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Tiesību avoti Lietuvas Republikas Augstākās tribunālas praksē (1918.–1940. g.): vēsturisks un juridisks pētījums

The sources of law in the practice of the Supreme Tribunal of the Republic of Lithuania (1918–1940): a historical legal treatise

Teisės šaltiniai Lietuvos Respublikos Vyriausiojo Tribunolo praktikoje (1918–1940 m.): istorinis teisinis tyrimas

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Anotācija.

Šajā monogrāfijā aplūkots tas, kā Lietuvas Republikas Augstākais tribunāls (originalā – ***Lietuvos Vyriausiasis Tribunolas****), kas darbojās no 1918. līdz 1940. gadam, savā tiesu praksē kasācijas kārtībā izmantoja dažādus tiesību avotus. Lietuvas tiesību sistēmu starpkaru periodā raksturoja tiesību avotu daudzveidība: pārņemtie tiesību akti, neatkarīgajā Lietuvā kopš 1918. gada pieņemtie likumi, zemāka juridiskā spēka tiesību akti, ministriju cirkulāri, tiesību doktrīna, paražas un tiesu precedenti. Nozīmīga loma tiesību veidošanā bija arī konstitūcijām (Pirmās republikas laikā tika pieņemtas sešas: 1918., 1919., 1920., 1922., 1928. un 1938. gadā); Augstākais tribunāls interpretēja un piemēroja arī to normas. Monogrāfija sniegts ieskats Augstākā tribunāla praksē civil-, krimināl- un administratīvajās lietās, kurās tiesa izmantoja dažādus tiesību avotus, tostarp zinātnisko literatūru (doktrīnu), tiesu precedentus un pārņemtos tiesību aktus. Īpaša uzmanība pievērsta pārņemto tiesību aktu piemērošanai – to atbilstību konstitūcijai Augstākais tribunāls pārbaudīja savā praksē. Līdztekus Augstākā tribunāla darbības izvērtējumam autori aplūko arī starpkaru Lietuvas (1918–1940) tiesu un tiesību sistēmas uzbūvi, kā arī vairākus problemātiskus aspektus, kas saistīti ar Krievijas Impērijas tiesību aktu pārņemšanu un atspoguļojas Augstākā tribunāla judikatūrā.*

Atslēgvārdi: Lietuvas Republikas Augstākais tribunāls, Lietuvas Republika (1918–1940), tiesību vēsture, tiesību teorija, tiesību avoti, pārņemtie tiesību akti, paražas, tiesu precedenti.

Annotation**.**

This monograph examines the use of various sources of law by the Supreme Tribunal of the Republic of Lithuania (originally ***Lietuvos Vyriausiasis Tribunolas****), acting in 1918–1940 in its administration of justice in cassation proceedings. The legal system of Lithuania in the interwar period was characterized by a variety of sources of law: receipted law, the laws adopted in independent Lithuania since 1918, by-laws, ministerial circulars, doctrine, customs, and judicial precedents. The Constitutions (six were adopted during the First Republic: 1918, 1919, 1920, 1922, 1928, and 1938) also played a significant role in the formation of law; the Supreme Tribunal also interpreted and applied their norms. The monograph provides comments relating to the practice of the Supreme Tribunal in civil, criminal, and administrative cases, where the court applied a variety of legal sources, including scientific literature (doctrine), judicial precedent, doctrine, and receipted law. Attention is also paid to the application of the receipted law, the constitutionality of which was verified by the Supreme Tribunal in its practice. Apart from the the Supreme Tribunal's practice, the authors also discuss the vaults of the judicial and legal system of interwar Lithuania (1918-1940), as well as several problematic aspects of the reception of the laws of the Russian Empire, illustrated in the case law of the Supreme Tribunal.*

Key words*: Supreme Tribunal of the Republic of Lithuania, Republic of Lithuania (1918-1940), legal history, legal theory, sources of law, receipted law, custom, legal precedent.*

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C O N T E N T S

Chapter I. The legal order and the Lithuanian judiciary before 1918……..……6
Chapter II. The court system of independent Lithuania in 1918-1940 ….……..……....31
Chapter III. The sources of law in the practice of the Supreme Tribunal ….……..……39
Chapter III.1. Opinion of the Supreme Tribunal on Morals, Ethics, Customs and the Concept of the Rule of Law..……..……..…39
Chapter III.2. Doctrine and judgments of the Russian Empire's Governing Senate ..…48
Chapter III.3. The opinion of the Supreme Tribunal on the Seimas 59
Chapter III.4. On the reception of law..... 62
Chapter III.5. The practice of the Supreme Tribunal in ecclesiastical cases 104
Inferences.....110
List of references 115

CHAPTER I

The legal order and the Lithuanian judiciary before 1918.

With the restoration of Lithuania's independence in 1918, the problem of creating a judicial system arose, which was aggravated by an acute shortage of lawyers, and in addition, very few lawyers at that time spoke or at least could write in Lithuanian.[1]. Moreover, according to the Circular of the Minister of Justice of December 17, 1918, there was a considerable problem even in finding collections of legislation: as stated in the Circular, the Ministry looked for collections of laws in Vilnius, but found little, and it would be advisable to acquire collections privately[2]. The system of the courts of the newly-re-established independent Lithuania was originally founded upon the pre-Revolution model, that is the system of the courts, which existed in the Russian Empire before 1918 in Vilno (modern Vilnius), Kovno (modern Kaunas) and Suvalki governorates[3], which pre-defined a multitude of the sources of applicable law[4]. However, it would not be precise to say that the court system of Lithuania in 1918 was the same as it used to be in the pre-revolutionary times. The court system and the legal order in general existing in Vilno, Kovno and Suvalki governorates after the said territories were annexed by the Russian Empire had undergone a number of transformations bringing to its then-existing state at the first two decades of the XX century. Firstly, the court system in the territories, which previously belonged to the Grand Duchy of Lithuania, remained mainly untouched, as were the applicable laws: according to Art. VI of the Personal Order of Empress Jekaterina II (Vtoraja) to General

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[1] Machovenko, J., Šinkūnas, H., Establishment of a judicial system and ensuring independence of judges in Lithuania, 1918 – 1920. Acta Universitatis Wratislaviensis. № 3888. Prawo CCCXXVII. Wrocław: Uniwersytet Wroclawski, 2019., pp. 271–272.

[2] Aplinkraštis. Lietuvos Vyriausiajam Tribunolui, Apygardos Teismams, Taikos Teisėjams ir Teismo Tardytojams. 17.12.1918. In: Laikinosios Vyriausybės Žinios. 1919. №. 2/3, p. 12.

[3] Machovenko, J., Lytvynenko, A., Lietuvos Teisingumo Ministerijos ir Lietuvos Vyriausiojo Tribunolo pastangos formuojant teismų praktiką 1918–1928 m. Pirmieji Lietuvos Aukščiausiojo Teismo Veiklos Dešimtmečiai Atkūrus Nepriklausomybę. Vilnius: Lietuvos Aukščiausis Teismas, 2025., p. 9-22, see, in particular, 9-11.

[4] See in more detail the following: Chapter "Introduction" *infra*, and Chapter "Reception of law" *infra*.

Governor Knyaz' Repnin of October 30, 1794, which prescribed to retain all the previous legal order, preserving zemstvo and grod courts, ratushas and magistrates (in towns) as first-instance courts, being governed by Polish rules of procedure, and the Constitution of May 3, 1791[5]; the Supreme Tribunal (which acted as a highest appellate court in the Grand Duchy of Lithuania in Lithuanian lands) also retained its work as an appellate court; but the highest instance was a newly-enacted imperial body named the Supreme Lithuanian Administration («*Верховное Литовское Правленіе*»), which administered justice upon the rules of procedure of the Chamber of Criminal and Civil Court, which were functioning throughout the Russian Empire; local courts could be governed by local laws (i.e. the Lithuanian Statute, Seimas Constitutions etc.) and the judges were supposed to be elected from local officials[6]. Very soon, the cases of the Administration were transferred to the 3rd Department of the Governing Senate[7]. However, the Supreme Tribunal was dissolved in 1796, and instead of it, a "*Department of old Lithuanian Cases*" («*Департаментъ старыхъ литовскихъ делъ*») from the already newly formed Vilno Chamber of Civil Court was introduced[8]. In 1797, the old system of courts, which were

[5] Ustawa Rzadowa (3 maja 1791 r.). Volumina Legum. Tom IX. Kraków: Wydawnictwo Komisyi Prawniczej Akademii Umiejętnosci w Krakowie / Nakładem Akademii Umiejętnosci, 1889., Nr. CCLXVI., str. 220-225. See, in addition, in terms of the alrterable and un-alterable parts of the Ustawa Rzadowa, Machovenko, J. Kintamoji ir nekintamoji 1791 m. gegužės 3 d. Konstitucijos dalys = Alterable and unalterable parts of the Constitution of 3 May 1791 // Teisė. Vilnius : Vilniaus universiteto leidykla. ISSN 1392-1274. eISSN 2424-6050. 2021, t. 120, p. 8-20.

[6] Октября 30 [1794]. Именный [Указъ], данный Лифляндскому, Эстляндскому и Литовскому Генералъ-Губернатору Рѣпнину. «О раздѣленіи Великаго Княжества Литовскаго на три части и о образѣ управленія оными». Полное Собраніе Законовъ Россійской Имперіи. Собраніе I: Томъ 23. Санкт-Петербургъ, 1830., № 17264, стр. 572-585.

[7] Іюля 18 [1795]. Именный [Указъ], данный Генералъ-Прокурору. «О принимании приходящихъ изъ Верховнаго Литовскаго Правленія рапортовъ и о веденіи переносимыхъ оттуда по апелляціи делъ въ 3 Сената Департаментъ. Полное Собраніе Законовъ Россійской Имперіи. Собраніе I: Томъ 23. Санкт-Петербургъ, 1830.,№ 17359, стр. 732.

[8] Августа 8 [1796]. Именный [Указъ], данный Лифляндскому, Эстляндскому и Литовскому Генералъ-Губернатору Рѣпнину. «Об разныхъ распоряженіяхъ относящихся къ устройству Виленской и Слонимской губерніи» Полное Собраніе Законовъ Россійской Имперіи. Собраніе I: Томъ 23. Санкт-Петербургъ, 1830., № 17495, стр. 922-924., п. 7.

acting in the Grand Duchy of Lithuania, was re-established: the zemstvo, grod[9] and podkomoriy courts were again operating as lower-instance courts, and the Supreme Tribunal was re-opened as the Supreme Lithuanian Court («*Главный Литовскій Судъ*»), whose officials were elected from local people, only the Marshall and the president of the Court were appointed by the Emperor; the appeals on its decisions could be sent to the Governing Senate, the court (as, for instance, the Supreme Tribunal previously – in Vilno and in Minsk) held its sessions in two cities – in Vilno and in Grodno (a half of a year, the sessions were held in Vilno, and the other half – in Grodno)[10]. After the Lithuanian governorate was split into Lithuanian and Belorussian governorates, two higher

[9] The grod court (originally – «*Sąd grodski*», «*Гродскій судъ*») was a court acting in the Grand Duchy of Lithuania and Rzeczpospolita Polska, being originally of Polish descent, appearing in the Grand Duchy of Lithuania in the 1560s mainly on the demand of local nobility, who were wishing to have a strata court. See, for instance, Леонтовичъ, Областныя суды въ Великомъ Княжествѣ Литовском. Журналъ Министерства Юстиціи. Годъ шестнадцатый. № 9. 1910 г. Санкт-Петербургъ: Сенатская типографія, 1910, стр. 83-130 (see, in particular, at p. 102-103). These courts initially had only a criminal jurisdiction, but could certify civil-legal deeds, on the condition they were later inserted into zemstvo books. See: Щербицкій, О. Суды въ бывшемъ Великомъ Княжествѣ Литовскомъ. Вильна: Типографія «Артель Печатнаго Дѣла», 1912, стр. XVIII.

[10] (1) Бобровскій, П. Матеріалы для географіи и статистики Россіи / Гродненская губернія. Сост. П. Бобровскій. Часть первая. Санктпетербургъ: в Типографіи Департамента Генеральнаго Штаба, 1863., стр. 100-101.
(2) Никотинъ, И. Столѣтній періодъ (1772 – 1872) русскаго законодательства въ возсоединенныхъ от Польши губерніяхъ и Законодательство о евреяхъ (1649 – 1876). Томъ I. Сост. и изд. И. А. Никотинъ. Вильна: Типографія А. Г. Сыркина, 1886., стр. 18-20.

appellate courts[11] were formed in Vilno and Grodno in 1800[12] (the Highest Personal Order to the Governing Senate of December 31, 1800), which overtook all the administrative cases relating to respective town councils and budget matters, the Lithuanian and Volyn courtyards («*hofgericht*», «*надворный судъ*») were abolished[13]. Grod and zemstvo courts (divisional courts, the successors of podkomoriy courts, operated until 1840, being considerably reorganized in 1823), were re-organized into a more conventional all-imperial court shape (circa 1801), which were named zemstvo courts[14]. For instance, the system of imperial courts in the Grodno governorate, which included the ujezd and lower zemstvo courts (courts of first instance), the civil and criminal chambers (courts of appeal), the court of honor («*Совѣстный судъ*»), alongside with the imperial governorate institutions (governorate administration, prosecutor and solicitor, the Order of Social Welfare[15], as well

[11] These courts were referred to as a "*Chief Court*" («*Главный судъ*»). At the same time, in the Ukrainian governorates (the Malorossiyan governorate in the late XVIII century, later the Chernigov (at present Chernigiv) and Poltava governorate), they were referred to as "*General Court*" («*Генеральный судъ*»), named after the Supreme Court of the Hetmanate. They existed until 1831, being later incorporated to the all-imperial court system as a Chamber of Civil and Criminal Court. See, for instance, in terms of the Poltava General Court, Павловскій, И. Полтава в началѣ XIX вѣка (Очерки по архивнымъ даннымъ с рисунками). Кіевская Старина. Ежемѣсячный историческій журналъ. Іюль-Августъ. 1902 г. (Выпускъ 7-8). Кіевъ: Типографія Императорскаго Университета Св. Владиміра, 1902., стр. 111-164 (see, in particular, pp. 119-122).

[12] These courts operated until circa 1831, being thereafter replaced by ujezd courts and chambers of civil courts.

[13] Декабря 31 [1800 года]. Именный [Указъ], данный Сенату. – «Объ учрежденіи в двухъ Литовскихъ Губерніяхъ Главныхъ Судовъ и объ упраздненіи Волынскаго и Литовскаго Надворныхъ Судовъ». Полное Собраніе Законовъ Россійской Имперіи. Собраніе I: Томъ 23. Санкт-Петербургъ, 1830., № 20096, стр. 874-875.

[14] (Анонимно) Обозрѣніе историческихъ свѣденій о составленіи Свода Мѣстныхъ Законовъ Западныхъ Губерній. Взято изъ актовъ, хранящихся во II-мъ Отдѣленіи Собственной Его Императорскаго Величества Канцеляріи. Санктпетербургъ, 1837., стр. 29-30.

[15] The "Order of Social Welfare" (originally: «*Приказъ общественнаго призренія*») was a governmental institution in the Russian Empire being responsible for the care for the poor and infirm people, as well as orphans and some other categories of socially dependent persons. The Order of Social Welfare usually governed charitable hospitals, almshouses, orphanages and similar bodies. The system of social welfare in the Russian Empire was not uniform and could vary depending on the governorate.

as ujezd and governorate land surveyors), was enacted on September 9, 1801[16]. The court institutions, which previously existed in the Grand Duchy of Lithuania were gradually abolished and replaced by imperial courts and other bodies which possessed a similar jurisdiction. The Vilno town orphan's court («*Виленскій городской сиротскій судъ*»), according to the records and materials of the Lithuanian State Historical Archive, the said court was established circa 1817[17], and dealt with guardianship of minors, widows, incapacitated people and the protection of their property, thus being close to the original sense of guardianship in Roman law[18]. It was a typical imperial court institution, having its roots from the Regulation on the Governorates (Jekaterina II reign) of 1775[19], in considerable contrast with the Baltic Governorates, where orphan courts functioned as a part of a town's magistrate (which was a Swedish reign's legacy), and only after the court reorganization in the Baltic Governorates of 1889[20], the guardianship cases («*опекунскія дѣла*»), as they

[16] Бобровскій, П. Матеріалы для географіи и статистики Россіи / Гродненская губернія. Сост. П. Бобровскій. Часть первая. Санктпетербургъ: в Типографіи Департамента Генеральнаго Штаба, 1863., стр. 101.

[17] LCVA 743. Fondas, 1. Apyrašas. According to the archival records, the court existed in 1817-1917. In this chapter, we will also discuss the reasons of its extinction in Lithuania in 1918-1940.

[18] See, for instance, Гриммъ, Д. Лекціи по догмѣ римскаго права. С.-Петербургъ: Типографія В. Стасюлевича, 1909., стр. 355-360 (§§ 313-318).

[19] Невзоровъ, А. Опека над несовершеннолѣтними. Историческій очерк института и положеніе его в дѣйствующем русском законодательствѣ. Ревель: Печатано в типографіи «Колывани», 1892., стр. 107-112 (§§ 24-25).

[20] The court system of the Baltic Governorates was re-organized according to the all-imperial model by the Regulation of July 9, 1889. Before 1889, the court system was a Swedish-based model of *Landgerichts* (first instance) and *Hofgerichts* (second instance – *Hofgericht* in Vidzeme governorate, *Oberhofgericht* in Courland governorate and *Oberlandgericht* in Estland governorate, as well as *Landraths-Collegium* in Oesel) with a considerable influence of old German (i.e. Lübeck) law and procedure, as well as local town and land law, referred to in legal literature, as "*Stadtrecht*", "*Ritterrecht*", "*Landrecht*". The names of the court instances were known mostly in German, as German was the official court language before 1889. Aside of the courts of general jurisdiction, there were different special courts, including commercial courts, sometimes being divergent in their names in *Vidzeme*, *Courland* and *Estland* (sometimes rendered as *Esthland*). For further reading upon the subject, see the following sources:

originally were referred to in terms of orphan court's subject-matter jurisdiction, were transferred to more conventional orphan courts, which overtook the cases, previously adjudicated by the magistrates[21]. In independent interwar Lithuania, this body was defunct due to the transformation of the system of guardianship, which was diverse across the country[22] (we will discuss

(1) Ober-Gerichts-Ordnung, nach der jüngsten Redaction vom Jahre 1757 (Publicatum den 4ten Juli 1757). Published in: Von Bunge, G. F. Die Quellen des Revaler Stadtrechts. Erster Band. Dorpat: Verlag von Franz Kluge, 1844., S. 250-258.
(2) Paucker, K. J. A. Der revidirten esthländischen Ritter- und Landrechte. Erstes Buch oder die Gerichtsverfassung u. das Gerichtsverfahren in Esthland vor hundert Jahren. Reval: Gedruckt bei Lindfors Erben, 1852., S. 43-51, 52-57.
(3) Paucker, K. J. A. Das esthländische Landraths-Collegium und Oberlandgericht. Ein Rechtsgeschichtliches Bild. Reval, 1855.
(4) Ремдулъ, Я. Нѣмецкіе суды въ Прибалтійскомъ краѣ наканунѣ ихъ упраздненія. Юридическій Вѣстникъ (Изданіе Московскаго Юридическаго Общества). Сентябрь 1887. Томъ XXVI. Москва: Типографія А. И. Мамонтова и К°, 1887., стр. 193-213.
(5) Von Bunge, G. F. Der Baltische Civilprocess nach der Justizreform vom Jahre 1889. Berlin: Puttkammer & Mühlbrecht, Buchhandlung für Staats- u. Rechtswissenschaft, 1891.
(6) Положенія о преобразованіи судебной части и крестьянскихъ присутственныхъ мѣстъ в Прибалтійскихъ губерніяхъ и Правила о приведеніи означенныхъ положеній в дѣйствіе. Томъ I. Положеніе о преобразованіи судебной части. Сост. А. Гасманъ и Бар. А. Нолькенъ. Изданіе Министерства Юстиціи. С.-Петербургъ: Типографія Правительствующаго Сената, 1889.
(7) Гасманъ, А. Судебная реформа въ Прибалтійскихъ губерніяхъ. Журналъ Министерства Юстиціи. Годъ двадцатый. № 9. Ноябрь 1914. Петроградъ: Сенатская Типографія, 1914., стр. 147-169.

[21] See, for instance, the following materials upon the subject:
(1) Рига, 18-го сентября [1891 года] / По дѣлу капитала купца Ш., завещаннаго для благотворительныхъ цѣлей. Рижскій Вѣстникъ. Среда, 18-го сентября 1891 года (XXIII годъ), № 204, стр. 1, колонка 1-3.
(2) (Анонимно) Къ вопросу о подсудности опекунскихъ дѣлъ въ Прибалтійскихъ губерніяхъ. Рижскій Вѣстникъ. Среда, 7-го декабря 1894 года (XXVI годъ), № 265, стр. 1, колонка 3-4.
(3) Celms, K. Vai bāriņtiesas ir tiesas vai administrātivas iestādes? Tieslietu Ministrijas Vēstnesis. № 3. 1937. Rīga: Tieslietu Ministrijas Izdevums, 1937., 253-269 Lpp., (see, in particular, at p. 259-260).

[22] Čepas, V.-K. Globos organai. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 46 (Balandis – Birželis 1939). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1939., pp. 143-154.

it in more details below). Some other court institutions, for instance, the divisional courts («*межевой судъ*»), which usually dealt with the delimitation of land property (in peculiar, between the state, church and private land property), were deeply re-organized and subjected to a strict state control in the Western Governorates (Vilno, Grodno, Minsk and Podols'k) on March 21, 1823. The afore-said courts, as previously in the Grand Duchy of Lithuania, had a three-tier structure, which continued its existence in the Western Governorates, too. According to the note of the Minister of Finance, which was attached to the Highest Approved Opinion of the State Council of March 21, 1823, the divisional courts had the following structure: the courts of first instance, governed by a single judge, the poviet court of appeal (second instance) and the governorate divisional court as the highest court of appeal[23]. According to the note of the Minister of Finance, these courts frequently abused their powers (i.e. the court officials carried out their decisions by themselves, without calling zemstvo police), handed down inequitable decisions, especially in terms of peasantry, or caused considerable damage to state forests by giving them to obscure people, who sold wood. According to the resolutive part of the Opinion (pp. 4-8), the divisional courts were not abolished, as such (despite all the non-fulfilled judgments related to state property were considered void and were subject to be terminated, p. 1), but were subjected to state control of the local Budget Chamber («*Казенная палата*»), which initially received the lawsuits and appointed officials for hearing the case, and the final vote was after the Governing Senate, in case the governorate divisional court had no uniform decision upon the case[24]. By the 1830s, the Chief Courts in Vilno and Grodno were already defunct, and they were replaced by the first and second-tier courts by an all-imperial model. Thus, the ujezd courts and the civil chamber overtook the cases, which were previously adjudicated by the Chief Courts, and handled civil cases (i.e. proprietary claims, title to property, testaments, etc.) applying the same laws (i.e. the Lithuanian Statute). Apart from the fact, that the Lithuanian Statute remained operating, certain legislative acts were repealed or replaced by all-imperial legislation. For instance, Magdeburg law was repealed in the most Lithuanian lands already in 1776, and

[23] Марта 21 [1823]. Высочайше утверждённое мнѣніе Государственнаго Совѣта. – «*О прекращеніи дѣйствія Межевыхъ Судовъ по Государственнымъ имуществамъ въ Западныхъ Губерніяхъ, и о производствѣ дѣлъ сего рода на будущее время*». Полное Собраніе Законовъ Россійской Имперіи. Собраніе I: Томъ 38. Санкт-Петербургъ, 1830., № 29372., стр. 854-856.
[24] *Ibid*.

the new Town Regulation, adopted by the Seimas in 1791[25], including a restatement of laws, which was expected to be elaborated for other towns, never came into force. The Magdeburg and Chelmin law in other towns were mainly repealed either by all-imperial ordonnances, or by the impact of newly introduced legislation; the German town statutes, the Crown privileges were also gradually abolished, and so was the Regulation on Promissory Notes of 1775, which was repealed by the all-imperial Promissory Note Statute of 1832[26]. In the field of criminal law, the Personal Order of the Minister of Justice to the Governing Senate of June 25, 1832 proclaimed that the power of Lithuanian Statutes and Polish Constitutions is retained only in those cases, where the imperial laws are insufficient, affirming its previous Order of January 27, 1821[27]. On December 3, 1833, the Highest Personal Order of the Emperor Nicholas I established the opening of "courts of faith" («*совѣстный судъ*») in all the Western Governorates, including Vilno and Grodno[28]. These courts had a similar jurisdiction to the justice of the peace (an institution which was founded in the Russian Empire during the Court Reform of Emperor Alexander II, that is, since 1864), resolving civil disputes, and occasionally minor crimes (mostly unintentional ones), on basis of equity and custom, than rather the positive norms of civil or criminal laws, and the main task of which in civil disputes was rather to reconcile the litigants; the "courts of faith" were ultimately abolished in 1852-1861, thus not surviving until the Court Reform[29],

[25] Miasta Nasze Królewskie wolne w państwach Rzeczpospolitey. 18 kwietnia 1791. Volumina Legum. Tom IX. Kraków: Wydawnictwo Komisyi Prawniczej Akademii Umiejętnosci w Krakowie / Nakładem Akademii Umiejętnosci, 1889., Nr. CCLXIII, str. 215-219.

[26] (Анонимно) Обозрѣніе историческихъ свѣденій о составленіи Свода Мѣстныхъ Законовъ Западныхъ Губерній. Взято изъ актовъ, хранящихся во II-мъ Отдѣленіи Собственной Его Императорскаго Величества Канцеляріи. Санктпетербургъ, 1837., стр. 26-28.

[27] Іюня 25 [1832]. Именный [Указъ], объявленный Сенату Министромъ Юстиціи. – О рѣшеніи въ возвращенныхъ отъ Польши Губерніяхъ дѣлъ уголовныхъ и слѣдственныхъ на основаніи Польскихъ узаконеній тогда только, когда Россійския оказываются недостаточными. Полное Собраніе Законовъ Россійской Имперіи. Собраніе II: Томъ 7. Санкт-Петербургъ, 1832., № 5459, стр. 401.

[28] Декабря 3 [1833]. Именный [Указъ], данный Сенату. – Об учрежденіи в Западных Губерніяхъ Совѣстных Судовъ. Полное Собраніе Законовъ Россійской Имперіи. Собраніе II: Томъ 8. Санкт-Петербургъ, 1834., № 6599, стр. 712.

[29] See: Блиновъ, Ив. Судебная реформа 20 ноября 1864 г. Историко-юридическій очеркъ. Петроградъ: Сенатская типографія, 1914., стр. 10-11.

and the justices of peace were not supposed to be the successors of the "courts of faith"[30]. Thus, by the 1830s, the judicial system of Vilno and Grodno governorates became very close to the all-imperial one.

Now, let us take a look at the sources of civil law and its conjectural codification. There was a number of irregular attempts to create a restatement of local laws for Western Governorates already in the XVIII century. For instance, after the First Partition of Poland in 1773, the Belorussian governorate authorities asked to create some specific legislation for the lands; despite the Legislative Commission was created, and the local deputies were called to participate in it, this attempt failed miserably in 1774, as all the said deputies were dissolved with no achieved results[31]. There were several other attempts to create various law reform commissions for founding a restatement of Western Governorate civil law during the following decades, but with no actual result[32]. What is interesting, attempts to establish a restatement of local laws for the Ukrainian (Malorossiyan) governorates already existed since 1728 throughout the 1730s, and achieved some success: the project was completed, but was never officially adopted or even released[33]; this compedium, having a strong influence of the Lithuanian Statute, was later published by Prof. Kistyakovskiy, however, never having any official force, and remaining rather a historical monument of old Ukrainian law[34]. In 1818, the Second Department of His Majestie's Chancery of the Russian Empire created several committees for the creating restatements of local laws for Western governorates, beginning from a compendium of civil laws. The Vilno committee started its work in 1821

[30] See: Барацъ, Г. Очеркъ происхожденія и постепеннаго затѣм упраздненія въ Россіи совѣстныхъ судовъ и суда по совѣсти. Историко-юридическій этюдъ. Посвящается памяти А. Ф. Кистяковскаго. С.-Петербургъ: Типографія Правительствующаго Сената, 1893., стр. 32-34.

[31] (Анонимно) Обозрѣніе историческихъ свѣденій о составленіи Свода Мѣстныхъ Законовъ Западныхъ Губерній. Взято изъ актовъ, хранящихся во II-мъ Отдѣленіи Собственной Его Императорскаго Величества Канцеляріи. Санктпетербургъ, 1837., p. 60-62.

[32] *Ibid*, p. 62-63.

[33] See, for instance, the article by the Ukrainian legal historian Ivan Telichenko on the given topic: Теличенко, Ив. Очеркъ кодификаціи малороссійскаго права до введенія Свода Законовъ. Кіевская Старина. Ежемѣсячный историческій журналъ. Годъ Седьмой. Томъ XXIII (23). Октябрь. 1888 г. Кіевъ: Типографія Г. Т. Корчакъ-Новицкаго, 1888., стр. 22-68.

[34] Кистяковский, А. Права, по которымъ судится Малороссійский народъ. Кіевъ: Въ Университетской Типографіи (І. І. Завадзкаго), 1879.

(alongside with the Grodno and Belorussian commission, the Minsk commission commenced its work a year earlier, in 1820). The Minsk commission delivered a book on persons and contracts in 1821, and its work was found completely unsatisfactory; only the Podol'sk[35] commission partially fulfilled its task, being able to complete a book on social strata («*Законы о состояніях*»), and two chapters on family law. The Belorussian committee decided that it would be enough to amend the Lithuanian Statute with the Seimas regulations, and the Vilno committee conducted six sittings, having re-written the decrees from 1795 to 1797, not having concluded this work. Soon, the operation of these committees ceased[36]. According to Al. M. in an anonymous article published in the interwar Lithuanian legal journal "Teise", No.52 (1940), considerable attempts were done in order to create a restatement of local laws for Lithuania in the 1830s: in 1830, the Second Department under the auspices of Count Speranskiy created two commissions for codification – one for the Baltic Governorates, and the other for Lithuania. Speranskiy attempted to create a "Local Restatement" and invited the ex-professor of Vilno University, Ignas Danilavičius, who was an expert in Lithuanian Statutes and Lithuanian law in overall. Danilavičius worked on the project of the Restatement in Saint Petersburg in June – September 1830, assessing the existing Lithuanian laws. Speranskiy thought that it would be better to include the exceptions from all-imperial laws into the Local Restatement, and these exceptions were supposed to be omitted in the Local Restatement; the Restatement had to be compiled upon the general principles of the all-imperial laws («*Сводъ Законовъ*»), and its draft was nearly completed by 1833[37]. Before the restatement of local laws of the Western Governorates was adopted, Speranskiy desired to engage local jurists to check the text. He invited an ex-professor of Vilno University, Al. Korovickis, T. Kukevičius, a practicing attorney, Pšesmyckis, a lawyer, as well as Count Ks. Duninas (Dunin), which formed the Revision Committee. These jurists made a considerable number of revisions to the original text of the document, having worked in May 1835 –

[35] Currently, the city of Khmelnitskiy in Ukraine.

[36] (Анонимно) Обозрѣніе историческихъ свѣденій о составленіи Свода Мѣстныхъ Законовъ Западныхъ Губерній. Взято изъ актовъ, хранящихся во II-мъ Отдѣленіи Собственной Его Императорскаго Величества Канцеляріи. Санктпетербургъ, 1837., стр. 63-65.

[37] M., Al., Lietuvos įstatymų kodifikacija XIX a. pirmoje pusėje. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 52 (Gegužis – Birželis 1940). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1940., at p. 258-259.

August 1836; the changes included four groups of provisions: 1) the differences between Northern and Southern territories; 2) considerable changes; 3) changes made in regard with the harmonization between the Lithuanian Statute and the Russian Empire's Restatement of Laws; 4) editorial changes. According to the author Al. M., the text was altered very substantially, having diminished the initial number of provisions tolling circa 4500 to 2070 in its ultimate version. The project seemed to have prospects for its adoption, as Speranskiy personally presented the text of the project to Emperor Nicholas I, who approved it in January 1837, and throughout the same year, the project was reviewed by the Ministry of Justice, as well as the Second Department, and the Revision Committee; the project was printed in fifty specimen, which also included several indexes. Several interrogations occurred during the check of the document, which the Revision Committee could not manage. Nevertheless, the work was concluded, and the Restatement of Laws for the Western Governorates had to enter into force on January 1, 1839, but political factors made these plans of Speranskiy unfulfilled. Instead, decisions were made to abolish the Lithuanian Statute and replace it with all-imperial legislation[38].The idea of abolition of the Lithuanian Statute in Russian Empire's Western Governorates in the 1830s, according to the note of Mogilyov governor, M. N. Muravjov[39], which was published in Sholkovich's second volume of collection of articles (1885 – 1887, Vilno), was connected with the uprisings, which appeared on the said territories in the last years. Muravjov was critical to the Lithuanian Statute itself, finding that the laws inherited from the Grand Duchy of Lithuania were frequently confusing, and that the Statute was inconsistent, in terms of *procedure* (probably meaning proceedings – the Authors) with the all-imperial matters, and so it had to be abolished. Muravjov was hostile to local nobility, and he believed, that the attorneys (referring to them as a "class") which were "wandering" throughout the land, and, as Muravjov claimed, they only promoted uprisings, and so he found them to be "dangerous and hazardous", and thus he suggested it would be better to provide them with some civil servant positions in the cities far from the capitals, finding, that in case the

[38] *Ibid*, p. 259.

[39] The date of the note is not specified in the book (three notes were reported, and only the first note was dated 1831), but as the Lithuanian Statute was acting in the Western Governorates at the time M. Muravjov communicated it, supposedly it was written in the 1830s or around 1830. See. Janulaitis, A. *Kaip buvo panaikintas Lietuvos statutas*. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 52 (Gegužis – Birželis 1940). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1940., at p. 196.

attorneys were driven off the land, so the nobility could have been more loyal[40]. On September 6, 1831, after the uprisings took place, a "Western Committee" was established in Saint-Petersburg, which had to investigate of whether the local laws of the Lithuanian lands correspond to the all-imperial ones. In 1838, the "Western Committee" already reviewed the issue of abolishing the Lithuanian Statute, which was stringently upheld by the Kiev General Governor Bibikov, who found that the operation of the local laws could cause separatism in local inhabitants and would remind them of the old dissolved state (that is, the Grand Duchy of Lithuania). Bludov, the member of the Second Department, did not uphold Bibikov's views, but he advised to retain the operation of the Lithuanian Statute for some time, suggesting that the all-imperial restatement of civil laws should be introduced in the Western Governorates alongside with all the other regions of Russian Empire and found that the new Restatement of Civil Laws, which was elaborated by Speranskiy and affiliated jurists, should not be published; at the same time, Bludov suggested the Second Department to extract the most significant provisions of the Restatement, with a prospective of laying them out in the all-imperial Restatement of Laws, and next, when the all-imperial Restatement of Laws would be ready, it should be applied in the Western Governorates as well. The Emperor Nicholas I upheld Bludov's view, finding it would be necessary to apply the provisions of all-imperial laws in the Western Governorates (Bibikov initially suggested the abolition of the Lithuanian Statute only in the Ukrainian governorates)[41]. So, according to the Order of June 25, 1840 (published on August, 21), the operation of the Lithuanian Statute in the Western Governorates (Kiev, Podols'k, Mogilev, Grodno, Vilno, Kovno and Belostok) ceased, and so did the power of Seimas Constitutions and other regulations of the era of the Grand Duchy of Lithuania; since then, the said governorates had to be ruled by all-imperial laws (Art. 1). The courts had a right to resolve cases on the basis of the Statute if the lawsuits were commenced before the publication of the Order (Art. 2-3). Additionally, the divisional courts were abolished, the general division of lands was subjected under the superintendence of the Divisional Department of the Governing

[40] Сборникъ статей, разъясняющихъ польское дѣло по отношенію к Западной Россіи. Выпускъ II-й. (под ред. С. Шолковича). / Три политическія записки о С.-З. краѣ. Гр. М. Н. Муравьева. // II. Вильна: Типографія А. Г. Сыркина, 1887., стр. 303-304.

[41] M., Al., Lietuvos įstatymų kodifikacija XIX a. pirmoje pusėje. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 52 (Gegužis – Birželis 1940). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1940., at p. 259-260.

Senate (Art. 9)[42]. After the abolition of the Lithuanian Statute in the Western Governorates, it was still permissible to apply the provisions of the Lithuanian Statute in legal proceedings, where disputed legal relationships or the disputed deeds were concluded at the time the Lithuanian Statute was still operating: for instance, the General Assembly of the Governing Senate in its judgment of November 11, 1854, adjudicating a case on the validity of a contract concluded in Vilno governorate in 1833, said that in order to resolve the dispute, the rules contemporary for the time of the conclusion of the contract had to be applied, that is, the rules of the local legislation[43]. A prominent Ukrainian lawyer of the XIX century, Alexander Kvachevskiy, known for his works related to semi-local[44] laws of Chernigov and Poltava governorates (which were entirely based upon the Lithuanian Statute of 1588), wrote in the "Journal of civil and criminal law", («*Журналъ гражданскаго и уголовнаго права*»), Vol. 1876, issue no. 4, that even after the enactment of the reformed courts in these territories, the "new" courts had to apply the norms of the Lithuanian Statute in cases which involved different legal deeds and legal relationships owed to the Lithuanian Statute[45]. That is, the actual norms of the Lithuanian Statute in Chernigov and Poltava governorates were technically defunct after 1842, but the Statute's provisions included into the Volume X, part 1 of the Restatement of Laws, which were founded on the Statute, continued their action[46] (speaking of the

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[42] Іюня 25 [1840 года]. Именный [Указъ], данный Сенату, распубликованный 21 Августа. – «О распространеніи силы и дѣйствія Россійскихъ гражданскихъ законовъ, на всѣ Западныя возвращенныя отъ Польши области. Полное Собраніе Законовъ Россійской Имперіи. Собраніе II: Томъ 15. Санктпетербургъ: въ Типографіи II Отдѣленія Собственной Е. И. В. Канцеляріи, 1841., № 13591, стр. 443-445.

[43] Правительствующий Сенатъ (Общее Собраніе I, II, III Департаментовъ), рѣшеніе от 11 ноября 1854 года. Сборникъ рѣшеній Правительствующаго Сената. Рѣшенія Общаго Собранія первыхъ трехъ Департаментовъ и Департамента Герольдіи Правительствующаго Сената. (1835-1864). Санктпетербургъ: печатано въ Типографіи Правительствующаго Сената., 1864., № 487, стр. 606-607.

[44] Пахманъ, С. Исторія кодификаціи гражданскаго права в двухъ томахъ. Томъ II. С.-Петербургъ: Въ Типографіи Втораго Отделенія Собственной Е. И. В. Канцеляріи, 1876., стр. 453-463 (*Глава III, I*).

[45] Квачевскій, А. Литовскій статутъ какъ источникъ мѣстнаго права для губерній Черниговской и Полтавской. Журналъ гражданскаго и уголовнаго права. 1876. Книжка четвертая. Іюль – Августъ. С.-Петербургъ: Типографія М. М. Стасюлевича, 1876., стр. 222-255 (see, in particular, at p. 254-255).

[46] Боровиковскій, А. Объ особенностяхъ гражданскаго права Полтавской и Черниговской губерній. Журналъ Министерства Юстиціи. 1867. Годъ восьмой.

construction of the legal provision applicable only in the afore-said governorates, it always started with the words "…*In the Chernigov and Poltava governorates…,* etc.", indicating a limited territorial jurisdiction). Despite all efforts on the creation of a restatement of local laws for the Western Governorates, they never became "local laws" in the sense of Pachman's concepts of local laws (1876)[47] or other legal scholars discussing the local laws of the Russian Empire: for instance, Danevskiy (1857) on his work on the local laws of the Western Governorates did not discuss any local laws in Vilno and Kovno governorates, but discussed the ones in Kurland to a certain extent[48].

Thus, since 1840, the Vilno and Kovno governorates were governed by an entirely all-imperial legal and judicial order. The court reform in Vilno and Kovno governorates started in the mid-to-late 1860s. The so-called pre-reform courts of the Russian Empire (in such way they are usually referred in legal literature of that epoch), which existed since the reign of Jekaterina Vtoraja, were characterized by their secularity (that is, there were many courts of limited jurisdiction), were very dependent from local governorate authorities («*губернское правленіе*»), and especially the governor himself, who had authority to alter any court decision he deemed necessary. Pre-reform courts were often blamed to be negligent in handling court documents, some of the court employees were barely literate, cases usually were adjudicated very slowly, and revision commissions frequently found different turmoil and abuse of authority[49]. The Court Reform in Vilno governorate was mainly known in legal literature owing to the report of the President of Vilno Chamber of Civil Court and State Advisor Zybin, who was known to make proposals for the introduction of justices of the peace («*мировой судья*») and district courts («*окружный судъ*») on the territory of Vilno governorate. As to the justices of the peace, he advised, according to statistical information and rules of allocation of the justices of the peace, to subdivide the governorate into 27

Томъ XXXII (32). Выпускъ 4-6. Отдѣлъ 1 (Часть неоффиціальная). С.-Петербургъ: в Типографіи Правительствующаго Сената, 1867., стр. 435-454 (see, in particular, at p. 435-437).

[47] Пахманъ, С. Исторія кодификаціи гражданскаго права в двухъ томахъ. Томъ II. С.-Петербургъ: Въ Типографіи Втораго Отделенія Собственной Е. И. В. Канцеляріи, 1876., стр. 453- и далее. (*Глава III*)

[48] Даневскій, П. Объ источникахъ мѣстныхъ законовъ нѣкоторыхъ губерній и областей Россіи. Санктпетербургъ: В типографіи И. Фишона, 1857., стр. 34-39, 39-48.

[49] Блиновъ, Ив. Судебная реформа 20 ноября 1864 г. Историко-юридическій очеркъ. Петроградъ: Сенатская типографія, 1914., стр. 27-34.

peace districts («*мировой участокъ*»), which were embraced by 7 peace circuits («*мировой округъ*»): I) Vilno peace circuit: Zybin suggested to establish 6 peace districts, four for the city (one circuit for each district), and two other for the Vilno ujezd, II) Troki[50] peace circuit: during the time of the report, there were two peace districts, Zybin suggested to enlarge their amount to three; III) Lida peace circuit: Zybin proposed to enlarge the number of districts from three existing ones to four; IV) Oshmyan peace circuit: Zybin suggested to increase the number of districts from three to four; V) Sventsianskiy[51] peace circuit: two peace districts existed at the time of the report, and Zybin suggested their number should increased to three; VI) Vilejki peace circuit: originally, the Vilejki ujezd encompassed three peace districts, Zybin advised to enlarge the number of districts from three to four; VII) Disnenskiy peace circuit: at the time of the report, it included three peace districts, and Zybin found that their amount was sufficient, not proposing to add new districts. Speaking of the district courts, Zybin found, that it would be necessary to establish four district courts in Vilno governorate: I) Vilno District Court: summing up the expected[52] number of cases of Vilno – 629 ½ (city and ujezd), as well as Troki – 162 ½ (town and ujezd) *per anno*, Zybin found that it would be ideally correct to establish three district courts on these territories, but since they were joined by railway, he suggested it would be sufficient to establish only once district court with its location in Vilno. II) Lida district court: Zybin calculated an expected number of cases as 372, and the district court had to be established in the town of Lida; III) Vilejki district court: Zybin counted 426 cases, and the seat of the court had to be in Vilejki; IV) Sventsianskiy district court: the amount of prospective cases tolled 267, and the court was suggested to be opened in the town of Sventsiany[53]. The institute of the justices of the peace, as a step towards the implementation of the Court Reform, was introduced in Vilno and Kovno governorates by the Highest Personal Order of June 23, 1871, establishing the justices of the peace in Vilno

[50] At present time, the town of Trakai, Lithuania.

[51] Before 1842 – Zavilejski peace circuit.

[52] It was calculated on basis of the amount of cases heard before the existing courts, which should be designated to district courts under their subject-matter jurisdiction, given to them by the Court Statutes of November 20, 1864.

[53] Судебно-статистическія свѣдѣнія и соображенія о введеніи в дѣйствіе Судебныхъ Уставовъ 20-го ноября 1864 года (по 32 губерніямъ). Часть I. Санктпетербургъ: въ Типографіи при Правительствующемъ Сенате, 1866. Разделъ: Судебно-статистическія свѣдѣнія и соображенія о введеніи Судебной Реформы. По Виленской губерніи., стр. 15-23.

and Kovno governorates (alongside with the ones in Vitebsk, Grodno, Minsk, Mogilev – the Belorussian governorates, and Kiev, Podol'sk and Volyn – the Ukrainian governorates), presupposing that these courts should have started their work throughout 1871; the previously acting first-tier courts had to be abolished within a three-month's term after the establishment of the justices of peace (Art. 3), and the chambers of civil and criminal courts had to be twined to a conjoint Chamber of civil and criminal court[54] (Art. 4). Vilno, Kovno and Grodno governorates were temporarily assigned to the appellate circuit of Saint-Petersburg Court Chamber («*Санкт-Петербургская судебная палата*»)[55]. The afore-mentioned Vilno Chamber of civil and criminal court was additionally known to have figured in the practice of the General Assembly of the Governing Senate regarding two procedural disputes in 1875 (judgments of March 10, 1875[56], and October 27, 1875[57]), as well as in the matter of Lentvarovo[58] Nailery strike case of 1878, as a court of appeal (judgment of September 11, 1878)[59]. During these times, a similar appellate court was operating in Kovno, knowing to have existed at least until the early 1880s, as one such procedural dispute which featured the Kovno chamber of civil and criminal court was adjudicated by the General Assembly of the Governing

[54] LCVA, 447. fondas (description). Upon the description of the records of the Lithuanian State Historical Archive, the conjoint chamber operating in Vilno governorate, was already functioning since 1867, and ceased its activity in late 1883.

[55] Именной Высочайшій указъ Правительствующему Сенату, данный 23 іюня 1871 года. Published in: Сборникъ Узаконеній и рѣшеній Сената 1865-1880 гг., по введенію судебной реформы в Западномъ Краѣ. Сост. Частн. Пов. Б. В. Певзнеръ. Житомиръ: Волынская Губернская Типографія, 1880., стр. 18-20 (№ IV).

[56] Правительствующий Сенатъ (Общее Собраніе Перваго, Втораго и Кассаціонныхъ Департаментовъ), 1875 г. марта 10-го дня. Published in: Рѣшенія Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ Правительствующаго Сената Правительствующаго Сената. 1875. [sino anno]., № 8, стр. 15-16.

[57] Правительствующий Сенатъ (Общее Собраніе Перваго, и Кассаціонныхъ Департаментов Сената), 1875 г. октября 27-го дня. Рѣшенія Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ Правительствующаго Сената. 1875. [sino anno]., № 30, стр. 49-51.

[58] Currently, the town of Lentvaris, Lithuania.

[59] Правительствующий Сенатъ (Общее Собраніе Перваго и Кассаціонныхъ Департаментов Сената), 1878 г. сентября 11-го дня. Published in: Рѣшенія Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ Правительствующаго Сената. 1878. С.-Петербургъ: Типографія Правительствующаго Сената, 1881., № 30, стр. 53-57.

Senate in 1882[60] (this court was soon abolished, as the Vilno Court Chamber started operating in 1883[61], the archival records show that the Kovno conjoint chamber operated until late 1884[62]). Speaking of the continuation of the Court Reform, it was fully introduced by the Highest-Approved Opinion of the State Council of June 19, 1877, according to which, the Court Statutes of 1864 had to be implemented entirely in all the nine Western Governorates, including Vilno and Kovno ones, which involved an enactment of a district court («*окружный судъ*»), as well as an appellate court, or a court chamber («*судебная палата*»), which heard cases on appeal instituted in a district court. According to Art. 10 of the Opinion, the appellate circuit of the newly established Vilno Court Chamber («*Виленская судебная палата*») encompassed the district courts of Vilno, Kovno, Grodno and Minsk governorates. The conjoint court chambers, which were referred to hereinabove, had to be abolished within three months after the new courts were introduced (Art. 13)[63]. According to the archival records of the Lithuanian Central State Archive, the conjoint chamber in Vilno was operating until November 20, 1883, being ultimately replaced by the Vilno Court Chamber[64]. So, the Court Reform was implemented in Vilno and Kovno governorates in full volume in the early-to-mid 1880s. In the 1910s, the Vilno and Kovno governorates were also subjects of the reform of the local court upon the

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[60] Правительствующий Сенатъ (Общее Собраніе Перваго и Кассаціонныхъ Департаментов Сената), 1882 г. сентября 20 дня. Published in: Рѣшенія Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ Правительствующаго Сената. 1882. С.-Петербургъ: Типографія Правительствующаго Сената, 1884. № 27, стр. 64-66.

[61] LCVA, 445. fondas (description). According to the description of the records of the Lithuanian State Historical Archive, the Vilno Court Chamber was established on September 11, 1883. It operated until late 1917 (see more in detail *infra*).

[62] LCVA, I-78. fondas (description). The archival records show that the court operated until December 31, 1884.

[63] Высочайше утвержденныя 19 іюня 1877 года: а) Мнѣніе Государственнаго Совета о введеніи въ дѣйствіе Судебныхъ Уставовъ 20 Ноября 1864 года, въ полномъ ихъ объеме, въ девяти западныхъ губерніяхъ, б) временное росписаніе и в) временный штатъ Кіевской, Виленской и Смоленской судебныхъ палатъ и другихъ судебныхъ установленій въ девяти западныхъ губерніяхъ. Published in: Сборникъ Узаконеній и рѣшеній Сената 1865-1880 гг., по введенію судебной реформы в Западномъ Краѣ. Сост. Частн. Пов. Б. В. Певзнеръ. Житомиръ: Волынская Губернская Типографія, 1880., стр. 1-14 (№ I).

[64] LCVA, 447. fondas (description).

foundation of the law of June 15, 1912. In short, this law was aimed at the reform of the volost (parish) court («*волостной судъ*»), returning the election foundation of justices, the principle of all-strata participation (that is, «*всесословный судья*», as referred to in the original by Liyblinskiy (1912) in his book on the comment to the law, meaning that the justice may descend from any social strata), and ensuring the independence of volost (parish) court justices from local administrations; the system of volost (parish) courts now embraced a three-tier system, which included a volost (parish) court as the primary instance court → a high village court («*верхній сельскій судъ*»)[65], as a court of appeals → assembly of the justices of peace («*мировой съездъ*», «*съѣздъ мировыхъ судей*»), as a court of cassation in the system of local court; the institute of the justice of the peace was also reformed, for instance, the elected judges were not obliged to have a higher (and especially, legal) education, while the appointed justces of peace had to be professional lawyers; the property census (originally referred to as «*земскій цензъ*») was decreased, and was levied for professional lawyers living in the neighborhood of the justice elections for over five years; several changes were also introduced to service requirements («*служебный цензъ*») of the justice of the peace, like necessary higher education and previous working experience in administrative bodies and courts[66]. In 1914, right before the outbreak of the First World War, the reform of the local court was started in several regions of the Russian Empire, which also embraced Vilno and Kovno governorates. The Law of July 1, 1914 spread the reform of the local court (Law of June 15, 1912) on a number of governorates, including the two afore-mentioned ones. The new courts were expected to be operating since January 1, 1915 (Art. I); the additional and district justices of the peace received a salary of 900 Rubles per year (Art. VII, 1), and an interpreter was expected to be included into the staff of the local courts (Art. IX). Moreover, seven members of the district courts were added to

[65] See, in addition, the judgment of the General Assembly of the Governing Senate of November 28, 1916 concerning the lack of powers of the parish (volost) and high village courts to surcharge fines for non-payed stamp duties for documents and acts: *Правительствующий Сенатъ* (Общее Собраніе Перваго и Кассаціонныхъ Департаментовъ) рѣшеніе от 1916 года ноября 28-го д., № 44. Published in: currently unknown, if the judgment was published in regular court reports, found in: Журналъ Министерства Юстиціи. Годъ двадцать третій. № 4. Апрѣль 1917. Петроградъ: Сенатская Типографія, 1917., стр. 232-235 (reported by A. Savchenko-Matsevko).

[66] See in detail: Люблинскій, П. Возрожденіе мирового суда. Закон 15 іюня 1912 г. С.-Петербургъ: Типографія т-ва «Общественная польза», 1912., стр. 4-22.

the staff of the Vilno and Kovno district courts by the same law (Art. X)[67]. This is how the court system and the applicable laws looked like in the Vilno and Kovno governorates before 1918. In the following chapter, we will tell the reader on the state of the court system of independent Lithuania since 1918, as well as the place of the Supreme Tribunal in it.

Before we proceed with the next chapter, we would like to outline, that there was one peculiar territory, which later became a part of independent Lithuania, having completely different applicable laws – the Suvalki governorate, which previously belonged to the Kingdom of Poland («*Królewstwo Polske*», «*Царство Польское*»), where the French Code of Napoleon was acting. So, let us explain why the French laws were applicable in Suvalki. After the Third Partition of Poland in 1795, the lands which were annexed by the Kingdom of Prussia originally preserved their old Polish civil laws, as it was ordered by the King Friedrich-Wilhelm II (criminal laws and the rules of procedure were replaced by Prussian ones), but already on April 30, 1797, the old Polish laws, aside from hereditary law (and this measure was declared to be temporary, too), were abolished by the King's Order on the same date, who found, that these laws were incompatible with the gist of the Prussian monarchy, as well as occasionally being non-full and contradicting each other. The part of previously Polish lands which was annexed by Habsburg Austria, have lost their original Polish laws, which were replaced by the then-acting Austrian-Galician Code (*Bürgerliches Gesetzbuch für Galizien*) of 1797[68]. The Prussian laws remained active in the Polish lands for barely a decade, as they

[67] Одобренный Государственнымъ Совѣтомъ и Государственною Думою и Высочайше утвержденный законъ. «О введеніи въ дѣйствіе закона 15 іюня 1912 года о преобразованіи мѣстнаго суда в полномъ объемѣ, в губерніяхъ Витебской, Виленской, Гродненской, Ковенской, Минской, Могилевской, Бессарабской, Воронежской, Орловской и Тамбовской и въ городахъ Нижнемъ Новгородѣ, Казани, Саратовѣ и Астрахани (1 іюля 1914 года). Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующем Сенатѣ. 1914. Отдѣлъ первый. Второе полугодіе. С.-Петербургъ: Сенатская Типографія, 1914., № 166, ст. 1927, стр. 2775-2778 (officially published on July 12, 1914).

[68] See. Bürgerliches Geſetzbuch für Galizien. Erſter Theil. Wien: gedruckt bey Joseph Hraschansky, etc., 1797. This civil law was a short-lived act (1797-1811), being a "transition" between the Theresian Civil Code (*Codex Theresianus*) of 1766 and the Austrian General Civil Code (*Allgemeines Bürgerliches Gesetzbuch*) of 1811.

were conquered by the French Emperor Napoleon Bonapart[69]. According to the Peace Treaty of Tilsit of June 25, 1807 (July 7), the Duchy of Warsaw[70] (usually spelt in historical and historical-legal literature as *Księstwo Warszawskie*, also known in old-Polish spelling as *Xięstwo Warszawskie*) was formed, and Napoleon's vassal, the Saxon King, Friedrich-August, was appointed as King. According to the Peace Treaty of Schönbrunn (October 14, 1809), the Polish lands, previously annexed by Habsburg Austria, were returned to the Duchy of Warsaw; there, the Austrian civil law was replaced by the French Code of Napoleon on August 15, 1810[71]; the applicable criminal laws were very versatile – on some of the lands, the Prussian criminal law remained operating after the enactment of the French Civil Code (Code of Napoleon), the Austrian criminal law remained operating on other lands until 1818, and the Austrian Code of Criminal Procedure was used decades after it, being ultimately abolished only in 1876, in some other regions, elements of French criminal law and old Polish laws were acting as well[72]. Let us discuss the adoption of the Code of Napoleon in more detail. Initially, a monarchy-based Constitution, though with several democratic standpoints, such as abolition of serfdom and a

[69] Пахманъ, С. Исторія кодификаціи гражданскаго права в двухъ томахъ. Томъ II. С.-Петербургъ: Въ Типографіи Втораго Отдѣленія Собственной Е. И. В. Канцеляріи, 1876., стр. 415-416 (*Глава II*).

[70] We are expecting to make a spearate research treatise on the legislation, the legal order and the court system of the Duchy of Warsaw in the near future, so here we will only discuss the basic notions, which relate to the given subject.

[71] See, in detail:

(1) Заборовскій, К. Гражданское право Царства Польскаго. Выпускъ Первый. Санктпетербургъ: Въ Типографіи Втораго Отдѣленія Собственной Его Императорскаго Величества Канцеляріи, 1847., стр. 43-45.

(2) Пахманъ, С. Исторія кодификаціи гражданскаго права в двухъ томахъ. Томъ II. С.-Петербургъ: Въ Типографіи Втораго Отдѣленія Собственной Е. И. В. Канцеляріи, 1876., стр. 416 (*Глава II*).

[72] See the following sources:

(1) Рейнке, Н. Очеркъ законодательства Царства Польскаго (1807-1881 г.). Журналъ Министерства Юстиціи. Годъ седьмой. № 8. Октябрь 1901 г. С.-Петербургъ: Сенатская типографія, 1901., стр. 1-65 (see, in particular, at p. 5-6).

(2) Спасовичъ, В., Пильцъ, Э. Очередные вопросы въ Царствѣ Польскомъ. Этюды и изслѣдованія. Второе изданіе. Томъ I-й. С.-Петербургъ: Типографія М. М. Стасюлевича, 1902., стр. 49-50.

declared equity of all the citizens, was adopted on July 22, 1807[73]; it was, however, criticized by legal historians, for instance, for the control of the courts by the State Council, or by the fact that some of the norms of the Constitution were undermined by further decrees (i.e. the equity of all the citizens – in terms of the rights of Jewish people), and far not all the laws, as it was stipulated by Art. 87 of the Constitution, were duly published, as it was presupposed, in the official gazette "Diary of the Laws of the Duchy of Warsaw" («*Dziennik Praw Księstwa Warszawskiego*»)[74]. The French Code of Napoleon, according to Article 69 of the Constitution of the Duchy of Warsaw (Title IX, the Order of the Courts), was declared to be the applicable civil law in the state[75]. By the King's Decree of January 27, 1808, the Code of Napoleon (originally spelled as «*Codex Napoleona*» in Polish) was expected to be introduced on May 1, 1808 (on basis of Article 69 of the Constitution of the Duchy of Warsaw of July 22, 1807), and the judges of the civil courts in cases coming to their consideration since May 1, had to adjudicate them solely upon the provisions of the Code of Napoleon (Articles 1-2 of the Decree)[76]. This Decree was later supplemented with the Decree of October 27, 1809, which gave more detailed instructions on the implementation of the Code of Napoleon in the lands of the Duchy of Warsaw; from the most significant points, the French original of the Code was considered as original (Art. 1), and a Polish translation of the Code was expected to follow soon. Art. 4 and 5 of the Decree discussed the fate of the older laws: since May 1, 1808, all the old laws were considered as defunct,

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[73] Ustawa Konstytucijna Xięstwa Warszawskiego / Statut Constitutionnel du Duché du Varsovie. Dzienniki Praw. Od Nru 1. Do Nru 12. Numer Pierwszyj. W Warszawie: w Drukarni Xięży Piiarów, 1810., str. II-XLVII.

[74] For further reading upon the given topic, see, in peculiar:

(1) Skarbek, F. Dzieje Księstwa Warszawskiego. Tom II. Warszawa: Drukarnia Artystyczna Saturnina Sikorskiego, [s/a] (circa 1897, reprint)., str. 12-18.

(2) Рейнке, Н. Очеркъ законодательства Царства Польскаго (1807-1881 г.). Журналъ Министерства Юстиціи. Годъ седьмой. № 8. Октябрь 1901 г. С.-Петербургъ: Сенатская типографія, 1901., стр. 1-65 (see, in particular, at p. 6-9).

[75] Ustawa Konstytucijna Xięstwa Warszawskiego / Statut Constitutionnel du Duché du Varsovie. Dzienniki Praw. Od Nru 1. Do Nru 12. Numer Pierwszyj. W Warszawie: w Drukarni Xięży Piiarów, 1810., str. II-XLVII (see, in particular, at p. XXXVI, Tytuł IX, *Porządek Sądowy*).

[76] Dekret Króla Frederyka Augusta od 27. Miesiąca Stycznia 1808 Roku (according to the alphabetical index: Dekret 27 Stycznia 1808 nakazujący zaprowadzenie Kodexu Napoleona od 1 Maia 1808). Dzienniki Praw. Od Nru 1. Do Nru 12. Numer Drugi. W Warszawie: w Drukarni Xięży Piiarów, 1810., str. 46-47.

aside from the exceptions, where the Code of Napoleon allowed to use local customs and laws (Art. 4); in case there were no local customs, as it was, for instance, referred in Article 1738 of the Code of Napoleon, then the older laws could be used – but only in this case (Art. 5). This Decree also gave instructions of the application of the defunct civil laws, which related to the deeds and legal relationships existing before this date, which related to contracts, hereditary (*testamentum*, *successio ab intestato*, etc.) and family law (Art. 9-17)[77]. Concerning the translation of the Code of Napoleon into Polish language, it should be denoted, that such *official* translation was never carried out – there were different compediums of laws, bylaws etc., including the Code of Napoleon, which were *semi-officially* translated by different authors to Polish and Russian languages, but since there were no official translation, then, technically, the French text of the Code of Napoleon remained the original[78]. Speaking of the implementation of the Code of Napoleon in the Duchy of Warsaw, legal historians claimed it was disastrous: for instance, Skarbek emphasized, that the French civil law was foreign and non-compliant with the needs and customs of the Polish people[79], and Reinke outlined, that the Code of Napoleon was unknown within the Polish inhabitants, and its provisions, declaring the absence of necessity to adher with the church customs in respect with birth, marriage and funeral, turning marriage into a civil-legal deed, and allowing divorce, seriously contradicted with the customs of Polish people, who retained a strong connection with the Catholic Church and the appropriate church customs[80]. There were contrary views on this subject: for instance, Spasovich and Piltz claimed that the French Code of Napoleon was later accepted by the Polish inhabitants and they considered this receipted law as

[77] Dekret Króla Frederyka Augusta od 10go Miesiąca Pazdziernika Roku 1809 (according to the alphabetical index: Ustawa przehodnia). Dzienniki Praw. Od Nru 13. Do Nru 24. Numer Czternasty. W Warszawie: w Drukarni Xięży Piiarów, 1811., str. 84-96.

[78] Краснокутскій, В. Мѣстное гражданское право губерній Прибалтійскихъ и Привислянскихъ. Москва, 1910., стр. 12.

[79] Skarbek, F. Dzieje Księstwa Warszawskiego. Tom II. Warszawa: Drukarnia Artystyczna Saturnina Sikorskiego, [s/a] (circa 1897, reprint)., str. 77-79.

[80] Рейнке, Н. Очеркъ законодательства Царства Польскаго (1807-1881 г.). Журналъ Министерства Юстиціи. Годъ седьмой. № 8. Октябрь 1901 г. С.-Петербургъ: Сенатская типографія, 1901., стр. 1-65 (see, in particular, at p. 8-9).

their own[81]. The King's Decree of June 9, 1810, enacted the French Code of Commerce in the Duchy of Warsaw: it ordered the Code's implementation since August 15, 1810; the operation of the Code, since the date mentioned before, was also spread on the lands, which were returned from Habsburg Austria under the jurisdiction of the Duchy of Warsaw (Art. 3)[82]. In the same mode, as the Decree of October 27, 1809, the Decree of January 16, 1811 gave instructions to the application of defunct civil laws on the lands, which were returned from the Habsburg Austria[83]. The preserved practice of the Court of Cassation of the Duchy of Warsaw in civil cases also demonstrated considerable fluctuations in terms of applicable laws[84]. The other Polish lands, which remained under the jurisdiction of Habsburg Austria, stayed with the Austrian Galician Civil Code until January 1, 1812: the Crown Patent of June 1, 1811 ordered to spread the new Austrian General Civil Code *(Allgemeine Bürgerliche Gesetzbuch*) on all the remaining former-Polish lands, except from Hungary and lands adjacent to it; the Crown Patent of March 23, 1852, spread the power of the same Code on Kraków and its district, as well, which partially entered into force in its most part on April 20, 1852, and its part on family law – on September 29, 1855[85]. The French reign in the Duchy of Warsaw finished in 1814, and on April 21 (May 3), 1815, the treaties signed between the Russian Empire, Habsburg Austria and Prussia, with England's assent, sanctioned by

[81] Спасовичъ, В., Пильцъ, Э. Очередные вопросы въ Царствѣ Польскомъ. Этюды и изслѣдованія. Второе изданіе. Томъ I-й. С.-Петербургъ: Типографія М. М. Стасюлевича, 1902., стр. 50.

[82] Dekret Króla Frederyka Augusta dnia 9 Miesiąca Czerwca Roku 1810 (according to the alphabetical index: Dekret 9 Czerwca 1810. Termin zaprowadzenia Kodexu Napoleona za prawo Cywilne i Kodexu Handlowego do 4 Departamentów przez Traktat Wiedeński do Xięstwa Warszawskiego wcielonych. Dzienniki Praw. Od Nru 13. Do Nru 24. Dziennik Praw, Nr. 18. W Warszawie: w Drukarni Xięży Piiarów, 1810., str. 220-221.

[83] Dekret Króla Frederyka Augusta dnia 16 Stycznia Miesiąca Roku 1811 (according to the alphabetical index: no official name, as the alphabetical index of the 3rd volume of "Dziennik Praw Xięstwa Warszawskiego" was not included); officially published on February 26, 1811. Dzienniki Praw. Od Nru 25. Do Nru 36. Dziennik Praw, Nr. 28. W Warszawie: w Drukarni Xięży Piiarów, 1811, str. 157-173.

[84] Sąd Kassacyiny Xięstwa Warszawskiego, 12 Października 1810 Roku, Dekret Nr. 7. Published in: Dziennik Dekretów Sądu Kassacyinego Xięstwa Warszawskiego. Tom I. Oddzial Pierwszy. W Warszawie: w Drukarni Rządowej, 1811 (?)., str. 13-16.

[85] Jaworski, Vl. L., Prof. Prawo cywilne na ziemiach polskich. Tom 1, Źródła, prawo małżeńskie osobowe i majątkowe. Warszawa – Kraków: Nakładem Księgarni J. Czerneckiego, 1919., str. 22.

the final act of the *Vienna Congress* on June 9, 1815, have divided the lands of the former Duchy of Warsaw, giving most of its territories under the jurisdiction of the Russian Empire, aside from the town of Krakow (with a special status of a "free town" under the protectorate of the three aforementioned states), Torn (Toruń), Bromberg, and the Tarnopol oblast, which were given to Habsburg Austria; Prussia received the Duchy of Poznan' (referred mostly as *Posen* thereafter). The lands annexed by the Russian Empire in 1815 received the name «*Kingdom of Poland*» (in legal acts the name was rendered as «*Królewstwo Polskie*», «*Царство Польское*»), and the Emperor Alexander I was given the title of the Tsar of Poland[86]. The Code of Napoleon, after the dissolvement of the Duchy of Warsaw, did not terminate its action, albeit the Code of Napoleon contradicted the local Polish customs, especially in terms of a "civil" marriage[87]; Alexander I initially proposed to terminate the operation of the Code of Napoleon in the Kingdom of Poland, but all prospective transformations in the field of civil law were opposed by the local Polish Seims. In 1818, the 18 (XVIII) Chapter of the Book III of Code of Napoleon on mortgage law and hypotheque books were replaced by a local law, adopted by the Polish Seim and affirmed by the Emperor[88], which was later augmented by the project of the Book I (excluding the chapter on marriage), the law on the privileges and on hypotheques in 1825 (ultimately abolishing Chapter 18 of the Book III), in 1830, the Polish Seim adopted the law on private obligations (on the right to enter forests and the meadows), and finally, in 1836, a special Law on the Marriage was adopted in the Kingdom of Poland, thus considerably altering the Code of Napoleon[89]. Some alterations to the Code of

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[86] See the following sources:
(1) Рейнке, Н. Очеркъ законодательства Царства Польскаго (1807-1881 г.). Журналъ Министерства Юстиціи. Годъ седьмой. № 8. Октябрь 1901 г. С.-Петербургъ: Сенатская типографія, 1901., стр. 1-65 (see, in particular, at p. 18).
(2) Ашкенази, Ш., Проф. Царство Польское 1815 – 1830 гг. (переводъ с польскаго Владимира Высоцкаго). Москва: Книгоиздательство Писателей въ Москвѣ, 1915., стр. 17-23.

[87] Пахманъ, С. Исторія кодификаціи гражданскаго права в двухъ томахъ. Томъ II. С.-Петербургъ: Въ Типографіи Втораго Отдѣленія Собственной Е. И. В. Канцеляріи, 1876., стр. 416-417 (*Глава II*).

[88] Prawo o ustaleńiu własności dóbr nieruchomych, o przywileiach I hypotekach w mieysce tytułu XVIII. Księgi III. kodexu cywilnego. (Dan 14/26 Kwietnia 1818 roku. Dzień ogloszenia dnia 20. Lipca 1818 roku). Dziennik Praw [Królewstwa Polskiego], Tom Piąty. Nr. 21. Warszawa, 1818., str. 295-387.

[89] See the following sources:

Napoleon were also made in particular: for instance, in 1825, the Seim abolished Art. 530 of the Code of Napoleon, allowing the acquisition of allotment lands, which brought to the establishment of the class of small land owners (known in the Russian Empire as «*чиншевикъ*», or referred to as «*бессрочное оброчное владѣніе*» in the Restatement of Local Laws of the Baltic Governorates, Vol. III[90], also rendered in German law as "*Erbpacht*"[91], being close to the Roman law institution of *emphyteusis*[92], known in its original Latin name, for instance, in the legal literature of the Kingdom of Poland[93]); the said provision, however, was re-instated in 1870[94]. Thus, the modified Code of Napoleon existed as a restatement of civil laws in the Kingdom of Poland until 1917, and continued its operation in Suvalki already in independent Lithuania in 1918-1940.

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(1) Заборовскій, К. Гражданское право Царства Польскаго. Выпускъ Первый. Санктпетербургъ: Въ Типографіи Втораго Отдѣленія Собственной Его Императорскаго Величества Канцеляріи, 1847., стр. 55-57.

(2) Пахманъ, С. Исторія кодификаціи гражданскаго права в двухъ томахъ. Томъ II. С.-Петербургъ: Въ Типографіи Втораго Отдѣленія Собственной Е. И. В. Канцеляріи, 1876., стр. 416-417.

(3) Рейнке, Н. Очеркъ законодательства Царства Польскаго (1807-1881 г.). Журналъ Министерства Юстиціи. Годъ седьмой. № 8. Октябрь 1901 г. С.-Петербургъ: Сенатская типографія, 1901., стр. 1-65 (see, in particular, p. 38-40 in terms of the 1818 law on hypotheque).

[90] See comment to Art. 1323-1334 of the Restatement of Local Laws of the Baltic Governorates (Vol. III): Буковскій, В. Сводъ гражданских узаконений Губерній Прибалтийскихъ съ продолженіем 1912-1914 гг. и с разъясненіями в двухъ томахъ. Томъ 1. Рига, 1914., at pp. 531 – 545.

[91] See the explanation of this legal institution in the judgment of the German Supreme Court: *Reichsgericht*, Urt. von 24. Juni 1887, Az.: Rep. III 63/67 (Rechtliche Natur des Erbpachtverhältnisses). Published in: Entscheidungen Reichsgerichts in Zivilsachen, Bd. 18, S. 252 – 256.

[92] Зомъ, Р., Проф. Институціи. Исторія и система римскаго гражданскаго права. (Часть 2. Система.) Выпускъ I: Общая часть и вещное право. Пер. 14 изд. под ред. Прив.-доц. А. Н. Бѣликова. Перевод Н. Кесслеръ. Сергіевъ Посадъ: Типографія И. И. Иванова, 1916., стр. 344-349.

[93] Bandkie Stężyński, J. W. Prawo Prywatne Polskie. Warszawa: w Drukarni Banku Polskiego, 1851., str. 258-264.

[94] Краснокутскій, В. Мѣстное гражданское право губерній Прибалтійскихъ и Привислянскихъ. Москва, 1910., стр. 13-14.

CHAPTER II

The court system of independent Lithuania in 1918-1940.

The court system which arose in the first year of the re-establishment of the Lithuanian State in 1918, reminded of the pre-revolutionary system in general terms. The court institutions, which were established during the German occupation (1915 – 1918), were closed down, and their cases had to be handled to the institutions, empowered so by the Ministry of Justice, as provided by Art. 1 of the Law of November 28, 1918 "*On provisional order of the judiciary and its work*", promulgated by the State Council (*Valstybes Taryba*), being one of the first-ever laws, adopted after the re-establishment of independent interwar Lithuania, and published in the official gazette "*Laikinosios Vyriausybės Žinios*" in early 1919 (Nr. 2/3, published on January 16, 1919)[95]. This law was known to be the first legal act to refer to the Supreme Court of Lithuania, officially known as *Vyriausiasis Tribunolas*[96] (if literally translated to English – *Supreme Tribunal*)[97]. The original system of the

[95] 1918 m. lapkričio 28 d. *Laikinasis Lietuvos teismų ir jų darbo sutvarkymas*. Published in: Laikinosios Vyriausybės Žinios. 1919. №. 2/3, p. 6-7.

[96] It is an interesting fact, that in Art. 67 of the Constitution of Lithuania (1922), the Supreme Court of Lithuania was named as "*Aukščiausiasis Teismas*" but not as "*Vyriausiasis Tribunolas*", which was the court's official name. See. 1922 m. rugpjučio 1 d. *Lietuvos Valstybės Konstitucija*. Published in: Vyriausybes Žinios. 1922. №. 100, Eil. 799, pp. 1–8., at p. 5. At the same time, the Supreme Tribunal in its judgment of February 4/10, 1925 explained, that it is the Supreme Court, which is referred to in the Constitution. See in detail: *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1925 m. vasario 4-10 d. Sprendimas. Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 10, pp. 17–28 / Additionally published in: Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 7 (Sausis – Birželis 1925). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1925., pp. 65–86.

[97] The name of the court derived from the Supreme Tribunal of the Grand Duchy of Lithuania, which was operating in 1581 – 1795. (in Lithuanian: *Lietuvos Didžiosios Kunigaikštystės Vyriausiasis Tribunolas*). On the history of the creation of the Supreme Tribunal of the Grand Duchy of Lithuania, see: Ясинскій, М. Очерки по исторіи судоустройства въ Литовско-Русскомъ государствѣ. Главный Литовскій Трибуналъ, его происхожденіе, организація и компетенція. Выпускъ первый. Происхожденіе Гл. Лит. Трибунала. Кіевъ: Типографія Н. А. Гиричъ, 1901., стр. 229-253.

judiciary, according to Article 3 of the Law, were administered by: 1) the Supreme Tribunal; 2) District courts (in Lithuanian: *Apygardos Teismas*); 3) Justices of the peace (in Lithuanian: *Taikos teisėjas*). It was assumed (at the time of the adoption of the law, the Supreme Tribunal had not yet begun its work) that the Tribunal would sit in Vilnius (Article 4 of the Law)[98], but due to the fact that as a result of the Polish-Lithuanian War, Vilnius was captured and occupied by the II Republic of Poland (*II Rzeczpospolita*) in 1920-1939, the Supreme Tribunal, throughout the existence of the First Republic, sat in Kaunas, which was considered the temporary capital of the Republic of Lithuania (officially, in the Lithuanian Constitutions of 1928 and 1938 always recognized Vilnius as the capital of Lithuania)[99]. According to Article 21 of the Law "*On provisional order of the judiciary and its work*", the Lithuanian Supreme Tribunal was given the role of an appellate instance for all cases originating from district courts. Article 22 of the Law assumed that the decisions of the Supreme Tribunal were final and not subject to appeal. Article 32 provided, that the Supreme Tribunal was the *appellate* (not cassation! – the Authors) court for the cases that were commenced before the district courts, and its decisions were not subject to appeal in cassation[100]. It is notable, that Art. 3 of the Law of November 28, 1918, gave an explicit formation of the judiciary, but far not all the courts, existing in Vilno and Kovno governorates of the Russian Empire prior to 1918, were preserved. For instance, the Vilno Court Chamber was closed down on December 24, 1917[101]. Albeit we have not found a precise reason of why an appellate instance for district courts was not re-established, and the Supreme Tribunal practically replaced an appellate, not a cassation court for these means, but one of such reasons may be a relatively little quantity of the employees engaged in the Ministry of Justice – according to Vl. Mačys (1922), there were only 835 employees in overall as of 1921; at the same time, the district courts were very active in receiving and reviewing appeals or hearing cases as first-tier courts – for instance, the Kaunas district

[98] *Ibidem*.
[99] 1928 m. gegužes 15 d. *Lietuvos Valstybės Konstitucija*. In: Vyriausybės Žinios. 1928. № 275, Eil. 1778., pp. 1–6, at p. 1 (§5); 1938 m. vasario 11 d. *Lietuvos Valstybės Konstitucija*. In: Vyriausybės Žinios. 1938. № 608, Eil. 4271, pp. 1–6., at p. 1 (§6).
[100] 1918 m. lapkričio 28 d. *Laikinasis Lietuvos teismų ir jų darbo sutvarkymas*. In: Laikinosios Vyriausybės Žinios. 1919. №. 2/3, p. 6-7.
[101] LCVA, 445. fondas (description).

court held and adjudicated 8.293 civil and criminal cases altogether[102]. By the amendments of April 15, 1921, the Law "*On the provisional order of the judiciary and its work*" was supplemented, and according to the new version of Article 2 of the Law, cassation appeals against the judgments handed down in appellate order by district courts were to be filed with the Supreme Tribunal[103]. In the mid-1920s, there were three district courts in Lithuania – they were located in Kaunas, Šiauliai and Marijampole, the Panevežis district court was proposed to be opened circa 1925, too[104]. As of 1923, the Kaunas and Šiauliai district courts had six circuits, Marijampole district court had four, and the district court in Panevežys was expected to have four circuits as well[105]. So, a three-tiered judicial system was organized in interwar Lithuania this way. The reader may notice, that there were no special courts, characteristic for the court system of the Russian Empire – the justices of the peace and the district courts, and apparently, the Supreme Tribunal were all courts of general jurisdiction. There was an exception – the formation of a military-field tribunal (*Karo teismas*), which was a criminal court for hearing military offences committed by servicemen, and the judges were army officials, as well; this court could be created not as a regular court, but by an order of the Commander-in-Chief, for hearing a case, or several cases, and there could be no appeal on this verdict[106] (later, such appeal was allowed to the Supreme Tribunal). This was a supplementary institution to the previously-founded regimental courts (*Pulko teismas*), established on February 13, 1919, which were criminal courts hearing all cases on servicemen offences[107]. These courts were superseded by the law of July 7, 1919, establishing a single Army Court (*Armijos Teismas*), with a

[102] Mačys, Vl. Teisingumo Ministerijos 1921 metų darbuotės apžvalga. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 2 (Balandis – Birželis). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1922., pp. 23-40.

[103] 1921 m. birželio 15 d. *Laikinojo Lietuvos teismų ir jų darbo sutvarkymo, civilinio ir baudžiamoji proceso įstatymų pakeitimas ir papildymas*. In: Vyriausybės Žinios. 1921. № 68, Eil. 607, pp. 1–2.

[104] Mačys, Vl. Civilinio proceso parskaitos. Kaunas: Teisių Fakulteto Leidinys, 1924., p. 44-45.

[105] Mačys, Vl. Teismų darbo palengvinimo ir sutvarkymo reikalu. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 4. 1922 m. Spalių m. – 1923. Kaunas: Leidžia Lietuvos Teisininkų draugija, 1923., p. 30-36.

[106] 1919 m. kovo mėn. 27 d. *Karo Teismo Įstatai*. Published in: Laikinosios Vyriausybės Žinios, Nr. 5 (1919 m. Balandžio 4 d., p. 4.

[107] 1919 m. vasario mėn. 13 d. *Pulko teismo įstatai*. Published in: Laikinosios Vyriausybės Žinios, Nr. 4 (1919 m. Kovo 27 d.), p. 3.

considerably more elaborate structure, also including a state advocate (*Valstybes Gynejas*) and providing a right to appeal to its decisions to the Supreme Tribunal (Art. 21-22), but only in cassation order[108]. These were, by far, the only courts of limited jurisdiction in interwar Lithuania. However, we could not trace precisely the extinction of the courts of limited jurisdiction, such as orphans' courts (as we have already mentioned, they existed in Vilno governorate since circa 1817 to 1917[109]). The legal institute of guardianship, which was apparently known in Roman law, was usually considered as a family matter in Ancient Rome, albeit in the later Empire period, a special guardianship judge position was subsistent, known as *Praetor tutelarius* (also spelt *Praetor tutelaris*, *iudex tutelarius* etc.)[110]. The Lithuanian Statute of 1588 (III Statute) had a detailed regulation of guardianship issues (Chapter VI, Art. 1-15), for instance, in terms of who may be a guardian (Art. 2); the representation of the ward in court (Art. 6, 7, 8, 15); a regulation on who may be a guardian, and what are his or her duties (Art. 2-3); on the use of ward's property (Art. 10-14), etc.[111], being thus one of the first legal monuments to regulate guardianship issues in so great detail. The system of guardianship in interwar Lithuania was, in general, not the same, as it used to be before the restoration of independence by the means of imperial orphan courts, and the system was not identical in different Lithuanian regions: in Kaunas and circuit, a district judge wa responsible for maintaining all the guardianship matters, such as the appointment of a guardian and the superintendence of his or her activity. In Suvalki, the system of a family council, which existed in the Kingdom of Poland under the French Code of Napoleon, continued its operation, which included a head (chief), a district judge and six members, usually the close relatives of the ward, which were acting under the provision of Art. 375 of the Code of Napoleon. V. K. Čepas, describing the system of guardianship in Suvalki, supported the system in overall, but outlined that due to the fact that Lithuanian district judges had more circuits than French ones, it

[108] 1919 m. liepos mėn. 7 d. *Laikinieji Armijos Teismo Įstatai*. Laikinosios Vyriausybės Žinios, Nr. 10 (1919 m. Rugpiūčio 7 d.), p. 5-6.
[109] LCVA, 743. Fondas, 1. Apyrašas (see description). According to it, the court closed down in 1917.
[110] Jörs, P. Untersuchungen zur Gerichtsverfassung der römischen Kaiserzeit. Leipzig / Tübingen: Verlag von J. C. B. Mohr (Paul Siebeek), 1892., S. 31-40.
[111] See: Статут Вялікага княства Літоўскага 1588 года: Тэксты. Давед. Камент. (гал. рэд. Шамякін І. П.). Мінск: Беларуская Савецкая Энцыклапедыя, 1989., стр. 407-409.

could take more time to reach the necessary place. The Suvalki family council (*Suvalkų šeimos taryba*) usually had its meetings circa 3-4 times a year for each guardianship cases; the French legacy of the institute of guardianship in Suvalki also presupposed the existence of a second guardian (Art. 389, etc.), which could control the first one, which generally positively viewed by Čepas. The Kaunas district presupposed a model based on Vol. X of the Restatement of Laws of the Russian Empire, where a district judge was the sole arbiter of the issues of guardianship, appointed the guardian and controlling his or her actions, the drawback of which was that the district judge was working in the system of general jurisdiction, thus reviewing lots of cases except guardianship and thus having no possibility to react quickly in guardianship-associated matters. Summing up, Čepas found, that a solution to engage a department of a district court for matters of guardianship would not be the best, as district courts usually were not close to the environment of the ward's living. According to his findings, the State Council (*Valstybės Taryba*) was working on a law on guardianship, where a guardianship court (*Globos teismas*) was proposed to be organized, as a supervisory body of a three-tier system: a guardian → a family council → a circuit court, thus having combined the two existing systems[112]. Albeit the establishment of a guardianship court, at first look, could induce the reader to think it was a return to the pre-revolutionary practice, but it was not so all, as the model was a considerably updated version of the XIX century practices, which existed either in the Vilno and Kovno governorates, or the Kingdom of Poland. The commercial (or trade) courts, which were known to exist in Russian Empire, did not exist either in Vilno and Kovno governorates, nor in interwar Lithuania at all; at the same time, the existence of commercial courts in Baltic governorates is doubtless: for instance, Krasnokutskiy reported on the work of commercial courts in Dorpat (now Tartu) and Reval (now Tallinn), which were established before the Court Reform of 1864[113]. In fact, there were certain varieties of commercial courts in the Baltic governorates: in Livonia, the commercial court was called *Wettgericht («ветгерихтъ»)*, which dealt with all kinds of trade-related cases – they existed in Riga, Mitava (now Jelgava), Libava (now Liepaja) and Goldingen (now Kuldiga); the commercial

[112] Čepas, V.-K. Globos organai. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 46 (Balandis – Birželis 1939). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1939., pp. 145-152.

[113] See more on the history of commercial courts in Russian Empire in: Краснокутскій, В. Русскій торговый процесс. Москва: Изданіе книжнаго магазина «Студенческое издательство», 1915., стр. 15-18.

courts in Reval had an even more diversified structure (which were, *inter alia*, among the other courts, listed in Art. 998, IV of the Restatements of Local Laws of the Baltic Governorates, Vol. I[114]): there was a distinct commercial (trade) court in Reval, which was named *Kommerzgericht*, as well as a trade-industrial court (*Wettgericht*, as it was named in Livonia); the Dorpat and Pernov (now Pärnu) the commercial court was included into the structure of the town court (magistrate); there also was a system of craft courts («*Amtsgericht», «цеховой судъ»*), which used to be separate courts in some towns, and in some other ones, these courts were functioning in the structure of other courts, i.e. magistrates; in Reval, there also was a *sea and freight court* (in legal and historical literature referred to as «*See- und Frachtgericht*»[115], «*Морскій и фрахтовый судъ*», «*фрахтовый судъ*», «*фрахтгерихтъ*»), which dealt with issues of sea transportation, an auction camera (named as «*Subhastations- und Auctions-Directorium*», «*Аукціонная камера*»), a court which dealt with public sale of immovable property, and also included a drink revenue court («*Getränckssteuergericht*», «*Судъ Питейнаго Сбора*»), thus hereby creating a considerable network of secular commercial (trade) courts in the Reval circuit[116]. The afore-mentioned system of trade courts in the Baltic Governorates became extinct until the late 1880s with the reform of local governments and the court system transformation in general; there were attempts to re-establish commercial courts in a shape, more close to all-imperial ones[117], but the solution of this question lied in the fashion of subjecting all

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[114] Provinzialrecht der Ostseegouvernments. Erster Theil. St. Petersburg: In der Buckdruckerei der Zweiten Abtheilung Seiner Kaiserlichen Majestät Eigener Kanzellei, 1845., S. 149 (*Zweiter Titel, Erstes Hauptstück*).

[115] See Art. 1120-1221; 1144-1147 of the Restatement of Local Laws of the Baltic Governorates, Vol. I. Provinzialrecht der Ostseegouvernments. Erster Theil. St. Petersburg: In der Buckdruckerei der Zweiten Abtheilung Seiner Kaiserlichen Majestät Eigener Kanzellei, 1845., S. 167, 170 (*Zweiter Titel, Erstes Hauptstück*). See additionally, in comparison: *Statutorum Rigensium*, Liber V. *Von See-Recht, etc.* Tit. III-IV. Published in: Der Stadt Riga Statuta und Rechte. Riga: Gedruckt von Wilhelm Ferdinand Häcker, 1868., S. 52-56.

[116] (Анонимно) Составъ и устройство городовъ въ Губерніяхъ Остзейскихъ. Журналъ Министерства Внутреннихъ Дѣлъ. 1843. Часть третья. Санктпетербургъ: въ Типографіи Министерства Внутреннихъ Дѣл, 1843., стр. 383-428 (see, in particular, at p. 416-418).

[117] See, for instance, a discussion on the necessity of establishing a commercial court in Riga in the journal "*Rigaer Handels-Archiv*": Errichtung eines Handelsgerichts in Riga.

trade cases to courts of general jurisdiction, but upon the condition of elaborating specific rules of procedure for trade cases[118]. We have not traced any signs of commercial courts in Vilno and Kovno governorates either in the first half of the XIX century, or in the later, or until 1917: in the late XIX century onward, the closest commercial court to these lands, upon our findings, was the Saint-Petersburg Commercial Court; henceforward, with no such courts of limited jurisdiction operating in the pre-revolutionary period, there was no doubts that commercial courts did not exist in interwar Lithuania, too, thus, the trade disputes were addressed to the courts of general jurisdiction. Summing up the roots of the system of the judiciary in interwar Lithuania in 1918-1933, we should outline, that albeit the pre-revolutionary system was not fully preserved, and actually was not intended to be preserved, the pre-revolutionary system remained the foundation of a legitimate system of the judiciary, which was demonstrated by court practice. The Law "On the acts done for the transfer of immovable property" (adopted on August 18, 1919), allowed to recognize civil-legal deeds, done during the time of war without notaries or witnesses, to be valid provided approved so by a decision of a justice of the peace, or a district court. In case the deed is recognized valid, then it should be registered in the hypotheque department of the court, or at the office of the chief notary (Art. 1-3)[119]. Interestingly, the text of the law did not precisely specify the timeline of the "time of the war" – it may be apparent, that it started on August 1, 1914 – we know this fact from history, but when did it *end*? The Supreme Tribunal, deciding upon a dispute on the validity of a sale agreement of immovable property, done in April 1919, found that the end date should not be understood as the historical date of the end of German-Russian War (April 23, 1919), but should embrace the entire time period before the promulgation of this law (civil cassation judgment no. 62 of 1924)[120]. In an another judgment from 1924, the Supreme Tribunal explains, that the timeline of the term "time of war" started from the beginning of the First World War in

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Rigaer Handels-Archiv. Vierzehnter Jahrgang. 1887. Heft I. Riga: Gedruckt in der Müllerschen Buchdruckerei, 1887., S. 213-218 (Nr. 79).

[118] Гасманъ, А. Судебная реформа въ Прибалтійскихъ губерніяхъ. Журналъ Министерства Юстиціи. Годъ двадцатый. № 9. Ноябрь 1914. Петроградъ: Сенатская Типографія, 1914., стр. 162-163.

[119] Įstatymas apie aktus, padarytus dėl nekilnojamo turto perleidimo. Published in: Laikinosios Vyriausybės Žinios. 1919, Nr. 11 (1919 m. Rugpjūčio 28 d.), p. 1.

[120] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. vasario 20 d. sprendimas № 62. Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys 1929. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, p. 55-56.

1914, the evacuation of Russian Empire's authorities from the region and before the establishment of notaries across Lithuania (civil cassation judgment no. 298 of 1924[121]. It could be presumed, that the civil-legal deeds, which were made during the period of 1914-1919, were created even in the times of occupation, but the validity of these deeds could be ascertained *only* by legitimate authorities, that is, by the notaries and the courts: for instance, in the judgment of June 10, 1925, the Supreme Tribunal, adjudicating a dispute on land ownership, declared a judgment of a German occupation district court to be void, not having any legal power whatsoever[122]. That means, that any occupational entity, its rulings or any other documents and acts, could not have any force, and so were the German courts and their judgments existing in the time of the occupation. The same position was stringently expressed earlier by the Senate of Latvia (*Latvijas Senāts*) in the case of the *Gertrudes Cathedral* of May 11, 1921[123]. What is next, speaking of the further development of the system of the judiciary in interwar Lithuania, the 1918-enacted system continued to operate until 1933, when the Law "*On the judiciary*" transformed the Justices of peace into Circuit courts (in Lithuanian: *Apylinkės teismas*) (Article 14), and an entirely new court was created – the Appellate Chamber (in Lithuanian: *Apeliaciniai Rūmai*), whose function was to hear civil and criminal cases on appeal, the judgments on which had been made by District courts in the first instance (Article 18)[124]. At the top of the judicial pyramid was the Supreme Tribunal (in the text of the law it was called *Vyriausiasis Tribunolas*), and it was the cassation instance for all the courts operating in the Republic of Lithuania (Articles 25-26)[125]. The Supreme Tribunal has encountered a variety of receipted legal systems in its practice. Much like the former Cassation Senate of the Russian Empire, as well as, for example, the

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[121] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. gruodžio 3 d. sprendimas № 298. Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys 1929. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, p. 181-182.

[122] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1925 m. birželio 10 d. sprendimas № 468. Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1925 metų. Kaunas, 1930, pp. 103 – 104.

[123] *Latvijas Senāts* (Administratīvā Departamenta), 1921 g. maija mēneša 11 dienā. Published in: Tieslietu Ministrijas Vēstnesis, № 9 | 10 (1923. g.). Rīga: Tieslietu Ministrijas Izdevums, 1923. (Latvijas Senāta Administratīvā Departamenta spriedumi (1921). "Tieslietu Ministrijas Vēstneša" Pielikums., Spriedums № 13, 19-22. lpp.

[124] 1933 m. liepos 11 d. *Teismų santvarkos įstatymas*. Published in: Vyriausybės Žinios. 1933 №. 419, Eil. 2900, pp. 1–26., see in detail on pp. 1–2.

[125] *Ibidem*.

Cassation Court of France (in French: *Cour de Cassation*), the Supreme Tribunal resolved cases on the principle of "pure" cassation, i.e. the Supreme Tribunal overturned the judgments and sentences of appellate courts that contained errors in the application of substantive and procedural law, and returned them for further reconsideration; if the appeal in cassation was rejected, the judgment of the lower-instance court remained unchanged. In Lithuanian and foreign legal literature, the practice of the Supreme Tribunal has practically not been covered to date. The authors of this article devoted two publications to the practice of the Supreme Tribunal – on its application of custom in inheritance cases (2023)[126], and also on the Tribunal's interpretation of the provisions of the 1922 Constitution in a number of judgments of the 1920s (2024)[127]. Another publication by the authors (2023) examines one of the cassation judgments of the Tribunal on the legal status of a church pew, used in a comparative analysis of similar cases in some states of the Romano-Germanic legal tradition[128].

[126] Machovenko, J., Lytvynenko, A. *Vyriausiojo Lietuvos tribunolo praktika taikant vietinius papročius valstiečių paveldėjimo bylose* = The jurisprudence of the Supreme Tribunal of the Lithuanian Republic in the application of local customs in peasantry inheritance cases // Teisė. Vilnius: Vilniaus universiteto leidykla, 2023. t. 126, pp. 8–20.

[127] Lytvynenko, A., Machovenko, J. *The interpretation of the norms of the 1922 Constitution of Lithuania by the Supreme Tribunal* // Bratislava Law Review. Bratislava: Comenius University Bratislava Faculty of Law, 2024, Vol. 8, № 2, pp. 177–198.

[128] Lytvynenko, A., Machovenko, J. *The legal status of church pews in certain civil law jurisdictions* // International Comparative Jurisprudence. Vilnius: Mykolo Romerio universitetas, 2023, Vol. 9, № 1, pp. 1–23.

CHAPTER III

The source of law in the practice of the Supreme Tribunal

III.1. Opinion of the Supreme Tribunal on Morals, Ethics, Customs and the Concept of the Rule of Law.

The Supreme Tribunal expressed its opinion on how the term "morals" should be understood. Thus, examining the disciplinary case of attorney L., the General Assembly of the Supreme Tribunal in its judgment of 22 February 1924 resolved the issue of the legality of the decision of the Council of Sworn Advocates of Lithuania (in Lithuanian: *Lietuvos Prisiekusiųjų Advokatų Taryba*) to deprive an attorney of the right to practice law for a period of one month. Attorney L., the plaintiff in the case, had prepared advertisements offering his services in Šiauliai, claiming that these were not actually leaflets, but business cards that he handed out to his acquaintances. The Council of Sworn Attorneys did not accept this explanation and decided to deprive attorney L. of the right to practice law for a period of one month. It should be noted that the law did not directly prohibit such advertisements. This is what L. asserted in his complaint to the Tribunal, and ethics, in his opinion, is a subjective concept and cannot be used as a criterion for disciplinary liability. The Supreme Tribunal notes the following: "*Human morality is subjective in nature. Its* [moral] *norms are developed and established by the person himself, therefore it is not subject to any control or sanctions from outside*...", however, in the opinion of the Tribunal, we are talking specifically about the norms of public morality that each class (including the Council of Sworn Advocates of Lithuania) can develop for itself, emphasizing that such norms can be both codified and uncodified, but they will be mandatory for members of the given community. Further, the Supreme Tribunal notes that any public association, both organized and unorganized in the form of a corporation, develops its own morality – be it professional, class, etc.; the Lithuanian Sworn Attorney Association (in Lithuanian: *Lietuvos Prisiekusiųjų advokatūra*), led by the Council, also develops standards for itself, and the Council, as an executive body, is competent to impose sanctions for violations of these standards. However, the Tribunal points out that since the Association operates as a corporate institution, the Supreme Tribunal cannot decide on the appropriateness and correctness of the application of the standards of professional ethics by the Association. The Supreme Tribunal concluded that if the Council of Sworn Advocates establishes that a particular standard of ethics

is valid and does not in any way contradict the functions of the given Association, the Tribunal will be satisfied. Speaking about the subject of the proceedings, namely, the leaflets, the Tribunal indicated that it was necessary to determine whether the standard of ethics prohibiting an advocate from publicly advertising his activities by means of announcements had been violated. The Supreme Tribunal found that the content of the leaflets was purely advertising, offering the services of attorney L., and upheld the decision of the Council of Sworn Advocates of Lithuania to impose a disciplinary fine on the plaintiff, concluding that the Council had not exceeded its authority in imposing this fine[129]. Concerning this judgment, it should be denoted that the Supreme Tribunal recognized the admissibility of the existence of unwritten rules of conduct for members of a certain public organization (in this case, attorneys), which could be characterized today as business etiquette. In fact, unwritten norms can also be compared to custom, the existence of which as a source of law the Supreme Tribunal fully confirms in civil cassation judgment №34 of February 1, 1924, considering it a substantive legal norm operating within the framework of what the law allows[130]. In another civil cassation judgment № 107 of January 31, 1927[131], in a dispute over a place in a Jewish synagogue, the Tribunal points out that if the customs of the community allow the inheritance of a place in a Jewish synagogue, then the said place, being, in essence, an

[129] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1924 m. vasario 22 d. nutarimas. In: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 5, pp. 8–10.

[130] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. vasario 1 d. sprendimas № 34. Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys 1929. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, p. 25–28. It should be denoted, that the Cassation Senate arrived to a similar conclusion in its judgment of December 12, 1878: *Кассаціонный Сенатъ* (Гражданскій Кассаціонный Департаментъ Правительствующаго Сената), рѣшеніе от 1878 г. декабря 12-го д. № 225. Published in: Рѣшенія Гражданскаго Кассаціоннаго Департамента Правительствующаго Сената. С-Петербургъ: Сенатская типографія, 1878., at pp. 809–812. However, in this judgment of the Tribunal as well as many other of it's cases on the application of custom, the references to the Senate's jurisprudence are not given.

[131] For a more detailed comment on this judgment, see the following publication of the article: Lytvynenko, A., Machovenko, J. The legal status of church pews in certain civil law jurisdictions // International Comparative Jurisprudence. Vilnius: Mykolo Romerio universitetas, 2023, Vol. 9, № 1, pp. 1-23, at pp. 3–5.

easement, can be lawfully inherited[132]. In the civil cassation judgment №743 of December 1, 1927, which is famous in Lithuanian legal literature[133], The Supreme Tribunal states the following: "*A rule of local custom, within the limits in which it is sanctioned by the legislator, is a valid rule and has binding force in the state.*"[134]. Customs also regulated some legal relations in the sphere of commercial law, for example, the payment of wages to an employee regardless of the form of the contract (including its actual existence in writing)[135], as well as compensation and payment of sick leaves[136], and turnover of issued bank checks[137]. However, the most substantial jurisprudential practice was formed on inheritance disputes (part 5 of Article 1184 of the Restatement of Laws, Vol. X p. 1[138]), which directly allowed the application of local custom in peasantry

[132] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1927 m. sausio 31 d. sprendimas № 107. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930., pp. 35–37.

[133] See comment in the article: Machovenko, J., Lytvynenko, A. *Vyriausiojo Lietuvos tribunolo praktika taikant vietinius papročius valstiečių paveldėjimo bylose* = The jurisprudence of the Supreme Tribunal of the Lithuanian Republic in the application of local customs in peasantry inheritance cases // Teisė. Vilnius: Vilniaus universiteto leidykla, 2023. t. 126, p. 8–20. at pp. 12–13.

[134] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1927 m. gruodžio 1 d. sprendimas № 743. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930., pp. 219–220.

[135] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1927 m. balandžio 7 d. sprendimas №. 341. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930., pp. 103–104.

[136] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1929 m. sausio 17 d. sprendimas №. 44. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1929 metų. Kaunas, 1931., p. 20.

[137] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1927 m. spalio 4 d. sprendimas № 600. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930., p. 167–169.

[138] Сводъ Законовъ Россійской Имперіи. Томъ Десятый, Часть 1-я. Изданіе 1900 г. / Сводъ Законовъ Гражданскихъ. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С.-Петербургъ, 1912., p. 105.

inheritance cases, to which the authors have dedicated a distinct publication[139]. Thus, the Supreme Tribunal considers the unwritten rules of business etiquette as a source of law, and the legal essence of the norms of business etiquette, according to the authors of the monograph, should be considered as a subspecies of customary law. It should be noted that by virtue of the Law adopted on December 2, 1921, on amendments to the civil codes in force in Lithuania, Part 5 of Article 1184 Vol. X, p. 1, which allowed a special order of inheritance among peasantry, was repealed[140], which allowed the application of custom, which led to the fact that the special order of inheritance among peasants could be applied only to legal relations that arose and lasted before April 20, 1922, when the said law came into force[141]. Since it is apparent, that over time such legal relationships became fewer and fewer, the use of custom as a source of law in inheritance disputes became less and less over the years. It is also known from the practice of the Supreme Tribunal that the court did not exclude the existence of quit-rent (in Lithuanian: *činšo teisė*), which is based on the perpetual lease of land plots, also having roots in customary law[142]. Next, in a civil dispute regarding the transfer of property (civil cassation judgment № 250 of September 13, 1926), the Tribunal refers to "*General*

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[139] Machovenko, J., Lytvynenko, A. *Vyriausiojo Lietuvos tribunolo praktika taikant vietinius papročius valstiečių paveldėjimo bylose* = The jurisprudence of the Supreme Tribunal of the Lithuanian Republic in the application of local customs in peasantry inheritance cases // Teisė. Vilnius: Vilniaus universiteto leidykla, 2023. t. 126, p. 8–20.

[140] 1921 m. gruodžio 2 d. *Civilinių įstatymų pakeitimas ir papildymas*. In: Vyriausybes Žinios. 1922. №. 85, Eil. 732, pp. 1–2.

[141] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1927 m. gegužes 23 d. sprendimas № 444. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930, pp. 119–120.

[142] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1926 m. gegužes 19 d. sprendimas № 175. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1926 metų. Kaunas, 1930, pp. 87–88. Concerning quit-rent in the Baltic Governorates, see the judgment of the Senate of 1900: *Кассаціонный Сенатъ* (Гражданскій Кассаціонный Департаментъ Правительствующаго Сената), рѣшеніе от 1900 г. апрѣля 19-го д. № 54. in: Рѣшенія Гражданскаго Кассаціоннаго Департамента Правительствующаго Сената. 1900. С-Петербургъ: Сенатская типографія, 1900., at pp. 186–188.; see also, Буковскій, В. Сводъ гражданских узаконений Губерній Прибалтийскихъ съ продолженіем 1912-1914 гг. и с разъясненіями в двухъ томахъ. Томъ 1. Рига, 1914., at pp. 531 – 545 (See comment to Art. 1323 – 1334).

Provisions on Peasants Emancipated from Serfdom" (1861)[143], and indicates that these norms of the "*General Provisions*" (note to Article 21) establish the sphere in which the custom can be applied – guardianship and inheritance, but it does not include the issue of transfer of property[144]. The Tribunal also did not rule out the application of the Lithuanian Statute – in civil cassation judgment № 829 of October 15, 1930, the Tribunal asserted that the lower court had no evidence that legal relations regarding the disputed land plot began after 1840 (when the Lithuanian Statute was abolished in the Western Governorates of the Russian Empire[145]), which means that after the abolition of the Lithuanian Statute, the right of quit-rent could not commence, since the norms of the Restatement of Laws, Vol. X, p. 1 prohibited the perpetual lease of land[146]. Thus, from here we can assume that in the event of legal relations arising before 1840, the norms of the Lithuanian Statute could be applied. Thus, the Cassation Senate in its decision № 83 of October 28, 1909 mentions that in the event that those legal relations in the lands where the Lithuanian Statute was previously in force began before 1840, the dispute should therefore be resolved on basis of the provisions of the Lithuanian Statute[147].

In later decisions, one can also find the Supreme Tribunal's interpretation of the concept of a "*rule of law*". Thus, in the civil cassation judgment № 227 of September 27, 1939, the Supreme Tribunal considered the

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[143] 1861 г. февраля 19 д. Высочайше утвержденное Общее Положеніе о крестьянахъ, вышедшихъ из крепостной зависимости. In: Полное собраніе законовъ Россійской имперіи. Томъ 36, № 36.657, at pp. 141–166.

[144] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1926 m. rupjučio 13 d. sprendimas № 250. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1926 metų. Kaunas, 1930., pp. 105–106.

[145] See the following sources:

(1) Janulaitis, A. *Kaip buvo panaikintas Lietuvos statutas*. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 52 (Gegužis – Birželis 1940). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1940., pp. 195–199.;

(2) Plateris, A. *Lietuvos Statuto panaikinimo 100 metų sukaktis*. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 52 (Gegužis – Birželis 1940). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1940., pp. 218–226.

[146] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1930 m. spalio 15 d. sprendimas № 829. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1930 metų. Kaunas, 1932., pp. 172–173.

[147] *Правительствующий Сенатъ* (Гражданскій Кассаціонный Департаментъ Правительствующаго Сената), рѣшеніе от 1909 года октября 28-го д. № 83. In: Рѣшенія Гражданскаго Кассаціоннаго Департамента Правительствующаго Сената. 1909. С-Петербургъ: Сенатская типографія, 1910., at pp. 324–330.

complaint of school teacher E.K., who was litigating for the right to receive an equivalent family allowance equal to the cost of an apartment, electricity and fuel. The given administrative proceedings[148] included an appeal against the decision of Taurage County Headman, and the following decision of the Minister of Internal Affairs, after which the case was heard by the Tribunal. The plaintiff claimed that there was a violation of the "*Rules for providing fuel to primary schools and teachers*"[149] (Art. 3 and 4), as well as Art. 1 of the "*Rules for an equivalent money payment for teachers of primary schools*"[150], according to which teachers are divided into those who have a family and those who do not, and Article 3 of the rules prescribes that if a teacher has a child living with them whom they support, then they should be considered as having a family; the plaintiff was married and had a two-year-old daughter. The Tribunal notes that, based on the facts of the case, the plaintiff had every right to the allowance, or its equivalent in money, and the fact that her husband was the manager of 30 hectares of land was irrelevant, since these rules did not mention such a category at all. The Tribunal further claimed that Lithuanian legislation does not make the salaries of civil servants or municipal employees dependent on the fact that their relatives have income or property. The Tribunal also criticized the statement of the Minister of the Interior that the municipality can itself decide the issue of whether a teacher supports a family, and, if

[148] (1) The case was considered by the Department of Civil Cases of the Supreme Tribunal (in Lithuanian – *Civilinis Skyrius*), since there was no structural department for hearing administrative cases in 1918-1940, despite there were several attempts to establish a highest administrative court in the 1930s. See in more detail: Lytvynenko, A., Machovenko, J. The interpretation of the norms of the 1922 Constitution of Lithuania by the Supreme Tribunal // Bratislava Law Review. Bratislava: Comenius University Bratislava Faculty of Law, 2024., vol. 8, №. 2, pp. 177-198., see at pp. 180-184. What is more, according to Art. 12 of the Law "*On the judiciary*" (1933), there were three departments in the Supreme Tribunal – the Department of Civil Cases, the Department of Criminal Cases, and the Department of Cases from Klaipeda region. See. 1933 m. liepos 11 d. *Teismų santvarkos įstatymas*. In: Vyriausybės Žinios. 1933 №. 419, Eil. 2900, pp. 1-26.
(2) Beginning from the promulgation of the Law "*On the judiciary*" in 1933, the Supreme Tribunal became the highest judicial authority in administrative cases, originating from Klaipeda region (Art. 22 (2) of the Law. See. 1933 m. liepos 11 d. *Teismų santvarkos įstatymas*. In: Vyriausybės Žinios. 1933 №. 419, Eil. 2900, pp. 1-26.
[149] 1939 m. sausio 1. d. *Pradžios mokykloms ir mokyto jams kuru aprūpinti taisyklių*. In: Vyriausybės Žinios. 1938. №. 629, Eil. 4509, pp. 595–597.
[150] 1939 m. sausio 1. d. *Pradžios mokyklų mokytojams ekvivalento pinigais*. In: Vyriausybės Žinios. 1938. №. 629, Eil. 4510, p. 597.

necessary, can set higher prices for housing, fuel or electricity. This, in the opinion of the Tribunal, "…*cannot be considered justified in a state governed by the rule of law, since discretion cannot be applied when determining the rights of a state or municipal employee to receive a certain salary; in a state governed by the rule of law, the application of laws or regulations to "resolve" a specific issue means drawing a logical conclusion based on the facts of the case and the law*" (emphasis by the authors). The Tribunal further rejected the arguments of the Headman and the Minister that her husband was a "manager of 30 hectares of land", due to which the plaintiff should have been given an allowance as a teacher "without a family" (since she does not support her daughter, who lives with her), noting that such a statement does not correspond to either the well-known facts of life about the care of mothers for small children, or to Articles 172 and 106-2[151] of the Restatement of Laws, Vol. X, p. 1, according to which the wife must contribute to the costs of maintaining the family, and that both parents must raise and support the children. Thus, the Tribunal overturned the decision of the Minister of Internal Affairs, remanding the case back to him for a new hearing[152]. Already in the XXI century, the Constitutional Court of Lithuania in its judgment of December 13, 2004 developed the concept of the state governed by the rule of law:

"*...The essence of the constitutional principle of a state governed by the rule of law is the supremacy of law. The constitutional imperative of the supremacy of law means that the freedom of state power is limited by the law, to which all subjects of legal relations, including subjects of legislative power, are obliged to obey. It should be emphasized that the discretion of all legislative bodies is limited by the supreme law - the Constitution. All legal*

[151] This provision was promulgated not in 1864, but in independent Lithuania on April 20, 1922. 1922 m. balandžio 20 d.
Civilinių įstatymų pakeitimas ir papildymas. In: Vyriausybės Žinios. 1922, №. 85, Eil. 732, pp. 1–2. This provision proceeds as follows: "*The wife is obliged to participate in overall expenditures for the maintenance of the family in accordance with her property and the property of her husband, and even fully cover them, in case the husband has no property and no possibility to earn*".

[152] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1939 m. rugsejo 27 d. sprendimas № 227. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimai: "Teisės" №. 49 priedas III (3). Kaunas, 1939., Byla № 74, pp. 109–110.

acts, decisions of all state and municipal institutions and officials must comply with the Constitution and not contradict it." [153]

[153] *Lietuvos Respublikos Konstitucinis Teismas*, 2004 m. gruodžio 13 d., Byla № 51/01-26/02-19/03-22/03-26/03-27/03.

III.2. Doctrine and judgments of the Russian Empire's Governing Senate

In some of the judgments of the Supreme Tribunal, references to scientific literature can be found, which were used as sources of law. For example, when considering the question of what was meant in the text of the Klaipėda Convention (1925)[154] on "*legitimate business*", a term which was ambiguously presented in the English and French versions of the text of the Convention, the Tribunal, referring to the Commentary on the Klaipėda Convention by J. Robinzonas (published in 1934)[155] claims that in case of doubt the French text will prevail, since all the draft Conventions were written in French, and the English texts are only translations[156]. In the civil cassation judgment № 473 of December 13, 1926, plaintiff referred to the book by K. Abramovich (in the Lithuanian transliteration the surname is rendered as *Abramavičius*) "*On Peasant Easements*" (1895)[157], and the Tribunal did not reject the complainant's right to rely on the doctrine, but at the same time, the court did not agree that the application of the *Restatement of Local Laws of the Baltic Governorates*[158] may be admissible on the territory that was previously part of the Kovno Governorate[159]. In the judgment of 24 March 1936, issued by the Department of Criminal Cases of the Supreme Tribunal, there was a dispute about the extraterritoriality of a crime allegedly committed by a Lithuanian embassy employee abroad – the prosecution claimed that the embassy premises

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[154] 1924 m. gegužės 8 d. *Klaipėdos krašto konvencija*, In: Vyriausybės Žinios. 1924. № 169, Eil. 1778, pp. 1–6.

[155] Robinzonas, J. *Klaipėdos krašto konvencijos komentaras*. Tomas I. Kaunas, 1934., p. 239.

[156] *Vyriausiasis Tribunolas* (Klaipėdos Kraštos Skyrius), 1935 m. kovo 12 d. sprendimas. In: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 34. priedas XII (12). Kaunas, 1936., Byla №. 317, pp. 328–330.

[157] Абрамовичъ, К. О крестьянскихъ сервитутахъ въ губерніяхъ Западныхъ, Прибалтійскихъ и Царства Польскаго. С.-Петербургъ: Типографія М. Меркушева, 1895.

[158] Сводъ Местныхъ Узаконеній Губерній Остзейскихъ. Часть Третія. Законы Гражданскіе. Санктпетербургъ: въ Типографіи Втораго Отдѣленія Собственной Е.И.В. Канцеляріи, 1864.

[159] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1926 m. gruodžio 13 d. sprendimas № 473. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930., pp. 192–195.

did not have the right of extraterritoriality, to which the Tribunal noted that this was not in accordance with international law, and added, referring to the work of the German legal scholar F. von Liszt "*Das Völkerrecht*" (published in 1898 and later)[160], that the personal belongings of the envoy and the mission also enjoy inviolability, and that extraterritorial rights belong to the official staff of the mission, such as secretaries and clerks[161]. What is more, in the judgment of 18 February 1935, the Supreme Tribunal (Department of cases from Klaipėda region), considering the dispute over elections in the Klaipėda region, points out the need to take into account the independence of administrative and judicial authorities in their relations with each other. Referring to the book by the German administrative law scholar W. Jellinek[162], the Tribunal says that administrative authorities and courts must recognize each other's acts and accept them as the basis for their decisions, even if they are convinced that the authority has issued the act without taking into account the factual and legal situation[163]. It can be concluded from the previously mentioned, that, although the doctrine was used rather infrequently in the decisions of the Supreme Tribunal, it was a strong source of law for it.

The Supreme Tribunal's assessment of the judicial practice of the Governing Senate of the Russian Empire (i.e. the Cassation Senate) is quite ambiguous. For example, in the civil cassation judgment № 498 of September 17, 1928, the Tribunal states that the Senate's decisions do not have precedent force in Lithuania, and the reasons for these decisions are the opinions of an expert lawyer. At the same time, the Supreme Tribunal emphasizes that Lithuanian judges can use them in case this opinion interests them, and if, when interpreting the law in force in Lithuania it meets the imperative of the law. According to the Tribunal's view, the Senate's decisions do not have any other

[160] Liszt, von F. *Das Völkerrecht*. Berlin: Verlag von O. Haering, 1898.

[161] *Vyriausiasis Tribunolas* (Baudžiamasis Skyrius), 1936 m. kovo 24 d. sprendimas. In: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 35 Priedas XIII (13). Kaunas, 1936., Byla № 276, pp. 530–532.

[162] Jellinek, W. Verwaltungsrecht. (Enzyklopädie der Rechts- und Staatswissenschaft / Abteilung Rechtswissenschaft, 25). Berlin: Julius Springer, 1929.

[163] *Vyriausiasis Tribunolas* (Klaipėdos Kraštos Skyrius), 1935 m. vasario 18 d. sprendimas. In: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : "Teisės" priedas № VI (6). Kaunas, 1935., Byla № 131, pp. 240–243.

meaning[164]. It follows that, on the one hand, both the parties to the proceedings and the judges are not deprived of the right to use the reasoning of the Senate's judgments, but on the other hand, these judgments do not have guiding force in Lithuania. In the civil cassation judgment № 262a of 15 September 1926, the Tribunal, considering the appeal in cassation, mentions that the District court, when making a judgment on this case, referred to an unnamed judgment of the Senate, while interpreting the direct text of the law and applying it, therefore it cannot be said that the District court decided the case on the basis of the decision of the Senate, and not the law, adding that citing the decision of the Senate is permissible[165]. In some other cases, the Supreme Tribunal has been quite critical of the Senate's jurisprudence: thus, in the decision of the General Assembly of the Supreme Tribunal of 23 March 1928, the court states that, in accordance with Article 2 of the Provisional Procedure of the Judiciary, the laws adopted before the World War I continued to operate in Lithuania, but in the form they were, and not as they were interpreted by the Senate[166]. In the civil cassation judgment № 738 of December 20, 1928, the Tribunal, rejecting the cassation claims based on the decisions of the Senate, indicates that these decisions are not valid for the Lithuanian court in accordance with Article 813 of the Statute of Civil Procedure[167]. From the above, it can be concluded that the Senate's practice was not a reliable source of the legal position of one of the parties in civil proceedings. However, there were cases when the decisions of the Senate were taken into account. Such was the judgment of the Supreme Tribunal № 468 of November 30, 1925. The plaintiff in this case once provided a loan to the Kaunas City Government, which the defendant did not repay – the parties had already litigated for this in 1924 – then the Kaunas District court ruled to collect 477,130 litas from the defendant in favor of the plaintiff. In

[164] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1928 m. rugsejo 17 d. sprendimas № 498. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1928 metų. Kaunas, 1931., pp. 153–156.

[165] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1926 m. rugsejo 15 d. nutarimas № 262a. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1926 metų. Kaunas, 1930., pp. 107–108.

[166] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas) 1928 m. kovo 23 d. nutarymas. In: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 65, pp. 104–106.

[167] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1928 gruodžio 20 d. sprendimas № 738. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1926 metų. Kaunas, 1930., pp. 215–216.

1925, the Kaunas District court recognized the city as a debtor, but at the same time, upon the complaint of the defendant, recognized the actions of bailiff D. (who undertook to describe the real estate of the city of Kaunas) as illicit, which were carried out in terms of collection in the general manner. The plaintiff appealed this decision. The plaintiff argued that the norm of Art. 1296 of the Statute of Civil Procedure does not apply to the execution of court judgments against the local city governments, since the rights of the municipality (note 2 to Article 1282 of the Statute of Civil Procedure) do not extend to the rights of state institutions, since it only speaks of the right of the municipality to be a plaintiff and defendant in court, without mentioning the special procedure for the execution of judgments against the treasury (Article 1296). However, these provisions, as the Tribunal notes, are placed in one section of the Statute (Book III, Chapter I), which establishes a special procedure for conducting treasury affairs – from the commencement of lawsuits to execution of court judgments. The Tribunal points out that note 2 to Article 1282 establishes the right of city municipalities to initiate lawsuits and be a defendant in court in the procedure established for treasury institutions, which means the procedure arising from Chapter I and, therefore, also concerning the execution of these court judgments. The plaintiff's representative then referred to the judgments of the General Assembly of the First and Cassation Departments of the Senate (№ 11 of 1880 and № 12 of 1890) concerning the issue of the procedure for collecting monetary amounts in lawsuits against zemstvo and city councils, which the Tribunal comments on as follows: according to Article 2 of the Law "*On the temporary procedure of the judiciary and its work*", the laws that existed in the Russian Empire before the World War I are in force in Lithuania, therefore, the courts of Lithuania are obliged to be guided only by these laws, but not by the decisions of the Senate. However, the Supreme Tribunal paid due attention to these judgments. In order for the reader to understand what is being discussed, we will briefly outline the essence of these judgments of the Senate.

It is evident from the judgment of the General Assembly of the First and the Cassation Departments of the Senate № 11 for 1880 that the Minister of Justice raised for consideration by the Senate the issue of the procedure for collecting money from zemstvo councils for claims that the council had lost as a defendant in court. Thus, the case began with the fact that in 1874 two gentlemen demanded that a fairly large sum be collected from the zemstvo council in connection with a judgment of the district court in their favor. The court summons brought by the bailiff stated that if the amount was not paid within four days, then an inventory of the movable property of the council would be started. It should be noted here, that the legislation of the Russian

Empire in force at that time, in particular the Statute of Civil Procedure, did not provide an answer to the question of the procedure for collecting money from zemstvo councils for lawsuits. Therefore, the Senate had to establish such a rule by creating a legal precedent. First of all, the Senate points out that foreclosure on real estate from the zemstvo will be impossible, since such actions may lead to the impossibility of their fulfilling the functions assigned to them by law. Therefore, the Senate finds that replenishment of foreclosures from the zemstvo is possible only from its monetary funds, current fees and income, and what is important; such expenses must be included in the zemstvo estimate. The Senate promulgates the following rules in the issue being resolved:

1) if the zemstvo council is presented with a writ of execution, then the monetary penalties must be immediately replenished from the cash sums, if such were included in the estimate, or were indicated in the resolution of the zemstvo assembly;

2) if the zemstvo assembly has not issued an order on this matter, then it will be necessary to request permission from the assembly at its first convocation;

3) when drawing up an estimate, in the event of a lawsuit against the zemstvo, it is necessary to foresee the possible amount of the penalty or include the possible amount of the penalty in the draft estimate, or request such authority from the zemstvo assembly. The Senate further indicates that it is the duty of the zemstvo assemblies to resolve the submissions of the zemstvo administrations on the very first day of the convocation of the assembly indicating the amounts to satisfy such a collection, and the governor is to oversee the fulfillment of the above-mentioned duties[168].

Thus, in 1882, this judgment was codified in the Statute of Civil Procedure in Article 935, and in 1890, the General Assembly of the First and Cassation Departments of the Senate in its decision № 12 decided that the procedure specified in the above-mentioned decision of 1880 also applies to the collection of funds from city public administrations[169]. The Supreme Tribunal

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[168] *Правительствующий Сенатъ* (Общее Собраніе Перваго и Кассаціонныхъ Департаментовъ) рѣшеніе от 1880 года марта 3-го д. № 11. In: Полный сводъ рѣшеній Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ и Кассаціонныхъ Департаментовъ Правительствующаго Сената. За 1878–1885 гг. Изданіе Л. М. Ротенберга. Екатеринославъ: Типографія М. С. Копылова. 1909., pp. 279–286.

[169] *Правительствующий Сенатъ* (Общее Собраніе Перваго и Кассаціонныхъ Департаментов) рѣшеніе от 1890 года апрѣля 9-го д. № 12. In: Полный сводъ

commented on these judgments as follows: the 1880 Senate judgment was codified in the Statute of Civil Procedure, therefore these rules are in demand in Lithuania. As for the 1890 judgment, the court notes that since the Senate previously explained that the above-mentioned collection procedure is applicable to city municipalities, there are grounds to refer to this case. The Tribunal notes that both of these Senate judgments were adopted before the amendments to Article 1282 were made in 1892, when the city municipality was given the status of a state institution. In addition, the Tribunal concludes that even when the amendments were not made, the Senate had already concluded that a special collection procedure was necessary, and, moreover, there are grounds to apply this procedure now (Article 935 and note to Article 1282 of the Statute of Civil Procedure). Thus, in the opinion of the Tribunal, all objections of the plaintiff's representative only confirm that in the given situation a special procedure for recovery should be applied. The Supreme Tribunal decided to dismiss the plaintiff's complaint[170].

The issue of the application of the Senate practice was also under consideration by the General Assembly of the Supreme Tribunal on March 23, 1928, in which the Tribunal responded to the question of the Ministry of Justice, which sounded as follows: "*Do volost elders*[171] *have the right to receive remuneration for the execution of judgments of justices of the peace in general, and for the sealing of the inheritance of deceased persons in particular (which are imposed on them in accordance with Articles 158 and 1688)* [of the Statute of Civil Procedure]? The Tribunal explains that there are general provisions[172] (Art. 158 of the Statute of Civil Procedure), and there are special ones: in Lithuania they act like this – some on this side of the Neman, while the others

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рѣшеній Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ и Кассаціонныхъ Департаментовъ Правительствующаго Сената. За 1886–1896 гг. Изданіе Л. М. Ротенберга. Екатеринославъ: Типографія М. С. Копылова. 1909., pp. 273–274.

[170] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1925 m. lapkričio 30 d. nutarimas № 468. Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1925 metų. Kaunas, 1930, pp. 182–185.

[171] In the original language, the term "*Viršaitis*" was used: this term was used in interwar Lithuania to refer an elected position of a volost elder, which was initially elected for 2 years (7 by the mid 1930s).

[172] Art. 158: "*The judgments of the Justice of the peace are executed either by local police officers, or by heads of parishes and elders, or by certain bailiffs*."

– on the other side. In the first case, one should understand Article 1403[173], in addition, Articles 60, 61, 63 of the Institution of Judicial Establishments[174], which provide for the right of a justice of the peace to appoint police officers in addition to bailiffs when it is not enough, must also be applied. In the second case, one should understand Article 1688 of the Statute of Civil Procedure[175]. The Tribunal notes that the provisions of the Institution of Judicial Establishments provide for payment for the work of bailiffs and police officers, but they do not contain anything about the amount of remuneration for the performance of a certain work by a volost elder. The Tribunal explains that the legislator intended to entrust the performance of property protection to either a bailiff or his deputy – a police officer, but did not intend to entrust this work to the volost elder, so the remuneration was prescribed only for them. Based on the texts of the norms, this work must be paid separately, since both police officers and bailiffs receive a salary for performing their duties. It follows that this work cannot be done free of charge, and therefore, based on the provisions of Articles 158 and 1688 of the Statute of Civil Procedure, it turns out that the volost elder must also receive remuneration. The Tribunal further mentions that the General Assembly of the First and Cassation Departments of the Governing Senate in its judgment № 9 of 1889 had interpreted a similar issue in a different way. Let us consider what was in this judgment of the Senate. It is clear from this case that the plaintiffs from the Kielce Governorate appealed against the collection of money from them for the description by the gmina voigt (elder) for drawing up an inventory of the property of the deceased (most likely their relative), believing that the law did not provide for remuneration for his work, despite the fact that the lower courts had rejected the appeal. The case reached the Senate, whose opinion diverged from the current decisions of the Supreme Tribunal. The Senate states that the preparation of the inventory (Articles 1688 and 1724 of the Statute of Civil Procedure) is the responsibility of the bailiff, or the person replacing him, or the gmina voigt; Articles 63 and 310 of the Institution of Judicial Establishments state that persons performing the duties

[173] Art. 1403: "*The justice of the peace shall instruct a certain bailiff to describe, seal and preserve the property of a deceased person*."

[174] See. Учрежденіе Судебныхъ Установленій // Судебные уставы Императора Александра II с разъясненіем ихъ по рѣшеніямъ Кассаціонныхъ Департаментов Правительствующаго Сената. Второе и дополненное изданіе. С-Петербургъ: Типографія И. П. Анисимова, 1886., at p. 24.

[175] Art. 1688: "*The property of a deceased person is sealed by a certain bailiff or a person replacing him, or by the head of the community (village)*".

of bailiffs receive remuneration for their performance. *Does this mean that the commune voigt will also receive remuneration for his work*? The Senate finds that this is not the case, since under Article 1688 the commune mayor cannot be considered a substitute for the bailiff (only police officers can do this), but is placed on an equal footing with them, and they draw up inventories not as substitutes for the bailiffs, but as individuals who are responsible for this duty themselves. The Senate refers to the Supreme Decree of June 30 (July 12), 1866, according to which the gmina voigts were charged with the function of protecting the inheritance of peasants and, to some extent, other rural residents, and it was assumed that they would do this free of charge. Therefore, the Senate finds that the remuneration due for drawing up an inventory of property can only be paid to police officers, but not to gmina voigts[176]. However, the Tribunal does not consider this interpretation of the Senate. The court also reiterates that according to Article 2 of the Law "*On provisional order of the judiciary and its work*"[177], the pre-war legislation is acting in Lithuania, but it is acting in the shape it is, but not as interpreted by the Senate. Moreover, as denoted by the Tribunal, the consideration of the Senate on the mentioned obligation of the gmina voigt (and appropriately, in Lithuania it is the volost elder), does not correspond with the Law "*On municipal self-government*", which was adopted and promulgated in independent Lithuania[178], which does not assign the volost elder any obligations in terms of guardianships for orphans. Hence, the Supreme Tribunal admits, that the volost elder has a right to remuneration for the work on compiling an inventory description of the deceased person's property, adopting a position opposite to the Senate's ruling[179].

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[176] *Правительствующий Сенатъ* (Общее Собраніе Перваго и Кассаціонныхъ Департаментов), рѣшеніе № 9 от 1889 года марта 6-го д.. Published in: Полный сводъ рѣшеній Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ и Кассаціонныхъ Департаментовъ Правительствующаго Сената. За 1886–1896 гг. Изданіе Л. М. Ротенберга. Екатеринославъ: Типографія М. С. Копылова. 1909., at p. 196.

[177] 1918 m. lapkričio 28 d. *Laikinasis Lietuvos teismų ir jų darbo sutvarkymas*. Published in: Laikinosios Vyriausybės Žinios. 1919. №. 2/3, p. 6

[178] Herein, the court adhers to the Law "On municipal self-government of 1919 (1919 m. spalio 10 d. *Savivaldybių įstatymas*. Published in: Laikinosios Vyriausybės Žinios 1919, №. 14, pp. 1–8), and its 1924 edition (1924 m. liepos 29 d. *Savivaldybių įstatymo pakeitimas*. Published in: Vyriausybės Žinios 1924, №. 168, Eil. 1177, pp. 1–2)

[179] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1928 m. kovo 23 d. nutarymas. Published in:: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų

There have been cases where the Senate's case law in criminal cases has been cited. Thus, in the judgment of the General Assembly of the Supreme Tribunal of June 10, 1937, the judicial investigator B. complained about his dismissal during the proceedings in the case of a physician and a paramedic, which, in his opinion, was decided unfairly; in addition, the plaintiff claimed that the Minister of Justice A. Žilinskas dismissed the investigator, wanting the doctor to avoid liability, and allegedly influenced the judges of the Marijampole District court so that the judges would decide the case unfairly. However, the court notes that it follows from the case materials that the plaintiff was dismissed in 1930, two years before the decision was made in the case, which was continued with other investigators, and the plaintiff could be considered a victim only by virtue of his dismissal from his official position, since a civil action for damages and losses must be brought based on the actions of the accused and not others, and the decision in the case of the aforementioned doctor cannot in any way be connected with the dismissal of the plaintiff, and in connection with this decision, he could not suffer losses resulting from the dismissal. Then there was a trial against the judges, where they were accused of an unfair decision in the case of the doctor, and the Tribunal determines that the plaintiff cannot be considered an injured party in this process, and accordingly, he cannot file a civil action for damages for the harm caused. The court further notes that in the case on the charge of one of the judges who made the decision in the case of the doctor, the plaintiff could be considered a victim, based on Article 670 of the Statute of Criminal Procedure[180], however, since neither the prosecutors, nor the Appellate Chamber, nor the Supreme Tribunal, which had also heard the case earlier, found any evidence of a crime in the actions of this judge, the plaintiff was left with nothing. In addition, the Supreme Tribunal points out that a private complaint by an injured party regarding the commission of a criminal offence (i.e. the procedure for a private

nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 65, p. 104–106.

[180] Судебные уставы 20 ноября 1864 г. съ изложеніемъ разсужденій, на коихъ они основаны. Ч. 2. / Уставъ Уголовнаго Судопроизводства. Санктпетербургъ: въ Типографіи Втораго Отдѣленія Собственной Е. И. В. Канцеляріи., 1867. See, in addition: Уставъ Уголовнаго Судопроизводства. Изданіе 1892 года, исправленное и дополненное по сводному продолженію 1912 года, закону 15 іюня 1912 года и позднѣйшимъ узаконеніямъ, съ алфавитно-предметнымъ указателемъ / Сост. А. М. Нюренбергъ. Москва: Изданіе юридическаго книжнаго магазина "Правовѣденіе", И. Н. Голубева, 1914.

prosecution) cannot be filed by an official (for example, insulting an official) when this official is no longer such due to the fact that he or she is no longer in public service[181]. In this conclusion, the Tribunal refers to the Senate's (Criminal Cassation Department) criminal cassation judgment № 18 of 1893. Let us consider the main points of this case. A police inspector, M., verbally insulted the head of the local Jewish primary school, Sh., at the post office, to which the latter filed a private complaint. In response, M. filed a private complaint against him for the same reason, claiming that Sh. had insulted him while M. was performing his official duties. M. was sentenced to four months in prison by the District court; the trial chamber confirmed the sentence, but the Senate overturned it. An important point in the case is that shortly after the altercation, M. resigned from service and was no longer an official. Thus, the Senate notes that the right to file a private complaint in such cases belongs only to the insulted official himself, and as long as he remains in his position, during the performance or in connection with the performance of which he was insulted, and granting the right to commence such cases to persons no longer in the civil service, and accordingly, no longer holding the position during the performance of which they were insulted, would be inconsistent with para. 2 of Article 297 of the Statute of Criminal Procedure, and it could not be said that such a complaint would be initiated in the interests of the authorities to protect their dignity, but on the contrary, in the opinion of the Senate, could undermine this authority. Thus, based on these motives, the Senate decided to overturn the sentences of the lower courts[182]. Returning to the decision of the Supreme Tribunal, taking into account the above, the court finds that the official who left the service after the insult was caused can no longer bring charges or complain about the decisions taken by the authorities, and can only inform them about it. The same applies to the reasoning part of the decision of the Marijampolė District court (where it was mentioned that the investigator, i.e. the plaintiff, conducted the investigation in bad faith), when the plaintiff left the office, he

[181] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1937 m. birželio 10 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 35 Priedas XVIII (18). Kaunas, 1937., Byla № 136, pp. 244–247.

[182] *Кассаціонный Сенатъ* (Уголовный Кассаціонный Департаментъ Правительствующаго Сената), рѣшеніе от 1893 года мая 4 д. № 18. Published in: Рѣшенія Уголовнаго Кассаціоннаго Департамента Правительствующаго Сената. 1893. С.-Петербургъ: Типографія Правительствующаго Сената, 1894., at pp. 61–64.

no longer had the right to complain about such insults (if they can be called such). In addition, the court notes that there is no evidence in the case of A. Žilinskas' influence on the judges of the district court (as previously claimed by the plaintiff), or that the judges of the District court confirmed the accusations against the plaintiff. The Tribunal points out that since no elements of a crime were found in the activities of the judges of the Marijampolė District court in the case of doctor B., then the question of any participation of A. Žilinskas should be removed. The Court adds that the plaintiff could have complained about his dismissal from the position of an investigator, but in an administrative manner, since the fact of his dismissal is not related to the case of the judges of the Marijampolė District Court. Therefore, the Tribunal decided to reject the plaintiff's complaint[183].

Thus, it can be concluded that the practice of the Governing Senate was not considered a reliable source of law in the practice of the Supreme Tribunal: even though it could formally be used, the decisions of the Senate (the General Assembly, or the cassation departments) did not have guiding force for Lithuanian courts. Quite indicative is the explanation of the Tribunal in the civil cassation judgment № 468 of November 30, 1925, in which the court speaks of the reception of laws, not the judgment of the Senate. But on the other hand, the judgments of the Senate were still cited in the criminal cassation judgments of the Supreme Tribunal. At the same time, the reason for the Tribunal's rejection of the Senate practice in civil cases is not known for certain. According to the authors, this may be connected with the desire to quickly forget about the "monarchical" past, even despite the reception of the law, which was obviously a compelled step, as well as with the desire of the courts to develop their own law enforcement practice, in which the role of the Tribunal, naturally, was central.

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[183] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1937 m. birželio 10 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 35 Priedas XVIII (18). Kaunas, 1937., Byla № 136, pp. 244–247.

III.3. The opinion of the Supreme Tribunal relating to the Seimas.

The Supreme Tribunal has devoted several comments to the Lithuanian legislative body – the Seimas. Thus, in the judgment in the case of *Petrulis* of May 11, 1928, the Tribunal refers to the constitutional construction of the structure of state power bodies in Lithuania, particularly noting the role of the Seimas. The Supreme Tribunal calls the Seimas the most important central and political (not just legislative) body of power, the oldest in the constitutional structure, which directly influences other bodies of power – it determines the fate of the Cabinet of Ministers (confidence/no confidence) (Article 59 of the Constitution of Lithuania), elects and reinstates the President of the Republic (Articles 41 and 44 of the Constitution), and also performs the role of supervision over the work of the Government (Article 28 of the Constitution); According to the Tribunal, the right to recall the President of the Republic should be placed above the President of the Republic in the constitutional system, although the President's authority to dissolve the Seimas does not make them equal in the structure, since the dissolution of the Seimas entrusts the Lithuanian People with the decision on the new composition of the Seimas (by the means of a popular vote), while the President has no such authority; and the recall of the President entrusts the election of a new President by the Seimas – the same one that previously recalled him. The Supreme Tribunal emphasizes that the Seimas is a body of state power that operates continuously (although it works in sessions), but at the same time remains in the person of the Chairman, and the only possible interruption in the work of the Seimas is possible only during the dissolution of the Seimas by the President, which, however, is clearly regulated in the Constitution for a period of 60 days (Article 52)[184]. In the case of Purickis (1925), the Tribunal also determined the role of the Seimas in interpreting legislation: based on the norms of the Constitution of Lithuania, it does not grant the Seimas the authority to interpret laws: according to the norms of procedural law, this function lies with the courts, and the existing procedure for interpreting legal norms that existed in the Russian Empire (for example,

[184] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1928 m. gegužės 11 d. nutarimas, Published in: Vyriausiojo Tribunolo 1924– 1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla No 67, pp. 109–124 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 13 (Sausis – Birželis 1928). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1928, pp. 61–72.

interpretation of laws could also be done by the State Council – *the Authors*) is not suitable for democratic Lithuania. The Tribunal explains that the Tsar was once a sovereign – he had power in matters of legislation, administration, and justice. However, this cannot be the case in Lithuania: thus, as of Article 1 of the Constitution, the sovereign power in Lithuania belongs to the Lithuanian People, and it should not be considered as an equivalent of the Seimas. The Tribunal further points out that, according to Article 103 of the Constitution, the Seimas may propose amendments to the Constitution of Lithuania, which are subsequently approved by a nationwide vote, and all other powers of the Seimas are duly defined in the Constitution of Lithuania. It is rather curious that in the same judgment, the Supreme Tribunal refers to representative parliamentarism established in 1922 as a "*seimocracy*[185]. Furthermore, in the judgment of November 28, 1925, the Supreme Tribunal points out that since the Seimas is a body of state administration, the election of the Seimas, by virtue of the constitutional division of competence, is entrusted to the citizens-voters, who are the "mass body" of this competence. The Court specifies that they should not be considered sovereigns who exercise the power of the head of state by voting – in democratic Lithuania, voters form a mass state body of a certain competence, and the vote of voters is the exercise of the function of this body[186]. In the judgment of the Supreme Tribunal of October 22, 1926, where the issue of selling the building of the Lithuanian mission in Copenhagen (Denmark) was raised, it was mentioned that according to Art. 1503 of the Restatement of Laws, Vol. X, p. 1, the property that has a value of more than 5,000 rubles could be sold with the consent of the Governing Senate. How, in this case, should this receipted norm be interpreted? After all, there is no Governing Senate in the structure of central government bodies in Lithuania, and there could not be one. Therefore, the Tribunal in this case indicates that

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[185] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1925 m. vasario 4-10 d. sprendimas, Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla No 10, pp. 17-28 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 7 (Sausis – Birželis 1925). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1925., pp. 65–86.

[186] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1925 m. lapkričio 28 sprendimas. Published in: Vyriausiojo Tribunolo 1924- 1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 19, p. 36.

on the one hand, the functions of the former Governing Senate have been transferred to the Government of Lithuania, that is, to the Cabinet of Ministers, but on the other hand, according to Article 29 of the Constitution of Lithuania (edition of 1922), the Seimas is responsible for establishing the state budget, while at the same time, according to Articles 94 and 95 of the Constitution, the function of the government in budgetary matters concerns the preparation of the estimate and its implementation, and such income as the price of real estate must be provided for and recorded in the estimate, since it includes the planned management of the treasury, and by law belongs to the Seimas, and this issue must be resolved by adopting a special law, without waiting for the beginning of the new budget year. Therefore, based on Articles 29 and 95 of the Constitution of 1922, the Supreme Tribunal interpreted that, according to the issue of Article 1503 of the Restatement of Laws, Vol. X. p. 1, the permission of the Seimas is required for the sale of state real estate worth more than 25,000 litas[187].

[187] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1926 m. spalio 22 d. nutarymas. Published in: Vyriausiojo Tribunolo 1924- 1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 35, pp. 55–56.

III.4. On the reception of law.

After restoring independence in 1918, Lithuania faced the question of how the legal system should be formed. Thus, there was an option to return to the legal system of the Grand Duchy of Lithuania, which would include a return to the Lithuanian Statutes and other sources of law that were adopted in the XVIII century, or even earlier, but it was decided that since the outdated norms did not meet the needs of society, there must be another way out. This way out was the reception of pre-war law "until better times", i.e. until all pre-war legal acts were replaced by others adopted in independent Lithuania. The main reason why it was decided to use the receipted law, based on Lithuanian legal literature, was the need for continuity of the legal field and the elimination of the possibility of a legal vacuum[188]. According to Article 24 of the Provisional Constitution of 1918[189], the receipted normative-legal acts which were adopted before the outbreak of World War I remained in force. Additionally, the provision stipulates, that these pre-war legal acts remained in force provided they did not have any contradictions with the Temporary Constitution of 1918. But how can we know, that this, or that law contradicted the norms of the Constitution? For instance, Cimkauskas (1922) found that the resolution of this question would lie in the field of case law – that is, the practice of the courts in each concrete case[190]. We may find a confirmation of this principle in the Circular of the Ministry of Justice No. 5, which was published in "*Laikinosios Vyriausybės Žinios*" on April 4, 1919, according to which, it was up to the courts to review the question of the constitutionality of the pre-revolutionary laws which were adopted during the times of the Russian Empire. The Ministry of Justice suggested, that the law was deemed as acting, unless: a) it was

[188] See the following sources for a more detailed discussion of this question:
(1) Machovenko, J. – Valančiene, D. Constitutional Foundations for the Coordination of Receipted and National Lithuanian Law in 1918–1920. Конституційно-правові академічні студії, 2020, Випуск 2. Ужгород: Ужгородський національний університет, 2020., pp. 69–77, at pp. 71–72.;
(2) Machovenko, J. Teisinių papročių taikymas Lietuvoje 1918–1940 m. Teisė. Vilnius: Vilniaus universiteto leidykla, 2022, t. 123, pp. 38-49, at p. 40.

[189] 1918 m lapkričio mėn. 2 d. *Lietuvos Valstybės Laikinosios Konstitucijos Pamatiniai Dėsniai*. (Valstybės Tarybos priimta 1918 m. lapkričio mėn. 2 d.). Published in: Lietuvos aidas. 1918 m. lapkričio 13 d. № 130 (178)

[190] Cimkauskas, M. Kuriais įstatymais gyvena Lietuvos Valstybė? Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 3 (Liepos – Rugsėjis). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1922., p. 22-28.

officially abolished by a newly-adopted law; b) it contradicted the democratic order. For instance, the Ministry outlined, that Art. 22 of the Constitution declared that all people were equal, thus abolishing social stratification, and so, in case the sanction of the § 24 of the Criminal Code presupposed a deprivation of *privileges* of a convict, then a nobleman, who had no virtual privileges, could be tried for theft in the same way, as any other citizen, who had committed it (if proven so). Speaking of the attorneys, the Ministry held, that counselling, as such, should not be regarded as a privilege, in a general sense of the word, but rather as business, and so a private attorney («*privatiniais advokatas*», earlier known as «*частный повѣренный*») may conduct his or her practice only in case of obtaining a license (patent) and registered at a district court[191]. At the same time, it was emphasized, that the pre-revolutionary laws on counselling remained in force. The Ministry clarified, on the example of the acquisition of farmer (peasantry) land, that non-peasants could not acquire such lands before, but this was not a *privilege* of the peasants, as the pre-revolutionary laws in this concrete case, rather regulated the activity of agricultural entrepreneurship than gave a privilege, and so the one which desired to obtain proprietary rights in the land, had to prove, that he or she possessed the land and took care of it, or his / her forebearers did so[192]. There were many discussional subjects in terms of such constitutionality of pre-revolutionary laws, for instance, in terms of the inequity of men and women in the sphere of private (civil) law, such as different marriage age, or hereditary rights, both giving more rights to men, than women, but at the same time, women received more protection of their work on industrial enterprises, which was also a legacy of Russian Empire's industrial legislation. What is more, the old laws which presupposed some connection of proprietary rights, which depended on social stratification («*сословіе*»), were also not abolished automatically[193]. There was no official body which could declare certain laws, or their provisions to be unconstitutional, it seemed to be a task of the courts, but to this date, we have not found any documentary evidence of district courts to claim the unconstitutionality of any legal

[191] See, in more detail, Mačys, Vl. Civilinio proceso parskaitos. Kaunas: Teisų Fakulteto Leidinys, 1924., p. 122-126.

[192] Aplinkraštis 5. Apygardų Teismams, Taikos Teisėjams, Teismo Tardytojams, Valstybės Gynėjams ir Notarams. [s/a]. Published in: Laikinosios Vyriausybės Žinios, Nr. 5. 1919, Nr. 5 (1919 m. Balandžio 4 d.), p. 8.

[193] Cimkauskas, M. Kuriais įstatymais gyvena Lietuvos Valstybė? Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 3 (Liepos – Rugsėjis). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1922., p. 23-24.

provisions, but such instances could be found in the practice of the Supreme Tribunal, which could practically strike down certain norms of the pre-revolutionary laws, finding them unconstitutional[194] (albeit it was not an official invalidation of a certain law, or a legal provision, the negative treatment of it by the Tribunal made its application very unlikely). There were several other discussional interrogations in terms of the constitutionality of the receipted laws, which mainly related to the application of Volume X of the Restatement of Laws.

There was no official explanation of the reason, for which the reception of the pre-revolutionary law took place only before the outbreak of the First World War, but there is scientific evidence of the events in the legal sphere, which hinted for these reasons. One of which is the article of O. Finkelšteinas in the journal "Teisė" (1922), Nr. 2, where the author interrogates, why the reception of the laws of the Russian Empire was time-limited to the outbreak of World War I, if the Vilno and other governorates and territories, which have formed independent Lithuania in 1918, were governed by the imperial authorities until August 1915, and the laws adopted by them were promulgated and entered into force on these territories[195]. One of the first "wartime" laws of such nature was the Personal Highest Order of Emperor Nicholas II to the Minister of Finance to suspend the protest and penalties on promissory notes, where the Emperor stated, that according to the circumstances of the time of war, it will be necessary to suspend all penalties on people under obligations on promissory notes issued before July 17, 1914, and after this date, if the said were issued, or the payment was carried out, *inter alia*, in Suvalki, Vilno and Kovno governorates. The initial period of this suspension was designated as two months[196]. This Order was amended on September 19, 1914 by the Personal

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[194] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1930 m. lapcričio 13 d. nutarimas. Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 124, p. 192–194.

[195] Finkelšteinas, O. Mūsų įstatymai teisės šviesoje. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 2 (Balandis – Birzelis). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1922., p. 19-22.

[196] Именной Высочайшій Указъ от 25 іюля 1914 г. «О временномъ приостановленіи протестов и мѣръ взысканія по векселямъ». Originally published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отделъ первый. Второе полугодіе. С-Петербургъ: Сенатская типографія, 1914. № 2077, стр. 3091 (вып. № 201).

Highest Order of Emperor Nicholas II, which suspended the protests and terminating the penalties on a four-month term after the expiry of the promissory note's term, inter alia, in the governorates, referred to hereinabove[197]. As one of such examples, Finkelšteinas cited the Personal Highest Order on July 28, 1914 relating to the right of servicemen (both in actual service and the ones mobilized from the reserve or militia) and their families to revoke the concluded contracts on flat rent – the Order presupposed their right of revocation within one month from the order of the Government or the command, the fulfillment of which would preclude the servicemen themselves as well as their families from using the rented flats[198]. The other "wartime act", referred to by the author, was much more related to administration of justice than the previous ones: the Personal Highest Order of September 13, 1914 introduced a considerable change in all kinds of proceedings in respect to their parties. The said act was mentioned briefly as such, but in order to explain the reader the concordance of this Order to the administration of justice, we need to go into far more detail. According to Art. 1 of the Order, the procedure in regard with civil and administrative cases, where a party (or a co-party, i.e. co-plaintiff and co-defendant in the case) is enlisted into the acting army or navy (fleet), and the party did not specifically empower a plenipotentiary to continue the case, including the procedure of penalties and the execution of judgments in respect to such persons, will be suspended until the conclusion of a three-month term after the army and navy will be commanded to operate in the state of peace. According to Art. 2 of the Order, courts and administrative bodies were supposed to suspend such proceedings themselves after being provided with proof that one of the parties

[197] Именной Высочайшій Указъ отъ 19 сентября 1914 г. «О дополнительныхъ к Именнымъ Высочайшимъ Указамъ 25 іюня и 12 Сентября 1914 года постановленіяхъ о вексельном мораторіи» (Министру Финансовъ). Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отделъ первый. Второе полугодіе. С-Петербургъ: Сенатская типографія, 1914. № 2388, стр. 3614 (вып. № 260).

[198] Именной Высочайшій Указъ отъ 28 іюля 1914 г. «О предоставленіи всѣмъ чинамъ военнаго и морского вѣдомств, какъ состоящимъ на дѣйствительной службѣ, такъ и призванным на таковую изъ запаса или ополченія, или их семействамъ, съ ними проживающимъ, права отказаться отъ заключенныхъ ими по найму квартиръ договоровъ» (Правительствующему Сенату). Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отделъ первый. Второе полугодіе. С-Петербургъ: Сенатская типографія, 1914. № 2104, стр. 3143 (вып. № 209).

to the proceedings is enlisted into the army, or fleet; the servicemen could inform the courts and administrative bodies on the fact of their enlistment without the necessity to pay the stamp duty, by providing a certificate of the said from the command (Art. 3). The court, regardless of the suspension of the proceedings in the case described hereinabove, could take action to maintain the lawsuit, but it was forbidden to arrest the serviceman's salary or the movable property of the serviceman's flat (Art. 4) – in case these persons are defendants in a civil case, with no necessity to inform them regarding this, but informing their counsel was obligatory (Art. 5). Continuing the clause of Art. 1, the presentation of appeals and other legal documents in the suspended cases, could be also deferred according to the terms, specified in the primary article of the Order (Art. 6). It was not allowed to publish the information concerning the call to the court of the persons, enlisted to the army or fleet (Art. 8); the summonses for participation in civil and criminal cases which involved a serviceman, were not sent (Art. 11); in criminal cases, the absence of the defendant, as well as the private complainant (that is, if the case is commenced in the procedure of a private prosecution), should be regarded as an obstacle for the opening of the court seating (Art. 12); and in criminal cases, the terms for lodging complaints for persons, specified in Art. 1 of the Order, was also suspended in the same term, as provided in the same article[199]. Commenting upon the Order, A. Gojhbarg in the journal "*Law. Weekly legal newspaper*", no. 40 of 1914 («*Право. Еженедельная юридическая газета*»), explained the main gist of the act: the litigating party, who is enlisted into the acting army, or is working at a certain place for the needs of defense, is usually deprived from the ability to litigate at court, even if the person is located in the area where the court stands, as in any case, this person may not competitively litigate upon the case, and to continue the proceedings in terms of such people would mean to undermine the competitiveness of the proceedings, which is one of the cornerstone of civil procedure. A. Gojhbarg augmented his view that this principle should be applied not only to suspend civil proceedings relating to servicemen, which were already commenced before the Order of September 13, 1914, but the lawsuits which will be instituted against them in the future as well

[199] Именной Высочайшій Указъ от 13 сентября 1914 г. «О нѣкоторыхъ по гражданскимъ и уголовнымъ дѣламъ льготахъ чинам дѣйствующих арміи и флота» (Правительствующему Сенату). Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отделъ первый. Второе полугодіе. С-Петербургъ: Сенатская типографія, 1914. № 2383, стр. 3595-3596 (вып. № 258).

for the same reasons[200]. The afore-said "wartime" acts, however, were only a prologue to the decline of the system of administration of justice. Herein, we may cite the legal acts, mentioned by O. Finkelšteinas, but go into more detail to reveal the gist of the acts, and mention additional legal acts (not specifically mentioned by him), which are of considerable concordance for comprehending the condition of the legal system facing the shortages of the First World War. On April 6, 1915, the State Council («*Государственный Совет*ъ») promulgated a Highest-Approved (that is, by the Emperor Nicholas II) regulation on the right of courts, as well as the administrative bodies to set up deferrals and installments to paying out of obligations according to court judgments. In case of a considerable difficulty for the defendant to perform the obligation, the non-fulfillment of which caused the lawsuit, the court could give the defendant a deferral, or the right to perform the obligations by installments upon a term, which did not exceed six months (Art. 1). However, these deferrals or installment arrangements could not be provided to defendants in all cases – the exceptions included: a) defendant was declared insolvent; b) if a deferral or rearrangement of installments could cause considerable damage to the plaintiff, or the performance of the obligation could be impossible; c) if the object of defendant's obligation is a redress for harm or losses, caused by an offence; d) if the defendant is a German, Austrian, Hungarian or Turkish (these were belligerent states against Russian Empire) entity, or a citizen of the said states (Art. 2). The deferral of performing obligations, or a rearrangement in instalments could be claimed by defendant both on first instance, or on appeal (i.e. on trial, where the court reviews the case on factual basis – *the Authors*) (Art. 3). Defendants who received deferrals or re-arrangements, had to inform the court by appropriate proof in terms of partial performance of their obligations (Art. 10). The defendants, however, could lose the deferral or re-arrangement in a number of cases, which made these means not to be practical in a considerable number of cases; such were: a) the defendant's insolvency, b) if defendant would strive to diminish the maintenance given to the plaintiff by contract or court decision; c) if the defendant's property will be under penalty according to an another claim, which was supposed to be satisfied immediately, etc., d) if the defendant's property which maintained the plaintiff's claim will be under a penalty by another claim (with an immediate satisfaction required), and the defendant could not provide any "replacement" property for

[200] Гойхбаргъ, А. Предъявленіе исковъ к чинамъ арміи и флота. Право. Еж҃недельная юридическая газета. № 40. 1914 г. Воскресенье, 5 октября., стр. 2739-2740.

maintaining the plaintiff's claim; e) if the defendant will be negligent in performing the obligation after receiving a deferral or a re-arrangement of installments[201]. This regulation practically terminated a number of civil procedure norms, being a classical "wartime" law of the era. The aforementioned act was commented by I. Mordukhaj-Boltovskiy in the "Journal of the Ministry of Justice" («*Журналъ Министерства Юстиціи*») in the issue (volume) 5, 1915. Firstly, he outlined, that the deferral and re-arrangement of obligations was of very aged legal nature, having its routes in Roman Empire of the IV century *Anno Domini*, which presupposed only a deferral of a legal deed and its performance, but not eliminating its validity, as such. This practice also existed in Europe already in the Middle Ages, the Era of the Enlightenment, and was firmly anchored in the laws and ordinances of such states as France, Germany, Italy, Austrian-Hungarian Empire, Portugal etc. of the XIX century[202]. Specifying the issue in terms of wartime, he mentioned French moratoria on repayment of promissory notes and obligations during the Franko-Prussian War in 1870-1871, where the deferral terms could reach a seven-month term. Speaking of the First World War, laws on moratoria and deferrals on payments and obligations were adopted in 1914 in England, France, as well as Germany and Austria in a similar manner it was done in the Russian Empire[203]. Speaking of the law itself, Mordukhai-Boltovskiy outlined, that the scope of its action was not limited to regions, which were plunged into warfare, having no actual territorial boundaries, that is, it was acting on the whole territory of the Russian Empire, aside from the Great Duchy of Finland. The additional note to the law, as he remarked, provided that the law acted in the same way and scope on the territories, where special laws *(jus*

[201] Высочайше утверждённое положеніе Совѣта Министровъ от 6 апрѣля 1915 г. «О предоставленіи судебнымъ и судебно-административнымъ установленіямъ права отстрочивать и разстрочивать исполненіе обязательствъ и судебныхъ рѣшеній». Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отделъ первый. Второе полугодіе. С-Петербургъ: Сенатская типографія, 1914., № 927, стр. 1288-1291 (вып. № 115). Additionally published in: Авербахъ, О. Законодательные акты, вызванные войною 1914-1915 гг. Томъ II. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1915., стр. 342-348.

[202] Мордухай-Болтовскій, И. Законъ от 6 апрѣля 1915 года объ отсрочкѣ и разсрочкѣ исполненія обязательствъ и судебныхъ рѣшеній. Журналъ Министерства Юстиціи. Годъ Двадцать Первый. № 5 – Май 1915. Петроградъ: Сенатская типографія, 1915., стр. 113-119.

[203] *Ibid*, at p. 118-123.

particulare)[204] were acting, and especially denoted the Baltic Governorates and Privislinsky Region. Speaking of the former, Mordukhai-Boltovskiy claimed that the Regulation of April 6, 1915 has abolished the norm of Art. 3512 of Vol. III of the Restatement of Local Laws of the Baltic Governorates, according to which, the certificates of deferrals could be issued to debtors only upon a Royal decree. The Regulation also was spread on all civil, civil-administrative and trade (commercial) cases, regardless of nature and sums of the disputes, and encompassed its application in all courts and administrative bodies, including commercial courts («*коммерческий судъ*»). The Regulation was supposed to be applied in the parish courts of the Baltic Governorates in the same mode as elsewhere[205]. Before moving on to the next act, which demonstrated an even more substantial decline of the system of administration of justice in the period of the First World War, we need to make a remark. The foreign citizens of belligerent states (the ones against the Russian Empire) were already considerably restrained in their rights, especially in terms of their right of protection in court. Indeed, on July 28, 1914, Emperor Nicholas II gave a Personal Highest Order to the Governing Senate, Section I of which ordered to suspend all the advantages and benefits to the citizens of the belligerent states, provided to them by agreement or reciprocity[206]. The afore-mentioned "benefits" («*льгота*», pluralis: «*льготы*») were not directly specified in the Order, as such. But from the view that these benefits were given according to the international agreements concluded by the Russian Empire and other states,

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[204] This refers to the so-called "local laws", especially civil laws, which were acting in different regions of the Russian Empire. For such examples, see, for instance, Пахманъ, Исторія кодификаціи гражданскаго права. Въ двухъ томахъ. Томъ II. С-Петербургъ, 1876., p. 319-413 (Baltic Governorates), 414-452 (Kingdom of Poland), 453-485. (in terms of different regions) and Краснокутскій, В. М̀ѣстное гражданское право губерній Прибалтійскихъ и Привислянскихъ. Москва, 1910., стр. 4-5.

[205] Мордухай-Болтовскій, И. Законъ от 6 апрѣля 1915 года объ отсрочкѣ и разсрочкѣ исполненія обязательствъ и судебныхъ рѣшеній. Журналъ Министерства Юстиціи. Годъ Двадцать Первый. № 5 – Май 1915. Петроградъ: Сенатская типографія, 1915., стр. 147-150.

[206] Именной Высочайшій Указъ от 28 іюля 1914 года «О правилахъ, коими Россія будетъ руководствоваться во время войны 1914 года» (Правительствующему Сенату). Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отдель первый. Второе полугодіе. С-Петербургъ: Сенатская типографія, 1914., № 2104, стр. 3143-3144 (вып. № 209).

Dobrin (1914) found that these benefits constitute the legal capacity of the person (that is, the citizen of a belligerent state in the case at stake), which included the right to enter Russian Empire, the right to conduct trade within its territory, the right to conclude contracts and the right to defense in court[207]. The text of the Order did no specify or directly mention the rights of the aforementioned citizens on court defense, but as commented by Zmirlov (1915), the deprivation of the right to a defense in court of the citizens of belligerent states and the societies, formed by them is founded upon the principle of reciprocity, as well as agreements and conventions, which the Russian Empire concluded with the other states[208]. The General Assembly of the Governing Senate in its judgment no. 1 of 1915 (February 9, 1915) confirmed that the citizens of belligerent states were deprived of the right to defense in court on the foundation of the principle of reciprocity and the international agreements, also denoting, that the laws of Germany (except for the Restatement of Saxon Civil Laws) and Austria did not provide for court defense of foreign citizens as such, and the advantages and benefits were provided only in international agreements[209]. Later, the Council of Ministers provided an exception to this rule by its regulation of November 5, 1915, according to which, the citizens of belligerent states, having a permission to stay by a rescript of the authorities, could have the right of defense in court[210]. According to Rozenberg (1915), the

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[207] Добринъ, С. Гражданско-правовое положеніе в Россіи подданныхъ воюющихъ съ ней державъ. Вѣстникъ Гражданскаго Права (издаваемый М. М. Винавeромъ). № 6. Октябрь 1914 г. Петроградъ: Типографія т-ва «Общественная польза», 1914., стр. 67-68.

[208] Змирловъ, К. Лишеніе непріятельскихъ подданныхъ правъ на судебную защиту во время войны. Журналъ Министерства Юстиціи. Годъ Двадцать Первый. № 4 – Апрѣль 1915. Петроградъ: Сенатская типографія, 1915., стр. 15.

[209] Общее Собраніе Кассаціонныхъ и съ участіемъ Перваго и Второго Департаментовъ Правительствующаго Сената, 1915 года февраля 9-го дня. № 1. Reported in: Рѣшенія Общаго Собранія Кассаціонныхъ и съ участіемъ Перваго и Второго Департаментовъ Правительствующаго Сената. 1915. Петроградъ: Сенатская типографія, 1915., стр. 3-12 (see, in particular, at p. 8-9). Additionally, could be found in: Авербахъ, О. Законодательные акты, вызванные войною 1914-1915 гг. Томъ II. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1915., стр. 804-818 and Левинъ, С. Важнѣйшіе законы, указы и распрояженія военнаго времени. Томъ II. Петроградъ: Изданіе Юридическаго Книжнаго Магазина Н. К. Мартынова, Комиссіонера Государственной Типографіи, 1916., стр. 491-502.

[210] Высочайше утверждённое Положеніе Совѣта Министровъ от 5 ноября 1915 года. Reported in: Авербахъ, О. Законодательные акты, вызванные войною 1914-

lawsuits initiated by the parties, who were the citizens or the legal entities of belligerent states, were not terminated, as such, but had to be suspended not *de facto*, but *ex officio*, that is, by a court decision[211]. The French legal scholar Albert Wahl, having published an article in the "Messenger of Civil Law" («*Вѣстник гражданскаго права*»), Vol. 5 of 1915, did not specifically mention on any laws which restricted or abolished the right of court defense of the citizens of belligerent states against France, but Wahl claimed that that these citizens were considerably restricted in concluding civil-legal deeds, for instance, contracts concluded with citizens or people living in Germany and Austrian-Hungarian Empire after August 4 and 13, 1914 respectively, were considered void[212]. Zmirlov pointed out that the legal regime of such persons (citizens of belligerent states) was practically identical in allied France and England: in the former, the law of September 27, 1914 (Art. 3)[213] prohibited the fulfillment of contracts concluded with the citizens of belligerent states even before the war, which, upon his view, should be interpreted, as a deprivation of court defense, and in England, the citizens of belligerent states were allowed only those benefits, which were issued by a special rescript of the authorities[214]. There was a considerable list of restrictions for citizens of belligerent states in the Russian Empire as well, which included limitations in civil-legal deeds, the

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1915 гг. Томъ II. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1915., стр. 818.

[211] Розенбергъ, В. Современныя правоотношенія къ непріятельскимъ подданнымъ. С приложеніем узаконеніи по этому предмету. Петроградъ: Тип. Ред. період. изд. М-ва. Фин., 1915., стр. 10.

[212] Wahl, A. Правовое положеніе гражданъ враждебныхъ государств во Франціи во время войны. Вѣстникъ Гражданскаго Права (изд. М. М. Винавером), № 5. Май 1915 г. Петроградъ., стр. 26-и далее.

[213] Décret relative à l'interdiction des relations commerciales avec l'Allemagne et l'Autriche-Hongrie (27 sept. 1914). Dalloz. Jurisprudence Générale. Recueil périodique et critique de jurisprudence, de législation et de doctrine. En matière civile, commerciale, criminelle, administrative et de droit public. Année 1914. Paris., IV (4) Partie, p. 96-97. See the explanation of this Decree in the legislartion and court jurisprudence of France in: Audinet, E. Le sequester des biens des sujects ennemis en France, Journal du Droit International. Année 44 (1917). Paris: Marchal & Godde., p. 1601-1615.

[214] Змирловъ, К. Лишеніе непріятельскихъ подданныхъ правъ на судебную защиту во время войны. Журналъ Министерства Юстиціи. Годъ Двадцать Первый. № 4 – Апрѣль 1915. Петроградъ: Сенатская типографія, 1915., стр. 13-15.

right to entrepreneurship and ownership of land[215], and some of these restrictions were levied by the Russian Provisional Government[216].These facts would be sufficient to illustrate the problem to the reader, and thus we will move on to the next act[217]. The Highest-Approved Regulation of the Council of Ministers of September 23, 1915 emphasized a considerable decline of the system of administration of justice by suspending the judicial terms on the territories, affected by warfare, where the operation of the courts and court-administrative bodies. According to Art. I of the Regulation, the terms of court proceedings and other terms required for actions in court, hypotheque, notarial and krepost'[218] bodies, which were, owing to warfare, evacuated to other places, was deemed suspended; the same applied to civil actions, where time limitation terms («*давностный срокъ*») could be terminated by a lawsuit or any other action done in one of the afore-mentioned bodies. The terms of short time fragments – two weeks or less, were also suspended, had they not expired before. Longer terms which were about to expire, leaving less than two weeks,

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[215] See the list in: Нольде, Б., Барон. Законодательство о частныхъ правахъ непріятельскихъ подданныхъ. Право. Ежѣнедельная юридическая газета. № 17 за 1915 г. Воскресенье, 26 апрѣля 1915 г.., стр. 1239-1244.

[216] Постановленіе Временнаго Правительства от 11 марта 1917 г. «О приостановленіе исполненія узаконеній о землевладѣніи и землепользованіи австрійскихъ, венгерскихъ и германскихъ выходцевъ. Published in: Сборникъ указовъ и постановленій Временнаго Правительства. Выпускъ 1: 27 февраля – 5 мая 1917 г. Петроградъ, 1917., Отдѣл II, № 12, стр. 28-30.

[217] We suppose, that the topic of the legal status and civil rights of the citizens of belligerent states during the First World War in a comparative analysis needs further research.

[218] The krepost' body («*Крепостное установленіе*») was a judicial (before the Judicial Reform of Emperor Alexander II the civil-legal deeds were certified in courts, as the notarial part was not divided from the court) or a notarial institution, which certified and verified the rights to immovable property. It should not be confused with serfdom («*Крепостное право*»), as the original term originated from an older word «*укреплять*», which was used in the civil law of the Russian Empire and meaned to certify the property rights to immovable property. For instance, the term «*купчая крепость*» meaned a document certifying the act of purchasing property, by sense close to a contract of sale. A description of the process of certifying immovable property in the Russian Empire before and after the Judicial Reform upon the example of hereditary cession records (referred to as «*улиточная запись*») is very comprehensibly provided in: Квачевский, А. Законы Черниговской и Полтавской губерній и новый судъ. Журналъ Гражданскаго и Уголовнаго Права. Годъ пятый. 1875. Книжка первая. Январь – Февраль. С.-Петербургъ: Типографія А. М. Котомина., стр. 55-57.

were also suspended, and after their resurrection, two additional weeks were given (Art. II). Despite the above-referred terms were deemed terminated, the interested parties were not precluded to apply to the court for terminating, or resurrecting the terms on general conditions (Art. V); at the same time, there were several exceptions, when the terms were not allowed to be suspended, which included: a) in case the action could be done in another court or notarial, or krepost' body; b) the terms exceeding ten years, if at the time of their suspension less than three years remained; c) limitations terms which could eliminate a criminal offence; d) the terms of protesting acquittals (Art. VI)[219]. So, these were the most substantial legal acts, which impacted on the administration of justice and legal proceedings in the late Russian Empire, and none of these acts were receipted in the legal and judicial system of independent Lithuania.

At the same time, we should denote, that these "wartime" acts were not only all-imperial laws. Apart from that, there were different restrictions on the governorate («*губернія*») level, which were imposed by governorate and municipal authorities. Taking the Vilno governorate as an example, we would like to present a number of such acts, which were proclaimed on the territory of the Vilno governorate in order to depict how were the "wartime" acts shaped and what did they mean for Vilno governorate. Foremostly, on August 15, 1914, the declaration of Dvina Military Circuit Infantry General Churin considerably changed the cognizance of offences and misdemeanors, subjecting some grave offences committed by the civilians directly to the military court (which could presuppose any punishment, including death penalty)[220]. Such offences, as a revolt against state authorities, treason, arson, destruction or damage of military equipment, supplies, weapons, forage, etc., damage to water drains, bridges, dams, wells, roads, locks […], and other means of transportation means, shipping, water supply and flood averting means, to means of communications (telegraphs, telephones), rails, rolling

[219] Высочайше Утвержденное Положеніе Положеніе Совѣта Министровъ от 23 сентября 1915 г. «О пріостановленіи сроковъ теченія судебныхъ сроковъ в мѣстностяхъ, в коихъ по военнымъ обстоятельствамъ, прекращена дѣятельность судебныхъ и судебно-административныхъ учрежденій. Published in: Авербахъ, О. Законодательные акты, вызванные войною 1914-1916 гг. Томъ III. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1916., стр. 64-66.

[220] See., for instance, Нечаевъ, Военная юстиція военнаго времени. Право. Ежѣнедельная юридическая газета. № 41 за 1914 г., Воскресенье, 12 октября 1914., стр. 2777-2781.

stock and signs of safety, as well as an assault on a sentinel or a representative of authorities (civil) and servicemen. What is more, a number of common offences were re-subjected to military courts, namely: armed resistance to the authorities, servicemen and policemen, rampage, robbery, arson, damage or destruction of private or public property («*казённое имущество*»). Misdemeanors listed in Art. 29-31 (against the order of governance), Art. 37-39, 49-51 (against public order), Art. 117-118 (against personal safety) of the Penal Statute were punishable with a sanction of a short-term imprisonment of up to three months or a money fine up to 3000 Rubles[221]. Since then, upon the examination of the authors of the issues of the newspaper "Vilno Governorate News" ("*Виленскія Губернскія Вѣдомости*"), the Vilno governorate authorities repeatedly issued regulations that were mandatory for the local inhabitants, such practice continued throughout 1914 and early-to-mid 1915, and started ceasing by autumn 1915, not being continued by 1916[222]. Upon the own research of the authors, the following mandatory regulations (referred to as «*Обязательное постановленіе*») were issued in the wartime period before autumn 1915, when the regulations ceased to be published:

I. A regulation of September 13, 1914 on the prohibition of transporting cattle, flour and grain out of the governorates constituting Dvinsk and Minsk military circuit[223].

II. A regulation of September of September 17, 1914 on the prohibition of acquisition of footwear, clothes, uniform and equipment from servicemen[224].

III. A regulation of September 20, 1914 of the Vilno governor for the Vilno governorate inhabitants, prohibiting to drink alcohol in public places, to be in a condition of intoxication (drunkenness) in public places within the bounds of the cities, to keep considerable amounts of alcohol in private dwellings and in service rooms[225].

IV. A regulation for the town of Vilno of September 16, 1914 (published on September 24) on the limitation of the opening hours of certain cafeterias,

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[221] Виленскія Губернскія Вѣдомости, № 68 за 1914 г. (15 августа 1914 г.), стр. 3.

[222] Since autumn 1915, the issues of "Виленскія Губернскія Вѣдомости" became irregular, sometimes being issued once a month (what is more peculiar, the heading page of the newspaper continued to claim that the newspaper is issued twice a week). The authors have checked the entire collection of the newspaper of 1916, and have not found mandatory regulations of the governorate authorities. Hence, the publication of such decrees ceased by autumn 1915.

[223] Виленскія Губернскія Вѣдомости, № 73 за 1914 г. (13 сентября 1914 г.), стр. 1.

[224] Виленскія Губернскія Вѣдомости, № 74 за 1914 г. (17 сентября 1914 г.), стр. 1.

[225] Виленскія Губернскія Вѣдомости, № 75 за 1914 г. (20 сентября 1914 г.), стр. 1.

as well as theaters, concert halls, clubs and restaurants (11 PM) and certain confectionaries, hostel restaurants and clubs (12 PM). The sale of alcohol beverages was allowed, but in the boundaries of the afore-mentioned time limits[226].

V. A regulation for the inhabitants of Dvinsk military circuit of September 9, 1914 (published on September 24) prohibiting to eject any person from its domicile without a court decision which sanctioned so[227].

VI. A regulation for Vilno governorate of September 16, 1914 (published September 24) on the obligation of house and dwelling owners, as well as owners of furnished rooms to report the arrivals of servicemen (officers and ones of lower military rank) to the local police department[228].

VII. A regulation for the inhabitants of Dvinsk military circuit of October 2, 1914 (published October 8, 1914) on the prohibition of questioning servicemen regarding various military subjects[229].

VIII. A regulation of Vilno governor of September 30, 1914 (published on October 11) on the fulfillment of rest (leisure) of the workers of trade entities, stores, bureaus and craftsman entities in the town of Smorgon. Notably, the afore-given regulation, despite being labelled as a "mandatory" did not contain any prohibiting provisions[230].

VIII. Regulation for the inhabitants of Dvinsk military circuit of October 9, 1914 (published on October 15, 1914) on the prohibition of sale of vodka, champagne and liquor in all the restaurants[231].

IX. Regulation for the inhabitants of Dvinsk military circuit of October 6, 1914 (published on October 18) on the prohibition of transporting cattle, flour and grain out of the said circuit. The given regulation repealed the earlier regulation (of September 20), restricting the transportation of the said out of Dvinsk military district[232].

X. Regulation of the Vilna governor of October 14, 1914 (published on October 25) regarding the installment and maintenance of streets and

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[226] Виленскія Губернскія Вѣдомости, № 76 за 1914 г. (24 сентября 1914 г.), стр. 1.
[227] *Ibid*.
[228] *Ibid*.
[229] Виленскія Губернскія Вѣдомости, № 80 за 1914 г. (8 октября 1914 г.), стр. 1.
[230] Виленскія Губернскія Вѣдомости, № 81 за 1914 г. (11 октября 1914 г.), стр. 1., re-published in the next issue (№ 82) of the newspaper with the same text.
[231] Виленскія Губернскія Вѣдомости, № 82 за 1914 г. (15 октября 1914 г.), стр. 1.
[232] Виленскія Губернскія Вѣдомости, № 83 за 1914 г. (18 октября 1914 г.), стр. 1.

pavements in Vilejka[233]. This was one of the most detailed regulations among all mandatory ones, but did not introduce any "wartime" restrictions.

XI. Regulation for the inhabitants of Vilna governorate of October 3, 1914 (published on October 25) on the prohibition of purchasing forage, cattle or horses[234].

XII. Regulation for the inhabitants of Dvinsk military circuit of October 3, 1914 (published on October 25) regarding additional security measures on timber-rafting, obliging the industrialists to use additional stalkers and equipment while transporting timber across the Neman basin[235].

XIII. Regulation for the inhabitants of Dvinsk military circuit of October 13, 1914 (published on October 25) on the obligation to report to the local police department in terms of the existence of movable and immovable property, as well as assets belonging to German and Austrian-Hungarian citizens and the companies and societies where the afore-said citizens were members or managers[236]. This regulation was entirely in line with the Order of July 28, 1914 and other "wartime" acts, which restricted the rights of the citizens of belligerent states.

XIV. Regulation for the inhabitants of Dvinsk military circuit of October 22, 1914 (published on November 5) allowing to engage civilians to collect rifles on the battlefield; the weapons had to be immediately handed over to the chief of the economic department of the army, a reward was also provided.

XV. Regulation for the inhabitants of Dvinsk military circuit of October 22, 1914 (published on November 5) prohibiting the purchase of horses from horse reserves unless the horse was certified to be discarded[237].

XVI. Regulation for the inhabitants of Dvinsk military circuit of November 2, 1914 (published on November 12) on a complete ban of sale of beer and porter[238].

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[233] Виленскія Губернскія Вѣдомости, № 84 за 1914 г. (22 октября 1914 г.), стр. 1-2 (re-published in № 85 with the same text)
[234] Виленскія Губернскія Вѣдомости, № 85 за 1914 г. (25 октября 1914 г.), стр. 1
[235] *Ibid*.
[236] *Ibid*.
[237] Виленскія Губернскія Вѣдомости, № 88 за 1914 г. (5 ноября 1914 г.), стр. 1.
[238] Виленскія Губернскія Вѣдомости, № 90 за 1914 г. (12 ноября 1914 г.), стр. 1., also re-published in № 101.

XVII. Regulation for the inhabitants of the Dvinsk military circuit of November 27, 1914 (published on December, 13) on the manufacture, sale and maintenance of lacquers and varnish[239].

XVIII. Regulation for the inhabitants of the Dvinsk military circuit of November 29, 1914 (published on December, 13) on the prohibition of housing servicemen in local dwellings otherwise by an order of respective authorities[240].

XIX. Regulation for the inhabitants of Vilno governorate of November 30, 1914 (published on December, 13) on the rules of using automobiles, owned by private persons, the army and the Red Cross institutions[241]. This regulation did not contain any actual restrictions and contained the basic rules of road traffic and automobile maintenance.

XX. Regulation for the inhabitants of Vilno governorate of November 29, 1914 (published on December, 17) regarding the prohibition of transporting leather material, fit for manufacturing military footwear unless a permission of the circuit governor[242].

XXI. Regulation for the inhabitants of Dvinsk military circuit of December 12, 1914 (published on December, 24) regarding the settlement of the rule that any private correspondence, regardless of its type, should be sent via post services, prohibiting any persons to transfer mail in the means other than post[243].

XXII. Declaration of the Chief of the Dvinsk military circuit, Knyaz Tumanov, of December 29, 1914 (published on January 17, 1915) on the amendments of Declaration of August 15, 1914 (see *supra*), increasing the sanction for the violation of Art. 77 and 87 of the Statute of Punishments that are imposed by the Justices of Peace (violation of the rules of shipping (including river steamships) as well as timber-rafting)[244]. This was the last mandatory regulation issued in Vilno governorate in 1915. This practice continued in 1915, ceasing in autumn of the said year.

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[239] Виленскія Губернскія Вѣдомости, № 99 за 1914 г. (13 декабря 1914 г.), стр. 1-2.
[240] *Ibid*.
[241] *Ibid*.
[242] Виленскія Губернскія Вѣдомости, № 101 за 1914 г. (17 декабря 1914 г.), стр. 1
[243] Виленскія Губернскія Вѣдомости, № 102 за 1914 г. (24 декабря 1914 г.), прибавленіе.
[244] Виленскія Губернскія Вѣдомости, № 5 за 1915 (17 января 1915 г.)

XXIII. Regulation for the inhabitants of Dvinsk military circuit of January 19, 1915 (published on January, 24) on the prohibition of the acquisition of copper and copper products[245].

XXIV. Regulation for the inhabitants of the town of Vilno of January 29, 1915 (published on February, 7) amending the Regulation for October 9, 1914, allowing the sale of light wines, as well as allowing the sale of alcoholic beverages if prescribed by a doctor[246].

XXV. Regulation for the inhabitants of Dvinsk military circuit of February 2, 1915 (published on February 14) regarding the prohibition of preparing spirit and ether-containing medicinal products otherwise prescribed by a doctor[247].

XXVI. Regulation for the inhabitants of the town of Vilno and the Vilno governorate of January 29, 1915 (published February 7) on the prohibition of the transportation of rye, rye flour, wheat, wheat flour, oat, peas, sugar, gas and salt[248].

XXVII. Regulation for the inhabitants of the town of Vilna of February 2, 1915 (published on February 14) on the amendment of road traffic rules regarding the drivers' obligation to stop at the demand of police and the accuracy of driving[249].

XXVIII. Declaration of the Chief of the Dvinsk military circuit, Knyaz Tumanov of February 4, 1915 (published on February, 15) on the increasing of the sanction for the violation of Art. 1417 of the Statute of Punishments (prohibition to use the emblem of the Red Cross without authority)[250]

XXVIII. Regulation for the inhabitants of Vilno governorate of February 9, 1915 (published on February 11) on the prohibition of acquisition and transportation of raw copper, copper products, brass and bronze out of the governorate unless officially permitted[251].

XXIX. Regulation for the inhabitants of Vilno and Grodno governorates of March 9, 1915 (published on March 18) on the prohibition of transportation of wood out of the governorate[252].

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[245] Виленскія Губернскія Вѣдомости, № 7 за 1915 г. (24 декабря 1915 г.), стр. 1
[246] Виленскія Губернскія Вѣдомости, № 11 за 1915 г. (7 февраля 1915 г.), стр. 1
[247] Виленскія Губернскія Вѣдомости, № 13 за 1915 г. (14 февраля 1914 г.), стр. 1.
[248] *Ibid*.
[249] *Ibid*., стр. 1-2.
[250] Виленскія Губернскія Вѣдомости, №15 за 1915 г. (21февраля 1914 г.), стр. 1.
[251] Виленскія Губернскія Вѣдомости, № 12 за 1915 г. (11 февраля 1915 г.), стр. 1.
[252] Виленскія Губернскія Вѣдомости, № 22 за 1915 г. (18 марта 1915 г.), стр. 1

XXX. Regulation for the inhabitants of Dvinsk military circuit of March 12, 1915 (published on March 18) on the obligation of the industrialists to report the local Artillery Department regarding the chemicals, which were manufactured at their enterprises[253].

XXXI. Regulation for the inhabitants of Dvinsk military circuit of March 12, 1915 (published on March 18) amending the Regulation of January 19, 1915 (see nr. XXIII *supra*), establishing rules of acquisition, sale and re-sale of copper by specific rules (albeit the regulation did not officially repeal the one of January, 19, its sense could be interpreted by introducing rules on the operation with copper products, which could not be concluded as the ones being prohibited)[254].

XXXII. Regulation for the inhabitants of Dvinsk military circuit of March 12, 1915 (published on March 28, 1915), altering the Regulation of October 9, 1914 regarding the rules and restrictions on the sale of alcoholic beverages (including soft wines and alcoholic substances according to recipes of doctors)[255].

XXXIII. Regulation for the inhabitants of Dvinsk military circuit of March 15, 1915 (published on March 28, 1915) regarding the conditions of the sale of lacquer and varnish, allowing the sale of the afore-mentioned products only to people having a special permission from the authorities[256].

XXXIV. Regulation for the inhabitants of Dvinsk military circuit of March 26, 1915 (published on April 4) on the requisition of all three-linear rifles[257].

XXXV. Regulation for the inhabitants of Dvinsk military circuit of March 26, 1915 (published on April 4) on the obligation of merchants conducting trade of first-need products (all kinds of flour, cereals, tea, sugar, salt, meat, matches, gas and wood) to record all the reserve of the afore-mentioned products, and provide this information to the police upon first demand[258].

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[253] *Ibid*.
[254] *Ibid*, p. 1-2.
[255] Виленскія Губернскія Вѣдомости, № 23 за 1915 г. (28 марта 1915 г.), стр. 1-2.
[256] *Ibid*, p. 1.
[257] Виленскія Губернскія Вѣдомости, № 25 за 1915 г. (4 апрѣля 1915 г.), стр. 1.
[258] *Ibid*.

XXXVI. Regulation of the Commander of the X-th Army of March 30, 1915 (published on April 8, 1915), prohibiting to local inhabitants to acquire the skins of slaughtered cattle from servicemen[259].

XXXVII. Regulation for:

a) ujezd and out-of-state inhabitants, as well as the ones of Dvinsk military circuit of April 4, 1915 (published on April 18, 1915), establishing the rules of maintaining cleanness of the city, town and village streets, houses, stores, slaughter-houses, wells, public toilets, averting epidemics, etc;

b) same, for the inhabitants of governorate towns of Dvinsk military circuit, as well as Dvinsk and Belostok ujezd towns[260].

Note: technically, the biggest "mandatory regulation" from all we have found in the issues of *Vilno Governorate News*, containing 28 articles.

XXXVIII. Regulation of the Commander-in-Chief of Dvinsk military circuit to all inhabitants of April 7, 1915 (published on April, 22) on the enhancement of punishment for water pollution (Art. 52, 56 and 111 of the Statutes of Punishments, imposed by the Justices of the Peace)[261].

XXXIX. Regulation for the inhabitants of Dvinsk military circuit of April 10, 1915 (published on April, 22) on the obligation of flat landlords to report on all servicemen renting the flats, including address sheets[262].

XXXX. Regulation of the Commander-in-Chief of Dvinsk military circuit of April 16, 1915 (published on April, 22) on the change of cognizance of certain criminal offences (arson and robbery) from a military court to a court of general jurisdiction, and vice versa, re-subjecting such offences as manslaughter and an intended arson to the jurisdiction of military court[263].

XXXXI. Regulation for the Dvinsk military circuit of April 17, 1915 (published on April, 22), restraining the presence of civilians on the railway stations, except from the ones travelling, being able to be present at the said station less than for a hour before departure; any kind of sale on railways was prohibited[264].

XXXXII. Regulation for the inhabitants of Dvinsk military circuit of April 20, 1915 (published on April 29, 1915), amending the Mandatory

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[259] Виленскія Губернскія Вѣдомости, № 26 за 1915 г. (8 апрѣля 1915 г.), стр. 1.
[260] Виленскія Губернскія Вѣдомости, № 29 за 1915 г. (18 апрѣля 1915 г.), стр. 1-2.
[261] Виленскія Губернскія Вѣдомости, № 30 за 1915 г. (22 апрѣля 1915 г.), стр. 1.
[262] *Ibid*, стр. 1-2.
[263] *Ibid*, стр. 2.
[264] *Ibid*, стр. 2.

Regulation of August 15, 1914, prescribing landlords to inform the local police department on anyone leaving and arriving to their domicile[265].

XXXXIII. Regulation for the inhabitants of the town of Vilno of May 2, 1915 (published on July 9, 1915) on the amendments of the rules of road traffic[266]. This was not a "restriction" act in itself, but rather a regulation amending the further ones: the road traffic was only emerging, and the traffic rules were at their infancy.

XXXXIV. Regulation for the inhabitants of Vilno governorate of May 10, 1915 (published on May 13) on the inhibition of re-digging of summer roads with ditches[267].

XXXXV. Regulation for the inhabitants of Dvinsk military circuit of May 26, 1915 (published on July 4) on a complete prohibition of sale of alcoholic beverages[268].

XXXXVI. Regulations for the inhabitants of Vilno governorate of May 31, 1915 and June 1, 1915 (published on June 3, 1915) on:

a) providing information regarding the ownership of cattle (livestock);

b) inhibition of acquisition and transportation of cattle outside of Vilno governorate in June 1915[269].

XXXXVII. Regulations for the inhabitants of Dvinsk military circuit (a) and Vilno governorate (b) of May 28, 1915 (published on June 6, 1915) on:

a) the prohibition of acquisition of clothing from wounded servicemen, undergoing treatment;

b) the prohibition of providing flat rent to lower-rank servicemen[270].

XXXXVIII. Regulation for the inhabitants of Dvinsk military circuit of June 16, 1915 (published on July 1, 1915) on the inhibition of providing flat, house and room rents to lower-rank servicemen by hotel owners, landlords, owners of furnished rooms, etc[271].

XXXXIX. Declaration according to the Order of Commander-in-Chief of the North-West Front of July 13, 1915 (published July 15) compelling all

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[265] Виленскія Губернскія Вѣдомости, № 32 за 1915 г. (29 апрѣля 1915 г.), стр. 1.
[266] Виленскія Губернскія Вѣдомости, № 52 за 1915 г. (9 іюля 1915 г.), стр. 1.
[267] Виленскія Губернскія Вѣдомости, № 36 за 1915 г. (13 мая 1915 г.), стр. 1-2.
[268] Виленскія Губернскія Вѣдомости, № 51 за 1915 г. (4 іюля 1915 г.), стр. 1.
[269] Виленскія Губернскія Вѣдомости, № 42 за 1915 г. (3 іюня 1915 г.), стр. 1.
[270] Виленскія Губернскія Вѣдомости, № 43 за 1915 г. (6 іюня 1915 г.), стр. 1.
[271] Виленскія Губернскія Вѣдомости, № 50 за 1915 г. (1 іюля 1915 г.), стр. 1.

men aged 18-50 to be engaged to engineering works if so demanded by the local authorities, with a fixed reward[272].

L. Declaration from the Chief of Dvinsk military circuit of July 4, 1915 (published on July 15) on the enhancement of punishment for a violation of fire precautionary measures, as of Art. 95-97 of the Statute of Punishments Imposed by the Justices of Peace[273].

LI. Regulation for the inhabitants of Dvinsk military circuit of July 4, 1915 (published on July 18) on the transportation of tissue, bones and old things under the conditions of epidemics[274].

LII. Declaration from the Chief of Dvinsk military circuit of July 10, 1915 (published on July 18) on the enhancement of punishment for a non-fulfillment of the rescripts of the authorities on combatting contagious diseases (Art. 102-103 of the Statute of Punishments Imposed by the Justices of Peace[275].

LIII. Information from the Vilno governor of July 11, 1915 (published on July 22), according to the order of the Commander-in-Chief of the North-West Front, stating that the acceptance, transfer and the delivery of mail in German language is terminated[276].

LIV. Declaration of the Chief of Dvinsk military circuit, Knyaz' Tumanov, to the inhabitants of the same circuit, of July 21, 1915 (published on July 25), according to which, the flats and property of the people, left from evacuated territories, were under the patronage of the government. Persons breaking into the property or stealing it were subject to be sentenced to the military-field court which could rule any punishment according to the wartime rules, including death penalty[277].

LV. Regulation for the inhabitants of Dvinsk military circuit of July 23, 1915 (published on July 29) on mandatory evacuation of metals and amalgams from Vilno and Dvinsk by stock managers, merchants and industrialists, including particular rules of doing so[278].

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[272] Виленскія Губернскія Вѣдомости, № 54 за 1915 г. (15 іюля 1915 г.), стр. 1.
[273] *Ibid*.
[274] Виленскія Губернскія Вѣдомости, № 55 за 1915 г. (18 іюля 1915 г.), стр. 1.
[275] *Ibid*.
[276] Виленскія Губернскія Вѣдомости, № 56 за 1915 г. (22 іюля 1915 г.), стр. 1.
[277] Виленскія Губернскія Вѣдомости, № 57 за 1915 г. (25 іюля 1915 г.), стр. 1.
[278] Виленскія Губернскія Вѣдомости, № 58 за 1915 г. (29 іюля 1915 г.), стр. 1.

LVI. Regulation for the inhabitants of Dvinsk military circuit of July 24, 1915 (published on July 29) on the prohibition of sale of vegetables, fruit and berries from trays, hampers and baskets, unless permitted by authorities[279].

LVII. Regulation for the evacuees and inhabitants of Vilno and Dvinsk of July 25, 1915 (published on July 29) on the requisition of boots for the needs of the army[280].

LVIII. Regulation for the inhabitants of the city of Vilno of July 26, 1915 (published on July 29) on the prohibition of sustaining excessive amounts of silver and copper coins and the prohibition for merchants to deny providing change for credit tickets[281].

LIX. Regulation for the inhabitants of the city of Vilno of August 3, 1915 (published on August 5), issued by the Vilno governor, inhibiting the transportation of wheat and rye flour, cereals and salt[282].

LX. Regulation for the inhabitants of Dvinsk military circuit, date unknown, presumably of August 1915 (published on August 29, 1915) on the prohibition to increase the costs of medicines that is higher than the tax, adjusted by the Medical Council[283].

LXI. Regulations, issued circa end of August – start of September 1915 (without precise date), published on September 2, 1915, relating to the following issues:

a) Regulation for the inhabitants of Dvinsk military circuit, inhibiting to maintain golden coins, with a prescription to exchange them for credit tickets;

b) Same, restricting the work of restaurants, cafés and other public places to 12 PM;

c) Same, inhibiting merchants and industrialists to give change from credit tickets; as well as a prescription to local inhabitants not to maintain silver and copper coins otherwise for private use;

d) Same, a declaration on the rules of accepting goods and cargo from railway stations;

Note 1: this issue of *Vilno Governorate News* was published in Vitebsk[284].

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[279] *Ibid*, p. 2
[280] *Ibid*, p. 1-2.
[281] *Ibid*., p. 2
[282] Виленскія Губернскія Вѣдомости, № 60 за 1915 г. (5 августа 1915 г.), стр. 1.
[283] Виленскія Губернскія Вѣдомости, № 61 за 1915 г. (29 августа 1915 г.), стр. 1.
[284] Виленскія Губернскія Вѣдомости, № 62 за 1915 г. (2 сентября 1915 г.), стр. 1.

Note 2: this was the last mandatory regulation, issued in *Vilno Governorate News*. Our research indicated that the upcoming issues (No. 62-66) of the newspaper did not contain any other mandatory regulations; there were no such in any of the issues of the newspaper in 1916.

So, we have discussed the major all-imperial laws of 1914-15, which had considerable impact on court defence and civil rights, and were not receipted in the legal system of independent interwar Lithuania. But at the same time, we need to analyze: were all the laws of the period of the First World War of such of nature, that only restricted civil and procedural rights, and did not maintain or create any positive rights? This would be not completely correct to say so. For instance, such legal acts were connected with the social welfare of the wounded. The first major regulation of such nature was the "Regulation on the patronage" («*Положеніе о патронатахъ*») of September 26, 1914, approved by the Emperor Nicholas II (not officially published in regular compendiums of laws, the authors found a copy of the Regulation in *Vilno Governorate News*), which established the network of patronage – a charity organization dealing with help and treatment to wounded commissioned servicemen (referred as «*призрѣніе*», being an approximate term meaning the afore-said), who were in need of care. The settlement of patronage was given to the institutions of the Red Cross, which were expected to be opened on the territories adjacent to the fronts, as well as in other governorates. The structures controlling the patronages were the institutions of the Red Cross, as well as all-imperial unions established for the help of wounded servicemen[285]. This lesser-known act was later accompanied by the Circular of the General Staff of February 16, 1915 No. 25, which discussed the installation of medical institutions for wounded servicemen by the structures of the Red Cross, as well as charity organizations, declaring that the instructions of the commandment regarding the treatment of the wounded have to be provided to the governors (but not to town and village community boards), who were entrusted to govern evacuation and treatment of the wounded[286]. On July 7, 1915, the Highest

[285] Положеніе о патронатахъ. 26-го сентября 1914 года. Published in: not published in regular law compediums, a copy was published in: Виленскія Губернскія Вѣдомости, № 88 за 1914 г. (5 ноября 1914 г.), стр. 1-2.

[286] Циркуляръ Главнаго Штаба № 25 (16 февраля 1915 года) / Распоряженіе, объявленное Правительствующему Сенату Военнымъ Министромъ. О порядкѣ направленія требованій объ отводѣ помѣщеній подъ лѣчебныя заведенія, открываемыя Россійскимъ Обществомъ Краснаго Креста и попеченіемъ общественной и частной благотворительности, для раненыхъ и больныхъ

Personal Order of Emperor Nicholas II founded agricultural asylums («*земледѣльческий пріютъ*») for offsprings of wounded and deceased servicemen, which expected to contain not only sufficient dwelling conditions, but also the schools, agricultural equipment and land plots. These asylums were expected to be maintained by the town and zemstvo institutions, monasteries, fraternities, parishes, charity organizations etc., being also financed from the state and municipal budgets, own incomes and charity contributions[287]. In the era of the Provisional Government (1917), a Temporary All-State Committee for the Aid to Wounded Servicemen («*Временный Общегосударственный Комитетъ помощи военноувѣчнымъ*») was created, which was expected to become a central governmental body for providing help to wounded servicemen with an active involvement of the Minister of State Welfare (Regulation of June 29, 1917)[288]. Another concordant act to outline is the Law "On the fulfillment of the needs of the refugees" (August 30, 1915), which, despite being a slightly belated, but a stringently necessary act establishing the regulatory framework for providing the aid for the refugees, and establishing the structures for their care, commodities, work, medical assistance and appropriate life conditions in general. The law assigned 25 million Rubles for the aid to the refugees, creating an independent governmental authority named "*Especial council*" («*Особое совѣщаніе*») which had to discuss and coordinate all measures for the aid of the refugees. The care for the refugees and aid to them was, apart from the council, entrusted to municipalities and zemstvo boards, as well as church communities and parishes; the town and zemstvo boards received powers to establish appropriate committees for the aid

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воиновъ. Published in: Авербахъ, О. Законодательные акты, вызванные войною 1914-1915 гг. Томъ II. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1915., стр. 329-330.

[287] Именной Высочайшій Указъ Правительствующему Сенату «Объ учрежденіи земледѣльческихъ пріютов для дѣтей увѣчныхъ и павшихъ воиновъ и объ учрежденіи положенія о сихъ пріютахъ (7 іюля 1915 г.) / Положеніе о земледѣльческихъ пріютахъ для дѣтей увѣчныхъ и павшихъ воиновъ. Published in: Авербахъ, О. Законодательные акты, вызванные войною 1914-1915 гг. Томъ II. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1915., стр. 627-631.

[288] Постановленіе Временнаго Правительства от 29 іюня 1917 г. «Объ учрежденіи Временнаго Общегосударственнаго и мѣстныхъ Комитетовъ помощи военноувѣчнымъ. Published in: Сборникъ Указовъ и Постановленій Временнаго Правительства. Выпуск № 2. 5 Мая – 24 Іюля 1917 г. Часть первая. Отдѣлы I – VIII. Петроградъ, 1918., Отд. IV. – Центральное управленіе. – Мин-во Гос. Призр. – № 14, стр. 62-63.

to the refugees (Art. 22)[289]. The municipal committees for the aid of the refugees were known to provide help to Lithuanian refugees: since March 1915, Riga started accepting refugees; the first institution to establish aid was the Riga City Community Board, which started providing refugees with meals, and since mid-April 1915, the Riga Lithuanian Committee for the Help of Servicemen' Families, as well as the Jewish and Polish committees started providing aid to the refugees from Suvalki and Kovno governorates; the Lithuanian committee also organized an asylum for the help of the infirm and elderly Lithuanian refugees (30 people) and around 300 people were placed in municipal asylums, and the town board provided meals for circa 12-15 thousands of people daily; since the second half of June, 1915, a new influx of refugees, mostly Latvian people, occurred from Kurland governorate. They were aided by the Department for aiding Refugees of the Latvian Committee of All-Scale Help under the Auspices of the Latvian Society, which started its work on July 8, 1915, and was known to organize its work at the highest standard, mostly by their own means and resources[290]. Hence, the necessity of a regulation concerning the aid for the refugees, which included medical and spiritual assistance, meals, domicile and asylum, clothes, commodities and employment, was apparently utmost. The afore-mentioned laws related to social welfare, as well as health and humanitarian law; now, let us take a look on a couple of legal acts, which related to the protection of civil and other rights. The notorious "Regulation on Courts for Administrative Cases" (May 30, 1917), adopted by the Provisional Government, was an act which established a system of administrative justice, dealing with disputes between private citizens, legal entities and municipal or state institutions. It should be denoted, that the term "administrative law" was not always used in the legal literature of Russian Empire, occasionally being rendered as "state law" (*«государственное право»),* with the Governing Senate (1st, and, in certain matters, 2nd, 3rd and 4th Departments) was the only court, which could review administrative disputes,

[289] Одобренный Государственнымъ Совѣтомъ и Государственною Думою и Высочайше Утвержденный Законъ «Объ обезпеченіи нуждъ бѣженцевъ» / Положеніе обезпеченіи нуждъ бѣженцевъ (30 августа 1915 г.). Published in: Авербахъ, О. Законодательные акты, вызванные войною 1914-1916 гг. Томъ III. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1916., стр. 1-7.

[290] Овчинниковъ, Я. Организація питательной помощи безработнымъ и бѣженцамъ въ районѣ гор. Риги. Published in: Бѣженцы и выселенцы. Отдѣльные оттиски изъ № 17 Извѣстій Всероссійскаго Союза Городовъ. Москва: Городская Типографія, 1915., стр. 77-82.

being the highest (and sole) judiciary instance in administrative cases[291]. The new law established single administrative justices as the first instance, being equaled to members of a district court (not a justice of the peace) → the appellate instance was an administrative department of the district court → the Governing Senate as the highest instance. The administrative courts had a wide variety of options on deciding the cases, such as dismissing the claim, cancelling the disputed administrative decision, or altering it, compelling the institution, which was a party to the dispute, to perform certain action, and finally, altering the administrative decision (Art. 58)[292]. The Supreme Tribunal of Lithuania, while hearing an administrative dispute in cassation order in 1924 (*officially* rendered as a civil dispute, to be precise) , ruled that administrative disputes could not be in the competence of a justice of the peace or a district court[293] (see the discussion of the case in below); later on, the Tribunal started reviewing administrative cases as the sole administrative court instance. Therefore, it may be presumed, that the reception of this law could be beneficial for establishing a system of administrative justice – and if necessary, the law could be apparently altered and amended. Another peculiar legal act of the Provisional Government was the "Regulation on the order of reviewing the cases on persons, arrested in an extrajudicial order" of July 16, 1917. This law strictly inhibited any governmental bodies, community organizations, officials and private persons to apprehend anybody, or restrict freedom of domicile and speech aside from the order, prescribed by the acting legislation. The matters of people, apprehended in an extrajudicial order, were subject to review by a

[291] Корфъ, С., Бар. Административная юстиція в Россіи. Томъ II. С.-Петербургъ: Типографія Треике и Фюсно, 1910., стр. 354-381.

[292] Постановленіе Временнаго Правительства отъ 30 мая 1917 г. «О судахъ по административнымъ дѣламъ». Published in: Сборникъ Указовъ и Постановленій Временнаго Правительства. Выпуск № 2. 5 Мая – 24 Іюля 1917 г. Часть первая. Отдѣлы I – VIII. Петроградъ, 1918. Отд. VIII. – Судебная часть. – № 1, p. 527-540. See, additionally, a discussion on this law: Кулишеръ, А. Административный судъ въ Россіи. Право. Еженедѣльная юридическая газета. 1917 г. № 29 – 30. Вторникъ, 25 Іюля., стр. 1104-1123. According to Kulisher, the model of administrative court, adopted by the Provisional Government, could have certain French influences, but the law was neither copied or directly influenced by any foreign analogues – such as Germany or Belgium.

[293] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. liepos 15 d. sprendimas № 213. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys 1929. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, pp. 147–148.

Governorate (oblast) Commission under the supervision of a district court member, which could rule upon the reviewed matter, and submit the ruling to the district court prosecutor; the ruling may be annulled by the Minister of Justice (Art. 6-10)[294]. Finkelšteinas (1922) mentioned that there was at least one known complex of post-World War I legal acts, adopted in the Russian Empire, which was likely to be *de-facto* receipted. According to Finkelšteinas, these were the moratorium laws, as the Law "On moratorium" of November 17, 1919, declare a general six-month moratorium in terms of banks and credit institutions (Art. 1); the law also allowed the same in terms of promissory notes done before July 17, 1914, if the court could conclude that the debtor was not in the condition to pay out the debt (Art. 2); the next article declares, that all the previously adopted moratorium laws should be considered void[295]. But did that, at the same time, mean that all the moratorium laws, which were adopted after the outbreak of World War I, were *operating*? It seemed to be so, as the laws on moratorium in terms of promissory note payments etc., were all adopted *after* the start of the war, as it was already discussed by us in the passage above. Finkelšteinas did not find or suggest any answer to this controversy[296].

Thus, summing up all the above given, interwar Lithuania receipted four legal systems[297], as a result of which a tetrumvirate of civil law with the Restatement of Laws' Vol. X. p. 1 of the Russian Empire of 1864[298], which

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[294] Постановленіе Временнаго Правительства отъ 16 іюля 1917 г. «О порядкѣ рассмотрѣнія дѣлъ о лицахъ арестованныхъ во внѣсудебномъ порядкѣ. Сборникъ Указовъ и Постановленій Временнаго Правительства. Выпуск № 2. 5 Мая – 24 Іюля 1917 г. Часть первая. Отдѣлы I – VIII. Петроградъ, 1918. Отд. VIII. – Судебная часть. – № 19, p. 574-576.

[295] Įstatymas apie moratoriumą, 1919 m. lapkričio mėn. 17 d. Laikinosios Vyriausybės Žinios. (1919 m. gruodžio 2 d.), № 17, p. 6.

[296] Finkelšteinas, O. Mūsų įstatymai teisės šviesoje. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 2 (Balandis – Birzelis). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1922., p. 19-22.

[297] For comparison, in Czechoslovakia (First Czechoslovak Republic), which was formed in 1918, a triumvirate of civil law was in effect: the Austrian Civil Law of 1811 was in effect in the Czech lands, Hungarian customary law was in effect in the Slovak lands at that time, and the German Civil Code (BGB) was in effect in the Hlucinsky District (former Silesia).

[298] Сводъ Законовъ Россійской Имперіи. Томъ Десятый, Часть 1-я. Изданіе 1900 г. / Сводъ Законовъ Гражданскихъ. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С.-Петербургъ, 1912.

acted in the most part of the territory of Lithuania, the Napoleon Civil Code of 1804, which acted in Uznemune[299], Vol. III of the Code of Local Laws of the Baltic Governorates of 1864[300] on a small part of the territory of Lithuania – Palanga and a part of Zarasai county , as well as the German Civil Code (*Burgerliche Gesetzbuch*, BGB) of 1896[301] in Klaipėda region[302]. Local laws adopted by the *Seimelis* were also in effect in Klaipėda region[303]. There was also a duumvirate of the systems of criminal law – in the majority of the territory of Lithuania the Criminal Code of Russian Empire of 1903[304] remained intact, and in Klaipėda region, the German Criminal Code of 1871 (in German. *Strafgesetzbuch*, StGB)[305] remained in force. Here we can note the decision of the Tribunal of 22 May 1933, which heard the case of a private prosecution of the editor of the Klaipėda German-language newspaper "*Memeler Dampfboot*" for slandering a professor who was accused of fighting against the local Evangelical Church. The Supreme Tribunal points out that in this case the criminal legislation in force in the Klaipėda region should be applied, since Article 1213-3 of the Statute of Criminal Procedure allows the victim who initiates a private prosecution in a defamation case to the court of his/her place of residence; he/she is allowed to choose the court of the place where the crime was committed, or the court of his/her place of residence, which must be

[299] Code Civil des Français. Nouvelle Ėdition stereotype, Conforme à l'édition originale de l'imprimerie de la République. Paris, Chez Garnery, Libraire, rue de Seine. Et à la Librairie Stéréotype, chez H. Nicolle, rue des Petits-Augustins, №. 15. 1806.

[300] Сводъ Местныхъ Узаконеній Губерній Остзейскихъ. Часть Третія. Законы Гражданскіе. Санктпетербургъ: Въ Типографіи Втораго Отдѣленія Собственной Е.И.В. Канцеляріи, 1864.

[301] *Bürgerliches Gesetzbuch*, 18. August 1896, RGBl. S. 195.

[302] See. Veržbavičius, L. Senoji Lietuvos šeimos teisė. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 18 (Liepos – Gruodis 1930). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1930., pp. 64–83, see, in particular, at pp. 65–66.

[303] See, for instance, *Vyriausiasis Tribunolas* (Klaipėdos Kraštos Skyrius), 1935 m. vasario 18 d. sprendimas. In: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : "Teisės" priedas № VI (6). Kaunas, 1935., Byla № 131, pp. 240–243.

[304] *Уголовное Уложеніе* (Именной Высочайшій Указъ и Высочайше утвержденное мнѣніе Государственнаго Совѣта. Объ утвержденіи уголовнаго уложенія.). От 22 марта 1903 года. Published in: Собраніе узконеній и распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ за 1903 годъ, I часть. № 38 от 16 апрѣля 1903, стр. 910, ст. 416. Отделъ Первый.

[305] *Strafgesetzbuch*, 15. Mai 1871, RGBl. S. 127.

permanent[306]. In the judgment of the General Assembly of the Supreme Tribunal of February 28, 1935 relating to the issue of examination of mentally ill people living in Suvalki, the Tribunal, referring to Articles 368-372 of the Restatement of Laws, Vol. X, p. 1, indicates that the examination of a mentally ill person may be carried out both at the place of (permanent) residence and at the place of usual residence, and completely regardless of the location of the real estate of this person. It follows from this that the examination of mentally ill people permanently residing on this side of the Neman should be carried out in accordance with the laws in force in Suvalkija[307]. According to the Supreme Tribunal, the use of the norms of the receipted law does not contradict the principles of a democratic state. Thus, in its judgment of February 5, 1926, the General Assembly of the Supreme Tribunal considered the issue of the chairman of the Šiauliai District court not including two issues proposed by his assistant on the agenda, while claiming that this was the competence of the chairman himself. The court's public defender (in Lithuanian: *Valstybės Gynėjas*) considered that this was only an interpretation of the monarchical government of the Russian Empire, and in democratic Lithuania, such a thing would contradict the principles of democracy. The Supreme Tribunal did not agree with his statement: in its opinion, in order to determine whether the conclusion complies with the principles of democracy, one must proceed from the Law "*On provisional order of the judiciary and its work*"[308] (the law remained acting from 1918 to 1933[309]), namely from Article 2, referring to Article 24 of the Constitution of 1918, according to which civil and criminal cases must be considered according to the laws that existed in the Russian Empire, based on the provisions of the Constitution on the reception of law (i.e. Article 24). The Supreme Tribunal explains that Article 2 means that pre-war

[306] *Vyriausiasis Tribunolas* (Baudžiamasis Skyrius), 1934 m. gegužes 22 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : "Teisės" priedas III (3). Kaunas, 1934., Byla № 72, pp. 129–131.

[307] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1935 m. vasario 28 d. nutarimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : "Teisės" priedas VII (7). Kaunas, 1935., Byla № 70, pp. 129–131.

[308] 1918 m. lapkričio 28 d. *Laikinasis Lietuvos teismų ir jų darbo sutvarkymas*. Published in: Laikinosios Vyriausybės Žinios. 1919. № 2/3, p. 6.

[309] In 1933, the old 1918 law was repealed by the Law "*On the judiciary*": 1933 m. liepos 11 d. *Teismų santvarkos įstatymas*. In: Vyriausybės Žinios. 1933. № 419, Eil. 2900, pp. 1-26.

laws adopted in the Russian Empire are valid in Lithuania if they do not contradict the provisions of the Provisional Constitution[310], and the amendments, adopted to this law. The Tribunal denotes, that foremostly, according to the provisions of the Statute of Civil Procedure[311], the court hearings, as well as the general assembly of the courts in cases within its jurisdiction, have to be appointed by the court's chairman, and secondly, the law did not introduce any changes into the order of passing the cases for the consideration of the general assembly. The Tribunal reminds, that the provisions of the Provisional Constitution of Lithuania[312] did not set up a rule that all the work is performed by the collegiums, but it was meant to be independent actions of the chairmen: thus, the Cabinet of Ministers consists, inter alia, of the Prime Minister, representing the Cabinet of Ministers, and therefore, the independent activity of the chairman of the court, provided for in pre-war laws, does not contradict the basic provisions of the Provisional Constitution[313]. Interestingly, the Supreme Tribunal has had to check the existence and compliance of various pre-war norms with the Constitution, for which national legal acts were not issued. For example, when considering the case on the issue of the cost of placing an advertisement in the newspaper "*Vyriausybės Žinios*" (the official gazette for publishing announcements from state bodies and courts), the Tribunal notes that in the presence of the Law "On Court Fees" adopted in Lithuania in 1920[314], the pre-war norms have

[310] Here the court has in mind the Provisional Constitution of Lithuania, apparently of 1918 (even though at the time of the case, the current Constitution was adopted in 1922) – in this case the Tribunal makes a reference to the main provisions (in Lithuanian: *pagrindiniai dėsniai*).

[311] Судебные уставы 20 ноября 1864 г. съ изложеніемъ разсужденій, на коихъ они основаны. Ч. 1. Санктпетербургъ: въ Типографіи Втораго Отдѣленія Собственной Е. И. В. Канцеляріи, 1867. See also the edition of 1892 as follows: Сводъ Законовъ Россійской Имперіи. Томъ шестнадцатый (XVI). Судебные уставы / Уставъ Гражданскаго Судопроизвоства. Изданіе 1892 г. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С.-Петербургъ, 1912., at p. 113 and onward.

[312] See note 93 *supra*.

[313] *Vyriausiasis Tribunolas* (Visuotinis susirinkimas), 1926 m. vasario 5 d. nutarimas. In: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 25, pp. 45-46.

[314] 1920 m. rugpjūčio 9 d., *Teismų mokesnių istatymas*. In: Vyriausybės Žinios. 1920, № 43, Eil. 442, p. 1.

respectively ceased to act[315]. Sometimes pre-war legal acts provided civil servants with additional social guarantees that were not cancelled by laws adopted in independent Lithuania: thus, in the decision of January 23, 1930, the Tribunal considered the complaint of a judge of the Panevezys District court regarding the obligation to travel to off-site sessions and business trips without prior payment of salary and daily allowance. Such a right was provided for in the pre-war Article 634 of the Statutes of Civil Service[316] – the Law "On reimbursement of travel expenses of civil servants" adopted in Lithuania in 1922[317] did not abolish this norm. The Supreme Tribunal found the above-mentioned provision as such that does not contradict the Constitution, and assigned the responsibility of its implementation upon the chairman of the court[318]. In some cases, the Supreme Tribunal pointed out the need to use pre-war sources of law to resolve a dispute – for example, in its civil cassation judgment № 581 of October 18/November 4, 1929, the Tribunal pointed out the need to apply the norms of Restatement of Laws, Vol. IX[319] in terms of the issue of the registration of marriages of believers of Christian faith who do not accept the priesthood (seemingly, the "staroobryadtsy-bezpopovtsy")[320]. In other cases, the Tribunal, on the contrary, recognized pre-war norms as inconsistent with the Constitution of Lithuania. For instance, in the judgment

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315 *Vyriausiasis Tribunolas* (Visuotinis susirinkimas), 1929 m. balandžio 5 d. nutarimas, In: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kauna : Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 88, p. 147–149.

316 Сводъ законовъ Россійской Имперіи. Томъ третий (III). Сводъ уставовъ о служб́ѣ гражданской. Изданіе 1896 г. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С.-Петербургъ, 1912.

317 1922 m. gegužės 26 d. *Įstatymas valstybės tarnautojų kelionės išlaidoms atlyginti*. Published in: Vyriausybės Žinios. 1922, №. 94, Eil. 780, pp. 3–4.

318 *Vyriausiasis Tribunolas* (Visuotinis susirinkimas), 1930 m. sausio 23 d. Nutarimas. Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas : Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 101, p. 165–166.

319 Сводъ Законовъ Россійской Имперіи. Томъ девятый (IX). Сводъ законовъ о состояніяхъ. Изданіе 1899 г. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С.-Петербургъ, 1912.

320 *Vyriausiausis Tribunolas* (Civilinis Skyrius), 1929 m. spalio 18 d. ir lapcričio 4 d., sprendimas № 581. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1929 metų. Kaunas, 1931, pp. 167–169.

of the General Assembly of the Supreme Tribunal of January 16, 1936 it is stated that Article 73 of the Regulation on Marriage (1836)[321] (which was also receipted by the Lithuanian legal system), which granted the Orthodox Church to decide upon cases of repeated divorce if one of the parties belonged to the Orthodox faith, is contrary to Article 11 of the Constitution of Lithuania and is not valid in Lithuania, since the above-mentioned provision of the Constitution of Lithuania established the principle of equality of all citizens before the law, regardless of their origin, religion and nationality[322]. In the civil cassation judgment №207 of July 14, 1924, the Supreme Tribunal stated that only those laws issued in the Russian Empire that were issued before the World War I could be valid in the territory of Lithuania, while those laws that were issued after its outbreak were declared invalid by the Lithuanian government, and therefore, as legislative acts of a foreign state, they have no force in Lithuania[323]. In the civil cassation judgment № 296 of December 6, 1924, the Supreme Tribunal set the final date for the reception of law in Lithuania: the court notes that, according to Article 24 of the Provisional Constitution of Lithuania, the laws of the Russian Empire issued before the start of World War I, that is, before 1 August 1914, are recognized as valid (interestingly, such a date does not appear in the provisions of the Constitutions of Lithuania of 1918, 1919, 1920, 1922 and 1928 – they use the term "before the war" without specifying any specific dates), while newer legislative acts (i.e. after the start of World War I – *the Authors*) are not valid; the Tribunal adds that Article 106 of the Constitution (1922 ed.) recognizes all laws that were in force before the publication of the Provisional Constitution as invalid (obviously, this refers to the Constitution of 1918 – *the Authors*), and as valid only those that were sanctioned by the norms of the Provisional Constitution, or issued by the

[321] Положеніе о Союзѣ Брачном, утвержденное 16 (28) марта 1836 г., и обнародованное 12 (24) іюня т.г. In: Губе, К. Гражданскіе законы губерній Царства Польскаго. Выпускъ I. Переходныя правила къ кодексу Наполеона. Гражданское Уложеніе Царства Польскаго 1825 г. Положеніе о Союзѣ Брачном 1836 г. Кодексъ Наполеона кн. II, ст. 516 – 529. Варшава, 1877., pp. 209 – 283.

[322] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1936 m. sausio 16 d. nutarimas. In: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 34 priedas XII (12). Kaunas, 1936., Byla №. 88, pp. 159–160.

[323] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. liepos 14 d. sprendimas № 207. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, pp. 141–142.

authorities of Lithuania[324]. Of considerable interest is the case where the application of the rules of the receipted law allowed the Tribunal to establish that Lithuania's sovereignty over territorial waters extends to 12 nautical miles[325]. It is curious that by the 1930s, the only legal act codifying Lithuanian maritime law remained the Klaipėda Convention; in other cases, laws adopted in the Russian Empire and Germany (in the Klaipėda region) continued to be in effect[326]. Furthermore, in one of the rather rare cases on medical law, where a dispute was heard about which authority should pay for the stay of a mentally ill person in a psychiatric hospital who committed a crime while insane, the Supreme Tribunal referred to Article 266 of the Statute of Public Welfare of 1892 (mentally ill people are hospitalized to a hospital by a court judgment)[327] along with the provisions of the Law "*On Hospitals*" (1935)[328]. It is also important to remind, that the Law "*On hospitals*" (1935)[329] with its adoption,

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[324] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. gruodžio 6 d. sprendimas № 296. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, pp. 177–180.

[325] *Vyriausiasis Tribunolas* (Baudžiamasis Skyrius), 1936 m. rugpjūčio 20 d. Sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 36 priedas XIV (14). Kaunas, 1936., Byla №. 299, pp. 570–572.

[326] VOLSONOKAS, R., Lietuvos juros teisė. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 18 (Liepos – Gruodis 1930). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1930., pp. 1–36 (see p. 2).

[327] Сводъ Законовъ Россійской Имперіи. Томъ тринадцатый. Уставы о народномъ продовольствіи, Общественномъ призрѣніи и Врачебный. Изданіе 1892 года. Санкт-Петербургъ, 1892 // Устав Общественнаго Призрѣнія, ст. 266 / стр. 52.

[328] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1937 m. balandžio 21 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 40 priedas XVII (17). Kaunas, 1937., Byla № 507., pp. 539–540. See the judgment of the Senate on this issue: *Правительствующий Сенатъ* (Общее Собраніе Перваго и Касссаціонныхъ Департаментовъ), рѣшеніе от 1906 г. октября 23 д. № 27. In: Рѣшенія Общаго Собранія Кассаціонныхъ и съ участіем Перваго и Втораго Департаментовъ Правительствующего Сената. 1906. С.-Петербургъ: Сенатская типографія, 1906., pp. 82–87. Here we have to denote, that there is no reference to this case in the judgment of the Tribunal.

[329] 1935 m. rugsejo s/a, *Ligoninių įstatymas.* In: Vyriausybės Žinios.1935, № 498, Eil. 3464, pp. 1–2.

has repealed a number of provisions of the Doctor's Statute (1905)[330], but not the Statute of Public Welfare, which continued to be acting in Lithuania. It is also necessary to point out that the court uses the 1892 edition of the Statute of Public Welfare, while the last edition of this Statute took place in 1915[331], but the given provisions, according to the Constitutions of Lithuania, adopted in 1918-1928, do not act in Lithuania, as the timeline border of the reception of law, as it is already known by the reader, was set as August 1, 1914. While considering the issue of liability for cutting down one's own forest, removing stumps or roots without the appropriate permission (Article 255 of the Criminal Code), the Supreme Tribunal refers to the Forest Code of 1905 (Restatement of Laws, Vol. VIII, p. 1)[332], which apparently makes it a receipted normative-legal act[333]. The Tribunal actively implemented the norms of legislation adopted in independent Lithuania: for example, in the civil cassation judgment № 770 of October 1, 1930[334], the dispute on the annulment a chocolate trademark was decided upon the laws enacted in independent Lithuania, namely the Law "*On the protection of trademarks*"[335], but not on grounds of the provisions of the

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330 Уставъ Врачебный, изд. 1905 г. и по прод. 1912 и 1913 г. и Узаконенія по врачебно-санитарной части, дополненныя постатейными разъясненіями Сената и правительственныхъ установленій, правилами и инструкціями. / Составил пров. Л. А. Колычевъ. Петроградъ: Изданіе юридическаго книжнаго магазина В. П. Анисимова, 1915.

331 Сводъ Законовъ Россійской Имперіи. Томъ Тринадцатый (XIII). Уставъ о общественном призрѣніи. Изданіе 1915 года. Петроградъ, 1915. Regarding the older version of the Statute, see. Сводъ Законовъ Россійской Имперіи. Томы XIII – XVI. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. Книга Пятая. С.-Петербургъ, 1912. (see. Томъ Тринадцатый. Уставъ об Общественном Призрѣніи., pp. 81–175).

332 Сводъ Законовъ Россійской Имперіи. Томъ Восьмой (VIII), Часть 1-я. Уставъ Лѣсной. Изданіе 1905 года. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С.-Петербургъ, 1912.

333 *Vyriausiasis Tribunolas* (Baudžiamasis Skyrius), 1935 m. sausio 31 d. / vasario 7 d. nutarimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : "Teisės" priedas № VI (6). Kaunas, 1935., Byla № 62, pp. 111–114.

334 *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1930 m. spalio 1 d. sprendimas № 770. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1930 metų. Kaunas, 1932., pp. 161–163.

335 1925 m. sausio 27 d. *Prekių ženklams saugoti įstatymas*. In: Vyriausybės Žinios. 1925, № 183, Eil. 1241, pp. 1–2.

Industry Statute (Restatement of Laws, Vol. XI, p. 2), or the interpretations of the Cassation Senate[336] (Art. 161-1 – 161-21 on the protection of trademarks were abolished by the law of 1925, but the Industry Statute continued to be acting as an receipted legal act hereinafter). There is a known case where the Supreme Tribunal (Department of cases from Klaipėda region) referred to the German Weimar Republic Law "*Electoral Law of the State*" (*Reichswahlgesetz*) of 1920[337], indicating that where it is envisaged that candidates will be selected from joint lists after elections, this shall be determined by law [338]. Also in matters of church-confessional law, we note a case where the Tribunal, resolving the question of whether schemamonks, having taken simple vows (both temporary and permanent), can retain the right to property and the acquisition of property, refers to § 1 of Canon 580 of the Code of Canon Law of 1917[339], according to which, the given question was resolved in a positive sense[340] (herein we have to denote, that the Concordat between the Holy See and the Republic of Lithuania was signed in 1927[341]).

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[336] See, e.g.. *Кассаціонный Сенатъ* (Гражданскій Кассаціонный Департаментъ Правительствующаго Сената), рѣшеніе от 1911 г. января 19-го д. № 1. Published in: Рѣшенія Гражданскаго Кассаціоннаго Департамента Правительствующаго Сената. 1911. С-Петербургъ: Сенатская типографія. 1911., pp. 3–10.

[337] *Reichswahlgesetz* (Weimarer Republik), 27. April 1920, RGBl. I S. 627.

[338] *Vyriausiasis Tribunolas* (Klaipėdos Kraštos Skyrius), 1935 m. vasario 18 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" priedas № VI (6). Kaunas, 1935., Byla № 131, pp. 240–243.

[339] See Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV / Petro Card. Gasparri. Romae: Typis Poliglottis Vaticanis. MCMXVII (1917), at p. 168. §1 of Canon 580 of Codex Iuris Canonici provides: "*Quilibet professus a votis simplicibus, sive perpetuis sive temmporariis, nisi aliud in constitutionibus cautum sit, conservat proprietatem bonorum suorum et capacitatem alia bona acquirendi, salvis quae in can. 569 praescripta sunt.*" In English: "*Any person who has made simple vows, whether perpetual or temporary, unless otherwise provided in the constitutions, retains the right of ownership of his property and the ability to acquire other property, without prejudice to what is prescribed in canon 569*."

[340] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1937 m. kovo 8/22 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : "Teisės" № 40 Priedas XVIII (18). Kaunas, 1937., Byla № 495, pp. 525–527.

[341] 1927 m. spalio 20 d.(ratificuota) *Konkordatas Sv. Sosto ir Lietuvos Republikos / Concordat entre le Saint-Siège et la République de Lithuanie*. Published in: Vyriausybės Žinios. 1927. № 264, Eil. 1708, pp. 1–6.

A time-limited reception of law created a situation where the system of administrative appeal effectively ceased to exist for several years. Thus, the fact is that Lithuania carried out the reception of pre-revolutionary law, limiting itself to the date of August 1, 1914 (the beginning of the World War I), while in the Russian Empire, already during the era of the Provisional Government, on May 30, 1917[342] the "*Regulation on the courts in administrative matters*" was adopted, upon which the departments reviewing administrative cases were established in district courts. For instance, in the Ukrainian People's Republic (in Ukrainian: *Українська Народна Республіка*), where the reception of the law of Russian Empire was not limited to 1914, but to 1917 (i.e. included all normative-legal acts adopted by the Provisional Government)[343], the courts already reviewed administrative disputes in 1918[344]. In Lithuania, the reception of this segment of law did not take place, although Article 68 of the Constitution of 1922[345] assumed that the courts would have to consider administrative cases, however, the Supreme Tribunal in two judgments of February 1 and May 23, 1923 emphasized that this provision of the Constitution assumes that a special

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[342] Постановленіе Временнаго Правительства отъ 30 мая 1917 г. «О судахъ по административнымъ дѣламъ». Published in: Сборникъ Указовъ и Постановленій Временнаго Правительства. Выпуск № 2. 5 Мая – 24 Іюля 1917 г. Часть первая. Отдѣлы I – VIII. Петроградъ, 1918. Отд. VIII. – Судебная часть. – № 1, p. 527-540.

[343] According to the Law of Ukrainian Tsentralna Rada "On exclusive right of the Tsentralna Rada to promulgate the legislative acts of the U.P.R." (Ukr.: *«Закон про виключне право Центральної Ради видавати законодавчі акти УНР»*) of November 25, 1917, all laws adopted before October 27, 1917, if not altered by the Ukrainian People's Republic's legal acts, remained in force (Chapter II, Art. 1). Reported in: Українська Центральна Рада. Документи і матеріали. У двох томах. Том I (4 березня – 9 грудня 1917 р.). Київ: Наукова думка, 1996. № 224, p. 477-478.

[344] See, for instance,

1) *Київський Окружний Суд*, 1918 р. липня 17 д., рішення № 475 (*Кіевскій Окружный Судъ*, 1918 г. іюля 17 д., рѣшеніе № 475), ЦДАВО Fund 4146, descr. 1. case no.. 58, p. 20;

2) *Херсонський Окружний Суд*, 1918 р. вересня 11/24 д. рішення № 46 (*Херсонскій Окружный Судъ*, 1918 г., сентября 11/24 д. рѣшеніе № 46), ЦДАВО Fund 4146, descr. 1., case no. 65, pp. 29–30;

3) *Одеський Окружний Суд*, 1918 р. серпня 11/24 д., рішення № 17 (*Одесскій Окружный Судъ*, 1918 г. августа 11/24 д. рѣшеніе № 17), ЦДАВО Fund 4146, descr. 1., case no.. 73, pp. 28–29.

[345] 1922 m. rugpjučio 1 d. *Lietuvos Valstybės Konstitucija*. Published in: Vyriausybės Žinios. 1922, № 100, Eil. 799.

law must be adopted to implement the said procedure[346]. Let us consider another judgment of the Supreme Tribunal (civil cassation judgment № 213 of July 15, 1924) to understand the problem. The plaintiff sued the Central Commission for the Sequestration of Apartments, appealing the decision of a justice of the peace, who refused to accept the claim. The Tribunal confirmed the plaintiff's assertion that Article 68 of the Constitution instructs the court to verify the legality of orders of administrative bodies, and not only orders, but individual resolutions, but at the same time, Article 66 of the 1922 Constitution provided that the competence of the courts is established by law, which means that each judicial body resolves those cases that are entrusted to it. The Supreme Tribunal points out that at present time (i.e. at the time of consideration of the case) administrative cases do not belong to the competence of the Justices of the peace and the District courts, and the Seimas, as a legislative body, can create a judicial body to implement Article 68 of the Constitution. The Court points out that the plaintiff's appeal to the district court cannot be considered as a civil claim – the civil claims, in the opinion of the Tribunal, occur only between individuals regarding their subjective rights, while here, on the one hand, there is a person who considers his right to be violated by a certain administrative act, and on the other hand, it is not the right of an individual, but an act of a state authority, and this act, whether legal or illegal, is carried out in the course of work of a state authority, and it cannot be considered as some kind of criminal act (which could be considered by Justices of the peace or District courts). Thus, the Tribunal concludes that the plaintiff's claim does not belong to the competence of a Justice of the peace, or a District court, and therefore the plaintiff's complaint was rejected[347]. It should be noted here that a special law on administrative courts was never adopted in interwar Lithuania, and a system of administrative courts was not created, only some provisions of the laws provided for the possibility of appealing the decisions of administrative institutions to the Supreme Tribunal[348], in the structure of which there was no

[346] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1923 m. vasario 1 d. ir gegužės 23 d. sprendimas / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 4 (1922 m. spalių – 1923). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1923., pp. 46–47.

[347] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. liepos 15 d. sprendimas № 213. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys 1929. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, pp. 147–148.

[348] Ąačkauskas, K. *Lietuvos administracinio teismo pradai*. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 37 (Sausis – Kovas 1937). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1937, pp. 55–65, at pp. 60–61.

department of administrative cases; the administrative cases in the Tribunal were reviewed by the Department of Civil Cases, and occasionally, the General Assembly[349]. Thus, since the Supreme Tribunal had the right to review the appeals on the decisions of such state bodies, as the Highest Land Commission, the Highest Tax Commission, the Ministry of Interior etc., it became a *de facto* supreme administrative court[350], never being designated as such by law, albeit the Supreme Tribunal was recognized as the highest instance for administrative matters (cases), which originate from Klaipeda Region in Art. 22 (2) of the Law of Judiciary (1933)[351]. Upon the view of the authors, this provision could hint that the jurisdiction of the Supreme Tribunal was supposed to have been officially broadened to administrative cases someday in the future. There is no precise answer for which reason either the initial, or the later structure of the Supreme Tribunal had not been supplemented with a department for administrative cases. For instance, if we consider the structure of the Russian Empire's Governing Senate's departments, which administrated justice, we will not find one, which was called strictly "administrative", but administrative cases were mainly handled by the Senate's First Department («*Первый Департаментъ*»), as well as the Second, Third and Fourth to a certain extent. For instance, the Senate of Latvia (*Latvijas Senāts*), the Supreme Court of the Republic of Latvia in 1918-1940, established in its judgment of the General Assembly («*Apvienotā sapulce»)* № 69 of 1927 (69/27), that the Administrative Department of the Latvian Senate is not a receipted structure of the Governing Senate, but is an entirely new structure, since the Governing Senate's I-IV department transformations of 1916-1917 turned it to a considerably less trustworthy structure, and the Administrative Department was clearly not a successor of the said departments of the Governing Senate, being guided only by newly-adopted Latvian legislation[352]. The principle of impugning the

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[349] Lytvynenko, A. – Machovenko, J. *The interpretation of the norms of the 1922 Constitution of Lithuania by the Supreme Tribunal* // Bratislava Law Review. Bratislava: Comenius University Bratislava Faculty of Law, 2024., Vol. 8, №. 2, p. 177–198., see, in particular, at pp. 181–182.

[350] Račkauskas, K. *Lietuvos administracinio teismo pradai*. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 37 (Sausis – Kovas 1937). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1937, pp. 55–65, at pp. 60–61.

[351] 1933 m. liepos 11 d. *Teismų santvarkos įstatymas*. In: Vyriausybės Žinios. 1933 №. 419, Eil. 2900, pp. 1–26., see in detail on pp. 1–2.

[352] *Latvijas Senāts* (Apvienotā Sapulce), 1927. g. 14. oktobrī, Spriedums Nr. 69/27. Reported in: Senāta Apvienotās Sapulces Spriedumi 1927., 1928., 1929. g. Rīga: Valsts tipografija Rīgā, pilī., Lieta Nr. 9, 13-15. Lpp. See additionally, in terms of the theory

administrative decisions of central executive institutions, which was anchored in the Latvian legislation of the interwar period was very much the same as in Lithuania – the complaint had to be lodged directly to the Senate, as clearly depicted in the judgment of the General Assembly of the Latvian Senate № 31 of 1937 (31/37)[353]. A slightly different concept of the Administrative Department could be traced from the acts of the Ukrainian People's Republic of 1917-1918, which demonstrated that the UPR's Supreme Court (originally named as the General Court, «*Генеральний Суд*») was viewed in closer terms as the Governing Senate's successor. According to Tsentralna Rada's Law "*On the formation of the General Court*" of December 2, 1917, Art. 1, the General Court, being subdivided into three departments – the Departments for Civil, Criminal and Administrative Cases, handled all the judicial functions, previously carried out by the Russian Empire's Governing Senate in terms of handling cases and overwatch of the lower courts[354]. The aforesaid law did not clearly explain the nature of forming the Administrative Department, but this answer could be found in the later acts, when, after the upheaval of Hetman Pavlo Skoropadskiy (April 29, 1918), the General Court was renamed to the State Senate of Ukrainian State (or occasionally referred to in short as the State Senate, namely «*Державний Сенат Української Держави*», or «*Державний Сенат*»), the law of July 8, 1918, enacted by the Council of Ministers, Art. 40, provided, that the Administrative Department's (referred to as *Administrative General Court*) subject-matter lied in the cases which previously belonged to the jurisdiction of the First and Second Departments of the Governing Senate, and the Third and Fourth Departments of the same, as well as the "Especial Presence of Alienation of Immovable Property in State

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and reform of administrative courts in Latvia during the interwar period: Bukovskis, V. Administratīvās tiesas reforma. Tieslietu Ministrijas Vēstnesis. 6. Gads. 7 – 9. Nrs. 1925. Tieslietu Ministrijas Izdevums Krājuma pie "Letas". Rīgā, Kr. Barona ielā, 1925., 817-841. lpp.; Kalacs, J., Senātors. Pārdomas par administrātīvo tiesu. Tieslietu Ministrijas Vēstnesis. № 3. 1937. Rīga: Tieslietu Ministrijas Izdevums, 1937., 315-326. lpp.

[353] *Latvijas Senāts* (Apvienotā Sapulce), 1937. g. 25. Septembrī. Spriedums Nr. 31/37. Reported in: Senāta Apvienotās Sapulces Spriedumi 1935. – 1938. g. Rīga: Valsts tipografija Rīgā, [Krišjana] Valdemara iela 6. Lieta Nr. 18, 84-86. lpp.

[354] Law of Ukrainian Tsentralna Rada of December 2, 1917, "On the formation of the General Court" («*Закон про Утворення Генерального Суду*»), Art. 1. Reported in: Українська Центральна Рада. Документи і матеріали. У двох томах. Том І (4 березня – 9 грудня 1917 р.). Київ: Наукова думка, 1996., № 236, p. 497.

and Community Welfare", until the enactment of a special law[355]. This succession seemed to be the original intention of the legislator, since the draft law contained the same provision in the same order[356]. The State Senate in its General Assembly (spelled officially as «*Об'єднане присутствіє*» in old-Ukrainian language style) also retained powers to overwatch and decide on cases on court servant misdemeanors (as evidenced from the judgments of January 4, 1919)[357], being potentially a very powerful judicial body, had it lasted longer.

In the matter of applying pre-war sources of law in the practice of the Supreme Tribunal, there was also a case in criminal cassation judgments, being somewhat curious so we will examine this case in more detail. The technical director of a brick factory was accused of holding uninsulated wires of a clay quarry at a height of one and a half meters, as a result of which a man passing by received a fatal electric shock when he touched the wire with his hand. Kaunas District court found the accused not guilty, since, in the court's opinion, it was not proven that he violated any official rules, since such rules were not included in the case materials, were not translated into Lithuanian, and in general, such rules were not in effect in Lithuania. The prosecutor protested the decision of the District court, citing the fact that in 1914, back in the days of

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[355] The Law of Ukrainian State's Council of Ministers of July 8, 1918 "On the formation of the State Senate" («*Закон про Утворення Державного Сенату*»). Originally reported in: The State Messenger («*Державний вістник*»), № 25 (20.07.1918). Also reported in: Законодательные акты Украинской Державы (Законы, постановленія, инструкціи, циркуляры). 1918 года. Выпускъ 6 (Іюль). Одесса: Практическое правовѣденіе, 1918., p. 7-14.

[356] ЦДАВО, fund. 1065, descr. 1, case no. 189 (1919): Рада Народних Міністрів [Української] Народньої Республіки. Закон про утворення Державного Сенату [,] про штати і статут його. (Наряд Законів). Проект Міністра Судових Справ про утворення Державного Сенату (original grammar stylistics preserved), p. 3-11.

[357] *Державний Сенат Української Держави*, Об'єднане присутствіє / The State Senate of the Ukrainian State (General Assembly), Judgments of January 4, 1919 [two cases], [without number]. ЦДАВО, fund 4146, descr. 1, case no. 20, p. 2-6. In addition, concerning the issue of liability of court servant, see the Regulation of the Russian Provisional Government of July 16, 1917: Постановленіе Временнаго Правительства отъ 16 іюля 1917 г. «Объ учрежденіи при Судебныхъ Палатахъ Временныхъ Комиссій для производства разслѣдованій по жалобамъ на дѣйствія нѣкоторыхъ должностныхъ лицъ судебнаго вѣдомства». Published in: Сборникъ Указовъ и Постановленій Временнаго Правительства. Выпуск № 2. 5 Мая – 24 Іюля 1917 г. Часть первая. Отдѣлы I – VIII. Петроградъ, 1918. Отд. VIII. – Судебная часть. – № 24., p. 579-580.

the Russian Empire, the Supreme Presence for Factory and Mining Affairs issued a special instruction for technical inspectors[358]. However, the Appellate Chamber also found that such rules did not exist in Lithuania, to which the prosecutor filed a cassation protest, upheld by the Supreme Tribunal. The Tribunal notes that if the Chamber considered that the rules specified in the indictment did not exist in Lithuania, it should have explained why, which it did not do; moreover, the parties to the proceedings did not have to submit these rules to the court – it is the court's task to find and interpret them (moreover, the prosecutor indicated where they could be found). The Tribunal also does not agree with the Chamber's argument that if the rules were not translated into Lithuanian, they were not in force in Lithuania – recalling Article 107 of the Constitution, according to which receipted laws remain in force, including laws that have not been translated into Lithuanian; and the Chamber had to determine whether the Board had the authority to issue such a regulation, for which the Chamber would have to consult the Industrial Statute and the Industrial Labor Regulations[359]. The Tribunal then considers that the Chamber had found the accused not guilty of the incident because the clay pit was not an integral part of the quarry, but this issue had not been properly clarified by the Chamber and the court had to rely on the law in this matter, not on the evidence of an expert engineer - and even if the clay pit could be considered a separate enterprise, who was in charge of it and therefore responsible for it? In addition, according to the evidence of the workers, the accused knew about the problems with the wiring, but did nothing about it, and he simply dismissed those workers who reported it to him. For these reasons, the Supreme Tribunal remanded the case back to the Appellate Chamber for a new judgment. Thus, the Tribunal recognizes the pre-war receipted norm and indicates the importance of its verification by the appellate court; moreover, the Presence's instruction was issued on May 29, 1914, actually two months before the start of the World War

[358] 1914 г. мая 29 д. *Объ утвержденіи правилъ безопасности при сильных токах низкаго и высокаго напряженія для электротехническихъ сооруженій въ фабрично-заводскиъ предприятияхъ* (Главное по фабричнымъ и горно-заводскимъ дѣлам Присутствіе, утверждено Министромъ Торговли и Промышленности 29 мая 1914 г.). Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отдел первый. Первое полугодіе. С-Петербургъ: Сенатская типографія, 1914. № 142 от 24 іюня 1914, стр. 2355, ст. 1591.

[359] Уставъ о Промышленном Трудѣ (Св. Зак. Т. XI ч. 2, изд. 1913 г., статьи 1 – 228 и 541 – 597). Составилъ В. В. Громанъ. Петроградъ: Изданіе Юридическаго книжнаго склада " Право", 1915.

I – the Tribunal had no questions about the date of its appearance (and the time of the norm's publication is "fitted" into the maximum date of the reception of the law – "before the World War I") [360]).

[360] See Machovenko, J., Valančiene, D. Constitutional Foundations for the Coordination of Receipted and National Lithuanian Law in 1918–1920. Конституційно-правові академічні студії, 2020, Випуск 2. Ужгород: Ужгородський національний університет, 2020., pp. 69–77, at p. 73.

III.5. The practice of the Supreme Tribunal in ecclesiastical cases

Over the course of its practice, the Supreme Tribunal has considered a number of cases that can be characterized as church-confessional. According to the fact that the Supreme Tribunal's practice has, unfortunately, not been fully preserved, we will consider the most famous judgments.

Thus, one of such cases concerned the confessional aspects of marriage, the decision on which was made by the General Assembly of the Supreme Tribunal on 13 November 1930 on the question of the Ministry of Justice regarding whether the provisions of Article 85 of the Restatement of Laws, Vol. X. p. 1, and Articles 1, 24 and 192 of the Regulation on Marriage had lost their effect, based on Articles 11 and 14 of the Constitution, and also whether civil status acts concluded in the Klaipėda region and abroad have legal force in Lithuania, and whether second marriages of Lithuanian citizens of Catholic faith, which were concluded abroad have legal force in Lithuania. The Supreme Tribunal emphasizes that the listed norms concern church marriages, which are concluded in accordance with the canons and customs of the religion to which the newlyweds belong. At that time, the absence of any religion was not recognized in Lithuania; therefore, such a procedure for concluding a marriage, accordingly, did not exist. The current laws of Greater Lithuania defined only church marriages, and the above-mentioned provisions of the laws applied equally to Catholics with non-Christians and Protestants with idolaters, and Article 1 of the Regulation on Marriage states that a marriage between Catholics can be terminated only in connection with the death of one of the spouses, which, in the opinion of the court, is fully consistent with Articles 11 and 14 of the Constitution of Lithuania, since these conditions in no way limit the freedom of faith and conscience and do not limit any of their rights based on their religion. The Tribunal clarifies that Articles 11 and 14 of the Constitution of Lithuania guarantee freedom of religion and conscience, and at the same time, every citizen chooses his own religion with its corresponding rules and canons. The Supreme Tribunal found that Article 192 of the Regulation on Marriage does not contradict Articles 11 and 14 of the Constitution of Lithuania (according to Article 192 of the Regulation, in the case of a "mixed" marriage between Catholics and Evangelicals, the blessing for the marriage is given by a priest whose faith corresponds to the faith of the bride), since this rule does not limit the right of the newlyweds to have their blessing for their marriage given by a priest whose faith corresponds to their faith (in addition, according to Articles 193-194 of the Regulation, if a Catholic

priest refuses to bless the newlyweds, then they can be blessed by an Evangelical priest). Thus, the Supreme Tribunal does not find any discrepancies between the norms of the Constitution and the norms of the Constitution. Regarding the second question, the Tribunal clarifies that Article 9 of the Klaipėda Statute guarantees that residents of the Klaipėda region enjoy all civil rights in the territory of Lithuania, and *vice versa* – residents of Lithuania enjoy all civil rights in the Klaipėda region, even if they are not its residents. The nuance was that civil marriage was recognized in the Klaipėda region, and the Tribunal concludes that citizens of Greater Lithuania can also enjoy this right in the Klaipėda region, and founded upon Article 9 of the Klaipėda Statute[361], civil marriages should be considered legitimate not only in the Klaipėda region, but throughout Lithuania (everything that is recognized as legitimate in the Klaipėda region is legitimate throughout Lithuania). The Supreme Tribunal explains that although there is no civil marriage or procedure for its registration in Greater Lithuania, they are not prohibited in themselves. Thus, after the Klaipėda region was annexed to Lithuania, all citizens of Lithuania have the right to enter into civil marriages, and since a civil marriage is a civil marriage contract, such contracts, or, in fact, all the marriages concluded abroad, respectively, have legal force throughout Lithuania. However, in this regard, acts of remarriage between Lithuanian citizens of the Catholic faith will not be considered valid in Lithuania if it was a church marriage[362].

In the judgment of March 2, 1939, the Supreme Tribunal heard a complaint by a priest against the actions of the Lithuanian Evangelical Lutheran Spiritual Consistory. In December 1937, plaintiff was punished with a disciplinary sanction in the form of a reprimand for his actions and behavior, in November 1938, he was punished again, this time by being fined, and from January 1939, the plaintiff was sent on leave with the advice of the consistory meeting not to conduct religious services or engage in religious teaching. The plaintiff appealed these three decisions of the Consistory to the Supreme Tribunal, which, however, decided to leave the complaints without

[361] 1924 m. gegužės 8 d. *Klaipėdos krašto konvencija* / I priedėlis. *Klaipėdos Teritorijos Statutas*. Published in: Vyriausybės Žinios. 1924. № 169, Eil. 1778, pp. 6–16.

[362] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1930 m. lapcričio 13 d. nutarimas. Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 124, p. 192–194.

consideration. The plaintiff's attorney argued that, according to Art. 690 of the Statute of Spiritual Affairs (Restatement of Laws, Vol. XI, p. 1[363] – another voluminous normative legal act that was included in the category of Lithuanian receipted law), stating that decisions of the spiritual consistory, as the only ecclesiastical court in Lithuania, are subject to appeal to the Supreme Tribunal[364], which is entrusted with reviewing the decision of this court. The court points out that, according to Articles 477-483 of the Statute of Spiritual Affairs, Evangelical Lutheran preachers are responsible to consistories, and for failure to fulfill their duties, they can be punished with a reprimand (both oral and written), and the reprimand can include a fine of 75 litas[365], and in the case of a severe reprimand – up to 225 litas. The procedure for issuing reprimands is also specified – simple reprimands are issued by vice-rectors/general superintendents, while severe reprimands are issued by the spiritual consistory itself. The removal of a clergyman from office, or the deprivation of his spiritual rank is carried out by a court judgment, but spiritual offenses must be thoroughly investigated, and if it turns out that there is not enough evidence for the accusation or the offense is not significant, the consistory can release the priest from trial – the Tribunal points to the provisions of Articles 600 and 601 of the Statute of Spiritual Affairs. From this, the Tribunal concludes that the law distinguishes between penalties and punishments in relation to priests, the latter of which are enforced by a court judgment, and the former must be applied disciplinary. According to Article 669, p. 3, the Supreme Tribunal continues it is established that if the consistory has imposed a reprimand or a fine of no more than 225 litas, i.e. a disciplinary sanction has been imposed on the priest, then appeals and complaints are not allowed in such a case. Considering that the plaintiff in this case was punished only with a reprimand and a disciplinary sanction (which clearly did not exceed 225 litas), the Tribunal concluded that his lawyer had no legal grounds to file an appropriate

[363] Сводъ Законовъ Россійской Имперіи. Том Одинадцатый, ч. 1 (Изданіе 1896 года). Уставы духовныхъ делъ иностранных исповѣданій. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С-Петербургъ, 1912.

[364] The original text mentioned the Governing Senate (in which such a case would be considered in the First (that is, the administrative) Department. Due to the reception of the Statute of Spiritual Affairs in Lithuania, this function was apparently transferred to the Supreme Tribunal, which performed the functions of the highest administrative court in the state.

[365] As recalculated from rubles.

complaint. Therefore, the Tribunal left the plaintiff's complaint without consideration[366].

In its judgment of March 21, 1940, the Supreme Tribunal considered whether a Mohammedan (Muslim) priest could decide on the dissolution of a marriage, provided that both spouses had previously been of the Catholic faith and their marriage was performed by a Catholic priest, and then both spouses converted to Islam, and applied for divorce to a Mohammedan priest. The Tribunal indicated that Articles 27-33 of the Constitution of Lithuania of 1938[367] (note that this is one of the few interpretations by the Supreme Tribunal of the norms of the Constitution of 1938) stipulates that the state recognizes the churches and religious organizations existing in Lithuania, but the preaching of their doctrine, the performance of religious rites, etc. cannot be used in contradiction with the Constitution and laws, and the status of these religious organizations is determined by law or agreement. Article 125 of the Constitution establishes that acts of civil status must be performed under the conditions established by the Law "*On state authorities*" [368], or believers may perform such acts with their priests in the manner prescribed by law. The provisions of part 2 of Article 125 of the Constitution establish that the conclusion or dissolution of marriage are not exclusively ecclesiastical acts, but are state acts. In addition, the court points out that Article XV of the Concordat between the Holy See and the Republic of Lithuania (1927) also prescribes that marriages concluded on the basis of the Code of Canon Law acquire binding force[369]. The status of Muslim religious organizations, based on Articles 33 and 156 of the Constitution, is established, in the absence of an agreement, upon the acting legislation, that is the Restatement of Laws, Vol. X, p. 1, and the Statute of Spiritual Affairs (Restatement of Laws, Vol. XI, p. 1). The Supreme Tribunal indicates that the following general provisions concern marriages, their conclusion and dissolution, namely: 1) the people of Christian and other faiths, including pagans, are allowed to marry each other according to the rules

[366] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1939 m. kovo 2 d., sprendimas № 43. Published in: Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. "Teisės" № 47 priedas I (1). Kaunas, 1939., Byla № 12. pp. 21–24.

[367] 1938 m. vasario 11 d. *Lietuvos Valstybės Konstitucija*. Published in: Vyriausybės Žinios. 1938. №. 608, Eil. 4271, pp. 1–6.

[368] This law (in Lithuanian: "*Valstybės organų įstatymas*") has never been adopted.

[369] 1927 m. spalio 20 d.(ratificuota) *Konkordatas Sv. Sosto ir Lietuvos Republikos / Concordat entre le Saint-Siège et la République de Lithuanie*. Published in: Vyriausybės Žinios. 1927. №. 264, Eil. 1708, pp. 1–6.

and customs of their churches, without notifying the civil authorities, while observing the restrictions and laws established for their faith; 2) marriages must be concluded in accordance with the statutes of the religion to which the newlyweds belong; 3) proof of the existence of a marriage union are registers of births; 4) cases of marriages performed by priests are under the jurisdiction of the spiritual authorities of each religion. Muslims, however, are not an exception. The Tribunal establishes that Art. 741 of the Restatement of Laws, Vol. X., p. 1, a rule was adopted according to which, when people entering into marriage profess different Christian denominations, even if they were married in churches of both denominations, the legality and validity of the marriage is decided by the court of the denomination whose priest performed the first marriage, and the significance of the reasons for the dissolution of the marriage and the dissolution or non-dissolution is decided by the court[370] of the believer who is the defendant. These provisions, the Supreme Tribunal believes, have general legal significance. According to Articles 1345 and 1399 of the Charter of Spiritual Affairs, the Muslim clergy of the parish (i.e. imams and mullahs) have the right to resolve issues of divorce between Muslims and to repeatedly dissolve a marriage, but at the same time, their decisions are not final and can be appealed to the District Muslim Spiritual Administration. Thus, the Supreme Tribunal comes to the conclusion that the dissolution of a marriage once concluded by a Catholic priest, as a result of which the spouses converted to Islam and then filed a petition for divorce with a Muslim priest, is not within the competence of the Muslim priest, and the divorce cannot be recognized as having legal force[371]. We note that all three of the above cases were decided on the basis of both international legal (Concordat between the Holy See and the Republic of Lithuania of 1927) and receipted norms, in particular, the Statute of Spiritual Affairs (Restatement of Laws, Vol. XI, p. 1), as well as the norms of the Restatement of Laws, Vol. X, p. 1.

[370] Spiritual courts existed in the Russian Empire. In Lithuania, their function was performed by spiritual consistories and other bodies of spiritual governance.

[371] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1940 m. kovo 21 d. nutarimas № 64. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai: "Teisės" № 51 Priedas IV (4). Kaunas, 1940., pp. 49–51, Byla № 26.

INFERENCES

The practice of the Supreme Tribunal of Lithuania in 1918-1940 was unique, versatile and used a wide variety of sources of applicable laws, which included customs, receipted laws, doctrine, legal precedents as well as others. To summarize the treatise done hereinabove, the authors would prefer to outline the following inferences:

1. The reasoning of the Supreme Tribunal on morality and professional ethics is one of the earliest that we can find in court judgments from different countries of the world. Speaking about professional ethics on the part of the community of attorneys, the Supreme Tribunal says that each such community can develop such norms, even if they are unwritten, but they must still be followed by the members of the community[372]. The Court also reasons that in a state governed by the rule of law, the adoption of some administrative decision must be derived from the circumstances of the case and based on the law[373]. The Tribunal also developed an extensive law enforcement practice regarding the custom that became a full-fledged source of law in interwar Lithuania, in most cases relating to inheritance cases of rural residents who previously belonged to the peasant class, but in some cases, it was also applied in the field of commercial law. The Tribunal also referred to the doctrine in several decisions (although there are few such examples, it is obvious that it was recognized as a source of law) [374] and also interpreted the norms of the Constitution (this article provides only several examples of interpretation).

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[372] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1924 m. vasario 22 d. nutarimas. Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 5, pp. 8–10

[373] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1939 m. rugsejo 27 d. sprendimas № 227. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimai: "Teisės" № 49 priedas III (3). Kaunas, 1939., Byla № 74, pp. 109–110.

[374] (1) *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1926 m. gruodžio 13 d. sprendimas № 473. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930., pp. 192–195.

(2) *Vyriausiasis Tribunolas* (Baudžiamasis Skyrius), 1936 m. rugpjūčio 20 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 36 priedas XIV (14). Kaunas, 1936., Byla №. 299, pp. 570–572.

2. The Tribunal had a rather ambiguous attitude towards the practice of the Governing Senate as a source of law. On the one hand, in some decisions it can be noted that the court did not exclude reference to the decisions of the Senate as a source of law, on the other hand, the court in many other decisions expressed itself rather critically about them. This is especially noticeable in the civil cassation judgment № 498 of September 17, 1928, where the Supreme Tribunal assessed the decisions of the Senate as the opinion of a legal expert, but at the same time, these decisions do not have guiding force for Lithuanian courts[375]. However, in the civil cassation judgment № 468 of November 20, 1925, the Tribunal considered the reasons for the two decisions of the General Assembly of the Senate as fully applicable to the case[376]. In the same case, however, the Tribunal noted that the procedure for applying the receipted law in Lithuania set out in the Law "*On provisional order of the judiciary and its work*" should be understood as meaning that only the legislation is receipted, whereas the case law has no guiding force. However, references to the Senate's judgments could be found in criminal cassation judgments. It is not known exactly with what this position in relation to the Senate's jurisprudence is connected with, but the authors believe that the essence lies in the fact that even the reception of legislation, not to mention judicial practice, was a compelled measure to avoid the formation of a legal vacuum in the state – when the previously effective legislation had already been repealed, and new legislation had not only not been adopted, but had not even been developed. In such a situation, it is obvious that the receipted law in the Lithuanian legal system was,

(3) *Vyriausiasis Tribunolas* (Baudžiamasis Skyrius), 1936 m. kovo 24 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 35 Priedas XIII (13). Kaunas, 1936., Byla № 276, pp. 530–532.

(4) *Vyriausiasis Tribunolas* (Klaipedos Kraštos Skyrius), 1935 m. vasario 18 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : "Teisės" priedas № 6. Kaunas, 1935., Byla № 131, pp. 240–243

[375] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1928 m. rugsejo 17 d. sprendimas № 498. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1928 metų. Kaunas, 1931., pp. 153–156.

[376] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1925 m. lapkričio 30 d. nutarimas № 468. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1925 metų. Kaunas, 1930, pp. 182–185.

in fact, alien, but it had to be used due to the lack of a substitute. The authors also believe that the Tribunal sought to develop its own jurisprudence, which, although founded on the norms of the receipted law, was already completely "home-made".

3. The Supreme Tribunal had to deal with a large array of receipted legislation – Lithuania had a tetrumvirate of civil law, and each of these systems, of course, had its own peculiarities. When resolving civil cases in cassation, the Tribunal had to apply the civil law norms of each of the systems, developing legal precedents. The Tribunal considered the issues of compliance of the receipted norms with the Constitution, recognizing the compliance of some norms and the unconstitutionality of others. In the event that the legislator adopted new acts, the receipted norms immediately lost their force. The Tribunal also designated the exact time limit of the reception of law, August 1, 1914[377], that is the start of outbreak of World War I (Article 24 of the Provisional Constitution of 1918, and the subsequent Constitutions of 1919, 1920, 1922 and 1928 spoke of the reception of the law adopted before the World War I, but without specifying the exact date), and subsequently strictly adhered to it. Thus, in one of the criminal cassation judgments, the Tribunal applied the instruction issued in 1914, two months before the beginning of the World War I, recognizing its effect in Lithuania, and pointed out that, according to Article 107 of the Constitution, even those received norms that were not translated into the Lithuanian language continued to be in effect in Lithuania[378]. In several ecclesiastical cases, the Tribunal made extensive use of the Statute of Spiritual Affairs[379]. In the civil cassation judgment № 581 of October 18/November 4, 1929, the Tribunal applied the provisions of the "State Laws"

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[377] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. gruodžio 6 d. sprendimas № 296. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, pp. 177–180.

[378] *Vyriausiasis Tribunolas* (Baudžiamasis Skyrius), 1938 m. spalio 18/25 d., sprendimas № 419. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 45 priedas XXIII (23). Kaunas, 1939., Byla № 525, pp. 947–950.

[379] (1) *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1939 m. kovo 2 d., sprendimas № 43. Published in: Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. "Teisės" № 47 Priedas I (1). Kaunas, 1939., Byla № 12. pp. 21–24.

(2) *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1940 m. kovo 21 d. nutarimas № 64. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai: "Teisės" № 51. priedas IV (4). Kaunas, 1940., pp. 49 – 51, Byla № 26.

(Restatement of Laws, Vol. IX)[380]. The judgment of the Tribunal of January 23, 1930, refers to the provisions of the Statutes on the Civil Service (Restatement of Laws, Vol. III)[381]. The Regulation on Marriage (1836), was also receipted, the provisions of a number of norms of which the Tribunal checked for compliance with the Constitution of Lithuania in the judgment of 13 November 1930[382]. In its judgment of 21 April 1937, the Supreme Tribunal refers to the Statute of Public Welfare (ed. 1892) on the issue of payment for the stay of a mentally ill person in a psychiatric hospital, referring to the provisions of the Statute in force in pre-war times[383]. Thus, the reception affected virtually the entire body of pre-war legislation (i.e. all 16 volumes, as well as laws and by-laws), despite the fact that the reception did not establish which volume or distinct laws or by-laws could be receipted and which could not. Certain provisions of the laws could be recognized as unconstitutional by the Supreme Tribunal[384]. In the judgment of February 5, 1926, the Supreme Tribunal indicated that the principle of reception of law in itself does not contradict the principles of democracy[385].

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[380] *Vyriausiausis Tribunolas* (Civilinis Skyrius), 1929 m. spalio 18 d. ir lapcričio 4 d., sprendimas № 581. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1929 metų. Kaunas, 1931, pp. 167–169.

[381] *Vyriausiasis Tribunolas* (Visuotinis susirinkimas), 1930 m. sausio 23 d. nutarimas. Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas : Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 101, p. 165–166.

[382] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1930 m. lapcričio 13 d. nutarimas. Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas : Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 124, pp. 192–194.

[383] *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1937 m. balandžio 21 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 40 priedas XVII (17). Kaunas, 1937., Byla № 507., pp. 539–540.

[384] *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1936 m. sausio 16 d. nutarimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 34 priedas XII (12). Kaunas, 1936., Byla №. 88, pp. 159–160.

[385] *Vyriausiasis Tribunolas* (Visuotinis susirinkimas), 1926 m. vasario 5 d. nutarimas. Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų

Hence, the monograph provided comprehensive research on the use of the sources of law by the Supreme Tribunal of Lithuania in the period of 1918-1940, being another effort of the authors' exploration of the Tribunal's practice. The practice of the Tribunal to date is still under researched, and thus requires considerable further research. The article depicted the use of the Tribunal of the sources of receipted law, custom, doctrine and legal precedents, where the Tribunal interpreted the pre-war legislation and its constitutionality, the norms of the Constitution of Lithuania, the legal precedents, as well as occasionally scientific literature, sources of international law and by-laws. The research contributes to the comprehension of the history of Lithuanian law, in the particular time period of the First Republic (1918-1940), where a unique and peculiar system of law and judiciary was functioning.

rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 25, pp. 45-46.

LIST OF REFERENCES

1. Machovenko, J., Šinkūnas, H., Establishment of a judicial system and ensuring independence of judges in Lithuania, 1918 – 1920. Acta Universitatis Wratislaviensis. № 3888. Prawo CCCXXVII. Wrocław: Uniwersytet Wroclawski, 2019., pp. 271–272.
2. Aplinkraštis. Lietuvos Vyriausiajam Tribunolui, Apygardos Teismams, Taikos Teisėjams ir Teismo Tardytojams. 17.12.1918. In: Laikinosios Vyriausybės Žinios. 1919. №. 2/3, p. 12.
3. Machovenko, J., Lytvynenko, A., Lietuvos Teisingumo Ministerijos ir Lietuvos Vyriausiojo Tribunolo pastangos formuojant teismų praktiką 1918–1928 m. Pirmieji Lietuvos Aukščiausiojo Teismo Veiklos Dešimtmečiai Atkūrus Nepriklausomybę. Vilnius: Lietuvos Aukščiausis Teismas, 2025., p. 9-22, see, in particular, 9-11.
4. Ustawa Rzadowa (3 maja 1791 r.). Volumina Legum. Tom IX. Kraków: Wydawnictwo Komisyi Prawniczej Akademii Umiejętnosci w Krakowie / Nakładem Akademii Umiejętnosci, 1889., Nr. CCLXVI., str. 220-225. See, in addition, in terms of the alrterable and un-alterable parts of the Ustawa Rzadowa,
5. Machovenko, J. Kintamoji ir nekintamoji 1791 m. gegužės 3 d. Konstitucijos dalys = Alterable and unalterable parts of the Constitution of 3 May 1791 // Teisė. Vilnius : Vilniaus universiteto leidykla. ISSN 1392-1274. eISSN 2424-6050. 2021, t. 120, p. 8-20.
6. Октября 30 [1794]. Именный [Указъ], данный Лифляндскому, Эстляндскому и Литовскому Генералъ-Губернатору Рѣпнину. «О раздѣленіи Великаго Княжества Литовскаго на три части и о образѣ управленія оными». Полное Собраніе Законовъ Россійской Имперіи. Собраніе I: Томъ 23. Санкт-Петербургъ, 1830., № 17264, стр. 572-585.
7. Іюля 18 [1795]. Именный [Указъ], данный Генералъ-Прокурору. «О приниманіи приходящихъ изъ Верховнаго Литовскаго Правленія рапортовъ и о веденіи переносимыхъ оттуда по апелляціи делъ въ 3 Сената Департаментъ. Полное Собраніе Законовъ Россійской Имперіи. Собраніе I: Томъ 23. Санкт-Петербургъ, 1830.,№ 17359, стр. 732.
8. Августа 8 [1796]. Именный [Указъ], данный Лифляндскому, Эстляндскому и Литовскому Генералъ-Губернатору Рѣпнину. «Об разныхъ распоряженіяхъ относящихся къ устройству Виленской и Слонимской губерніи» Полное Собраніе Законовъ Россійской Имперіи.

Собраніе I: Томъ 23. Санкт-Петербургъ, 1830., № 17495, стр. 922-924., п. 7.
9. Щербицкій, О. Суды въ бывшемъ Великомъ Княжествѣ Литовскомъ. Вильна: Типографія «Артель Печатнаго Дѣла», 1912, стр. XVIII.
10. Бобровскій, П. Матеріалы для географіи и статистики Россіи / Гродненская губернія. Сост. П. Бобровскій. Часть первая. Санктпетербургъ: в Типографіи Департамента Генеральнаго Штаба, 1863., стр. 100-101.
11. Никотинъ, И. Столѣтній періодъ (1772 – 1872) русскаго законодательства въ возсоединенныхъ от Польши губерніяхъ и Законодательство о евреяхъ (1649 – 1876). Томъ I. Сост. и изд. И. А. Никотинъ. Вильна: Типографія А. Г. Сыркина, 1886., стр. 18-20.
12. Павловскій, И. Полтава в началѣ XIX вѣка (Очерки по архивнымъ даннымъ с рисунками). Кіевская Старина. Ежемѣсячный историческій журналъ. Іюль-Августъ. 1902 г. (Выпускъ 7-8). Кіевъ: Типографія Императорскаго Университета Св. Владиміра, 1902., стр. 111-164 (see, in particular, pp. 119-122).
13. Декабря 31 [1800 года]. Именный [Указъ], данный Сенату. – «Объ учрежденіи в двухъ Литовскихъ Губерніяхъ Главныхъ Судовъ и объ упраздненіи Волынскаго и Литовскаго Надворныхъ Судовъ». Полное Собраніе Законовъ Россійской Имперіи. Собраніе I: Томъ 23. Санкт-Петербургъ, 1830., № 20096, стр. 874-875.
14. (Анонимно) Обозрѣніе историческихъ свѣденій о составленіи Свода Мѣстныхъ Законовъ Западныхъ Губерній. Взято изъ актовъ, хранящихся во II-мъ Отдѣленіи Собственной Его Императорскаго Величества Канцеляріи. Санктпетербургъ, 1837., стр. 29-30.
15. Гриммъ, Д. Лекціи по догмѣ римскаго права. С.-Петербургъ: Типографія В. Стасюлевича, 1909., стр. 355-360 (§§ 313-318).
16. Невзоровъ, А. Опека над несовершеннолѣтними. Историческій очерк института и положеніе его в дѣйствующем русском законодательствѣ. Ревель: Печатано в типографіи «Колывани», 1892., стр. 107-112 (§§ 24-25).
17. Ober-Gerichts-Ordnung, nach der jüngsten Redaction vom Jahre 1757 (Publicatum den 4ten Juli 1757). Published in: Von Bunge, G. F. Die Quellen des Revaler Stadtrechts. Erster Band. Dorpat: Verlag von Franz Kluge, 1844., S. 250-258.
18. Paucker, K. J. A. Der revidirten esthländischen Ritter- und Landrechte. Erstes Buch oder die Gerichtsverfassung u. das Gerichtsverfahren in Esthland vor hundert Jahren. Reval: Gedruckt bei Lindfors Erben, 1852., S. 43-51, 52-57.

19. Paucker, K. J. A. Das esthländische Landraths-Collegium und Oberlandgericht. Ein Rechtsgeschichtliches Bild. Reval, 1855.
20. Ремдуль, Я. Нѣмецкіе суды въ Прибалтійскомъ краѣ наканунѣ ихъ упраздненія. Юридическій Вѣстникъ (Изданіе Московскаго Юридическаго Общества). Сентябрь 1887. Томъ XXVI. Москва: Типографія А. И. Мамонтова и К°, 1887., стр. 193-213.
21. Von Bunge, G. F. Der Baltische Civilprocess nach der Justizreform vom Jahre 1889. Berlin: Puttkammer & Mühlbrecht, Buchhandlung für Staats- u. Rechtswissenschaft, 1891.
22. Положенія о преобразованіи судебной части и крестьянскихъ присутственныхъ мѣстъ в Прибалтійскихъ губерніяхъ и Правила о приведеніи означенныхъ положеній в дѣйствіе. Томъ I. Положеніе о преобразованіи судебной части. Сост. А. Гасманъ и Бар. А. Нолькенъ. Изданіе Министерства Юстиціи. С.-Петербургъ: Типографія Правительствующаго Сената, 1889.
23. Гасманъ, А. Судебная реформа въ Прибалтійскихъ губерніяхъ. Журналъ Министерства Юстиціи. Годъ двадцатый. № 9. Ноябрь 1914. Петроградъ: Сенатская Типографія, 1914., стр. 147-169.
24. Рига, 18-го сентября [1891 года] / По дѣлу капитала купца Ш., завещаннаго для благотворительныхъ цѣлей. Рижскій Вѣстникъ. Среда, 18-го сентября 1891 года (XXIII годъ), № 204, стр. 1, колонка 1-3.
25. (Анонимно) Къ вопросу о подсудности опекунскихъ дѣлъ въ Прибалтійскихъ губерніяхъ. Рижскій Вѣстникъ. Среда, 7-го декабря 1894 года (XXVI годъ), № 265, стр. 1, колонка 3-4.
26. Celms, K. Vai bāriņtiesas ir tiesas vai administrātivas iestādes? Tieslietu Ministrijas Vēstnesis. № 3. 1937. Rīga: Tieslietu Ministrijas Izdevums, 1937., 253-269 Lpp., (see, in particular, at p. 259-260).
27. Čepas, V.-K. Globos organai. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 46 (Balandis – Birželis 1939). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1939., pp. 143-154.
28. Марта 21 [1823]. Высочайше утверждённое мнѣніе Государственнаго Совѣта. – «*О прекращеніи дѣйствія Межевыхъ Судовъ по Государственнымъ имуществамъ въ Западныхъ Губерніяхъ, и о производствѣ дѣлъ сего рода на будущее время*». Полное Собраніе Законовъ Россійской Имперіи. Собраніе I: Томъ 38. Санкт-Петербургъ, 1830., № 29372., стр. 854-856.
29. Miasta Nasze Królewskie wolne w państwach Rzeczpospolitey. 18 kwietnia 1791. Volumina Legum. Tom IX. Kraków: Wydawnictwo Komisyi

Prawniczej Akademii Umiejętnosci w Krakowie / Nakładem Akademii Umiejętnosci, 1889., Nr. CCLXIII, str. 215-219.

30. Іюня 25 [1832]. Именный [Указъ], объявленный Сенату Министромъ Юстиціи. – О рѣшеніи въ возвращенныхъ отъ Польши Губерніяхъ дѣлъ уголовныхъ и слѣдственныхъ на основаніи Польскихъ узаконеній тогда только, когда Россійския оказываются недостаточными. Полное Собраніе Законовъ Россійской Имперіи. Собраніе II: Томъ 7. Санкт-Петербургъ, 1832., № 5459, стр. 401.

31. Декабря 3 [1833]. Именный [Указъ], данный Сенату. – Об учрежденіи в Западных Губерніяхъ Совѣстныхъ Судовъ. Полное Собраніе Законовъ Россійской Имперіи. Собраніе II: Томъ 8. Санкт-Петербургъ, 1834., № 6599, стр. 712.

32. Блиновъ, Ив. Судебная реформа 20 ноября 1864 г. Историко-юридическій очеркъ. Петроградъ: Сенатская типографія, 1914., стр. 10-11.

33. Барацъ, Г. Очеркъ происхожденія и постепеннаго затѣм упраздненія въ Россіи совѣстныхъ судовъ и суда по совѣсти. Историко-юридическій этюдъ. Посвящается памяти А. Ф. Кистяковскаго. С.-Петербургъ: Типографія Правительствующаго Сената, 1893., стр. 32-34.

34. Теличенко, Ив. Очеркъ кодификаціи малороссійскаго права до введенія Свода Законовъ. Кіевская Старина. Ежемѣсячный историческій журналъ. Годъ Седьмой. Томъ XXIII (23). Октябрь. 1888 г. Кіевъ: Типографія Г. Т. Корчакъ-Новицкаго, 1888., стр. 22-68.

35. Кистяковский, А. Права, по которымъ судится Малороссійский народъ. Кіевъ: Въ Университетской Типографіи (І. І. Завадзкаго), 1879.

36. M., Al., Lietuvos įstatymų kodifikacija XIX a. pirmoje pusėje. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 52 (Gegužis – Birželis 1940). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1940., at p. 258-259.

37. Janulaitis, A. *Kaip buvo panaikintas Lietuvos statutas*. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 52 (Gegužis – Birželis 1940). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1940., at p. 196.

38. Сборникъ статей, разъясняющихъ польское дѣло по отношенію к Западной Россіи. Выпускъ II-й. (под ред. С. Шолковича). / Три политическія записки о С.-З. краѣ. Гр. М. Н. Муравьева. // II. Вильна: Типографія А. Г. Сыркина, 1887., стр. 303-304.

39. Іюня 25 [1840 года]. Именный [Указъ], данный Сенату, распубликованный 21 Августа. – «О распространеніи силы и дѣйствія Россійскихъ гражданскихъ законовъ, на всѣ Западныя возвращенныя отъ Польши области. Полное Собраніе Законовъ Россійской Имперіи.

Собраніе II: Томъ 15. Санктпетербургъ: въ Типографіи II Отдѣленія Собственной Е. И. В. Канцеляріи, 1841., № 13591, стр. 443-445.

40. Правительствующий Сенатъ (Общее Собраніе I, II, III Департаментовъ), рѣшеніе от 11 ноября 1854 года. Сборникъ рѣшеній Правительствующаго Сената. Рѣшенія Общаго Собранія первыхъ трехъ Департаментовъ и Департамента Герольдіи Правительствующаго Сената. (1835-1864). Санктпетербургъ: печатано въ Типографіи Правительствующаго Сената., 1864., № 487, стр. 606-607.

41. Пахманъ, С. Исторія кодификаціи гражданскаго права в двухъ томахъ. Томъ II. С.-Петербургъ: Въ Типографіи Втораго Отделенія Собственной Е. И. В. Канцеляріи, 1876., стр. 453-463 (*Глава III, I*).

42. Квачевскій, А. Литовскій статутъ какъ источникъ мѣстнаго права для губерній Черниговской и Полтавской. Журналъ гражданскаго и уголовнаго права. 1876. Книжка четвертая. Іюль – Августъ. С.-Петербургъ: Типографія М. М. Стасюлевича, 1876., стр. 222-255 (see, in particular, at p. 254-255).

43. Боровиковскій, А. Объ особенностяхъ гражданскаго права Полтавской и Черниговской губерній. Журналъ Министерства Юстиціи. 1867. Годъ восьмой. Томъ XXXII (32). Выпускъ 4-6. Отдѣлъ 1 (Часть неоффиціальная). С.-Петербургъ: в Типографіи Правительствующаго Сената, 1867., стр. 435-454 (see, in particular, at p. 435-437).

44. Пахманъ, С. Исторія кодификаціи гражданскаго права в двухъ томахъ. Томъ II. С.-Петербургъ: Въ Типографіи Втораго Отделенія Собственной Е. И. В. Канцеляріи, 1876., стр. 453- и далее. (*Глава III*)

45. Даневскій, П. Объ источникахъ мѣстныхъ законовъ нѣкоторыхъ губерній и областей Россіи. Санктпетербургъ: В типографіи И. Фишона, 1857., стр. 34-39, 39-48.

46. Судебно-статистическія свѣдѣнія и соображенія о введеніи в дѣйствіе Судебныхъ Уставовъ 20-го ноября 1864 года (по 32 губерніямъ). Часть I. Санктпетербургъ: въ Типографіи при Правительствующемъ Сенате, 1866. Разделъ: Судебно-статистическія свѣдѣнія и соображенія о введеніи Судебной Реформы. По Виленской губерніи., стр. 15-23.

47. Именной Высочайшій указъ Правительствующему Сенату, данный 23 іюня 1871 года. Published in: Сборникъ Узаконеній и рѣшеній Сената 1865-1880 гг., по введенію судебной реформы в Западномъ Краѣ. Сост. Частн. Пов. Б. В. Певзнеръ. Житомиръ: Волынская Губернская Типографія, 1880., стр. 18-20 (№ IV).

48. Правительствующий Сенатъ (Общее Собраніе Перваго, Втораго и Кассаціонныхъ Департаментов), 1875 г. марта 10-го дня. Published in:

Рѣшенія Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ Правительствующаго Сената Правительствующаго Сената. 1875. [sino anno]., № 8, стр. 15-16.

49. Правительствующий Сенатъ (Общее Собраніе Перваго, и Кассаціонныхъ Департаментов Сената), 1875 г. октября 27-го дня. Рѣшенія Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ Правительствующаго Сената. 1875. [sino anno]., № 30, стр. 49-51.

50. Правительствующий Сенатъ (Общее Собраніе Перваго и Кассаціонныхъ Департаментов Сената), 1878 г. сентября 11-го дня. Published in: Рѣшенія Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ Правительствующаго Сената. 1878. С.-Петербургъ: Типографія Правительствующаго Сената, 1881., № 30, стр. 53-57.

51. Правительствующий Сенатъ (Общее Собраніе Перваго и Кассаціонныхъ Департаментов Сената), 1882 г. сентября 20 дня. Published in: Рѣшенія Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ Правительствующаго Сената. 1882. С.-Петербургъ: Типографія Правительствующаго Сената, 1884. № 27, стр. 64-66.

52. Высочайше утвержденныя 19 іюня 1877 года: а) Мнѣніе Государственнаго Совета о введеніи въ дѣйствіе Судебныхъ Уставовъ 20 Ноября 1864 года, въ полномъ ихъ объеме, въ девяти западныхъ губерніяхъ, б) временное росписаніе и в) временный штатъ Кіевской, Виленской и Смоленской судебныхъ палатъ и другихъ судебныхъ установленій въ девяти западныхъ губерніяхъ. Published in: Сборникъ Узаконеній и рѣшеній Сената 1865-1880 гг., по введенію судебной реформы в Западномъ Краѣ. Сост. Частн. Пов. Б. В. Певзнеръ. Житомиръ: Волынская Губернская Типографія, 1880., стр. 1-14 (№ I).

53. *Правительствующий Сенатъ* (Общее Собраніе Перваго и Кассаціонныхъ Департаментовъ) рѣшеніе от 1916 года ноября 28-го д., № 44. Published in: currently unknown, if the judgment was published in regular court reports, found in: Журналъ Министерства Юстиціи. Годъ двадцать третий. № 4. Апрѣль 1917. Петроградъ: Сенатская Типографія, 1917., стр. 232-235 (reported by A. Savchenko-Matsevko).

54. Люблинскій, П. Возрожденіе мирового суда. Закон 15 іюня 1912 г. С.-Петербургъ: Типографія т-ва «Общественная польза», 1912., стр. 4-22.

55. Одобренный Государственнымъ Совѣтомъ и Государственною Думою и Высочайше утвержденный законъ. «О введеніи въ дѣствіе закона 15 іюня 1912 года о преобразованіи мѣстнаго суда в полномъ объемѣ, в губерніяхъ Витебской, Виленской, Гродненской, Ковенской, Минской, Могилевской, Бессарабской, Воронежской, Орловской и Тамбовской и въ

городахъ Нижнемъ Новгородѣ, Казани, Саратовѣ и Астрахани (1 іюля 1914 года). Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующем Сенатѣ. 1914. Отдѣлъ первый. Второе полугодіе. С.-Петербургъ: Сенатская Типографія, 1914., № 166, ст. 1927, стр. 2775-2778 (officially published on July 12, 1914).

56. Bürgerliches Geſetzbuch für Galizien. Erſter Theil. Wien: gedruckt bey Joseph Hraschansky, etc., 1797.

57. Заборовскій, К. Гражданское право Царства Польскаго. Выпускъ Первый. Санктпетербургъ: Въ Типографіи Втораго Отдѣленія Собственной Его Императорскаго Величества Канцеляріи, 1847., стр. 43-45.

58. Рейнке, Н. Очеркъ законодательства Царства Польскаго (1807-1881 г.). Журналъ Министерства Юстиціи. Годъ седьмой. № 8. Октябрь 1901 г. С.-Петербургъ: Сенатская типографія, 1901., стр. 1-65 (see, in particular, at p. 5-6).

59. Спасовичъ, В., Пильцъ, Э. Очередные вопросы въ Царствѣ Польскомъ. Этюды и изслѣдованія. Второе изданіе. Томъ І-й. С.-Петербургъ: Типографія М. М. Стасюлевича, 1902., стр. 49-50.

60. Ustawa Konstytucijna Xięstwa Warszawskiego / Statut Constitutionnel du Duché du Varsovie. Dzienniki Praw. Od Nru 1. Do Nru 12. Numer Pierwszyj. W Warszawie: w Drukarni Xięży Piiarów, 1810., str. II-XLVII.

61. Skarbek, F. Dzieje Księstwa Warszawskiego. Tom II. Warszawa: Drukarnia Artystyczna Saturnina Sikorskiego, [s/a] (circa 1897, reprint)., str. 12-18.

62. Dekret Króla Frederyka Augusta od 27. Miesiąca Stycznia 1808 Roku (according to the alphabetical index: Dekret 27 Stycznia 1808 nakazujący zaprowadzenie Kodexu Napoleona od 1 Maia 1808). Dzienniki Praw. Od Nru 1. Do Nru 12. Numer Drugi. W Warszawie: w Drukarni Xięży Piiarów, 1810., str. 46-47.

63. Dekret Króla Frederyka Augusta od 10go Miesiąca Pazdziernika Roku 1809 (according to the alphabetical index: Ustawa przehodnia). Dzienniki Praw. Od Nru 13. Do Nru 24. Numer Czternasty. W Warszawie: w Drukarni Xięży Piiarów, 1811., str. 84-96.

64. Краснокутскій, В. Мѣстное гражданское право губерній Прибалтійскихъ и Привислянскихъ. Москва, 1910., стр. 12.

65. Dekret Króla Frederyka Augusta dnia 9 Miesiąca Czerwca Roku 1810 (according to the alphabetical index: Dekret 9 Czerwca 1810. Termin zaprowadzenia Kodexu Napoleona za prawo Cywilne i Kodexu Handlowego do 4 Departamentów przez Traktat Wiedeńsky do Xięstwa Warszawskiego

wcielonych. Dzienniki Praw. Od Nru 13. Do Nru 24. Dziennik Praw, Nr. 18. W Warszawie: w Drukarni Xięży Piiarów, 1810., str. 220-221.
66. Dekret Króla Frederyka Augusta dnia 16 Stycznia Miesiąca Roku 1811 (according to the alphabetical index: no official name, as the alphabetical index of the 3rd volume of "Dziennik Praw Xięstwa Warszawskiego" was not included); officially published on February 26, 1811. Dzienniki Praw. Od Nru 25. Do Nru 36. Dziennik Praw, Nr. 28. W Warszawie: w Drukarni Xięży Piiarów, 1811, str. 157-173.
67. Sąd Kassacyiny Xięstwa Warszawskiego, 12 Października 1810 Roku, Dekret Nr. 7. Published in: Dziennik Dekretów Sądu Kassacyinego Xięstwa Warszawskiego. Tom I. Oddzial Pierwszy. W Warszawie: w Drukarni Rządowej, 1811 (?)., str. 13-16.
68. Jaworski, Vl. L., Prof. Prawo cywilne na ziemiach polskich. Tom 1, Źródła, prawo małżeńskie osobowe i majątkowe. Warszawa – Kraków: Nakładem Księgarni J. Czerneckiego, 1919., str. 22.
69. Ашкенази, Ш., Проф. Царство Польское 1815 – 1830 гг. (переводъ с польскаго Владимира Высоцкаго). Москва: Книгоиздательство Писателей въ Москвѣ, 1915., стр. 17-23.
70. Prawo o ustaleńiu własności dóbr nieruchomych, o przywileiach I hypotekach w mieysce tytułu XVIII. Księgi III. kodexu cywilnego. (Dan 14/26 Kwietnia 1818 roku. Dzień ogloszenia dnia 20. Lipca 1818 roku). Dziennik Praw [Królewstwa Polskiego], Tom Piąty. Nr. 21. Warszawa, 1818., str. 295-387.
71. Буковскій, В. Сводъ гражданских узаконений Губерній Прибалтийскихъ съ продолженіем 1912-1914 гг. и с разъясненіями в двухъ томахъ. Томъ 1. Рига, 1914., at pp. 531 – 545.
72. *Reichsgericht*, Urt. von 24. Juni 1887, Az.: Rep. III 63/67 (Rechtliche Natur des Erbpachtverhältnisses). Published in: Entscheidungen Reichsgerichts in Zivilsachen, Bd. 18, S. 252 – 256.
73. Зомъ, Р., Проф. Институціи. Исторія и система римскаго гражданскаго права. (Часть 2. Система.) Выпускъ I: Общая часть и вещное право. Пер. 14 изд. под ред. Прив.-доц. А. Н. Бѣликова. Перевод Н. Кесслеръ. Сергіевъ Посадъ: Типографія И. И. Иванова, 1916., стр. 344-349.
74. Bandkie Stężyńsky, J. W. Prawo Prywatne Polskie. Warszawa: w Drukarni Banku Polskiego, 1851., str. 258-264.
75. 1918 m. lapkričio 28 d. *Laikinasis Lietuvos teismų ir jų darbo sutvarkymas*. Published in: Laikinosios Vyriausybės Žinios. 1919. №. 2/3, p. 6-7.
76. 1922 m. rugpjučio 1 d. *Lietuvos Valstybės Konstitucija*. Published in: Vyriausybes Žinios. 1922. №. 100, Eil. 799, pp. 1–8., at p. 5.

77. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1925 m. vasario 4-10 d. Sprendimas. Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 10, pp. 17–28 / Additionally published in: Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 7 (Sausis – Birželis 1925). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1925., pp. 65–86.
78. Ясинскій, М. Очерки по исторіи судоустройства въ Литовско-Русскомъ государствѣ. Главный Литовскій Трибуналъ, его происхожденіе, организація и компетенція. Выпускъ первый. Происхожденіе Гл. Лит. Трибунала. Кіевъ: Типографія Н. А. Гиричъ, 1901., стр. 229-253.
79. 1928 m. gegužes 15 d. *Lietuvos Valstybės Konstitucija*. In: Vyriausybės Žinios. 1928. № 275, Eil. 1778., pp. 1–6, at p. 1 (§5);
80. 1938 m. vasario 11 d. *Lietuvos Valstybės Konstitucija*. In: Vyriausybės Žinios. 1938. № 608, Eil. 4271, pp. 1–6., at p. 1 (§6).
81. 1918 m. lapkričio 28 d. *Laikinasis Lietuvos teismų ir jų darbo sutvarkymas*. In: Laikinosios Vyriausybės Žinios. 1919. №. 2/3, p. 6-7.
82. Mačys, Vl. Teisingumo Ministerijos 1921 metų darbuotės apžvalga. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 2 (Balandis – Birželis). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1922., pp. 23-40.
83. 1921 m. birželio 15 d. *Laikinojo Lietuvos teismų ir jų darbo sutvarkymo, civilinio ir baudžiamoji proceso įstatymų pakeitimas ir papildymas*. In: Vyriausybės Žinios. 1921. № 68, Eil. 607, pp. 1–2.
84. Mačys, Vl. Civilinio proceso parskaitos. Kaunas: Teisių Fakulteto Leidinys, 1924., p. 44-45.
85. Mačys, Vl. Teismų darbo palengvinimo ir sutvarkymo reikalu. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 4. 1922 m. Spalių m. – 1923. Kaunas: Leidžia Lietuvos Teisininkų draugija, 1923., p. 30-36.
86. 1919 m. kovo mėn. 27 d. *Karo Teismo Įstatai*. Published in: Laikinosios Vyriausybės Žinios, Nr. 5 (1919 m. Balandžio 4 d., p. 4.
87. 1919 m. vasario mėn. 13 d. *Pulko teismo įstatai*. Published in: Laikinosios Vyriausybės Žinios, Nr. 4 (1919 m. Kovo 27 d.), p. 3.
88. 1919 m. liepos mėn. 7 d. *Laikinieji Armijos Teismo Įstatai*. Laikinosios Vyriausybės Žinios, Nr. 10 (1919 m. Rugpiūčio 7 d.), p. 5-6.
89. Jörs, P. Untersuchungen zur Gerichtsverfassung der römischen Kaiserzeit. Leipzig / Tübingen: Verlag von J. C. B. Mohr (Paul Siebeek), 1892., S. 31-40.

90. Статут Вялікага княства Літоўскага 1588 года: Тэксты. Давед. Камент. (гал. рэд. Шамякін І. П.). Мінск: Беларуская Савецкая Энцыклапедыя, 1989., стр. 407-409.
91. Краснокутскій, В. Русскій торговый процесс. Москва: Изданіе книжнаго магазина «Студенческое издательство», 1915., стр. 15-18.
92. Provinzialrecht der Ostseegouvernments. Erster Theil. St. Petersburg: In der Buckdruckerei der Zweiten Abtheilung Seiner Kaiserlichen Majestät Eigener Kanzellei, 1845., S. 149 (*Zweiter Titel, Erstes Hauptstück*).
93. *Statutorum Rigensium*, Liber V. *Von See-Recht, etc.* Tit. III-IV. Published in: Der Stadt Riga Statuta und Rechte. Riga: Gedruckt von Wilhelm Ferdinand Häcker, 1868., S. 52-56.
94. (Анонимно) Составъ и устройство городовъ въ Губерніяхъ Остзейскихъ. Журналъ Министерства Внутреннихъ Дѣлъ. 1843. Часть третья. Санктпетербургъ: въ Типографіи Министерства Внутреннихъ Дѣл, 1843., стр. 383-428 (see, in particular, at p. 416-418).
95. Errichtung eines Handelsgerichts in Riga. Rigaer Handels-Archiv. Vierzehnter Jahrgang. 1887. Heft I. Riga: Gedruckt in der Müllerschen Buchdruckerei, 1887., S. 213-218 (Nr. 79).
96. Įstatymas apie aktus, padarytus dėl nekilnojamo turto perleidimo. Published in: Laikinosios Vyriausybės Žinios. 1919, Nr. 11 (1919 m. Rugpjūčio 28 d.), p. 1.
97. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. vasario 20 d. sprendimas № 62. Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys 1929. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, p. 55-56.
98. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. gruodžio 3 d. sprendimas № 298. Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys 1929. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, p. 181-182.
99. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1925 m. birželio 10 d. sprendimas № 468. Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1925 metų. Kaunas, 1930, pp. 103 – 104.
100. *Latvijas Senāts* (Administrativā Departamenta), 1921 g. maija mēneša 11 dienā. Published in: Tieslietu Ministrijas Vēstnesis, № 9 | 10 (1923. g.). Rīga: Tieslietu Ministrijas Izdevums, 1923. (Latvijas Senāta Administrativā Departamenta spriedumi (1921). "Tieslietu Ministrijas Vēstneša" Pielikums., Spriedums № 13, 19-22. lpp.
101. 1933 m. liepos 11 d. *Teismų santvarkos įstatymas*. Published in: Vyriausybės Žinios. 1933 №. 419, Eil. 2900, pp. 1–26., see in detail on pp. 1–2.

102. Machovenko, J., Lytvynenko, A. *Vyriausiojo Lietuvos tribunolo praktika taikant vietinius papročius valstiečių paveldėjimo bylose* = The jurisprudence of the Supreme Tribunal of the Lithuanian Republic in the application of local customs in peasantry inheritance cases // Teisė. Vilnius: Vilniaus universiteto leidykla, 2023. t. 126, pp. 8–20.
103. Lytvynenko, A., Machovenko, J. *The interpretation of the norms of the 1922 Constitution of Lithuania by the Supreme Tribunal* // Bratislava Law Review. Bratislava: Comenius University Bratislava Faculty of Law, 2024, Vol. 8, № 2, pp. 177–198.
104. Lytvynenko, A., Machovenko, J. *The legal status of church pews in certain civil law jurisdictions* // International Comparative Jurisprudence. Vilnius: Mykolo Romerio universitetas, 2023, Vol. 9, № 1, pp. 1–23.
105. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1924 m. vasario 22 d. nutarimas. In: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 5, pp. 8–10.
106. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. vasario 1 d. sprendimas № 34. Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys 1929. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, p. 25–28.
107. *Кассаціонный Сенатъ* (Гражданскій Кассаціонный Департаментъ Правительствующаго Сената), рѣшеніе от 1878 г. декабря 12-го д. № 225. Published in: Рѣшенія Гражданскаго Кассаціоннаго Департамента Правительствующаго Сената. С-Петербургъ: Сенатская типографія, 1878., at pp. 809–812.
108. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1927 m. sausio 31 d. sprendimas № 107. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930., pp. 35–37.
109. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1927 m. gruodžio 1 d. sprendimas № 743. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930., pp. 219–220.
110. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1927 m. balandžio 7 d. sprendimas №. 341. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930., pp. 103–104.

111. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1929 m. sausio 17 d. sprendimas №. 44. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1929 metų. Kaunas, 1931., p. 20.
112. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1927 m. spalio 4 d. sprendimas № 600. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930., p. 167–169.
113. Сводъ Законовъ Россійской Имперіи. Томъ Десятый, Часть 1-я. Изданіе 1900 г. / Сводъ Законовъ Гражданскихъ. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С.-Петербургъ, 1912., p. 105.
114. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1927 m. gegužes 23 d. sprendimas № 444. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930, pp. 119–120.
115. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1926 m. gegužes 19 d. sprendimas № 175. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1926 metų. Kaunas, 1930, pp. 87–88.
116. *Кассаціонный Сенатъ* (Гражданскій Кассаціонный Департаментъ Правительствующаго Сената), рѣшеніе от 1900 г. апрѣля 19-го д. № 54. in: Рѣшенія Гражданскаго Кассаціоннаго Департамента Правительствующаго Сената. 1900. С-Петербургъ: Сенатская типографія, 1900., at pp. 186–188.
117. 1861 г. февраля 19 д. Высочайше утвержденное Общее Положеніе о крестьянахъ, вышедшихъ из крепостной зависимости. In: Полное собраніе законовъ Россійской имперіи. Томъ 36, № 36.657, at pp. 141–166.
118. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1926 m. rupjučio 13 d. sprendimas № 250. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1926 metų. Kaunas, 1930., pp. 105–106.
119. Janulaitis, A. *Kaip buvo panaikintas Lietuvos statutas*. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 52 (Gegužis – Birželis 1940). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1940., pp. 195–199.;
120. Plateris, A. *Lietuvos Statuto panaikinimo 100 metų sukaktis*. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 52 (Gegužis – Birželis 1940). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1940., pp. 218–226.
121. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1930 m. spalio 15 d. sprendimas № 829. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys.

Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1930 metų. Kaunas, 1932., pp. 172–173.
122. *Правительствующий Сенатъ* (Гражданскій Кассаціонный Департаментъ Правительствующаго Сената), рѣшеніе от 1909 года октября 28-го д. № 83. In: Рѣшенія Гражданскаго Кассаціоннаго Департамента Правительствующаго Сената. 1909. С-Петербургъ: Сенатская типографія, 1910., at pp. 324–330.
123. 1939 m. sausio 1. d. *Pradžios mokykloms ir mokyto jams kuru aprūpinti taisyklių*. In: Vyriausybės Žinios. 1938. №. 629, Eil. 4509, pp. 595–597.
124. 1939 m. sausio 1. d. *Pradžios mokyklų mokytojams ekvivalento pinigais*. In: Vyriausybės Žinios. 1938. №. 629, Eil. 4510, p. 597.
125. 1922 m. balandžio 20 d. *Civilinių įstatymų pakeitimas ir papildymas*. In: Vyriausybės Žinios. 1922, №. 85, Eil. 732, pp. 1–2.
126. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1939 m. rugsejo 27 d. sprendimas № 227. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimai: "Teisės" №. 49 priedas III (3). Kaunas, 1939., Byla № 74, pp. 109–110.
127. *Lietuvos Respublikos Konstitucinis Teismas*, 2004 m. gruodžio 13 d., Byla № 51/01-26/02-19/03-22/03-26/03-27/03.
128. 1924 m. gegužės 8 d. *Klaipėdos krašto konvencija*, In: Vyriausybės Žinios. 1924. № 169, Eil. 1778, pp. 1–6.
129. Robinzonas, J. *Klaipėdos krašto konvencijos komentaras*. Tomas I. Kaunas, 1934., p. 239.
130. *Vyriausiasis Tribunolas* (Klaipėdos Kraštos Skyrius), 1935 m. kovo 12 d. sprendimas. In: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 34. priedas XII (12). Kaunas, 1936., Byla №. 317, pp. 328–330.
131. Абрамовичъ, К. О крестьянскихъ сервитутахъ въ губерніяхъ Западных, Прибалтійскихъ и Царства Польскаго. С.-Петербургъ: Типографія М. Меркушева, 1895.
132. Сводъ Местныхъ Узаконеній Губерній Остзейскихъ. Часть Третія. Законы Гражданскіе. Санктпетербургъ: въ Типографіи Втораго Отдѣленія Собственной Е.И.В. Канцеляріи, 1864.
133. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1926 m. gruodžio 13 d. sprendimas № 473. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1927 metų. Kaunas, 1930., pp. 192–195.
134. Liszt, von F. *Das Völkerrecht*. Berlin: Verlag von O. Haering, 1898.
135. *Vyriausiasis Tribunolas* (Baudžiamasis Skyrius), 1936 m. kovo 24 d. sprendimas. In: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai,

baudžiamųjų ir civilinių kasacinių bylų sprendimai: “Teisės” № 35 Priedas XIII (13). Kaunas, 1936., Byla № 276, pp. 530–532.
136. Jellinek, W. Verwaltungsrecht. (Enzyklopädie der Rechts- und Staatswissenschaft / Abteilung Rechtswissenschaft, 25). Berlin: Julius Springer, 1929.
137. *Vyriausiasis Tribunolas* (Klaipėdos Kraštos Skyrius), 1935 m. vasario 18 d. sprendimas. In: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : “Teisės” priedas № VI (6). Kaunas, 1935., Byla № 131, pp. 240–243.
138. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1928 m. rugsejo 17 d. sprendimas № 498. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1928 metų. Kaunas, 1931., pp. 153–156.
139. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1926 m. rugsejo 15 d. nutarimas № 262a. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1926 metų. Kaunas, 1930., pp. 107–108.
140. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas) 1928 m. kovo 23 d. nutarymas. In: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 65, pp. 104–106.
141. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1928 gruodžio 20 d. sprendimas № 738. In: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1926 metų. Kaunas, 1930., pp. 215–216.
142. *Правительствующий Сенатъ* (Общее Собраніе Перваго и Кассаціонныхъ Департаментовъ) рѣшеніе от 1880 года марта 3-го д. № 11. In: Полный сводъ рѣшеній Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ и Кассаціонныхъ Департаментовъ Правительствующаго Сената. За 1878–1885 гг. Изданіе Л. М. Ротенберга. Екатеринославъ: Типографія М. С. Копылова. 1909., pp. 279–286.
143. *Правительствующий Сенатъ* (Общее Собраніе Перваго и Кассаціонныхъ Департаментов) рѣшеніе от 1890 года апрѣля 9-го д. № 12. In: Полный сводъ рѣшеній Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ и Кассаціонныхъ Департаментовъ Правительствующаго Сената. За 1886–1896 гг. Изданіе Л. М. Ротенберга. Екатеринославъ: Типографія М. С. Копылова. 1909., pp. 273–274.

144. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1925 m. lapkričio 30 d. nutarimas № 468. Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1925 metų. Kaunas, 1930, pp. 182–185.

145. *Правительствующий Сенатъ* (Общее Собраніе Перваго и Кассаціонныхъ Департаментов), рѣшеніе № 9 от 1889 года марта 6-го д.. Published in: Полный сводъ рѣшеній Общаго Собранія Перваго и Кассаціонныхъ Департаментовъ и Кассаціонныхъ Департаментовъ Правительствующаго Сената. За 1886–1896 гг. Изданіе Л. М. Ротенберга. Екатеринославъ: Типографія М. С. Копылова. 1909., at p. 196.

146. 1919 m. spalio 10 d. *Savivaldybių įstatymas*. Published in: Laikinosios Vyriausybės Žinios 1919, №. 14, pp. 1–8

147. 1924 m. liepos 29 d. *Savivaldybių įstatymo pakeitimas*. Published in: Vyriausybės Žinios 1924, №. 168, Eil. 1177, pp. 1–2

148. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1928 m. kovo 23 d. nutarymas. Published in:: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 65, p. 104–106.

149. Судебные уставы 20 ноября 1864 г. съ изложеніемъ разсужденій, на коихъ они основаны. Ч. 2. / Уставъ Уголовнаго Судопроизводства. Санктпетербургъ: въ Типографіи Втораго Отдѣленія Собственной Е. И. В. Канцеляріи., 1867.

150. Уставъ Уголовнаго Судопроизводства. Изданіе 1892 года, исправленное и дополненное по сводному продолженію 1912 года, закону 15 іюня 1912 года и позднѣйшимъ узаконеніямъ, съ алфавитно-предметнымъ указателемъ / Сост. А. М. Нюренбергъ. Москва: Изданіе юридическаго книжнаго магазина “Правовѣденіе”, И. Н. Голубева, 1914.

151. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1937 m. birželio 10 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: “Teisės” № 35 Priedas XVIII (18). Kaunas, 1937., Byla № 136, pp. 244–247.

152. *Кассаціонный Сенатъ* (Уголовный Кассаціонный Департаментъ Правительствующаго Сената), рѣшеніе от 1893 года мая 4 д. № 18. Published in: Рѣшенія Уголовнаго Кассаціоннаго Департамента Правительствующаго Сената. 1893. С.-Петербургъ: Типографія Правительствующаго Сената, 1894., at pp. 61–64

153. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1937 m. birželio 10 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų

nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: “Teisės” № 35 Priedas XVIII (18). Kaunas, 1937., Byla № 136, pp. 244–247.
154. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1928 m. gegužės 11 d. nutarimas, Published in: Vyriausiojo Tribunolo 1924– 1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla No 67, pp. 109–124 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 13 (Sausis – Birželis 1928). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1928, pp. 61–72.
155. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1925 m. lapkričio 28 sprendimas. Published in: Vyriausiojo Tribunolo 1924- 1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 19, p. 36.
156. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1926 m. spalio 22 d. nutarymas. Published in: Vyriausiojo Tribunolo 1924- 1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 35, pp. 55–56.
157. Machovenko, J. – Valančiene, D. Constitutional Foundations for the Coordination of Receipted and National Lithuanian Law in 1918–1920. Конституційно-правові академічні студії, 2020, Випуск 2. Ужгород: Ужгородський національний університет, 2020., pp. 69–77, at pp. 71–72.;
158. Machovenko, J. Teisinių papročių taikymas Lietuvoje 1918–1940 m. Teisė. Vilnius: Vilniaus universiteto leidykla, 2022, t. 123, pp. 38-49, at p. 40.
159. 1918 m lapkričio mėn. 2 d. *Lietuvos Valstybės Laikinosios Konstitucijos Pamatiniai Dėsniai*. (Valstybės Tarybos priimta 1918 m. lapkričio mėn. 2 d.). Published in: Lietuvos aidas. 1918 m. lapkričio 13 d. № 130 (178)
160. Cimkauskas, M. Kuriais įstatymais gyvena Lietuvos Valstybė? Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 3 (Liepos – Rugsėjis). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1922., p. 22-28.
161. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1930 m. lapcričio 13 d. nutarimas. Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 124, p. 192–194.
162. Finkelšteinas, O. Mūsų įstatymai teisės šviesoje. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 2 (Balandis – Birzelis). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1922., p. 19-22.

163. Именной Высочайшій Указъ от 25 іюля 1914 г. «О временномъ приостановленіи протестов и мѣръ взысканія по векселямъ». Originally published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отделъ первый. Второе полугодіе. С-Петербургъ: Сенатская типографія, 1914. № 2077, стр. 3091 (вып. № 201).

164. Именной Высочайшій Указъ отъ 19 сентября 1914 г. «О дополнительныхъ к Именнымъ Высочайшимъ Указамъ 25 июня и 12 Сентября 1914 года постановленіяхъ о вексельном мораторіи» (Министру Финансовъ). Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отделъ первый. Второе полугодіе. С-Петербургъ: Сенатская типографія, 1914. № 2388, стр. 3614 (вып. № 260).

165. Именной Высочайшій Указъ отъ 28 июля 1914 г. «О предоставленіи всѣмъ чинамъ военнаго и морского вѣдомств, какъ состоящимъ на дѣйствительной службѣ, такъ и призванным на таковую изъ запаса или ополченія, или их семействамъ, съ ними проживающимъ, права отказаться отъ заключенныхъ ими по найму квартиръ договоровъ» (Правительствующему Сенату). Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отделъ первый. Второе полугодіе. С-Петербургъ: Сенатская типографія, 1914. № 2104, стр. 3143 (вып. № 209).

166. Именной Высочайшій Указъ от 13 сентября 1914 г. «О нѣкоторыхъ по гражданскимъ и уголовнымъ дѣлам льготахъ чинам дѣйствующих арміи и флота» (Правительствующему Сенату). Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отделъ первый. Второе полугодіе. С-Петербургъ: Сенатская типографія, 1914. № 2383, стр. 3595-3596 (вып. № 258).

167. Гойхбаргъ, А. Предъявленіе исковъ к чинамъ арміи и флота. Право. Ежѣнедельная юридическая газета. № 40. 1914 г. Воскресенье, 5 октября., стр. 2739-2740.

168. Высочайше утверждённое положеніе Совѣта Министровъ от 6 апрѣля 1915 г. «О предоставленіи судебнымъ и судебно-административнымъ установленіямъ права отстрочивать и разстрочивать исполненіе обязательствъ и судебныхъ рѣшеній». Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отделъ первый. Второе полугодіе. С-Петербургъ: Сенатская типографія, 1914., № 927, стр. 1288-1291 (вып. № 115).

169. Авербахъ, О. Законодательные акты, вызванные войною 1914-1915 гг. Томъ II. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1915., стр. 342-348.

170. Мордухай-Болтовскій, И. Законъ от 6 апрѣля 1915 года объ отсрочкѣ и разсрочкѣ исполненія обязательствъ и судебныхъ рѣшеній. Журналъ Министерства Юстиціи. Годъ Двадцать Первый. № 5 – Май 1915. Петроградъ: Сенатская типографія, 1915., стр. 113-119.

171. Именной Высочайшій Указъ от 28 іюля 1914 года «О правилахъ, коими Россія будетъ руководствоваться во время войны 1914 года» (Правительствующему Сенату). Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отделъ первый. Второе полугодіе. С-Петербургъ: Сенатская типографія, 1914., № 2104, стр. 3143-3144 (вып. № 209).

172. Добринъ, С. Гражданско-правовое положеніе в Россіи подданныхъ воюющихъ съ ней державъ. Вѣстникъ Гражданскаго Права (издаваемый М. М. Винавером). № 6. Октябрь 1914 г. Петроградъ: Типографія т-ва «Общественная польза», 1914., стр. 67-68.

173. Змирловъ, К. Лишеніе непріятельскихъ подданныхъ правъ на судебную защиту во время войны. Журналъ Министерства Юстиціи. Годъ Двадцать Первый. № 4 – Апрѣль 1915. Петроградъ: Сенатская типографія, 1915., стр. 15.

174. Общее Собраніе Кассаціонныхъ и съ участіемъ Перваго и Второго Департаментовъ Правительствующаго Сената, 1915 года февраля 9-го дня. № 1. Reported in: Рѣшенія Общаго Собранія Кассаціонныхъ и съ участіемъ Перваго и Второго Департаментовъ Правительствующаго Сената. 1915. Петроградъ: Сенатская типографія, 1915., стр. 3-12 (see, in particular, at p. 8-9).

175. Авербахъ, О. Законодательные акты, вызванные войною 1914-1915 гг. Томъ II. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1915., стр. 804-818 and Левинъ, С. Важнѣйшіе законы, указы и распрояженія военнаго времени. Томъ II. Петроградъ: Изданіе Юридическаго Книжнаго Магазина Н. К. Мартынова, Комиссіонера Государственной Типографіи, 1916., стр. 491-502.

176. Высочайше утверждённое Положеніе Совѣта Министровъ от 5 ноября 1915 года. Reported in: Авербахъ, О. Законодательные акты, вызванные войною 1914-1915 гг. Томъ II. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1915., стр. 818.

177. Розенбергъ, В. Современныя правоотношенія къ непріятельскимъ подданнымъ. С приложеніем узаконеніи по этому предмету. Петроградъ: Тип. Ред. період. изд. М-ва. Фин., 1915., стр. 10.
178. Wahl, A. Правовое положеніе гражданъ враждебныхъ государств во Франціи во время войны. Вѣстникъ Гражданскаго Права (изд. М. М. Винаверомъ), № 5. Май 1915 г. Петроградъ., стр. 26-и далее.
179. Décret relative à l'interdiction des relations commerciales avec l'Allemagne et l'Autriche-Hongrie (27 sept. 1914). Dalloz. Jurisprudence Générale. Recueil périodique et critique de jurisprudence, de législation et de doctrine. En matière civile, commerciale, criminelle, administrative et de droit public. Année 1914. Paris., IV (4) Partie, p. 96-97.
180. Audinet, E. Le sequester des biens des sujects ennemis en France, Journal du Droit International. Année 44 (1917). Paris: Marchal & Godde., p. 1601-1615.
181. Нольде, Б., Барон. Законодательство о частныхъ правахъ непріятельскихъ подданныхъ. Право. Еженедельная юридическая газета. № 17 за 1915 г. Воскресенье, 26 апрѣля 1915 г.., стр. 1239-1244.
182. Постановленіе Временнаго Правительства от 11 марта 1917 г. «О приостановленіе исполненія узаконеній о землевладѣніи и землепользованіи австрійскихъ, венгерскихъ и германскихъ выходцевъ. Published in: Сборникъ указовъ и постановленій Временнаго Правительства. Выпускъ 1: 27 февраля – 5 мая 1917 г. Петроградъ, 1917., Отдѣл II, № 12, стр. 28-30.
183. Квачевский, А. Законы Черниговской и Полтавской губерній и новый судъ. Журналъ Гражданскаго и Уголовнаго Права. Годъ пятый. 1875. Книжка первая. Январь – Февраль. С.-Петербургъ: Типографія А. М. Котомина., стр. 55-57.
184. Высочайше Утвержденное Положеніе Положеніе Совѣта Министровъ от 23 сентября 1915 г. «О пріостановленіи сроковъ теченія судебныхъ сроковъ в мѣстностяхъ, в коихъ по военнымъ обстоятельствамъ, прекращена дѣятельность судебныхъ и судебно-административныхъ учрежденій. Published in: Авербахъ, О. Законодательные акты, вызванные войною 1914-1916 гг. Томъ III. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1916., стр. 64-66.
185. Нечаевъ, Военная юстиція военнаго времени. Право. Еженедельная юридическая газета. № 41 за 1914 г., Воскресенье, 12 октября 1914., стр. 2777-2781.
186. Виленскія Губернскія Вѣдомости, № 68 за 1914 г. (15 августа 1914 г.), стр. 3.

187.Виленскія Губернскія Вѣдомости, № 73 за 1914 г. (13 сентября 1914 г.), стр. 1.
188.Виленскія Губернскія Вѣдомости, № 74 за 1914 г. (17 сентября 1914 г.), стр. 1.
189.Виленскія Губернскія Вѣдомости, № 75 за 1914 г. (20 сентября 1914 г.), стр. 1.
190.Виленскія Губернскія Вѣдомости, № 76 за 1914 г. (24 сентября 1914 г.), стр. 1.
191.Виленскія Губернскія Вѣдомости, № 80 за 1914 г. (8 октября 1914 г.), стр. 1.
192.Виленскія Губернскія Вѣдомости, № 81 за 1914 г. (11 октября 1914 г.), стр. 1., re-published in the next issue (№ 82) of the newspaper with the same text.
193.Виленскія Губернскія Вѣдомости, № 82 за 1914 г. (15 октября 1914 г.), стр. 1.
194. Виленскія Губернскія Вѣдомости, № 83 за 1914 г. (18 октября 1914 г.), стр. 1.
195.Виленскія Губернскія Вѣдомости, № 84 за 1914 г. (22 октября 1914 г.), стр. 1-2 (re-published in № 85 with the same text)
196.Виленскія Губернскія Вѣдомости, № 85 за 1914 г. (25 октября 1914 г.), стр. 1
197.Виленскія Губернскія Вѣдомости, № 88 за 1914 г. (5 ноября 1914 г.), стр. 1.
198.Виленскія Губернскія Вѣдомости, № 90 за 1914 г. (12 ноября 1914 г.), стр. 1., also re-published in № 101.
199.Виленскія Губернскія Вѣдомости, № 99 за 1914 г. (13 декабря 1914 г.), стр. 1-2.
200.Виленскія Губернскія Вѣдомости, № 101 за 1914 г. (17 декабря 1914 г.), стр. 1
201. Виленскія Губернскія Вѣдомости, № 102 за 1914 г. (24 декабря 1914 г.), прибавленіе.
202. Виленскія Губернскія Вѣдомости, № 5 за 1915 (17 января 1915 г.)
203. Виленскія Губернскія Вѣдомости, № 7 за 1915 г. (24 декабря 1915 г.), стр. 1
204. Виленскія Губернскія Вѣдомости, № 11 за 1915 г. (7 февраля 1915 г.), стр. 1
205. Виленскія Губернскія Вѣдомости, № 13 за 1915 г. (14 февраля 1914 г.), стр. 1.

206. Виленскія Губернскія Вѣдомости, №15 за 1915 г. (21февраля 1914 г.), стр. 1.
207. Виленскія Губернскія Вѣдомости, № 12 за 1915 г. (11 февраля 1915 г.), стр. 1.
208. Виленскія Губернскія Вѣдомости, № 22 за 1915 г. (18 марта 1915 г.), стр. 1.
209. Виленскія Губернскія Вѣдомости, № 23 за 1915 г. (28 марта 1915 г.), стр. 1-2.
210. Виленскія Губернскія Вѣдомости, № 25 за 1915 г. (4 апрѣля 1915 г.), стр. 1.
211. Виленскія Губернскія Вѣдомости, № 26 за 1915 г. (8 апрѣля 1915 г.), стр. 1.
212. Виленскія Губернскія Вѣдомости, № 29 за 1915 г. (18 апрѣля 1915 г.), стр. 1-2.
213.Виленскія Губернскія Вѣдомости, № 30 за 1915 г. (22 апрѣля 1915 г.), стр. 1.
214. Виленскія Губернскія Вѣдомости, № 32 за 1915 г. (29 апрѣля 1915 г.), стр. 1.
215. Виленскія Губернскія Вѣдомости, № 52 за 1915 г. (9 іюля 1915 г.), стр. 1.
216. Виленскія Губернскія Вѣдомости, № 36 за 1915 г. (13 мая 1915 г.), стр. 1-2.
217. Виленскія Губернскія Вѣдомости, № 51 за 1915 г. (4 іюля 1915 г.), стр. 1.
218. Виленскія Губернскія Вѣдомости, № 42 за 1915 г. (3 іюня 1915 г.), стр. 1.
219. Виленскія Губернскія Вѣдомости, № 43 за 1915 г. (6 іюня 1915 г.), стр. 1.
220. Виленскія Губернскія Вѣдомости, № 50 за 1915 г. (1 іюля 1915 г.), стр. 1.
221. Виленскія Губернскія Вѣдомости, № 54 за 1915 г. (15 іюля 1915 г.), стр. 1.
222.Виленскія Губернскія Вѣдомости, № 55 за 1915 г. (18 іюля 1915 г.), стр. 1.
223.Виленскія Губернскія Вѣдомости, № 56 за 1915 г. (22 іюля 1915 г.), стр. 1.
224.Виленскія Губернскія Вѣдомости, № 57 за 1915 г. (25 іюля 1915 г.), стр. 1.
225.Виленскія Губернскія Вѣдомости, № 58 за 1915 г. (29 іюля 1915 г.), стр. 1.
226.Виленскія Губернскія Вѣдомости, № 60 за 1915 г. (5 августа 1915 г.), стр. 1.
227.Виленскія Губернскія Вѣдомости, № 61 за 1915 г. (29 августа 1915 г.), стр. 1.

228. Виленскія Губернскія Вѣдомости, № 62 за 1915 г. (2 сентября 1915 г.), стр. 1.
229. Положеніе о патронатахъ. 26-го сентября 1914 года. Published in: not published in regular law compediums, a copy was published in: Виленскія Губернскія Вѣдомости, № 88 за 1914 г. (5 ноября 1914 г.), стр. 1-2.
230. Циркуляръ Главнаго Штаба № 25 (16 февраля 1915 года) / Распоряженіе, объявленное Правительствующему Сенату Военнымъ Министромъ. О порядкѣ направленія требованій объ отводѣ помѣщеній подъ лѣчебныя заведенія, открываемыя Россійскимъ Обществомъ Краснаго Креста и попеченіемъ общественной и частной благотворительности, для раненыхъ и больныхъ воиновъ. Published in: Авербахъ, О. Законодательные акты, вызванные войною 1914-1915 гг. Томъ II. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1915., стр. 329-330.
231. Именной Высочайшій Указъ Правительствующему Сенату «Объ учрежденіи земледѣльческихъ пріютов для дѣтей увѣчныхъ и павшихъ воиновъ и объ учрежденіи положенія о сихъ пріютахъ (7 іюля 1915 г.) / Положеніе о земледѣльческихъ пріютахъ для дѣтей увѣчныхъ и павшихъ воиновъ. Published in: Авербахъ, О. Законодательные акты, вызванные войною 1914-1915 гг. Томъ II. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1915., стр. 627-631.
232. Постановленіе Временнаго Правительства от 29 іюня 1917 г. «Объ учрежденіи Временнаго Общегосударственнаго и мѣстныхъ Комитетовъ помощи военноувѣчнымъ. Published in: Сборникъ Указовъ и Постановленій Временнаго Правительства. Выпуск № 2. 5 Мая – 24 Іюля 1917 г. Часть первая. Отдѣлы I – VIII. Петроградъ, 1918., Отд. IV. – Центральное управленіе. – Мин-во Гос. Призр. – № 14, стр. 62-63.
233. Одобренный Государственнымъ Совѣтомъ и Государственною Думою и Высочайше Утвержденный Законъ «Объ обезпеченіи нуждъ бѣженцевъ» / Положеніе обезпеченіи нуждъ бѣженцевъ (30 августа 1915 г.). Published in: Авербахъ, О. Законодательные акты, вызванные войною 1914-1916 гг. Томъ III. Петроградъ: Тип. п. ф. «Электро-Тип. Н. Я. Стойковой», 1916., стр. 1-7.
234. Овчинниковъ, Я. Организація питательной помощи безработнымъ и бѣженцамъ въ районѣ гор. Риги. Published in: Бѣженцы и выселенцы. Отдѣльные оттиски изъ № 17 Извѣстій Всероссійскаго Союза Городовъ. Москва: Городская Типографія, 1915., стр. 77-82.
235. Корфъ, С., Бар. Административная юстиція в Россіи. Томъ II. С.-Петербургъ: Типографія Тренке и Фюсно, 1910., стр. 354-381.

236.Постановленіе Временнаго Правительства отъ 30 мая 1917 г. «О судахъ по административнымъ дѣламъ». Published in: Сборникъ Указовъ и Постановленій Временнаго Правительства. Выпуск № 2. 5 Мая – 24 Іюля 1917 г. Часть первая. Отдѣлы I – VIII. Петроградъ, 1918. Отд. VIII. – Судебная часть. – № 1, p. 527-540

237.Кулишеръ, А. Административный судъ въ Россіи. Право. Еженедѣльная юридическая газета. 1917 г. № 29 – 30. Вторникъ, 25 Іюля., стр. 1104-1123.

238.*Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. liepos 15 d. sprendimas № 213. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys 1929. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, pp. 147–148.

239.Постановленіе Временнаго Правительства отъ 16 іюля 1917 г. «О порядкѣ рассмотрѣнія дѣлъ о лицахъ арестованныхъ во внѣсудебномъ порядкѣ. Сборникъ Указовъ и Постановленій Временнаго Правительства. Выпуск № 2. 5 Мая – 24 Іюля 1917 г. Часть первая. Отдѣлы I – VIII. Петроградъ, 1918. Отд. VIII. – Судебная часть. – № 19, p. 574-576.

240.Įstatymas apie moratoriumą, 1919 m. lapkričio mėn. 17 d. Laikinosios Vyriausybės Žinios. (1919 m. gruodžio 2 d.), № 17, p. 6.

241. Finkelšteinas, O. Mūsų įstatymai teisės šviesoje. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 2 (Balandis – Birzelis). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1922., p. 19-22.

242.Сводъ Законовъ Россійской Имперіи. Томъ Десятый, Часть 1-я. Изданіе 1900 г. / Сводъ Законовъ Гражданскихъ. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С.-Петербургъ, 1912.

243. Code Civil des Français. Nouvelle Ėdition stereotype, Conforme à l'édition originale de l'imprimerie de la République. Paris, Chez Garnery, Libraire, rue de Seine. Et à la Librairie Stéréotype, chez H. Nicolle, rue des Petits-Augustins, №. 15. 1806.

244.*Bürgerliches Gesetzbuch*, 18. August 1896, RGBl. S. 195.

245. Veržbavičius, L. Senoji Lietuvos šeimos teisė. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 18 (Liepos – Gruodis 1930). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1930., pp. 64–83, see, in particular, at pp. 65–66.

246.*Vyriausiasis Tribunolas* (Klaipėdos Kraštos Skyrius), 1935 m. vasario 18 d. sprendimas. In: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : "Teisės" priedas № VI (6). Kaunas, 1935., Byla № 131, pp. 240–243.

247.*Уголовное Уложеніе* (Именной Высочайшій Указъ и Высочайше утвержденное мнѣніе Государственнаго Совѣта. Объ утвержденіи

уголовнаго уложенія.). От 22 марта 1903 года. Published in: Собраніе узконеній и распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ за 1903 годъ, I часть. № 38 от 16 апрѣля 1903, стр. 910, ст. 416. Отделъ Первый.

248. *Strafgesetzbuch*, 15. Mai 1871, RGBl. S. 127.

249. *Vyriausiasis Tribunolas* (Baudžiamasis Skyrius), 1934 m. gegužes 22 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : "Teisės" priedas III (3). Kaunas, 1934., Byla № 72, pp. 129–131.

250. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1935 m. vasario 28 d. nutarimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : "Teisės" priedas VII (7). Kaunas, 1935., Byla № 70, pp. 129–131.

251. Судебные уставы 20 ноября 1864 г. съ изложеніемъ разсужденій, на коихъ они основаны. Ч. 1. Санктпетербургъ: въ Типографіи Втораго Отдѣленія Собственной Е. И. В. Канцеляріи, 1867. See also the edition of 1892 as follows: Сводъ Законовъ Россійской Имперіи. Томъ шестнадцатый (XVI). Судебные уставы / Уставъ Гражданскаго Судопроизвоства. Изданіе 1892 г. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С.-Петербургъ, 1912., at p. 113 and onward.

252. 1920 m. rugpjūčio 9 d., *Teismų mokesnių istatymas*. In: Vyriausybės Žinios. 1920, № 43, Eil. 442, p. 1.

253. *Vyriausiasis Tribunolas* (Visuotinis susirinkimas), 1929 m. balandžio 5 d. nutarimas, In: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kauna : Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 88, p. 147–149.

254. Сводъ законовъ Россійской Имперіи. Томъ третий (III). Сводъ уставовъ о службѣ гражданской. Изданіе 1896 г. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С.-Петербургъ, 1912.

255. 1922 m. gegužės 26 d. *Įstatymas valstybės tarnautojų kelionės išlaidoms atlyginti*. Published in: Vyriausybės Žinios. 1922, №. 94, Eil. 780, pp. 3–4.

256. *Vyriausiasis Tribunolas* (Visuotinis susirinkimas), 1930 m. sausio 23 d. Nutarimas. Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas : Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 101, p. 165–166.

257. Сводъ Законовъ Россійской Имперіи. Томъ девятый (IX). Сводъ законовъ о состояніяхъ. Изданіе 1899 г. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С.-Петербургъ, 1912.
258. *Vyriausiausis Tribunolas* (Civilinis Skyrius), 1929 m. spalio 18 d. ir lapcričio 4 d., sprendimas № 581. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1929 metų. Kaunas, 1931, pp. 167–169.
259. Положеніе о Союзѣ Брачном, утвержденное 16 (28) марта 1836 г., и обнародованное 12 (24) іюня т.г. In: Губе, К. Гражданскіе законы губерній Царства Польскаго. Выпускъ I. Переходныя правила къ кодексу Наполеона. Гражданское Уложеніе Царства Польскаго 1825 г. Положеніе о Союзѣ Брачном 1836 г. Кодексъ Наполеона кн. II, ст. 516 – 529. Варшава, 1877., pp. 209 – 283.
260. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1936 m. sausio 16 d. nutarimas. In: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 34 priedas XII (12). Kaunas, 1936., Byla №. 88, pp. 159–160.
261. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. liepos 14 d. sprendimas № 207. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, pp. 141–142.
262. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. gruodžio 6 d. sprendimas № 296. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, pp. 177–180.
263. *Vyriausiasis Tribunolas* (Baudžiamasis Skyrius), 1936 m. rugpjūčio 20 d. Sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" № 36 priedas XIV (14). Kaunas, 1936., Byla №. 299, pp. 570–572.
264. VOLSONOKAS, R., Lietuvos juros teisė. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 18 (Liepos – Gruodis 1930). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1930., pp. 1–36 (see p. 2).
265. Сводъ Законовъ Россійской Имперіи. Томъ тринадцатый. Уставы о народномъ продовольствіи, Общественномъ призрѣніи и Врачебный. Изданіе 1892 года. Санкт-Петербургъ, 1892 // Устав Общественнаго Призрѣнія, ст. 266 / стр. 52.
266. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1937 m. balandžio 21 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų

nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: “Teisės” № 40 priedas XVII (17). Kaunas, 1937., Byla № 507., pp. 539–540.

267. *Правительствующий Сенатъ* (Общее Собраніе Перваго и Касссаціонныхъ Департаментовъ), рѣшеніе от 1906 г. октября 23 д. № 27. In: Рѣшенія Общаго Собранія Кассаціонныхъ и съ участіем Перваго и Втораго Департаментовъ Правительствующего Сената. 1906. С.-Петербургъ: Сенатская типографія, 1906., pp. 82–87

268. 1935 m. rugsejo s/a, *Ligoninių įstatymas.* In: Vyriausybės Žinios.1935, № 498, Eil. 3464, pp. 1–2.

269. Уставъ Врачебный, изд. 1905 г. и по прод. 1912 и 1913 г. и Узаконенія по врачебно-санитарной части, дополненныя постатейными разъясненіями Сената и правительственныхъ установленій, правилами и инструкціями. / Составил пров. Л. А. Колычевъ. Петроградъ: Изданіе юридическаго книжнаго магазина В. П. Анисимова, 1915.

270. Сводъ Законовъ Россійской Имперіи. Томъ Тринадцатый (XIII). Уставъ о общественном призрѣніи. Изданіе 1915 года. Петроградъ, 1915. Regarding the older version of the Statute, see. Сводъ Законовъ Россійской Имперіи. Томы XIII – XVI. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. Книга Пятая. С.-Петербургъ, 1912. (see. Томъ Тринадцатый. Уставъ об Общественном Призрѣніи., pp. 81–175).

271. Сводъ Законовъ Россійской Имперіи. Томъ Восьмой (VIII), Часть 1-я. Уставъ Лѣсной. Изданіе 1905 года. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С.-Петербургъ, 1912.

272. *Vyriausiasis Tribunolas* (Baudžiamasis Skyrius), 1935 m. sausio 31 d. / vasario 7 d. nutarimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : “Teisės” priedas № VI (6). Kaunas, 1935., Byla № 62, pp. 111–114.

273. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1930 m. spalio 1 d. sprendimas № 770. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1930 metų. Kaunas, 1932., pp. 161–163.

274. 1925 m. sausio 27 d. *Prekių ženklams saugoti įstatymas*. In: Vyriausybės Žinios. 1925, № 183, Eil. 1241, pp. 1–2.

275. *Кассаціонный Сенатъ* (Гражданскій Кассаціонный Департаментъ Правительствующаго Сената), рѣшеніе от 1911 г. января 19-го д. № 1. Published in: Рѣшенія Гражданскаго Кассаціоннаго Департамента Правительствующаго Сената. 1911. С-Петербургъ: Сенатская типографія. 1911., pp. 3–10.

276. *Reichswahlgesetz* (Weimarer Republik), 27. April 1920, RGBl. I S. 627.

277. *Vyriausiasis Tribunolas* (Klaipėdos Kraštos Skyrius), 1935 m. vasario 18 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai: "Teisės" priedas № VI (6). Kaunas, 1935., Byla № 131, pp. 240–243.

278. Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV / Petro Card. Gasparri. Romae: Typis Poliglottis Vaticanis. MCMXVII (1917), at p. 168.

279. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1937 m. kovo 8/22 d. sprendimas. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai, baudžiamųjų ir civilinių kasacinių bylų sprendimai : "Teisės" № 40 Priedas XVIII (18). Kaunas, 1937., Byla № 495, pp. 525–527.

280. 1927 m. spalio 20 d.(ratificuota) *Konkordatas Sv. Sosto ir Lietuvos Republikos / Concordat entre le Saint-Siège et la République de Lithuanie*. Published in: Vyriausybės Žinios. 1927. № 264, Eil. 1708, pp. 1–6.

281. Постановленіе Временнаго Правительства отъ 30 мая 1917 г. «О судахъ по административнымъ дѣламъ». Published in: Сборникъ Указовъ и Постановленій Временнаго Правительства. Выпуск № 2. 5 Мая – 24 Іюля 1917 г. Часть первая. Отдѣлы I – VIII. Петроградъ, 1918. Отд. VIII. – Судебная часть. – № 1, p. 527-540.

282. Law of Ukrainian People's Republic "On exclusive right of the Tsentralna Rada to promulgate the legislative acts of the U.P.R." (Ukrainian: *«Закон про виключне право Центральної Ради видавати законодавчі акти УНР»*) of November 25, 1917. Reported in: Українська Центральна Рада. Документи і матеріали. У двох томах. Том I (4 березня – 9 грудня 1917 р.). Київ: Наукова думка, 1996. № 224, p. 477-478.

283. *Київський Окружний Суд*, 1918 р. липня 17 д., рішення № 475 (*Кіевскій Окружный Судъ*, 1918 г. іюля 17 д., рѣшеніе № 475), ЦДАВО Fund 4146, descr. 1. case no.. 58, p. 20.

284. *Херсонський Окружний Суд*, 1918 р. вересня 11/24 д. рішення № 46 (*Херсонскій Окружный Судъ*, 1918 г., сентября 11/24 д. рѣшеніе № 46), ЦДАВО Fund 4146, descr. 1., case no. 65, pp. 29–30.

285. *Одеський Окружний Суд*, 1918 р. серпня 11/24 д., рішення № 17 (*Одесскій Окружный Судъ*, 1918 г. августа 11/24 д. рѣшеніе № 17), ЦДАВО Fund 4146, descr. 1., case no.. 73, pp. 28–29.

286. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1923 m. vasario 1 d. ir gegužės 23 d. sprendimas / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 4 (1922 m. spalių – 1923). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1923., pp. 46–47.

287. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1924 m. liepos 15 d. sprendimas № 213. Published in: Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys 1929. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1924 metų. Kaunas, 1929, pp. 147–148.

288. RAČKAUSKAS, K. *Lietuvos administracinio teismo pradai*. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. № 37 (Sausis – Kovas 1937). Kaunas: Leidžia Lietuvos Teisininkų draugija, 1937, pp. 55–65, at pp. 60–61.

289. *Latvijas Senāts* (Apvienotā Sapulce), 1927. g. 14. oktobrī, Spriedums Nr. 69/27. Reported in: Senāta Apvienotās Sapulces Spriedumi 1927., 1928., 1929. g. Rīga: Valsts tipografija Rīgā, pilī., Lieta Nr. 9, 13-15.

290. Bukovskis, V. Administratīvās tiesas reforma. Tieslietu Ministrijas Vēstnesis. 6. Gads. 7 – 9. Nrs. 1925. Tieslietu Ministrijas Izdevums Krājuma pie "Letas". Rīgā, Kr. Barona ielā, 1925., 817-841. lpp.

291. Kalacs, J., Senātors. Pārdomas par administrātīvo tiesu. Tieslietu Ministrijas Vēstnesis. № 3. 1937. Rīga: Tieslietu Ministrijas Izdevums, 1937., 315-326. lpp.

292. *Latvijas Senāts* (Apvienotā Sapulce), 1937. g. 25. Septembrī. Spriedums Nr. 31/37. Reported in: Senāta Apvienotās Sapulces Spriedumi 1935. – 1938. g. Rīga: Valsts tipografija Rīgā, [Krišjana] Valdemara iela 6. Lieta Nr. 18, 84-86. lpp.

293. Law of Ukrainian Tsentralna Rada of December 2, 1917, "On the formation of the General Court" («*Закон про Утворення Генерального Суду*»), Art. 1. Reported in: Українська Центральна Рада. Документи і матеріали. У двох томах. Том І (4 березня – 9 грудня 1917 р.). Київ: Наукова думка, 1996., № 236, p. 497.

294. The Law of Ukrainian State's Council of Ministers of July 8, 1918 "On the formation of the State Senate" («*Закон про Утворення Державного Сенату*»). Originally reported in: The State Messenger («*Державний вістник*»), № 25 (20.07.1918). Also reported in: Законодательные акты Украинской Державы (Законы, постановленія, инструкціи, циркуляры). 1918 года. Выпускъ 6 (Іюль). Одесса: Практическое правовѣденіе, 1918., p. 7-14.

295. ЦДАВО, fund. 1065, descr. 1, case no. 189 (1919): Рада Народних Міністрів [Української] Народньої Республіки. Закон про утворення Державного Сенату [,] про штати і статут його. (Наряд Законів). Проект Міністра Судових Справ про утворення Державного Сенату (original grammar stylistics preserved), p. 3-11.

296. *Державний Сенат Української Держави*, Об'єднане присутствіє / The State Senate of the Ukrainian State (General Assembly), Judgments of January

4, 1919 [two cases], [without number]. ЦДАВО, fund 4146, descr. 1, case no. 20, p. 2-6.

297. Постановленіе Временнаго Правительства отъ 16 іюля 1917 г. «Объ учрежденіи при Судебныхъ Палатахъ Временныхъ Комиссій для производства разслѣдованій по жалобамъ на дѣйствія нѣкоторыхъ должностныхъ лицъ судебнаго вѣдомства». Published in: Сборникъ Указовъ и Постановленій Временнаго Правительства. Выпускъ № 2. 5 Мая – 24 Іюля 1917 г. Часть первая. Отдѣлы I – VIII. Петроградъ, 1918. Отд. VIII. – Судебная часть. – № 24., p. 579-580.

298. 1914 г. мая 29 д. *Объ утвержденіи правилъ безопасности при сильныхъ токахъ низкаго и высокаго напряженія для электротехническихъ сооруженій въ фабрично-заводскиъ предпріятіяхъ* (Главное по фабричнымъ и горно-заводскимъ дѣлам Присутствіе, утверждено Министромъ Торговли и Промышленности 29 мая 1914 г.). Published in: Собраніе Узаконеній и Распоряженій Правительства, издаваемое при Правительствующемъ Сенатѣ, 1914. Отдел первый. Первое полугодіе. С-Петербургъ: Сенатская типографія, 1914. № 142 от 24 іюня 1914, стр. 2355, ст. 1591.

299. Уставъ о Промышленном Трудѣ (Св. Зак. Т. XI ч. 2, изд. 1913 г., статьи 1 – 228 и 541 – 597). Составилъ В. В. Громанъ. Петроградъ: Изданіе Юридическаго книжнаго склада “ Право”, 1915.

300. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1930 m. lapcričio 13 d. nutarimas. Published in: Vyriausiojo Tribunolo 1924-1933 metų visuotiniųjų susirinkimų nutarimų rinkinys: su Teisingumo ministerijos aplinkraščiais ir dalykine rodykle / spaudai paruošė J. Byla. Kaunas: Karvelio ir Rinkevičiaus prekybos namai, 1934., Byla № 124, p. 192–194.

301. Сводъ Законовъ Россійской Имперіи. Том Одинадцатый, ч. 1 (Изданіе 1896 года). Уставы духовныхъ делъ иностранных исповѣданій. Подъ редакціею и съ примечаніями И. Д. Мордухай-Болтовского. С-Петербургъ, 1912.

302. *Vyriausiasis Tribunolas* (Civilinis Skyrius), 1939 m. kovo 2 d., sprendimas № 43. Published in: Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. “Teisės” № 47 priedas I (1). Kaunas, 1939., Byla № 12. pp. 21–24.

303. *Vyriausiasis Tribunolas* (Visuotinis Susirinkimas), 1940 m. kovo 21 d. nutarimas № 64. Published in: Vyriausiojo tribunolo visuotinių susirinkimų nutarimai: “Teisės” № 51 Priedas IV (4). Kaunas, 1940., pp. 49–51, Byla № 26.

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