КРИМІНАЛЬНЕ ПРАВО ТА КРИМІНОЛОГІЯ. КРИМІНАЛЬНО-ВИКОНАВЧЕ ПРАВО

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FORMATION OF THE PRISON FORTRESSES SYSTEM IN THE KHARKIV REGION IN THE FIRST HALF OF THE 19th CENTURY

The article is devoted to the early history of the criminal-executive system of the Kharkiv region. It analyzes the process of the Kharkiv prison fortress system formation and functioning of the first penal establishments for holding the convicts sentenced to imprisonment.

Keywords: *Kharkiv region, prison fortress, prison superintendent, district prisons.*

Статья посвящена ранней истории уголовно-исполнительной системы Харьковщины, анализируется процесс формирования системы тюремных замков как первых регулярно функционирующих учреждений для содержания заключенных, приговоренных к наказанию в виде лишения свободы.

Ключевые слова: *Харьковщина, тюремный замок, смотритель тюремного замка, уездные места заключения.*

Introduction. For more than 250 years of its existence the national system of execution of punishments has passed a long and difficult path associated with the changes of the socio-economic formations and political structures, principles of education and increase of qualification, legislative changes and scientific approaches. During the current period of independence of the Ukrainian State, the punishment humanization took place. First of all, it has been related to the crimes committed in the economic, political and moral spheres. Such transformation of the criminal-executive system is one of the essential indicators of our country's approach to the international standards, openness of the society and introduction of the advanced foreign experience into the national practice.

Historical origins are the basis, which has been determining the transformation and development of the criminal-executive bodies and establi-

shments in the subsequent periods. Unfortunately, at present those sources are unduly leveled and are used only from the negative point of view. We cannot change them, but we should objectively study them, taking into account the obtained lessons and the historical experience in order to avoid mistakes in the future.

Analysis of the recent researches and publications. The history of the provincial places of deprivation of liberty (the Kharkiv region is not an exception) has been studied not enough. There are a lot of «white spots» in that sphere. Many facts, which are already put into circulation, require revision and clarification. Most researches of the prison system of the Russian Empire are related to the general problems of the legislative regulation of this sphere or to the prison reforms implemented ot in the second half of the XIX century. The Russian pre-revolutionary and modern historiography of that issue is so extensive that we recall only the main historians of the prison system. Their work formed the basis of the relevant researches. They are M. Gernet, I. Uporov and A. Pechnikov. Particularly noteworthy are the following Ukrainian researchers: R. Kravchenko, A. Nealov and V. Rossikhin, who focused on the regional aspect of the of national prison reforms implementation.

Formulation of the problem. According to L. Machulin, the information about the first Kharkiv prison dates back to 1668. It was mentioned in the inventory, which was composed by the regional military chief Sytin, when he took that post from his predecessor Torbeiev. In particular, it is said in that document that in Kharkiv there was no executioner of the death penalty, but there was one prison, in which the only prisoner was held, namely the runaway serf Ivashka Yeremeiev. The latter could not find any guarantor, who would give him the relevant written record [1, c. 89]. The inventory did not say, whether the prison was the separate building or the part of the fortress. It is only known that it was situated in that part of Kharkiv, where the fortress was located. The construction of the latter, in fact, gave birth to the city.

The reform of the administrative-territorial structure of the Russian Empire under the Law «Institutions and establishments for governing a province of the Russian Empire» of 1775, which was applied in the territory of Ukraine since 1781, caused the creation of the prison fortress in the Kharkiv region. The workhouse and strait-house were created there in 1781. They combined two important aspects of the punishment execution: the punitive and corrective ones. The criminals and rebels were kept together. The inmates were obliged to work during the imprisonment period, because it was considered as an important correctional measure.

While reforming the administrative-territorial structure of the Russian Empire, the workhouses were created in all the provinces as a structural element of the public charity system. The new prison fortress and the workhouse were created. The researchers associate the construction of that penal institution with the creation of the Kharkiv province. According to the administrative-territorial reform of 1775 it was mandatory to have the penal institutions of the certain types (workhouse and strait-house) in each province.

The only restriction of that penal institution was the wooden fence (so called «ostrog»), which was built around the prison. Therefore, the Kharkiv prison itself was called Ostrog soon.

The workhouse was created not only as the punitive establishment, but also provided the possibility for the poor people to earn money for their own work. According to the Decree the workhouses should be supervised by the «honest and decent persons». It was one of the first legislative professional requirement to the prison staff, which is still used in the modern prison systems [2, c. 86–90].

The well-known researchers of the Kharkiv history D. Bagaley and D. Miller noted: «In 1781 the construction of the new prison fortress and the workhouse was started in Kharkiv. It was located near the protestant church of the city. The building was wooden. It had 12 cells on two floors. It was completed in 1782 and costed 2,871 rubles» [3, c. 208]. The prison (so-called «ostrog») was located in the current Gogol street of the city of Kharkiv. Most likely, it was the two-story building. The evidence of that fact can be found in the report of captain Seimanov in 1783, in which he paid particular attention to the poor condition of its wooden stairs, which imposed the danger [4, c. 166]. The workhouse had many premises. Such conclusion can be made, given the number of furnaces (10 pieces). Each furnace could heat 2 rooms (cells).

The convicts, who had been sentenced to perform certain works at the workhouse in Kharkiv could earn money for the personal needs there. In 1795 there were 46 male prisoners. They were always out of work in winter and spent several months idly and without any gain either for themselves or for the society. Therefore, it was allowed to release the workers for that period in order they did not feel exhausted. During the winter time the convicts could live in the houses of the reliable local residents, who were under the subscription lists. As there was the work for the convicts in summer, they had to return to the workhouse.

In 1794 the strait house was constructed near the workhouse. Until that time, both criminals and asocial elements were held together at the workhouse.

The disabled officers teams and the military units of the regular army were used to guard the prisoners. The Kharkiv prison was guarded by the local provincial company of the inner guard. Officers were assigned to the prison service on the monthly basis. If necessary, officers from the district teams were involved to guard the prisoners in the city of Kharkiv.

On December 10, 1785 the Kharkiv city mayor informed the province governor D. Norov that «the local prison hut had only three guards: lieutenant Perepelkin, warrant officer Glinniy, and the warrant officer Rybakov. The latter has been working there for a long time and it is very burdensome for him». It was then, by the decision of the province governor, that the monthly tenure of the prison personnel was established [4, c. 165].

In addition, in accordance with the paragraph 391 of the «Provincial institutions of the Russian Empire» the strait-houses were created in all the provinces. They were intended for holding the persons, whose lifestyle and acts violated the morality.

In 1792 the house for the insane persons and the strait-house were built

in the two round stone towers in the fortress of Kharkiv. In 1793 the strait-house was moved to the odd side of Poltavska street on the right bank of the river Lopan.

Thus, at the end of the 18th century during the implementation of the administrative-territorial reform in the Russian Empire the centralized system of the state bodies was formed, including the penal establishments. At the beginning of the 19th century serious changes in the penal system took place in the framework of the ministerial reform. In September 1802 the Committee of Ministers and 8 ministries were created: military forces, naval forces, foreign affairs, justice, commerce, finance, public education and internal affairs.

The Ministry of Internal Affairs was supposed «to care about the well-being of the people everywhere, peace, quietness and prosperity of the whole Empire». The execution of punishments was in its competence. The construction of the stone prison in Kharkiv was associated with the visit of the Emperor Aleksandr I to the city in September 1817. It was on his Order that after the city tour, the preparatory work began for the construction of the new stone prison. The typical prison project was developed in 1820 by the St. Petersburg architect I. Sharleman according to the English system [5]. Kharkiv became one of the first cities of the Russian Empire, where this project was implemented. The general plan for construction of the relevant prisons throughout the Empire was approved on April 25, 1821. In the corresponding note of the Minister of Internal Affairs to the Emperor we read «according to the general plan two prisons are being constructed in Kharkiv and Nizhniy Novgorod».

By the Order of the Kharkiv province governor the special commission was set up as the part of the provincial prosecutor's office. The provincial architect Chernyshov and the professor of architecture of the Kharkiv Imperial University E. Vasiliev were included into the commission and drafted the detailed project for the new future prison building.

In November 1822 the construction of the prison on the western outskirts of the city was completed. Afrterwards the penal institution gave the name to the Tiuremna street (Prison street). From the prison complex in the present Marshal Malinovskyi street only two buildings and a part of the prison wall base have been left.

The main building of the prison had three floors. There were 7 cells in total, 4 toilets, 3 kitchens, one storage room, one dining-room and one cell for the transit prisoners, as well as some storage rooms. On the ground floor there was the prison office (two rooms) and the church. There were two cells for the sick prisoners and one room for the female prison guard. It was obligatory to separate guards and inmates according to their gender. 27 furnaces were used for heating the prison. There were the central staircase and the staircases in the towers, which were used to get to the upper floor. The ground floor was made of pine planks and the basement was made of bricks.

In the courtyard of the prison fortress the two-story house was for the prison officials was built. On the ground floor there were the room for the officer on duty and the room for the guards, as well as some rooms for the transit prisoners, who could not be allocated in the ground floor of the main building.

On the upper floor there were some storage rooms.

Thus, one of the Empire's largest and most well-equipped prisons was built in Kharkiv. The prison until the end of the XIX century remained the largest punitive institution of the province and played the important role in the process of development of the penitentiary system of the Russian Empire.

The criminal and political prisoners were held at that prison fortress. There were also so-called «labor convicts», who were held before their transfer to Siberia and Sakhalin for the hard works.

In 1823 the first prisoners were transferred to the newly built prison in Kharkiv. Till spring of 1823 it was guarded by the disabled officers team of the Kharkiv battalion of the inner service. Their chief was the prison governor. Then the supervisor Starosvetskiy was appointed the first warder of the Kharkiv prison [4, c. 166].

A lot of duties were assigned to the warder, in particular the food purchase for the prisoners. The purchase of other things, which were necessary for the prison activities, was carried out through the Kharkiv City Council at the request of the warder.

On July 7, 1823 the prison church was consecrated by the local Bishop Pavel.

In addition to the Kharkiv prison, at the end of the 18th and the beginning of the 19th centuries the network of other regional places of deprivation of liberty was available in the province. In most cases, these were small wooden houses (so-called «prison huts»). Usually, they were surrounded by the wooden fences. The prison fortresses were built in the towns of the Kharkiv province and at the beginning of the 19th century, they were called «ostrog» and were in a poor state. Such situation was general for the whole Russian Empire. From the report of the auditor Taneiev made in 1828 (it was included by M. Gernet in his book «History of the tsarist prisons») we learn about very sad state of the district prisons along the road from Odessa to St. Petersburg: «Prisoners are not divided according to the categories [...]. The air is heavy. Impurity to a greater or lesser extent is everywhere. The baths, with the small exception, are not used [...] In many prisons there are no central kitchens and latrines. The floors in the cells are usually not washed. The sand is not sprinkled there. The prison premises are not fumigated and aired. The prisoners' clothes are not washed at all [...] Prisoners are not employed and live as complete parasites» [2, c. 299].

There were no specially appointed officials, who would direct the prisons' activities. The district prisons in the towns were subordinated to the commanders of the disabled officers teams, who guarded the prisons and escorted the transit inmates.

The small wooden houses were poorly adapted for holding the prisoners. They could not fully ensure the proper conditions of the detention of convicts. Most district prisons had only three rooms. Usually one of the rooms was assigned for the the prison guards. There were no special officials to keep track of the inner life of the prisons.

The food provision by the State was minimal. So, prisoners were allowed to beg for food, which was generously served. Sometimes due to the lack of disabled officers teams or other military units in the towns, the

city residents were involved into the prison guarding works.

There were no prison hospitals in the towns. For example, on August 13, 1825, the Starobelsk town governor reported on the illness of several prisoners. Since there was no hospital for them, the local house was hired to allocate those patients. Given the general poor condition of the Starobelsk prison, it was decided to build the special room for the sick inmates. It was the first prison hospital in the towns of the Kharkiv province.

The average number of prisoners held in the district prisons was significantly different. The biggest number of the inmates, including the transit prisoners, was in the Valkov prison (from 158 to 376 males and from 25 to 79 females), the Bogoduhov prison (from 48 to 183 males and from 7 to 67 females) and the Ahtyrka prison (from 70 to 287 males and from 25 up to 191 females) [6].

The relevant information in the approved forms was forwarded each month from the district towns to the governor about the prisoners. The form A contained the information about the convict's name, crime and the court decision, as well as whether the inmate had the right to amnesty. The form B was envisaged for the persons who had been convicted to working out the inflicted damage. It contained the information about the convict's name, the value of the stolen or damaged property and the court decision [7, c. 266].

In the 19th century the biggest prison in the Kharkiv province was in Izium. It was constructed in 1825. It had the stone two-storey central building, which had 5 large cells for the inmates, 2 rooms for the prison guards, 1 cell for the transit inmates, the kitchen and the visiting rooms. Its capacity was 200 prisoners. Besides, there was the bath, premises for military guards and the storehouse on the prison's territory [6].

The district prison in Kupiansk was also very large. The central building was divided into two parts and had 5 cells. Thus, only the Izium and Kupiansk prisons had the conditions for the prisoners allocation taking into consideration the type of their crimes. At that time it was recognized by the penitentiary science as an important correction factor.

The main difficulty was related to the constant overcrowding of the district prisons and the poor state of their wooden buildings. Many of them were built in the beginning of the 19th century. So, in the middle of the 19th century they needed to be overhauled or even completely rebuilt.

The Starobelsk prison was built in 1840 and was recognized as the exemplary one by the Ministry of the Internal Affairs. The two-story building had 8 cells (3 cells on the first floor and 5 cells on the second floor). Its capacity was 48 inmates. But in 1850s the number of prisoners there reached 105 persons [6].

Many places of deprivation of liberty in the Kharkiv province in the middle of the 19th century were in the poor state. Therefore, it was necessary to create the network of new prisons in the province at that time. In September of 1844 the Senate of the Russian Empire made the decision to start the fund-raising process for the new public buildings and prisons in the Kharkiv province. 150,369 rubles were collected on the accounts of the State Chamber till 1850. Those funds were planned to

be used, first of all, for the new prisons construction.

On April 20, 1849 the resolution of the Committee of Ministers «On hiring the premises for the offices, prisons and other institutions under the jurisdiction of the Ministry of Internal Affairs» was adopted. The provincial architect F. Danilov, who was also known as the architect of many churches in the Kharkiv province, made the general explanatory note on the brick construction of the new places of deprivation of liberty. The most important parameter, to which F. Danilov paid attention, was the quality of the construction of the public buildings, in particular prisons. The decision to start the prisons construction was officially made only in July 1852.

One of the first stone prisons was built in Bogoduhov. Its construction lasted 3 years (1853–1855). In 1856 lieutenant Kosiakov, Head of the Bogoduhov team of the disabled officers, reported about the allocation of the first prisoners at the new prison.

The Kupiansk district prison was constructed in the second half of the 1850s according to the project of the provincial architect F. Danilov.

The construction of prisons in the towns of Zmiev and Valki took place somewhat later. The impetus to the beginning of the construction in Zmiev was the fire, which had destroyed the previous prison (its roof was completely burned down). The architect Pokrovskyi after examining that prison reported about the general poor condition of the prison. He wrote that it «certainly cannot serve the purpose of the proper execution of punishment of criminals» [6].

The prison in Valki was constructed very slowly. In 1864 the contractor announced the completion of the prison construction, but the commission, which examined the new building, revealed a lot of flaws and gaps. In autumn of 1864 the construction of the Zmiev prison was not yet completed. Delays in the construction and poor quality of work was the reason that the contractor was fined according to the decision of the Kharkiv provincial authorities. The construction of those 2 prisons was completed in September 1865. Their capacity was 50 inmates each. Several rooms were used for the prison hospital and there were also rooms, which could be used for the workshops [6].

Most of the county prisons were designed by the provincial architect F. Danilov and had one three-story building and some service premises. They were envisaged for 75–100 inmates. There were 32 rooms on the second floor, including 10 cells for the solitary confinement, 2 large rooms for the prison hospital, 1 room for the pharmacy, 4 cells for the transit prisoners. The first floor contained the laundry room, the guardhouse, the room for receiving new prisoners, rooms for the warders, the pantry, the bathroom, the kitchen and the bakery.

Conclusion. Thus, during the first half of the XIX century the network of new stone prison fortresses was created in the Kharkiv region. It improved significantly the living conditions of the prisoners and the service conditions of the prison officials.

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ФОРМУВАННЯ СИСТЕМИ ТЮРЕМНИХ ЗАМКІВ ХАРКІВЩИНИ В ПЕРШІЙ ПОЛОВИНІ XIX СТОЛІТТЯ

У статті досліджено історію формування установ виконання покарань у виді позбавлення волі в окремому регіоні Російської імперії, а саме Харківському намісництві (пізніше – губернії), наприкінці XVIII – у першій половині XIX ст.

Установлено, що впровадження загальнодержавних реформ адміністративно-територіального устрою відповідно до «Установ для управління губерній» 1775 р. спричинило появу в Харкові пенітенціарних закладів, що поєднували каральний та виправний вплив: робочих і гамівних будинків.

За результатами інспекції імператором Олександром I стану губернських місць ув'язнення у південно-східному краї 1817 р. було ініційовано спорудження в Харкові кам'яного тюремного замку. У листопаді 1822 року будівництво тюремного замку за типовим проектом, спеціально створеним для Харкова та Новгорода, було завершено. Проект тюремного замку передбачав можливість роздільного утримання засуджених різних категорій, а також пересильних арештантів, одиночні камери та спеціальні приміщення для адміністрації, наглядачів та господарських потреб, що було нововведенням у Російській імперії. Основний корпус тюремного замку, призначений для ут-

римання арештантів, мав підвальний і два наземні поверхи. Тюремний замок у Харкові був одним із перших подібних закладів в імперії і до кінця XIX ст. залишався найбільшою каральною установою губернії. У тюремному замку утримували карних та політичних засуджених, а пізніше – і каторжників перед відправленням їх етапом до Сибіру та на о. Сахалін.

У повітових містах губернії на межі XVIII–XIX ст. функціонували дерев'яні остроги, у яких утримувалися засуджені та підслідні. У 40-х роках XIX ст. зведено мережу повітових кам'яних тюремних замків, умови утримання в яких відповідали потребам часу. Повітові тюремні замки були розраховані на 50–70 засуджених, у кожному облаштовувалися окремі одиночні камери, лазарет тощо.

Таким чином, упродовж першої половини XIX ст. на Харківщині створено систему нових тюремних замків, що суттєво покращило як умови відбування покарання, так і умови служби тюремної адміністрації та сторожі.

Ключові слова: *Харківщина, тюремний замок, наглядач тюремного замку, повітові місця ув'язнення.*

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