

PYLYP ORLYK'S DEVOLUTION OF THE UKRAINE'S RIGHTS*

Presentation and Introduction

by

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In 1922 I succeeded in tracking down the progeny of Hryhor Pylypovych Orlyk's¹ wife. They are the Marquises de la Ville Baugé and are the direct descendants of the sister of Countess Olena Orlyk, nee Dinteville,² now residing in the chateau Dinteville near Chaumont, Department of Haute Marne, i.e., in the same chateau where Hryhor Orlyk once lived.

The Dintevilles are a very ancient family³ dating back to the twelfth century, which accounts for the considerable family archives (partially destroyed during the Great Revolution) that have been accumulated in the chateau. The archives are not catalogued and the documents are in a state of disorder without regard for text, date or form. Among them I found papers belonging to both the Orlyks, father and son. For purely technical reasons beyond my control, I was unable to examine all the documents available at Dinteville. From what I have seen, however, the following two facts are obvious: 1. These are parts of the documents which in 1759, following the death of Hryhor Orlyk, were confiscated from his widow by the French government and returned to her possession at a later date. 2. These are not the important documents that had

* This is a reprint from *Stara Ukrayina*, Lviv, 1925, I-II, pp. 1-10; Borschak's "Introduction" is presented here in English translation; Orlyk's "Devolution" is reprinted in its original French form.

1 Older son of the Hetman, godson of Mazepa, and the closest adviser to his father in his work. Died in 1759 with the rank of lieutenant general in the French army. See Elie Borschak's article "Orlikiana" in *Khliborobs'ka Ukrayina*, Vienna, 1923, Vol. IV.

2 Died on December 12, 1775, in Paris.

3 They are related to the historically known families Rochemaure and Courtenay.

belonged to Mazepa, which according to the statement of the Orlyk family were in their possession.⁴

The *Devolution*, the text of which is presented further on, is undoubtedly the most important document in the archives. This is a manuscript consisting of two sheets in folio; the text on the first page begins at some distance from the top, the second page is covered with writing starting from the very top; the first sheet is filled on all four sides, the second on three sides; the entire manuscript consists of seven pages in folio. It is written in Orlyk's splendid penmanship, which at that time was still regular and firm,⁵ unlike his writing during the "Conference of Solun." The manuscript is on thick hard paper and had been well preserved.

Pylyp Orlyk himself is doubtless the author of the manuscript, although it does not bear his signature. It is probable that the manuscript was never signed, since it was intended for printing, and, for some unknown reason, was to appear anonymously. Such anonymous documents of "evidence," analogous to the currently popular "white," "red," etc. papers, were rather widespread in Western Europe during the seventeenth and eighteenth centuries.

The following facts confirm Orlyk's authorship of the said manuscripts:

1. During the negotiations with Chauvelin and Fleury,⁶ Hryhor Orlyk, while enumerating the documents of international political character concerning the Ukraine (such as the Constitution of April 5, 1710, the Decree of 1710 of Charles XII, the Treaty of Prut, the Decree of Seret and the Treaty

⁴ With regard to the documents of Orlyk see Elie Borschak, "Orlikiana," *Khliborob's'ka Ukrayina*, Vienna, 1923, Vol. IV, and "Diyariy Pylypa Orlyka," *Stara Ukrayina*, Lviv, 1924, IX-X.

⁵ The handwriting strongly resembles that in "Puncta qua Ucrainam citeriorem concernunt olim a me Ser(enissi)mo Regi Sveciae porrecta et mandata . . ." written by Orlyk. Archives of the Ministry of Foreign Affairs in Paris, Suède. cor. pol. vol. 148, fo. 150 et sq.

⁶ See Elie Borschak, "Het'man Pylyp Orlyk i Frantsiya," *Zapysky Naukovoho Tovaristva imeny Shevchenka*, Lviv, 1924, Vols. CXXXIV-CXXXV.

with Khan) repeatedly mentioned a certain "father's Devolution of the Ukraine's rights."

2. On March 6, 1730, Hryhor wrote to his father: "I received all your instructions; as regards your Devolution, I have handed it over to the Chancellor (Chauvelin)."

3. In the letter to Louis XV of December 13, 1736, Hryhor also mentioned the Devolution.

4. In his letter to Vergennes of July 4, 1756, the following is written: "The Devolution of the Ukraine's rights by my father . . ."

Initially I believed⁷ that the word "devolution" was merely a term describing some evidence of the rights of the Ukraine to which Orlyk usually referred in all his letters. This theory seemed to me the more probable since Hryhor frequently wrote "devolution," with a small "d." It is now obvious, however, that he referred to a special manuscript (*ecrit*), to which both Orlyks, father and son, justly attributed great importance.⁸

That the manuscript has been prepared for print may be seen from its text and form. It is not a diplomatic note—as, for example, the Manifesto written by Orlyk on April 4, 1712—⁹ but has been designed for publication in the form of a book or, more correctly, a pamphlet. Therefore Hryhor Orlyk referred to the "Devolution" as an *ecrit*; this explains the accuracy in capitalization and underlining of passages in the original text. In consideration of the fact that widespread European opinion could only be influenced through argumentation, the manuscript was written in a calm, dogmatic style that must have demanded great restraint on the part of Orlyk, who

⁷ Letter to Vergennes in the archives of Dinteville.

⁸ Apart from Orlyk, I can think of no one among the émigrés who would have been able to write the "Devolution" or participate in its composition. Vynarovsky was certainly a well-educated man, but not sufficiently enlightened to be able to draw up such a political-legal treatise. Moreover, the text of the "Devolution" contains ideas and expressions which are also encountered in other letters and memoirs of Orlyk.

⁹ Elie Borschak, "Orlikiana," *Khliborobs'ka Ukrayina*, Vienna, 1923, Vol. IV.

by nature was an expansive and impulsive man. It is possible that the "Devolution" was supposed to have been printed in Hamburg, which at that time was the main center of propaganda in Europe for both the Russians and the Swedes, and it may even be that it had actually been printed. In such case, the "Devolution" would have rapidly attracted the attention of the Böttigers, the Dolgorukys, Matveevs, Yaguzhinskys, Shafirovs, all of whom were stationed in Hamburg, Copenhagen, Vienna and Constantinople and would have diligently pounced upon every printed word concerning the Ukraine. It is obvious that they would have rapidly bought up and destroyed all copies of this publication. However, thus far it has not been mentioned anywhere that the "Devolution" by Orlyk did appear in print in any form.¹⁰

10 "The treason of Mazepa" induced tortures and persecution in the Ukraine. Also, because of the deep resentment among the Ukrainian population, the tsar was compelled to enter into posthumous polemics with Charles XII and Mazepa. (See the noteworthy essay on this subject by Oleksander Hrushevsky in *Zapysky Naukovoho Tovarystva imeny Shevchenka*, Vol. XCII). On the other hand, the Swedish-Ukrainian alliance provoked vivid interest in Europe, where public opinion was influenced in its favor by Sweden and France. It is mainly as a counteraction against this propaganda that the tsarist government appointed Böttiger, a German in Hamburg (see Borschak's essay "Andriy Voynarovsky" in *Yuvileynyi Zbirnyk Naukovoho Tovarystva im. Shevchenka*). The assumption (I repeat, this is merely a hypothesis) that the "Devolution" of Orlyk was designed for publication but was destroyed by tsarist agents, is strengthened by the fact that the following two pamphlets have been written by Orlyk and published by Swedes (with the assistance of Voynarovsky, who in 1711 resided in Hamburg):

A) *Ausführliche Relation von der Eroberung unterschiedener Städte in der Ukraine durch den Cossackischen Feldherrn Orlick*. Hamburg, 1711.4°;

B) *Les particularités de ce qui s'est passé entre les Cosaques du général Orlik et Moscovites en l'Ukraine après la défaite du Roy de Suède*. S.I.1711.4°.

These titles repeatedly appear in Orlyk's documents; in a letter to his son he complained that a Russian resident in Hamburg (Böttiger) "destroyed the evidence of the past" by lawful and unlawful means (this letter was written many years later). He destroyed it so effectively that for the last several years I searched in vain in all the main European libraries for publications by Orlyk. Perhaps someone among the Ukrainian scholars possesses information on this subject?

The composition of the "Devolution" must date back to the summer of 1712 or early 1713; the former date is more probable. The armistice of Prut left the Ukrainian political emigrants dissatisfied and destroyed their hopes for the formation of an Independent Unified Ukrainian State. Taking advantage of the complicated wording of the articles of the Prut Treaty concerning the Ukraine, and, what was more important, being aware of the instability of Turkish politics, the tsar refused to evacuate the Ukraine in conformity with the treaty of 1711 (as interpreted by Orlyk and all of Europe).¹¹ Thereupon, Orlyk, in cooperation with the French and Swedish diplomats, began agitating in Constantinople for the dissolution of the Prut treaty and for a new war with the tsar. Aware of the important role played by European opinion, Orlyk endeavored to win its support for the Ukrainian cause. The early Ukrainian émigrés always conducted Ukrainian politics on a wide international scale without, as was the case with some of the more recent *épigones*, confining it to the narrow frame of the Russian, Polish, or Turkish problem. The first step in this direction was the acts of 1710 written in Latin with a view of propagating them all over Europe where, however, they arrived in very limited number due to the efforts of tsarist diplomats. Another such step was the manifesto of April 4, 1712, "To the Sovereigns and Republics," and, lastly, the "Devolution."

The Northern War in Eastern Europe was closely related to the war of the Spanish succession, the latter lasting for 15 years, embracing all Western Europe and nearing its end during the Congress of Utrecht, which was probably the event mentioned by Orlyk in the "Devolution."

The "Devolution" by Orlyk is a vitally important document from the viewpoint of the history of the development of the Ukrainian national idea. From this document we learned for

¹¹ Compare the newspapers *Gazette de France* and "*Le Clef du Cabinet*" of 1711, as well as the *Mémoires pour servir à l'histoire de Charles XIIe . . .* par W. Theyes. . . Leyde 1722, 8°.

the first time (though unfortunately the information is not complete) of the existence of a separate agreement of international character between Charles XII and Mazepa. The Ukrainian-Swedish alliance was based on this particular agreement and the fact that it existed, particularly in the form in which Orlyk presents it, clearly illustrated the character of the Swedish period, which thus far has been interpreted by Russian and Ukrainian historians of the Russian school as a purely personal adventure of Mazepa, an action inspired by his excessively ambitious nature. This point of view was adopted by the government of Peter in an endeavor to convince the Ukrainian people of the Polish-Catholic sympathies of the Hetman, his intentions to sell out the Ukraine, etc.

The detailed nature of the negotiations between Charles XII and Mazepa remains obscure since, on the one hand, the negotiations were conducted, for obvious reasons, in strictest secrecy and, on the other hand—and this is the most important factor—because all state documents were personally burned near Poltava by Count Piper, the Prime Minister of Charles XII in order to prevent them from falling into Muscovite hands. Naturally, the papers concerning Mazepa were among those considered strictly confidential and had to be the first to be destroyed by Piper. The Swedes were not the only party to regard these documents as most important; the Russians, too, were of the same opinion. The first interrogation of Piper in captivity was on the subject of relations between Charles and Mazepa.

The treaty of Charles XII and Mazepa was, according to the "Devolution," a two-sided agreement of international character. On one side it was concluded by the King of Sweden, and on the other by the "Hetman and Estates of the Ukraine." The Russian and the Ukrainian historians of the Russian school attributed a personal, conspiratory character to Mazepa's action, implying that it was not known not only to the wider strata of the population, but even to his closest officer corps. Academician Hrushevsky was the first Ukrainian histo-

rian to point out clearly that such a theory was erroneous. He also proved that Mazepa concluded the treaty of 1708 in agreement with the officer corps of the Cossacks. As Academician Hrushevsky has indicated, should Mazepa have hesitated to take the action, the officers would have deprived him of the Hetmanate and elected in his place a new Hetman, who would be more decisive in his orientation toward Sweden. The documents which thus far have been at the disposal of Ukrainian historiography provide little data on the nature of the preparatory actions for the Swedish-Ukrainian alliance. Nevertheless, these documents confirm the correctness of the theory emphasized by Academician Hrushevsky. It suffices, for example, to read the letter of Orlyk to Stefan Yavorsky.

Both parties to the treaty agreed not to sign a separate peace treaty with the tsar of Muscovy. The Swedish King guaranteed the Ukraine its free Cossack order and all the lands which in the past formed Rus' in its historical and national sense. We may thus see that Mazepa and his officer corps clarified in detail the problem of the unification of all the Ukrainian lands, with the Right-Bank Ukraine being first. During the last ten years of his rule Mazepa persistently endeavored to take possession of the right bank of the Dnieper, but this project was opposed by the tsar, then an ally of Polish magnates. In unifying the Ukrainian lands, Mazepa and Charles XII followed in the footsteps of their predecessors, Bohdan Khmelnytsky and Charles-Gustave X. Sweden guaranteed to Khmelnytsky "*Jus totius Ukrainae antiquae vel Roxolaniam, da der griechische Glaube gewesen und die Sprache noch ist...*" as far back as 1657.

The text of the treaty emphasized that the Swedish King should, under no circumstances, claim the coat of arms and title of the Hetman of the Ukraine. Both these elements played an important part in international and state law of the seventeenth and eighteenth centuries, being the symbol and external sign of the sovereign status of the country. Basing themselves on the experience with the Pereyaslav Treaty, in

which later all factors not sufficiently clarified were interpreted freely and used by Moscow to its advantage (as clearly demonstrated by the tsar immediately assuming the title "Tsars of Little Russia"), the Ukrainian community at the beginning of the eighteenth century dwelt in detail upon these problems in negotiations with Sweden. The coat of arms and the title of the Ukraine which were usurped by the tsar of Muscovy, were usually safeguarded in all the Swedish-Ukrainian documents of the epoch of Charles X and Khmelnytsky.¹² The articles referring to the fortresses, wages of Cossacks, etc. are of a temporary nature and were introduced as a result of the state of war existing at that time, which is emphasized accordingly in the treaty.¹³

On the whole, the articles of the treaty between Mazepa and Charles XII were quoted by Orlyk with the intention of "proving the rights of the Ukraine to sovereignty," and that from the viewpoint of state and international law of that epoch—the treaty had to be considered from this particular viewpoint only—they fully correspond to the usual type of treaties of alliance between two sovereign states.¹⁴

¹² Instruction to Törnshjöld and Welling of November 25, 1656: "The ambassadors must clearly explain to the Cossacks that the Great Duke (of Moscow) confirms by the present war his designs expressed in the title: of Volynia, Podillya . . ." V. Lypynsky *Ukrayina na perelomi*, page 283. I wish to express my sincere appreciation to V. Lypynsky for his valuable remarks and suggestions concerning the affinity of the ideas revealed in the "Devolution" and those upon which the first Swedish-Ukrainian union has rested.

¹³ It is interesting to note that Charles XII contented himself with the fortresses at Starodub, Mhlyn, Baturyn, Poltava and Hadyach, whereas his predecessor, Charles X, demanded in the early stages of negotiations with Khmelnytsky the main Ukrainian tracts. Lypynsky, *op. cit.*, page 270-271, remark 113a.

¹⁴ Compare the agreement of Louis XIV with Mecklenburg of December 16, 1663; with Hamburg, of the same date (Leonard: *Recueil des Traités*, III); of Sultan Mohammed IV with Count Tekeli (or Thoekoeli) in 1683 (Merc. Hol. 1683, page 157); of Transylvania with the Emperor, of April 9, 1682 (Du Mont. *cor. Dipl.* VII, part II No. 68). I provided a detailed comparative analysis of these treaties from the legal point of view in the article "The Ukraine and International Law," which awaits publication.

The idea of the Sovereign Independent and Unified Ukraine runs throughout the entire text of the "Devolution" and contributes to the importance of this document from the viewpoint of the history of development of the idea of the Ukrainian statehood. It reveals the conceptions and political ideals of the most enlightened strata of Ukrainians two hundred years ago. In the opinion of this part of the Ukrainian population, the free Ukraine had been usurped by Poland, from which it was subsequently liberated by Khmelnytsky who founded a sovereign Ukrainian state which was recognized as such by Europe. The treaty of Pereyaslav was the most striking proof of Ukrainian sovereignty, since this was an alliance of two independent states signed by plenipotentiaries delegated especially for this purpose.¹⁵ However, Muscovy treacherously violated the treaty of Pereyaslav, in view of which, and in conformity with international and natural law, the Ukraine was justified in forming an alliance with Sweden in order to realize in practise its sovereign right to reconstruct the independent state.

It matters little that certain facts in this concept do not fully correspond to historical truth, and that facts and dates have been somewhat confused, because Orlyk wrote this document while in exile and unable to procure authentic data and to question old people, etc. In this case the significance does not lie in the agreement of facts quoted in the "Devolution" with the data of modern historiography, but rather in the interpretation of these facts by the followers of Mazepa. This concept is strongly reminiscent of another political monument, i.e., the *Istoriya Rusov*, which confirms the hereditary continuity of the statehood idea of the politically conscious Ukrainian community during the entire eighteenth century.¹⁶

¹⁵ "Hetman Khmelnytsky signed these most favorable conditions" (Hryhor Orlyk to Louis XV on February 12, 1741, with regard to the Treaty of Pereyaslav).

¹⁶ D. Doroshenko, "Istoriya Rusov, yak pamyatka ukrayins'koyi politychnoyi dumky druhoyi polovyny XVIII stolittya," *Khliborob's'ka Ukrayina*, Vienna, 1921, III.

Orlyk appeals to European opinion, basing himself upon the principles of Christianity, justice and humanity. Being a realistic politician, Orlyk is aware of the fact that these arguments alone do not suffice and, therefore, emphasizes that it is in the vital interest of European states to prevent the Muscovite expansion from threatening the European balance of power, which at that time was the very beginning and end of international politics.

The "Devolution" also provides an intellectual portrait of the author; it reveals an enlightened man, a good lawyer and an excellent stylist, who mastered all the flowery eloquence popular during that epoch (i.e., periods, rhetorical expressions, long silences, praeteritio etc.).¹⁷

Such were the political ideals of the foremost representatives of the Ukrainian population at the beginning of the eighteenth century. For the realization of these ideals they "risked their lives, sacrificed their own and their relatives' health, wealth, peace and welfare, exchanged the prosperity and prestige of representatives of the ruling class for the bitter gall of emigration, tortures, and exile in Siberian wastes. They let their names be dishonored and defiled among their own people."¹⁸ The Ukrainian nation as a whole did not follow its leaders but, terrorized by the tsarist hangmen and its own church, accepted all the demagogical lies and inventions of Tsar Peter with regard to the action of Mazepa and his followers. Now, when the Ukrainian people have risen and, having broken the chains, are creating under new conditions their free national and social life, the time has arrived to remember and honor in word and deed all those who sacrificed everything for the sake of the freedom of their country, those who were the first

¹⁷ We must admit that the French language used in the "Devolution" suffers by comparison with more recent documents in French left by Orlyk. Probably Orlyk had little opportunity to write in French; in certain instances it seems as if the author thought in Latin, then translated the idea into French. The orthography is also more faulty than in documents written at a later date.

¹⁸ M. Hrushevsky, "Shveds'ko-ukrayins'kyi soyuz 1708 r.," *Zapysky Nauk. Tov. im. Shevchenka*, Volume XCII.

in Eastern Europe to rise against despotism. And among these famous Mazepa followers we should first of all remember the most prominent and most inveterate of them all—Pylyp Orlyk, who “following the honorable principles—to be faithful to one’s fatherland and obligations to the Cossack nation . . . has firmly . . . endured to the end of his days the severest misfortunes, the bitterest disappointments and the whimsies of a merciless fate . . .”¹⁹

¹⁹ Hryhor Orlyk to Louis XV on April 2, 1743.

DEDUCTION DES DROITS DE L'UKRAINE

Après une longue et sanglante guerre le très valheureux Duc Chmielnicki d'immortelle mémoire libera du Joug Polonois la Nation Cosaque fort opprimée. Celui-ci érigea l'Ukraine en Principauté indépendante et se contenta du Titre de Général des Cosaques Zaporoviens et son fils lui succéda et les Etats de La Dite Principauté continuèrent après sa mort d'élir leurs Princes sans que aucune Puissance prétendit être en droit de s'y opposer. L'Ukraine était en quelque manière dépendue des Czars de Moscovie.

Je ne m'étendrai pas davantage sur l'Histoire de l'Ukraine, mon but m'étant que de faire voir qu'Elle est une Principauté libere et que les Etats ont eu la liberté de s'élir des Ducs, comme bon leur sembloit. C'est un fait établi et une verité généralement attestée que la Nation Cosaque et l'Ukraine étoit libre. Elle a été comprise avec son Duc comme telle dans le Traité de la Paix Perpétuelle conclue près de la rivière en Moldavie Pruth ou Elle est traitée d'Alliée du Grand Seigneur, dans le Traité avec le Khan des Tartares et dans le Traité que le Prince Chmielnicki a fait avec le Roy de Suède Charles X, ce que l'on peut voir dans les archives de la Couronne Suédoise.

Mais l'argument et la preuve la plus forte et la plus invincible de la Souveraineté de l'Ukraine est le Traité d'Alliance solennel conclu entre le Czar Alexei Mikailovstch et le Duc Chmielnicki et les Etats de l'Ukraine. Ce Traité fut arrêté en 1654 et signé par les Plénipotentiaires nommez de part et d'autre pour cet effet.

Un Traité si solennel et si précis qui étoit appelé Traité Perpétuel sembloit devoir suffire pour établir à jamais le repos les libertéz et la tranquillité de l'Ukraine. Il auroit suffi en effet s'il eût été observé par le Czar avec autant de bonne foi que les Cosaques y avaiient de confiance. Ils livrèrent aux armées Moscovites les forteresses et joignèrent leurs Troupes à celles du Czar pour l'avancement de la Cause commune, mais les Généraux du Czar se prévalant de la bonne foi de la dite Nation s'em-

parèrent par artifice d'un grand nombre d'autres. Places et ensuite se mirent à commander en maîtres dans tout le Pays.

Toutefois on laissa l'ombre de la Souveraineté aux Cosaques et même après la mort du Duc Chmielnicki le Czar en délivra l'an 1658 un Diplôme aux Etats de l'Ukraine.

Le Duc Brukevick ayant fait un voyage à Moscou sous prétexte du bien de l'Ukraine fit en sorte qu'on prêta l'Hommage au Czar comme Protecteur des Cosaques. Ce fut le fondement des malheurs de l'Ukraine. On l'obligea de renoncer de Droits de Souveraineté des Cosaques. Le public ignore encore s'il a été porté à cette démarche indigne par des menaces ou par des moyens doux. Mais il est certain que cette Renonciation ne déroge rien aux Droits de l'Ukraine, le Duc n'ayant pas pu donner ce qui appartenait aux Etats. Les Cosaques se plaignoient inutilement: on leur envoya des Troupes qui par la force des Armes les tenoient en Esclaves et les faisoient souffrir tout le poids d'une Domination Despotique.

Ce que je viens de dire fera connaître à toute personne qui voudra juger sans prévention le Droit incontestable des Etats de l'Ukraine et l'injustice criante qu'on leur a fait en les subjuguant, en les dépouillant de leurs Droits et Libertez sous prétexte d'une Alliance Sainte et d'un Traité solennel qui leur en assuroit la jouissance. Mais quelques grandes que sont les violences qu'on leur fait souffrir, ces violences ne donnent aucun Droit Légitime sur eux aux Moscovites. Les Cosaques au contraire ont pour eux le Droit des Gens et celui de la Nature dont une des Principales maximes est: Que le Peuple est toujours en droit de réclamer contre une pareille oppression et de rentrer dans la jouissance de ses Anciens Droits quand il en trouve l'occasion favorable.

Cette occasion s'est offerte à l'Ukraine, car le Roy de Suède ayant paru au secours de l'Ukraine opprimé, les Cosaques reprirent courage, et ne songerent qu'à profiter de cette conjoncture pour se tirer de l'Esclavage. Le Prince Mazepa et les Etats de l'Ukraine usèrent ainsi l'an 1708 de leur pouvoir pour se mettre en Possession de ce qui leur appartenait. Pour s'assurer d'avan-

tage leurs Libertez ils s'associèrent avec le Roy de Suède et convinrent de ne pas traiter séparément.

En voici quelques Articles qui sont à mon sujet

1. S. M. R. s'engage à défendre l'Ukraine et les parties du Païs des Cosaques qui y sont annexés et à y envoyer pour cet effet des Troupes Auxiliaires sans aucun délai lorsque la nécessité l'exigera et lorsque Elle en sera recherchée par le Prince et les Etats. Ces Troupes en entrant dans le Païs, seront sous le Commandement des Généraux Suédois mais tandis qu'Elles y seront employées S. M. en confiera la direction au Prince et à ses successeurs, à qui elle sera conservée aussi longtemps qu'ils auront besoin de ces Troupes auxquelles S. M. R. donnera la Solde et les Cosaques fourniront la Pain et les Vivres.

2. Tout ce qui sera Conquis sur l'ancien Domaine de la Moscovie appartiendra par le Droit des Armes à celui qui s'en sera rendre maître, mais tout ce qu'on découvrira avoir été autrefois au Peuple Ruthène sera remis et conservé à la Principauté de l'Ukraine.

3. Le Prince et les Etats de l'Ukraine seront conservés et maintenus en vertu du Droit dont ils ont joui jusqu'à présent dans toute l'étendue de la Principauté et des parties qui y sont annexés.

4. Jean Mazepa Prince légitime de l'Ukraine ne sera pas troublé en aucune manière dans la Possession de cette Principauté. Après sa mort qu'on espère qui n'arrivera pas de longtemps la liberté sera conservée aux Etats de l'Ukraine conformément à leurs Droits et Ancienes Loïs.

5. L'on n'innovera rien à ce qui a été observé jusques à présent au sujet des Armes et du Titre de Prince de l'Ukraine. S. M. R. ne pourra jamais s'arroger ce Titre ni les Armes.

6. Pour plus grande sureté tant par rapport à ce Traité qu'à l'Ukraine, le Prince et les Etats remettront à S. M. R. pour autant de temps que cette Guerre et le péril dureront quelques de leurs Places à sçavoir, Starodube, Mline, Batyryn, Poltava, Hadiasz.

Les Plénipotentiaires de S. M. Cz. repondent

1^o Que l'Ukraine n'avait jadis été indépendante qu'Elle avait

été délivrée du Joug des infidèles par les Armes victorieuses de S. M. Cz.

2^e Que si l'on apporteroit quelque changement on donneroit Atteinte au Traité de Carlowitz.

Sur le Premier Article, qu'il importe que l'Ukraine eut jadis été une Province de Pologne vue que depuis l'an 1649 jusqu'à nos jours Elle avoit été reconnue pour Principauté par toute l'Europe et par l'Empereur même. Par quel Principe de Religion et de Piété la Cour de Moscou, en affranchissant les Cosaques d'une espèce de Protection des Polonois pour leur imposer, comme l'expérience l'a fait voir, un Joug infiniment plus dur que celui dont les Infidèles accablent des peuples conquis.

Finalement on soutient que supposé, ce qui est néanmoins très faux, que S. M. Cz. ait acquis des Polonois quelque Droit sur l'Ukraine, ce ne peut être tout au plus que le Droit de Protection, puisque ils n'en ont jamais eu d'autre, et qu'ainsi le Polonois n'a pas pu donner plus de Droit qu'il n'avoit et plus qu'il n'a jamais prétendu et que par conséquent S. M. Cz. ne peut pas sur aucun fondement ôter à l'Ukraine ses Libertéz et Privilèges.

Ainsi on conclut avec beaucoup de justice et d'équité qu'on n'enfreindra pas la Paix de Carlovitz en déclarant l'Ukraine libre comme Elle a été jadis dans ses Limites et Frontières, avant qu'Elle fut subjuguée frauduleusement. Je demande à quel fin le Czar avoit dans ses instructions touchant la Paix qui se devoit faire par la Médiation de l'Angleterre et des Etats Généraux, compris l'Ukraine si l'on ne vouloit pas qu'Elle fut jointe dans la Negociation.

On peut raisonablement conclure de tout ceci que la Cour Moscovite doit être regardé comme Usurpatrice de l'Ukraine et on a lieu de s'attendre de l'Equité et de Justice de ceux qui liront cet écrit qu'ils seront persuadéz du Droit incontestable que les Etats de l'Ukraine ont eu d'élire le Sr Philippe Orlik pour leur Duc et que ce Duc a lieu d'insister sur la Possession de ce Païs et d'en esperer la Restitution de l'équité des Puissances de l'Europe qui sont en état de la lui faire rendre.

Il est de l'intérêt de toutes les Puissances de l'Europe de faire en sorte que l'Ukraine soit rendue au Duc Orlik qui a été librement élu et proclamé par les Etats de l'Ukraine. Leur intérêt dis-je les y engage, pour ne pas autoriser et donner lieu à des conséquences dangereuses pour eux-mêmes des Usurpations qu'une Puissance supérieure pourroit faire sur le plus faible, sous le seul prétexte de bienséance.

Le Droit des Gens veut qu'on donne du secours dans des cas extrêmes à des Sujets opprimés, à plus forte raison est-il juste et conforme au devoir du Christianisme et de l'Humanité même de faire rétablir des Principautés opprimées sous la foi d'une Alliance.

L'histoire ancienne me meneroit trop loin si j'en voulois citer des exemples pour prouver que les Puissances de ces temps ont pris toujours le parti des Princes ou des Républiques opprimées. Nous ne manquons pas d'exemples modernes et on a vu rendre depuis plus d'un siècle par des traités de Paix dans tout l'Empire, en Italie, en Lorraine, en Pomeranie, en Suède et en plusieurs autres Lieux des Principautés en pleine Souveraineté sur lesquelles des Puissances prétendoient des Droits sous plusieurs Titres et quelquefois simplement par celui de Conquête. L'Ukraine est à peu près dans le même cas. Elle a les mêmes Droits, ne feroit on pas en sa faveur ce qu'on est accoutumé de faire pour les autres depuis tant de siècles.

L'Empereur ayant offert au Duc Chmielnicki la Garantie, le Roy de Suède en qualité d'Allié, le Général et les Etats de l'Ukraine ont lieu d'être persuadés que les Garanties de ces Traités d'Oliva (Les Cosaques ayant été compris dans la Traité de la Paix d'Oliva en qualité d'Alliés du Roy de Suède) conviendront, qu'on n'a pas pu dépouiller l'Ukraine de ses Libertés. Et puisque toutes les Puissances de l'Europe ont le dessein de maintenir ce Traité qui serve de fondement à la tranquillité de l'Europe, les trouveront par là facilement des motifs et des moyens de rétablir le Duc Orlik en Ukraine et de le comprendre dans ce nouveau Traité.

Je dis que cette Paix Générale ne sera jamais stable tandis

que les Prétentions justes du Général Orlik sur l'Ukraine n'y seront pas ajustez et que la Cour de Moscou ne satisfera point aux justes griefs de la confédération dont il est le Duc.

On ne doit pas craindre qu'en faisant rendre cette Principauté, la Moscovie s'affaiblira à l'égard des Forces requises à la conservation de la Balance de l'Europe. Tout au contraire à l'exemple des Etats Généraux lesquels n'auraient jamais tant servi à la Cause commune depuis qu'ils avoient été érigée en une République si puissante.

Mais comme on pourroit s'imaginer que cette dernière raison n'est pas assez convaincante et que le Czar après cette Paix pourra employer toutes ses Forces à réduire et subjuguier sans aucun retour l'Ukraine, je ne m'arrêterai pas à en faire voir la difficulté, les inconvénients et les extrémités auxquelles un tel dessein pourroit porter ce Peuple à se jeter à corps perdu sous la Domination des Turcs. Je n'alléguerai pas non plus les motifs de la Justice et de la Gloire qui doivent porter les Puissances d'Europe à faire rendre l'Ukraine à son Duc. Tout cela a été montré et deduit. Je dirai seulement que si tous les motifs alleguez ne sont pas suffisants, les Intérêts dont on a déjà touché quelques uns, engagent les Puissances de l'Europe à faire rendre l'Ukraine et par là borner une Puissance qui pourroit bientôt tendre au renversement de la Liberté de l'Europe.

Ceux qui surveillent les intérêts de l'Europe et de chaque Puissance, comprendront aisément le danger que la Liberté de l'Europe couroit d'une Puissance si exessive; ils en sçauront mieux juquer que moi, non seulement par des exemples des histoires mais aussi de la profonde expérience et sagesse consommée, qu'ils ont de ce qui convient aux biens de leurs Etats et aux intérêts de l'Europe.

Il faut espérer, qu'ils seront persuadez que tout ce qu'on a dit est fondé sur la raison et sur l'expérience del passé et que la sureté et la solidité de la Paix à faire dépend en quelque manière de la Restitution de l'Ukraine.