor General Chernyshev, *Polnoe sobranie zakonov Rossiiskoi imperii*, vol. 19 (St Petersburg, 1830), p. 553.

²³ Ibid., pp. 554–555.

three-month period, all the estates of the person not taking the oath were to be confiscated and turned over to the national treasury.²⁴

The Russian government placed its greatest hopes in the clergy of the occupied territories. It was hoped that the example of this estate would encourage the other residents of the annexed territories to express their loyalty to Catherine II. In the circular prepared by the court in St Petersburg, it was stressed that 'the senior and junior clergy of all faiths, as spiritual leaders, must set an example and be the first to take the oath.'²⁵

The deadline indicated for the oath was clearly unrealistic. It was not possible to sell property and settle other affairs of ownership within the designated period of three months. Moreover, the nobility of the Polish-Lithuanian Commonwealth still hoped to succeed in preventing the validation of the partition, and in recovering the territories occupied by Russia, Prussia and Austria. The former Bar Confederates, active in exile, not having lost their hopes to draw the ruling circles of France and the Ottoman Empire to the side of the Republic, sought to restore the territorial integrity of the state.²⁶ Both the Polish-Lithuanian Commonwealth and the inhabitants of the annexed territories impatiently awaited changes in the arena of international relations. Some nobles of Poland and Lithuania who had fled to the West at the first partition followed the situation from the sidelines and were in no hurry to return.

The Russian government, faced with the sluggishness of landowners to demonstrate their loyalty to the new ruler, applied new restrictions. On 17 September 1772, by order of Governor General Chernyshev, all the inhabitants of the annexed lands travelling abroad for trade or service were required to report to the appropriate government office in their place of residence and to swear allegiance to the Russian Empress there. The requirement to go immediately to take the oath of allegiance was repeated on 11 October 1772, to be done by mid-December; later they were

²⁴ Ibid. Cf. M.K. Schirmer, 'Zagłada polskiego ziemiaństwa', *Wykaz dóbr ziemskich skonfiskowanych*, p. xix; Konopczyński, *Pierwszy rozbiór*, p. 146. The author dates the rescript of Catherine II to 18/29 August 1772.

²⁵ Order of Catherine II on 27 August 1772 to Governor General Chernyshev, *Polnoe sobranie zakonov Rossiiskoi imperii*, vol. 19, p. 555.

²⁶ Cf. V. Dolinskas, *Simonas Martynas Kosakovskis. Politinė ir karinė veikla Lietuvos Didžiojoje Kunigaikštystėje 1763–1794 metais* (Vilnius, 2003), pp. 344–366.

allowed to take the oath by 15 January 1773,²⁷ and in 1775 the deadline was extended until 1 May 1776.²⁸ And only on 15 March 1775, after the Warsaw Sejm had signed the Separate Act of the partition treaty, in the words of Konopczyński, 'the painful issue of *sujets mixtes* finally settled.'²⁹ The final date to resolve property affairs in the Russian Empire, for those not swearing loyalty, was set as 15 March 1781.

As Lehtonen's research has revealed, by 1 June 1773, 3,727 nobles of the newly established Mogilev palatinate, and 1,799 nobles of the Pskov palatinate, had sworn allegiance to Catherine II.³⁰ For the most part, they were the middle and petty nobility, or even landless nobles who did not have any property or possibilities to move to live in the Polish-Lithuanian Commonwealth. However, among the new subordinates swearing allegiance to Catherine II, there were none of the major landowners of the Grand Duchy of Lithuania. As the 'List of Landowners not Taking the Oath of Allegiance', compiled in 1773, shows, the requirement to swear loyalty to Russia was not accepted by the Vilnius palatine Karolis Stanislovas Radvila (Radziwiłł), the Lithuanian grand hetman Mykolas Kazimieras Oginskis, the Vilnius castellan Ignotas Oginskis, the Trakai castellan Tadas Pranciškus Oginskis, the Rus palatine Augustas Aleksandras Čartoriskis (Czartoryski), the Polotsk palatine and Lithuanian field hetman Mykolas Aleksandras Sapiega (Sapieha), the Vitebsk palatine Juozapas Antanas Sologubas (Соколюб), the Lithuanian great guard Leonardas Pociėjus (Pocieja), and others.³¹

The majority of Lithuania's nobles named in the list had to suffer the confiscation of their holdings. By order of Catherine II, the Vilnius palatine Karolis Stanislovas Radvila lost the former Nevel and Sebez holdings in the Polotsk province (1,230 villages, with a population of 14,406 men), as well as Kopys and Romanuvo in the Orsha district (72 villages, with a population of 8,589 men).³² Also sequestered were the estates of the younger brother of the Vilnius voivod Jerominas Vincentas Radvila. After the suppression of the

²⁷ Konopczyński, *Pierwszy rozbiór*, p. 146.

²⁸ Anishchanka, *Belarus' u chasy Katsiaryny II*, p. 32.

²⁹ Konopczyński, *Pierwszy rozbiór*, p. 146.

³⁰ U.L. Lehtonen, *Die polnischen Provinzen Russlands unter Katharina II in den Jahren 1772–1782*, (Berlin, 1907), p. 267.

³¹ Ibid., p. 268.

³² *Wykaz dóbr ziemskich skonfiskowanych*, p. 15.

Confederation of Bar, the Vilnius palatine and his brother who returned from abroad attempted to regain the confiscated property, but to no avail. Karolis Stanislovas and Jeronimas Vincentas Radvila were not even given permission to travel to St Petersburg for the purpose of the recovery of their lands.³³

The palatine of Rus Augustas Aleksandras Čartoriskis, who did not take the oath of allegiance to Catherine II in the set time, lost Shkloŭ, which provided an annual income of 300,000 Polish zloty (gold coins). Mykolas Čartoriskis lost 52 villages with 1,592 residents.³⁴

Likewise, the Lithuanian grand hetman Mykolas Kazimieras Oginskis, who had fought actively against the Russian army during the Confederation of Bar, lost his estates, being in the lands of the Grand Duchy of Lithuania annexed by the Russian Empire during the partition. The town of Krugloe in the Orsha district in the Vitebsk palatinate (population 462), 21 villages with more than 2,000 peasants, and the Chechersk parish with 650 yards and 5,070 peasants were taken from the hetman. We should note that in 1773, Catherine II donated Chechersk to Governor General Chernyshev as a reward for diligent service in incorporating the territories joined to the Russian Empire.³⁵

Considering the decision of the Russian government to sequester and then confiscate his holdings, the hetman M.K. Oginskis made efforts to recover his property, and to receive compensation for losses incurred during the period of sequestration, but he refused to swear allegiance to the Russian Empire. As the research by Jerzy Michalski has revealed, Russia's envoy to the Polish-Lithuanian Commonwealth, Otto Magnus von Stackelberg, promising to support Oginskis on this issue, for a long time used the return of the estates as a tool for the political manipulation of the hetman.³⁶ If the hetman succeeded in recovering Krugloe and several smaller holdings (Obola in the Polotsk palatinate, and Starosielo in the Mogilev palatinate), his other property was never returned.

³³ J. Michalski, 'Karol Stanisław Radziwiłł', *PSB*, t. XXX/2, z. 125 (Wrocław–Warsaw–Craców–Gdańsk, 1987), p. 259.

³⁴ J. Iwaszkiewicz does not indicate whether the number 1,592 included only men, or the population of both sexes, see: *Wykaz dóbr ziemskich skonfiskowanych*, p. 5.

³⁵ Anishchanka, *Belarus' u chasy Katsiaryny II*, pp. 88–90.

³⁶ J. Michalski, 'Ogiński Michał', *PSB*, t. XXIII/4, z. 990, (Wrocław etc., 1978), p. 627.

There were exceptions in the history of the sequestration of estates. For instance, Mykolas Aleksandras Sapiega, under the pretext of a serious illness, and 'for the condition of his health' putting off travelling to St Petersburg, avoided taking the oath of personal loyalty to Catherine II. Despite the fact that by June 1773, Sapiega was not yet a sworn subject of the Empress, he managed to keep his estates, as a reward for his commitment to Russia and his cooperation with von Stackelberg. Supported by the Russian envoy, in 1775 Sapiega even obtained the office of grand chancellor of Lithuania.³⁷

The palatine of Vitebsk J.A. Sologubas also avoided the confiscation of his estates for 'special merit to Russia', even though he refused to swear allegiance publicly to the Russian Empress.³⁸ Meanwhile, the Lithuanian grand guard, the starosta of Rogachiv and Valkininkai Leonardas Pociėjus, took the oath of allegiance to Catherine II in 1773 in order to save his holdings in the Polotsk palatinate.³⁹

The fate of the Vilnius castellan Ignotas Oginskis (1698–1775) was very different. Withdrawing from participation in politics at the First Partition, shortly after the validation of the seizure of the territories, he died in Halle, not having taken the oath of allegiance to the Russian Empress, and leaving the issue of keeping the rights to his property to his heirs. Despite the well-established scholarly opinion that 'for his position as a servant with regard to Russia' Catherine allowed I. Oginskis not to swear fidelity to keep his estates,⁴⁰ sources indicate that after the death of the castellan, the Russian government did not hurry to return them to their legitimate owner, his widow Elena Oginskytė-Oginskienė (*Helena z Ogińskich Ogińska*, 1701–1790). The issue of the restitution of the property was considered for more than ten years, and only in 1787 did matters change: in the presence of the Russian envoy, on 27 March 1787, having taken an oath as a subject of Catherine II, the widow of the Vilnius castellan received assurances that authorisa-

³⁷ For more information see: Z. Zielińska, 'Sapieha Aleksander Michał', *PSB*, t. XXXIV/4, z. 143, (Wrocław etc., 1993), pp. 565–569.

³⁸ A. Matsuk, 'Salagub Iuzaf Antonii', *Vialikae Kniastva Litoŭskae. Entsyklapedyia*, vol. 3 (Minsk, 2010), p. 391.

³⁹ A. Grytskevich, 'Patsei', *Vialikae kniastva Litoŭskae. Entsyklapedyia*, vol. 2, (Minsk, 2006), p. 421.

⁴⁰ Cf. Z. Zielińska, 'Ogiński Ignacy h. własnego (ok. 1698–1775)', *PSB*, t. XXIII (Wrocław etc., 1978), pp. 607–610.

tion to return her rights to the estates would be issued to Russia's adviser Brzozowski.⁴¹

When property becomes a burden. The case of the double subordination of Mykolas Kleopas Oginskis

The sword-bearer of the Grand Duchy of Lithuania Mykolas Kleopas Oginskis (1765–1833), who ended up in a similar situation as a double subject, was appointed on 31 March 1790 as the Polish-Lithuanian Commonwealth's ambassador to the General Estate of the United Netherlands Provinces.⁴² In his memoirs, published in 1827 in Paris, Oginskis admits that family affairs, which 'unfavourable circumstances, plunged into the abyss from which [he] had been unable ever to escape,'⁴³ forced him to depart from The Hague without having completed his assigned mission. What was that abyss, and why did Oginskis depart from The Hague after being on his diplomatic mission less than a year? An analysis of the family relations of the Oginskis provide a possible answer.

Having accepted the legacy of his deceased father, the Trakai palatine Andrius Ignotas Oginskis, in 1787, M.K. Oginskis also became heir to the estates of the Vilnius castellan Ignotas Oginskis, who in 1772, bequeathing his holdings to his nephew, expressed the desire that his successor would be Andrius Ignotas Oginskis.⁴⁴ In 1786, M.K. Oginskis received a legacy from the Merkinė starosta Matas Oginskis (1739–1786), property worth several millions in White Ruthenia,⁴⁵ which for four years had been administered by an uncle on his father's side, Lithuania's great chef Pranciškus Ksaveras Oginskis.

⁴¹ Letter from the GDL great chef (Pol. *kuchmistrz*, French *maitre d'hôtel*) Pranciškus Ksaveras Oginskis to his brother the Trakai voivod Andrius Ignotas Oginskis, on 17 April 1787, Byalynichy, LVIA, f. 1177, ap. 1, b. 5799, l. 1–1v.

⁴² Appointment as envoy to the United Provinces of the Netherlands, *Volumina Legum*, vol. 9, p. 170. For more: R. Šmigelskytė-Stukienė, *Mykolas Kleopas Oginskis. Politikas, diplomatas, ministras ir jo pasų kolekcija* (Vilnius, 2013), pp. 77–84.

⁴³ Oginskis, *Atsiminimai*, vol. I, p. 67.

⁴⁴ Z. Zielińska, 'Ogiński Andrzej Ignacy Joachim Jozafat (1740–1787)', *PSB*, t. XXIII (Wrocław etc., 1978), pp. 597–599.

⁴⁵ 'znacznie Dobra za Kordonem Białej Rusi kilka millionów wartości', letter of M.K. Oginskis to Stanisław August of 31 September 1790 (The Hague). AGAD, Zbiór Popielów, no. 60, p. 5.

In 1790, after the death of the childless wife of the castellan, M.K. Oginskis became the legitimate owner of the assets of Elena Oginskytė-Oginskienė. In addition, by joint decision of the Oginskis family, it was decided that Great Hetman Mykolas Kazimieras Oginskis in future would transfer to Mykolas Kleopas all the Lithuanian estates, together with the obligation to pay off the debts of these estates. At the same time, the uncle P.K. Oginskis, who was in failing health, sought to make his only nephew his heir. Thus, in the words of M.K. Oginskis, he was able to 'add approximately twenty million *zloty*' to his possessed property at that time, without thinking that 'property can be a burden.'⁴⁶

Having taken over the estates of the former Merkinė starosta Matas Oginskis in the territory of the Russian Empire, M.K. Oginskis was required to take the 'usual territorial oath to the Russian Empire'. However, being at that time actively engaged in public and political activities in Lithuania and the Republic, Oginskis hoped that it would be possible to circumvent this requirement, and not to have to go to Russia. In 1786–1788, fulfilling the duties of the commissioner of the GDL Treasury Commission, Oginskis did not pay any attention to the issue of the oath; moreover, at that time his uncle P.K. Oginskis managed the affairs of these estates.⁴⁷ The situation changed when M.K. Oginskis became the ambassador to the General Estates of the United Provinces of the Netherlands. In 1790 he learned about the requirement to take an oath, as the owner of property in the Russian Empire. Having authorised the GDL Treasury Commission regent Juozapas Matkevičius (Matkiewicz) to administer his estates in White Ruthenia, Oginskis sent him to Mogilev, simultaneously giving a letter addressed to the governor general of the Belarus lands, the Mogilev vice-regent Piotr Pasek detailing the circumstances due to which he could not come in person, and asking for the opportunity to express his loyalty through an intermediary.⁴⁸ The efforts to settle the affair by proxy were in vain. A letter from P. Pasek reached the envoy in The Hague, informing him that there were no possibilities to take the oath of

⁴⁶ Oginskis, *Atsiminimai*, vol. I, p. 68.

⁴⁷ Copy of the letter from M.K. Oginskis to the Kingdom of Poland's grand chancellor J. Malachowski of 28 October 1790 (The Hague). AGAD, Zbiór Popielów, no. 60, p. 38.

⁴⁸ Letter from M.K. Oginskis to Stanisław August, 31 August 1790 (The Hague). *Ibid.*, p. 5v.

loyalty to Her Imperial Majesty by proxy, and requiring that he appear in Mogilev in person.⁴⁹

Oginskis set out his concerns, and the threat of losing two estates 'giving an annual income of several thousand red *złoty*' to King Stanisław August, asking for advice on whether there was any other way to arrange the issue of the preservation of his property, and together ensure that the Oginskis family, which 'had already suffered large losses from the Russian authorities, could preserve its holdings in the land'.⁵⁰ Stanisław August suggested addressing the issue of the oath to the Republic's envoy in St Petersburg Augustyn Deboli, as the person most knowledgeable in the affairs of the empire's court.

It was not long before the response came from St Petersburg. On 13 October 1790, Stanisław August forwarded to Oginskis the recommendations of Deboli on how to handle the situation. The experienced diplomat drew attention in particular to the fact that in Russia 'it is customary to demand a personal territorial oath from those who have estates in White Ruthenia,' and in the occupation of the province, 'more than one landowner was expelled from his property.' According to Deboli's knowledge, in the whole time since the partition, only one exception was made to this rule, for the Lithuanian deputy chancellor Joachim Chreptavičius (Chreptowicz), who was allowed to swear allegiance in the presence of the Russian ambassador in Warsaw. However, 'this was the only case that was accompanied by success.'⁵¹

In Oginskis' situation, Deboli suggested beginning negotiations with Russia's envoy in Warsaw, Jakob Bulgakov (Булгаков Яков Иванович), to whom he recommended presenting the whole matter, and on the basis of articles 3 and 5 of the 1775 Separate Act of the treaty between the Polish-Lithuanian Commonwealth and Russia, regulating issues of subordination in the territories annexed by Russia, to seek to be allowed to take the oath by proxy.⁵² Deboli also drew attention to the six-year transition period in the Separate Treaty, which in the case of Oginskis, as heir to estates in Russia,

⁴⁹ Letter from M.K. Oginskis to P. Pasek, 17/28 June 1790 (The Hague). *Ibid.*, p. 7.

⁵⁰ Letter from M.K. Oginskis to Stanisław August, 31 August 1790 (The Hague). *Ibid.*, p. 6.

⁵¹ Extract from Deboli's letter to Stanisław August, 31 August 1790 (The Hague). *Ibid.*, p. 13.

⁵² *Ibid.*, p. 13.

had not yet expired. Therefore, it was possible to request from the Russian side that the valid time provided in the cross-border treaty to sell property in Russia be granted.⁵³

Having asked for advice from a more experienced colleague, action began to be taken through the diplomatic corps. Requesting mediation, Oginskis addressed letters to the head of the foreign affairs deputation of the Polish-Lithuanian Commonwealth's Sejm, the grand chancellor of the Kingdom of Poland, Jacek Małachowski,⁵⁴ and the Russian envoy to The Hague Stepan Alekseevich Kolychev, whom he requested to write letters supporting him on the subject of the sequestration of estates to St Petersburg, to J. Bulgakov in Warsaw, and to the Mogilev vice-regent Pasek.⁵⁵ The main objective was to get approval for Oginskis to take the oath in the presence of the Russian envoy at The Hague. However, as subsequent events show, even on the basis of points in the cross-border treaties, negotiations lasting almost half a year yielded no results. The oath taken by Oginskis at The Hague was not accepted at the court in St Petersburg. The Russian side demanded personal confirmation of the loyalty of M.K. Oginskis.

In the summer of 1791, having received permission from the foreign affairs deputation of the Polish-Lithuanian Commonwealth's Sejm, and having coordinated his departure with King Stanisław August, Oginskis went to Mogilev.⁵⁶ But formally he was still the envoy of the Polish-Lithuanian Commonwealth in The Hague.

Several surviving letters by Oginskis to Stanisław August from his trip to Russia reflect the particularly complicated geopolitical situation of the state. Worthy of attention is the 10 July 1791 letter written in Mogilev, in which Oginskis informs King Stanisław August of the powerful troops of the Russian Empire amassed on the border of the Polish-Lithuanian Commonwealth, and suggests that the Russian Empire, 'despite the favourable attitude of the elite of local society with respect to events in the Republic' (one has in mind the reforms of the Four-Year Sejm and the 3 May 1791

⁵³ Ibid.

⁵⁴ Copy of the letter from M.K. Oginskis to the grand chancellor of the Kingdom of Poland J. Małachowski, 28 October 1790 (The Hague). *ibid.*, p. 38.

⁵⁵ Letter from M.K. Oginskis to Stanisław August, 28 October 1790 (The Hague). *ibid.*, p. 37.

⁵⁶ Z. Libiszowska, A. Nowak-Romanowicz, 'Ogiński Michał Kleofas', *PSB*, t. XXIII/4, z. 99 (Wrocław etc., 1978), pp. 631–632.

Constitution), was seeking to retain its protectorate in Poland and Lithuania. 'In this land, Gracious Sire, travelling from Polotsk and Vitebsk towards Mogilev, I found a dense and abundant concentration of an army, well-equipped and with all sorts of weaponry; however, I could not learn in detail how strong this army at the border was, and above all, I think, in the territory through which I passed, there are up to forty thousand soldiers. It is also widely announced that from Kiev to Riga, one hundred and thirty thousand soldiers protect the borders of Moscow.'⁵⁷

'Having handled all foreign affairs'⁵⁸ in a month, in August 1791, Oginskis hurried back to the Polish-Lithuanian Commonwealth, but despite his declared intentions, he did not depart from The Hague. Following the changes in the international situation, and seeing the hopelessness of his diplomatic mission, he focused his main attention on the resolution of the issue of the family property, assuming enormous responsibilities to the creditors of the hetman M.K. Oginskis.⁵⁹

We should note that the trip to White Ruthenia while relations between the Polish-Lithuanian Commonwealth and the Russian Empire were tense could not only, in the words of Oginskis, 'incur the distrust of many exalted patriots', but could also be perceived as a betrayal of the homeland in seeking the 'guardianship of the Petersburg court.'⁶⁰ Breathing the spirit of reform, the patriotically minded society of the Polish-Lithuanian Commonwealth condemned any cooperation with the court in St Petersburg or any demonstration of loyalty to Russia. But even fully realising the situation, Oginskis did not dare risk his material well-being and abandon his property in the Russian Empire. Seeking to maintain the noble status guaranteeing land ownership, along with the hope that 'the trust and respect of honourable people will always be preserved and nothing will force him to violate honour and duty,'⁶¹ Lithuania's grand swordsman resolved to go to Russia.

⁵⁷ Letter from M.K. Oginskis of 10 July 1791 to Stanisław August from Mogilev, AGAD, Zbiór Popielów, no. 60, pp. 75–77.

⁵⁸ Cf. 11 August 1791 letter from M.K. Oginskis to the king from Rakowo, *ibid.*, p. 78.

⁵⁹ For more: Šmigelskytė-Stukienė, *Mykolas Kleopas Oginskis*, pp. 100–110.

⁶⁰ Oginskis, *Atsiminimai*, vol. I, p. 68.

⁶¹ *Ibid.*

Naturally, the trip to the Russian Empire in the summer of 1791, as well as the news about the territorial oath, compromised Oginskis as a politician and diplomat, although at that time he did not formally carry out the duties of envoy to the United Provinces of the Netherlands. To recover his eroded authority and public confidence, the Lithuanian grand swordsman actively lobbied for the 3 May Constitution, and at the Vilnius Town Hall, along with 37 boyars, he solemnly enrolled in the estate of Vilnius city residents.⁶² In April 1792, the residents of Vilnius authorised Oginskis on their behalf to thank King Stanisław August for the 'Law of Cities' and the 3 May Constitution, and to confirm that 'the Jagiellonian city of Vilnius is ready to give up its wealth and life for this Constitution.'⁶³ On 3 May 1792, as a delegate of the Vilnius municipality, Oginskis took part in the commemoration of the first anniversary of the Constitution in Warsaw. However, he thus did not return to his diplomatic mission in The Hague.⁶⁴

Paradoxically, the 'territorial oath' to the Russian Empire did not protect Oginskis from the sequestration of his estates. Exactly one year later, in the summer of 1792, in the face of Russia's military intervention, the political situation in the country changed, the Lithuanian grand swordsman, just like some of the leaders of the patriots-reformers group, emigrated. Together with 'forty countrymen, who left Warsaw for the same reasons', Oginskis settled in the Altwasser resort in Silesia. There he received the news about the sequestration of his estates by the leadership of the pro-Russian Confederation. His estates were confiscated based on a secret order of 27 June 1792 of Lithuania's General Confederation.⁶⁵

We should note that at the end of 1791 and the beginning of 1792, the property of M.K. Oginskis increased significantly. At the end of 1791, Hetman M.K. Oginskis transferred all of his holdings in the Grand Duchy of Lithuania, as well as property in the Duchy of Courland, two estates in the Polotsk and Mogilev palatinates of

⁶² Entry of the oath given on 16 April 1792 in the book of the court acts of the Vilnius magistrate, LVIA, f. 458, ap. 4, b. 4, l. See also: L. Glemža, *Lietuvos Didžiosios Kunigaikštystės miestų sąjūdis 1789–1792 metais* (Kaunas, 2010), pp. 155–156.

⁶³ Actation of the authorisation issued on 23 April 1792 to M.K. Oginskis, LVIA, f. SA, b. 5150, l. 1–2; Glemža, *Lietuvos Didžiosios Kunigaikštystės miestų*, p. 157.

⁶⁴ Officially M.K. Oginskis abandoned his status as an envoy in December 1791, see: R. Šmigelskytė-Stukienė, *Mykolas Kleopas Oginskis*, p. 103.

⁶⁵ See: The book of Acts of the Confederation of Orsha, National Historical Archives of Belarus in Minsk, f. 3354, ap. 1, b. 1, l. 39.

the Russian Empire, and other property to the grand sword-bearer M.K. Oginskis for 12,250,000 Polish zloty.⁶⁶ Having paid the hetman 4,250,000 in cash, Oginskis had to pay the remaining sum of eight million Polish zloty, to be received from the confiscated estates and other property, for settlement with the hetman's creditors.⁶⁷ The hetman's wife Aleksandra Oginskienė, from the Čartoriskis family (Aleksandra z Czartoryskich Ogińska), with that purpose, refused the estates already recorded in 1765 by her husband in the Grand Duchy of Lithuania, Poland and Austria-ruled Galicia,⁶⁸ to the end of her life, which were also transferred to M.K. Oginskis. The estates of the Master of the Kitchen of the Grand Duchy of Lithuania P.K. Oginskis in White Ruthenia also entered into the field of interest of M.K. Oginskis, the financial affairs of which, at the request of his uncle, he began to fix.⁶⁹

The sequestration on the estates of M.K. Oginskis made in June 1792 by the leadership of the Confederation meant complete financial collapse. Oginskis was forced to choose: to remain in exile without means of subsistence, or to return to the homeland and deal with his property affairs, accepting a compromise with his conscience and trampling his beliefs. The period of resolve was not long. In the autumn of 1792, Oginskis came back to the Polish-Lithuanian Commonwealth, and in Brest-Litovsk, where the officer generals of the Confederation resided, he swore allegiance to the Confederation. However, the oath alone was not sufficient in order to regain the expropriated estates. On discovering that sequestration was designated by the instruction of Platon Zubov, Oginskis was forced to go to Russia one more time.⁷⁰

In a letter of 6 October 1792 to his uncle P.K. Oginskis, he noted that he had decided to go to St Petersburg, 'hoping to set in motion

⁶⁶ The enrolment of the contract of Lithuania's great hetman M.K. Oginskis and the grand sword-bearer M.K. Oginskis, 13 February 1792, LVIA, f. SA, b. 185, l. 116–122v (522–528).

⁶⁷ Ibid., l. 120–121v (527–528).

⁶⁸ The actation of an extract from the book of the Grand Duchy of Lithuania Minor Chancellery acts in the book of the acts of the Lithuanian Supreme Tribunal, 13 February 1792, *ibid.*, l. 105–107v (511–513).

⁶⁹ Letter of the Master of the Grand-Ducal Kitchen P.K. Oginskis to M.K. Oginskis, 10 September 1791, Molodechno, LVIA, f. 1177 ap. 1, b. 5800, l. 6.

⁷⁰ Oginskis, *Atsiminimai*, vol. I, p. 109.

the interests of the estates beyond Russia's border.⁷¹ After a week, he announced that 'a multitude of reasons, both of a public and private nature, encourage a departure for St Petersburg. I decided to go, forced by necessity, and I have to do so it in a very short time, because I have to return in early December. Because one of my goals is the recovery of the illusions and benevolent hetman's holdings located beyond Russia's border, I think that it may be possible also at the same time to negotiate for our interests in that occupied land, for which I cannot take any steps before the final contract, without prior coordination of the contracts with His illusions and Beneficent Grace My Lord Benefactor.'⁷² Having selected as his representative for property issues the regent Matkevičius, 'understanding well the situation of estates beyond Russia's border', Oginskis hoped to discuss all important issues with his uncle in Molodechno.⁷³

In the late autumn of 1792, for the second time in two years and during his very short political career, Oginskis went to St Petersburg to 'coordinate' the issue of property holdings. However, this was not the last time. In less than a couple of years passed, in the fall of 1794, for his involvement in the ranks of the rebels and for the organisation of the armed resistance in Lithuania, Oginskis was again punished with the sequestration of his estates. Only this time, with the third partition of the Polish-Lithuanian Commonwealth, he was no longer a double subject. Oginskis took oath of his loyalty to the Russian Empire for the third time in 1802, that is, after eight years of exile, which he had spent living off the income from the estates of his wife Isabella Lasocka.⁷⁴

In summary, we can state that the Separate Act of the treaty between the Polish-Lithuanian Commonwealth and Russia, signed

⁷¹ M.K. Oginskis' letter to P.K. Oginskis, 6 October 1792, Vilnius, LVIA, f. 1177, ap. 1, b. 5801, l. 11–12.

⁷² Ibid.

⁷³ 'Wyjazd moj do Petersburga z wielorakich tak publicznych iako by prywatnych wypłynął powodów. Przedsięwziąłem go z potrzeby y skutecznić muszę, w krótkim nader czasie bo pierwszych dni Decembra wrocic powinieniem. – Kiedy zaś dochodzenie Straty przez JWo Hetmana Litto w Kordonie Rossyjskim poniesionej jest jednym z obiektów drogi mojej, sądziłem przeto, że najprzedsniejszą byłaby pora traktować y o nasze interesa w tymże zabranym Kraju, okolo których żadnych czynić kroków nie mogłem, nie ukończywszy układów projektowanych przez JOWXMcí Dobrodzieja...', Letter from M.K. Oginskis to P.K. Oginskis, 16 October 1792, ibid., l. 13.

⁷⁴ For more: Šmigelskytė-Stukienė, *Mykolas Kleopas Oginskis*, pp. 148–164.

on 15 March 1775, defined the legal status of the double subject, analogous to the treaties signed on 16 March 1775 between the Polish-Lithuanian Commonwealth and Austria, and the Polish-Lithuanian Commonwealth and Prussia.

In the international agreements, the legitimised status of the double subject not only failed to ensure the rights of ownership to property in the Russian Empire, which could be sequestered and confiscated, but also limited the political freedom of the subject.

The political choice of the double subject was limited, and while interstate relations were strained, the state of being a double subject was generally not possible.

Taking over the right to manage estates in the Russian Empire cost Mykolas Kleopas Oginskis his diplomatic career: the requirement to swear allegiance personally forced the envoy in The Hague to request leave and withdraw from the duties of a diplomat, but did not prevent the future confiscation of his estates.

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LES SUJETS MIXTES: DVGUBOS VALDINYSTĖS PROBLEMA LENKIJOS-LIETUVOS VALSTYBĖS PADALIJIMŲ LAIKOTARPIU.

MYKOLO KLEOPO OGINSKIO ATVEJIS

Santrauka

RAMUNĖ ŠMIGELSKYTĖ-STUKIENĖ

1772 m. įvykdytą Lenkijos ir Lietuvos valstybės teritorijų užgrobimą ir šių teritorijų inkorporavimą į Rusijos, Prūsijos ir Austrijos sudėtį lydėjo daugybė su žemėvalda, gyventojų persikėlimu, tikybos ir kt. reikalais susijusių problemų, kurias sureguliuoti turėjo dvišalės Abiejų Tautų Respublikos ir padalijimą įvykdžiusių valstybių sutartys. 1775 m. Varšuvos seime sudarytomis sutartimis su Rusija, Prūsija ir Austrija buvo nustatytos gyventojų persikėlimo sąlygos, reglamentuoti valdų atskyrimo principai, prekybos sąlygos, tikišiniai santykiai, be to, įteisintas dvigubos valdinystės statusas. Straipsnio tyrimo objektas – 1775 m. kovo 15 d. Abiejų Tautų Respublikos ir Rusijos imperijos Separatinėse sutartyse apibrėžtas dvigubo valdinio statusas ir šio statuso taikymas praktikoje laikotarpiu tarp pirmojo ir antrojo Lenkijos ir Lietuvos valstybės padalijimų. Analizei pasirinktas vienas tipinis to meto atvejis – Lietuvos didiko grafo Mykolo Kleopo Oginskio nuosavybės teisių į valdas Rusijos imperijai atitekusiose Lietuvos Didžiosios Kunigaikštystės teritorijose išsaugojimo klausimas. Tyrimo šaltinių bazę sudaro Abiejų Tautų Respublikos ir Rusijos tarpvalstybinės sutartys, Mykolo Kleopo Oginskio ir karaliaus Stanislovo Augusto Poniatovskio korespondencija, šeiminė Oginskių giminės korespondencija, turtiniai dokumentai,

saugomi Lietuvos valstybės istorijos archyvo Oginskių fonde, bei M. K. Oginskio memuarai.

Naujos šaltinių medžiagos pagrindu daroma išvada, jog 1775 m. tarpvalstybinėse sutartyse įteisintas dvigubo valdinio statusas ne tik neužtikrino turimos žemės nuosavybės išsaugojimo, kadangi Rusijos imperijoje ji galėjo būti sekvestruojama ir konfiskuojama, bet ir suvaržydavo žemvaldžio politinio veikimo laisvę. Dvigubo valdinio politinis pasirinkimas buvo ribotas, o esant įtemptiems tarpvalstybiniams santykiams, dviguba valdinystė apskritai nebuvo įmanoma.

Teisės į Rusijos imperijoje esančių dvarų valdymą perėmimas Mykolui Kleopui Oginskiui kainavo jo diplomato karjerą: reikalavimas asmeniškai prisiekti ištikimybę vertė pasiuntinį Hagoje prašyti atostogų ir nusišalinti nuo diplomato pareigų, tačiau neapsaugojo nuo dvarų konfiskavimo ateityje.