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## **STATE REGULATION OF FOX EXTRACTION IN GALICIA IN 16<sup>TH</sup> TILL EARLY 20<sup>TH</sup> CENTURIES: HISTORICAL ASPECT**

**Abstract.** The article analyzes the state regulation of the fox extraction in Galicia from the 16<sup>th</sup> to the beginning of the 20<sup>th</sup> century: the methods and terms of extraction, the regulation of the number, the authority of the hunting service in obtaining foxes, and the trade in fur. It has been carried out a comparative analysis of the legal mechanism of regulation the fox population, and the competence of the bodies of state executive power and local self-government bodies. It describes the customary rules and internal rules for hunting on fox in some hunting societies. The economic factors that influenced to the state regulation of the number of foxes were identified, making it possible not only of rational use of the resource for obtaining valuable fur, but also for increasing the number of game, especially the hares. Factors influencing on population size, including political influences and military events, were established. The features of state

regulation the fox extraction in the investigated period are described. On the basis of comparative analysis, it was described the fox extraction of the Austro-Hungarian monarchy, Halychyna in the context of the counties, the Second Polish Commonwealth, it was described the specifics of organization the hunting for fox among the hunting elite, in particular the emperor of Austro-Hungarian, Franz Josef I and emperor of Germany, Wilhelm II.

It is noted that according to the right of the predators, the owner of the hunting grounds on which they are located is the property of the owner. Based on these principles, the owner of the hunting grounds was required to destroy predators, as predators are not only harmful to hunting game, but also for domestic animals. The legislation of the Polish kingdom, which regulated the destruction of predators, determined that predators should be destroyed without taking into account the extraction time, and it is permitted to use different means and tools for this, but only to those who have the right to hunt. The predators were bear, badger, wolf, fox, lynx, wild cat, otter, marten, trich, ermine.

**Keywords:** hunting, fox, hunting, Halychyna, Second Polish Commonwealth, predators.

### **ДЕРЖАВНЕ РЕГУЛЮВАННЯ ДОБУВАННЯ ЛИСИЦІ У ГАЛИЧИНІ XVI – ПОЧАТКУ XX ст.: ІСТОРИЧНИЙ АСПЕКТ**

**Анотація.** Проаналізовано державне регулювання добування лисиці у Галичині XVI – початку XX ст.: способи та терміни добування, регулювання чисельності, повноваження єгерської служби щодо добування лисиці, торгівлю хутром. Проведено порівняльний аналіз правового механізму регулювання чисельності лисиці з урахуванням компетенції органів державної виконавчої влади та органів місцевого самоврядування. Описано звичаєві норми та внутрішні правила полювань на лисицю в окремих мисливських товариствах. Виявлено економічні чинники, які впливали на державне регулювання чисельності лисиці, уможливаючи не лише раціональне використання ресурсу для отримання цінного хутра, але й для збільшення чисельності дичини, особливо зайців. Встановлено чинники, які впливали на чисельність популяції, зокрема політичні впливи та воєнні події. Описано особливості державного регулювання добування лисиці у досліджуваній період. На основі компаративного аналізу розглянуто добування лисиці в Австро-Угорській монархії, Галичині у розрізі повітів, Другій Речі Посполитій, описана специфіка організації полювань на лисицю серед мисливської еліти, зокрема цісарів: Австро-Угорщини – Франца Йозефа I та Німеччини – Вільгельма II.

Відзначено, що відповідно до права хижаків є власністю господаря мисливських угідь, на яких вони знаходяться. З огляду на ці принципи на власника мисливських угідь покладался обов'язок знищувати хижаків, оскільки хижаків не лише шкідливі для мисливської дичини, але також і для свійських тварин. Законодавство Царства Польського, що регулювало знищення хижаків, визначало, що хижаків слід винищувати без урахування часу

добування, та дозволяло застосовувати для цього різні способи і знаряддя, але лише особам, які мають право полювання. До хижаків відносились ведмідь, борсук, вовк, лисиця, рись, дикий кіт, видра, куниця, тхір, горностаї.

**Ключові слова:** мисливство, лисиця, полювання, Галичина, Друга Річ Посполита, хижаки.

## ГОСУДАРСТВЕННОЕ РЕГУЛИРОВАНИЕ ДОБЫЧИ ЛИСЫ В ГАЛИЧИНЕ XVI – НАЧАЛА XX в.: ИСТОРИЧЕСКИЙ АСПЕКТ

**Аннотация.** Проанализировано государственное регулирование добычи лисы в Галичине XVI — начала XX в.: способы и сроки добывания, регулирование численности, полномочия егерской службы по добыче лисицы, торговлю мехом. Проведен сравнительный анализ правового механизма регулирования численности лисы с учетом компетенции органов государственной власти и органов местного самоуправления. Описаны обычные нормы и внутренние правила охоты на лисицу в отдельных охотничьих обществах. Выявлены экономические факторы, которые влияли на государственное регулирование численности лисицы, делая не только рациональное использование ресурса для получения ценного меха, но и для увеличения численности дичи, особенно зайцев. Установлены факторы, которые влияли на численность популяции, в частности политические влияния и военные события. Описаны особенности государственного регулирования добычи лисы в исследуемый период. На основе сравнительного анализа рассмотрена добыча лисы Австро-Венгерской монархии, Галиции в разрезе уездов, Второй Речи Посполитой, описана специфика организации охоты на лису среди охотничьего элиты, в частности императоров Австро-Венгрии — Франца Иосифа I и Германии — Вильгельма II.

Отмечено, что в соответствии с правом хищники являются собственностью хозяина охотничьих угодий, на которых они находятся. Исходя из этих принципов, на владельца охотничьих угодий возлагалась обязанность уничтожать хищников, так как хищники не только вредны для охотничьей дичи, но и для домашних животных. Законодательство Царства Польского, которое регулировало уничтожение хищников, определяло, что хищников следует истреблять без учета времени добычи, и разрешало применять для этого различные способы и орудия, но только лицам, имеющим право охоты. К хищникам относились медведь, барсук, волк, лиса, рысь, дикий кот, видра, куница, хорек, горностаї.

**Ключевые слова:** охота, лиса, травля, Галичина, Вторая Речь Посполитая, хищники.

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**Problem statement.** State regulation of breeding and hunting of predators shall be based on both on the ecological interests of society, and on the economic interests of hunting farms. Hunting of foxes who on the one hand

is the predator causing damage to hunting economy and with another — has valuable fur, is demonstrative within this framework.

**Analysis of the last researches and publications.** Problem of legal regulation fox hunting in Galychyna was researched by a row of scientists among whom: Z. Moskus, Ya. Stezhynsky, M. Royman, K. Slotvinsky, Ya. Kasparek, M. Pavlikovsky, S. Lobos, V. Kalusky, A. Sander, V. Shablovsky, S. Krogulsky, S. Pavlik, G. Vatssek, Ya. Starkl, Z. Fischer, F. Rozhinsky, E. Schechtel, N. Gunchak.

**Target setting.** The purpose of this article is the analysis of a public authority policy of Galychyna and the Second Polish-Lithuanian Commonwealth in the regulation of the numbers of a fox and its economic value for hunting industry.

**Statement of basic materials.** State regulation of game-hunting in Galychyna originates from the Lithuanian charter. In particular, in the 16<sup>th</sup> century according to these charters for illegally got game the penalty was provided: bison — 12 rubles, elk — 6 rubles, bear and deer — 3 rubles, lynx, wild boar — 1 ruble. Hares, roes, foxes, bears were among the most widespread game. Comparing to other laws of that time which regulated hunting, the Lithuanian laws were more severe concerning illegal hunting for a noble game, but people were allowed to hunt wolves and foxes even on someone else's land provided that the hunter will not do harm to crops.

As Mykola Reyman noted in the book "Hunting Economy with Ancient History", as a matter of law predators are the property of the master of hunt-

ing grounds on which they are located. With this principle in mind, the duty to exterminate predators was laid to the owner of hunting grounds as predators not only are harmful to a hunting game, but also to pets. The legislation of the Kingdom of Poland which regulated extermination of predators, defined that predators needs to be extirpated without notice of hunting time and it is authorized to apply for this purpose different methods and tools, but only to persons who have the right for hunting. Predators included a bear, a badger, a wolf, a fox, a lynx, a wild cat, an otter, a marten, a polecat, an ermine.

According to the resolution of Administrative council as of October 14, 1834 of the Kingdom of Poland the fund for awarding of persons for extermination of predators was organized. This fund was replenished at the expense of finances received for permissions on the right to bear of hunting weapons.

Each forester or the huntsman had to provide within a year one pair of ears and a nose of a wolf, one pair of ears of a fox or two couples of the polecat, marten ears. For omission of this regulation the penalty in the amount of 6 zloty was provided. For remission of penalty the huntsman shall prove that there are not predators on the territory controlled by him or by the forester of [1].

With an annexation of the Galicia lands to the Austro-Hungarian Empire (1772) the fox together with a wolf, a bear and a wild boar was referred to the category of predators on which people are allowed to hunt in any place. Moreover, for hunting of a bear and wolf reward was provided. Also new normative legal acts which regulated questions of hunting for the territories

of Austria-Hungary and Galicia, in particular were set. So, the patent of the emperor as of April 13, 1786 paragraph 3, defined: "... people were allowed to hunt boars, wolves, foxes and other harmful game at any time, except open-air cages, in every way" [2 sec. 369]. In case where predators were excessively breeding, executive power according to article 383 of civil code of Austria organized hunting on predators.

The first Hunting law of Galychyna as of January 30, 1875 became the following normative legal act which regulated issues of hunting and hunting of foxes, in particular. Paragraph 1 of this law defined periods of hunting for different types of a game according to which it was allowed to hunt foxes from February 15 to August 31. But the note to this requirement allowed to admit authorized officers to the hunting rights of and to hunting foxes at any time in cases if they do harm to pets. It is necessary to mark that this requirement concerning determination of time of a fox hunting was the first in the territory of Poland as in those days on the Polish lands, which were under a protectorate of Russia and Germany, such requirements were not established. In particular, article 17 of the Hunting law of the Kingdom of Poland as of July 17, 1871, defined that persons are allowed to hunt a bear, a wolf, a badger, a fox, a wild cat, a lynx, an otter, a marten, caress, an eagle, a hawk and other predators, all year and to hunt in any manner. Therefore the law as of January 30, 1875 for the first time began to substantially protect a fox.

Already in the following Hunting law of Galychyna as of March 5, 1897 a fox was listed of pests, and people al-

lowed to hunt it at any time. According to article 47 of this law owners of the land plots acquired the right of shooting of such predators as a fox, a marten, a polecat, caress, a wolf, a lynx, a wild cat, a boar at any time.

The hunting Law adopted and signed by the emperor of the Austro-Hungarian Empire with the consent of Galician Seim as of 1897 practically operated in Galychyna till December, 1927. According to this law it is accurately said that predators cause damage, and any hunter was allowed to hunt them. Monitoring over that hunters did not shoot noble hunting animals under the guise of shooting of predators, was set. Permission on shooting and control of shooting was exercised by public authorities of the power [3].

However because in the summer fur of a fox is of little use for use, it was practically not hunted. In order that the fox hunted hares less, it was even fed up corpses of the dead horses [4 sec. 204]. This law also regulated the number of other predators. It was defined that people were allowed to shoot dogs and cats if they are further than 300 meters from the next house (article 43). The duty of extermination of predators and a harmful game (article 44) was laid to owners of the shooting.

Article 45 defined that wild animals who pose a threat for human safety need to be held in the open-air cage. In this law, unlike previous, wild boars were not categorized as predators, but a lynx and a wild cat were added. Any hunter had the right to shoot, catch and appropriate these types animal. But at the same time the law defined that hunting

these species of predators is possible only on permission of the owner or tenant of hunting grounds. Such animals as a marten, a polecat, a weasel, a squirrel, a hamster, an otter, an eagle of different types, a hawk, a gray-haired heron, a crow could be shot in the presence of the owner of hunting grounds (article 46).

Article 47 set that in localities where wild boars did great harm to agriculture, persons who were allowed to hunt had to shoot. In case of insufficient shooting responsibility for the done harm was rested on the owner of shooting. In such cases the regional authorities had the right itself to issue free certificates on shooting of wild boars or other harmful animals, even, without the consent of the owner of hunting. The regional government authorities had to inform the owner of hunting and also local police on free certificates issuing.

The regional government authorities had also the right and a duty to organize shooting of pest for certain short time under its monitoring, at the same time it had the right to independently define the hunting method. Inhabitants of a gmina in the territory of which general round-ups were carried out, were obliged according to the decision of the district power to carry out stint free of charge (article 48). In case of the organization of hunting on predators it was forbidden to shoot other game. If in case of the organization of hunting on predators other game was shot near predators, then this game was realized through an auction, organized by the regional authorities, and money from sale enlisted in fund of poor inhabitants of a gmina (article 49).

Article 50 defined that for hunting of pest the owner of hunting had the right to use traps, a drag-net and other tools, but at the same time it was necessary to take measures for safety of people: to put the appropriate information signs. If the the regional authorities recognized that wild boars and bears caused extensive damage, then owners of land had the right to expose any traps for catching of boars and bears [5 sec. 27–31].

On December 3, 1927 the President of the II Polish-Lithuanian Commonwealth accepts the regulation to resolve an issue of state regulation of hunting according to the Polish legislation. The main difference of this regulation from the previous laws was the fact that it didn't have division into hunting species of a game and harmful species of a game. All game which it is authorized to hunt are classified as hunting species of a game which has certain periods of hunting.

All species of a game were divided into four categories:

the bison and beaver, hunting for whom was forbidden, belonged to the first one;

to the second – chamoises, females of an elk, a deer, a roe, young growth, she-bears with small, wood-grouses, pheasants (it is authorized to hunting only on special permission of the Ministry of agriculture of Poland);

foxes, bears, lynxes, wild cats, martens, minks and boars belonged to the third group (without period of the prohibition of hunting, but the Minister of agriculture had the right to enter it; unlike others, it is authorized to hunt these species of a game also at night) [6 sec. 1–81];



species of a game that were protected least of all, belonged to the fourth category, namely: wolves, martens, polecats, ermines, caress, rabbits, hawks, magpies and crows (it is authorized to anyone to extermination on the own earth, but not further than 100 meters from buildings). Besides, article 41 allowed not only to shoot these animals, but also to catch traps, drag-nets and other methods.

As it turned out, change of a political situation put a fox in advantageous position. The legislation of the Second Polish-Lithuanian Commonwealth was softer in comparison with the Austro-Hungarian Empire. Though period, when it is forbidden to hunt a fox, was not established, but also no one was allowed to hunting it. So, in the bill of professor Domanevsky it was offered to define period of the prohibition of fox hunting from April 16 to September 30. But the bill was not adopted because the beginning of World War II [7 sec. 8–10].

There were features of fox hunting during the interwar period and in other countries of Europe. In particular, in Denmark and Finland hunting for a fox, a polecat and a marten was authorized even without obtaining the hunting ticket, period of the prohibition of its hunting was not defined.

It is necessary to mark that during the different periods the fox was qualify as predators which caused damage to hunting economy. As practice of hunting shows, hunters did not hunt a fox during any period of year, considering poor quality of its fur during the spring and summer period. For example, in rules of hunting of the Lviv hunting society after Saint Gubert the hunting

for a fox from the shelter was forbidden. Besides, hunters for the huntingd game shall pay means to the budget of society, in particular, for a fox — 0,50 zloty whereas for a hare — 0,2, and for the huntingd boar — 1 zloty. In 1878 in Lysovytcky hunting society the regulations were adopted, by which the hunter, having hunting a fox, shall pay 2 zloty.

Also there were features concerning acquisition of title to a game. In particular, in Kney Stanislavivsk hunting society a hare, a fox, a feather game remained in the property of that hunter who shot it last, whereas the one became the owner of a deer, a roe and other hoofed animals, who made the first a fatal shot.

In Snyatnsky hunting society (it is organized on January 3, 1870, the charter is approved by the rescript of Galician vicegerency on April 9, 1870 L. 4575/70) for fox hunting and a badger the hunter paid 1 zloty, a boar — 5 zloty, for hunting of a hare, partridge, a woodcock — 10 grosz, for the first miss — 10 grosz, the second — 20 grosz. Resources were spent on premiums to hunting security guards [8].

Almost similarly this issue was resolved in Boryslavsko-Drogobytsky hunting society Orel. At a meeting as of October 6, 1932 it was agreed that hunters shall pay for each fox — 2 zloty, a bloar — 5 zloty, a roe — 3 zloty in bonus fund of hunting security guards.

Fox hunting was covered by the hunting press. Attention was focused on that while hunting a fox not to apply shotgun pellet of the big size as it flies far and does not kill but only cripples the game. It was offered to apply smaller shotgun pellet and to shoot on

smaller distance – to 60–80 steps [9 sec. 286–288].

Lobbying the interests of hunters when hunting a fox, in January, 1880, Galician hunting society directs a sentence to the Galician vicegerency concerning of a fox hunting at any time. Hereafter (1890) it was suggested to strike off the list of hunting animal species a fox and a marten.

The hunters of Galychyna of end of 19<sup>th</sup> century also have a double attitude towards a fox was. If to consider a fox hunting from the economic side, then its valuable fur have a quite high price, and considering it, the animal needed to be protected. For example, in the market in Lviv in 1899, skin of a fox was equated to 10 kilograms of meat of a wild boar or three hares [10 sec. 2–6]. According to the state statistics of Austria-Hungary at the end of the 19th century nearly thirty thousands of heads of a fox were annually hunted. As of from 1892 to 1896 27489 heads were hunted on average: in 1892 – 26553 heads, 1893 – 25971 heads, 1894 – heads, 1895 – 28403 heas. Among all provinces of the empire most of all foxes were hunted in Galychyna: in 1898 29 thousands of heads of a fox were hunted in Galychyna whereas in Lower Austria – 3,4 thousand, Upper Austria – 1,5 thousand, Carinthia – 2,2 thousand, Czech Republic – 3 thousand. At the beginning of the XX century fox hunting grows in the Austro-Hungarian Empire and in 1903 makes 38,5 thousands of heads. Hunting of foxes was also increased in Czech Republic – about 2453 heads in 1880 to 2518 heads in 1893 [11 sec. 78].

As the report of the Ministry of Agriculture of Cisleitania for 1881 shows

during period from 01.01 to 31.12.1881 2 145 479 heads of a game were hunted. 118619 heads (5,52 %) of this number were hunted in Galychyna whereas in Czech Republic – 946415 heads (44,11 %), Moravia – 409696 heads (19 %), Lower Austria – 327142 heads (15 %), Tirol – 33318 heads (1,5 %) were hunted. Most of all from 118619 heads, which were hunted in Galychyna, was constituted by the hare. In the report attention was directed on a fact that in Galychyna through a large number of predators (a fox, a wolf, a lynx prevailed) the hunting economy was carried ineffective. 22 % (4678 heads) from all the foxes that were hunted in Cisleitania were accounted for Galychyna. Other predators were hunted slightly less: 597 heads of a polecat (4 %), martens – 400 heads (6 %), otters – 146 heads (19 %). Though foxes in absolute number were hunted more, but among predators lynxes (50 heads – 77 %) were hunted most of all in percentage terms, a wolf (113 heads – 67 %), a bear (15 heads – 60 %). Among noble species of a game in Galychyna wild boars (38 % from all the hunted ones in Cisleitania) were hunted most of all. However other types of hoofed animals were hunted very little: roes – 3,3 thousand of heads (8 %), deers – 23 heads (0,38 %). 38 thousand of hares' heads (4 %) were were hunted [12 sec. 53–54].

As statistical data show, the unconditional leader among predators of Galychyna, which area was 78500 sq.km, from 1885 to 1893, was a fox. For this period 57505 heads were hunted, that is, on average 6390 heads every year. In comparison with other countries of the Austro-Hungarian Monarchy,



the greatest number of predators were hunted in Galychyna. According to the adviser of the state woods G. Lettner, in 1876 4447 heads were hunted in Galychyna, in 1877 – 4511 heads of foxes. In the following hunting of a fox grows and in 1882 made 4678 heads, 1884 – 4926 heads, 1885 – 6177 heads, 1886 – 6408 heads, 1887 – 7318 heads, 1888 – 7113 heads, 1889 – 6289 heads, 1890 – 5413 heads, 1891 – 6178 heads, 1892 – 6603 heads, 1893 – 6006 heads, 1894 – 7073 heads, 1895 – 6758 heads, 1896 – 6645 heads, 1897 – 6233 heads, 1898 – 6450 heads. Therefore statistical factor of 1876–1898 demonstrate increase in hunting of a fox by 45 %. Most of all foxes were hunted in Bibrsky, Rogatynsky and Berezhansky Counties.

Hunting of a fox had not only economic value, but also made a subject of pride of hunting elite of that time. The emperor of Austria-Hungary Franz Josef I started a hunting career at the age of 15 years, from 1848 to 1884 hunted only 43138 heads of a game from which 197 were foxes. On the occasion of the 50 anniversary of his rule a press marked that the hunting result of the emperor for that time was 48345 heads of a game from which – 224 foxes, and for the period of his eightieth anniversary (1910) he hunted 50919 heads of a game, from which 226 foxes.

The German emperor Wilhelm II was equally passionate hunter. Only in one 1908 he hunted 126 bucks, 9 she deers, 7 fallow deer, 88 foxes. At celebration of his sixtieth anniversary it was noted that for his life he hunted 1783 bucks, 86 she deers, 1644 fallow deer, 2941 large wild boars, 316 small wild boars, 3 bears, 9 elks, 4 bisons, 17951

hares, 5 badgers: in total – 61913 heads of a game [13 sec. 60].

With the disintegration of the Austro-Hungarian Empire the lands of Galicia passed to the Second Polish-Lithuanian Commonwealth. East Galicia was territorially divided into the Lviv, Ternopil and Stanislavivsk provinces. In the territory of the Lviv province of 27024 thousand sq.km during 1931/32 in a hunting season 1260 foxes were hunted, 1932/33 – 1834, 1933/34 – 1592. In Stanislavivsk province during 1932/33 in a hunting season 657 foxes were hunted.

As experts of that time marked, World War I exerted a negative impact on the number of deer, but at the same time promoted reproduction of a fox whose number grew twice. In the territory of hunting grounds of 1000 hectares 20 foxes were hunted. Besides, after war illegal weapon appeared in a large number in consequence of which poaching is increased which also negatively affected population of a fox.

**Conclusion.** Effective influence of state regulation on the number of a fox allowed to provide not only rational use of resources for receiving of valuable fur, but also for increase in the number of a game, especially hares. It is set that for the principles of state regulation and law enforcement of a fox hunting two factors had defining value: the cost of a fox fur and loss which this creature causes to hunting economy and house animal species. Production of a fox had not only economic value, but also made a subject of trophy pride of hunting elite of that time – emperors: Austria-Hungary – Franz Josef I and of Germany – Wilhelm II.

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