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CODIFICATION OF THE LAW IN THE GRAND DUCHY OF LITHUANIA

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Background of the Lithuanian Statute

One of the outstanding achievements of the old Grand Duchy of Lithuania was the legal code, known as the Lithuanian Statute, which became law in 1529 and was afterwards revised twice, in 1566 and 1588. It remained in force until 1840, when it was replaced by the laws of Russia which had annexed the Grand Duchy forty-five years earlier. The Statute was not a collection of custom laws or of judicial decisions; it was prepared primarily in order to get away from custom laws which differed markedly in various parts of the country. It was an act of creative legislation which lasted for more than seventy years, from 1514, when the first commission for drafting the Statute was appointed, till 1588, when the King signed its third, final version. Not only the central organs of the state but all the enfranchised citizens participated in giving the Statute its final form.

The Lithuanian Statute was based in the general tradition of continental European law which places great emphasis on codification. This tradition stems from the Roman Law as codified by the Emperor Justinian in the sixth century A. D. Without codification the Roman law could hardly have survived, but in its codified form it became comparatively easily accessible and exerted continuous influence on the laws of most European nations throughout many centuries. When at the beginnings of the present millenium the first universities were organized, the Code of Justinian became the exclusive object of legal studies along with the Canon Law of the Catholic Church. The learned "doctors of both laws" produced by these universities remained ignorant of the laws actually in force in their respective countries — to study those was considered below the dignity of truly learned men. Due to these learned lawyers, the Roman Law became influential throughout Europe, with the exception of England where the experts in the native law (Common Law) were able to withstand the influence of the romanists. In other countries, either the old customs survived, were collected and written down, varying from province to province, or the Roman Law in toto or in part superseded the national laws and, during the colonial expansion of the European nations, was even carried beyond the seas.

The codification of the respective national laws was begun in Europe during the second half of the eighteenth century, and from this time on the continental countries one after the other had their laws codified. During the intervening centuries, between the codification of Justinian and those of Frederick the Great and Napoleon, only few European countries prepared their own national legal codes, and Lithuania was among them. Furthermore, the Lithuanian public opinion demanded and obtained that this code be twice revised and improved. These circumstances give the Lithuanian law its specific value and interest.

The Lithuanian Statute was studied by scholars from many Middle and Eastern European nations, but it is still virtually unknown in Western Europe and in America.¹

The Early Lithuanian Law

Little is known about the Lithuanian law before the fifteenth century. It consisted of local customs which varied greatly from one part of the country to another. Nobody had ever put these local customs into writing. As the Lithuanian state grew,

absorbing a large number of Ruthenian ² principalities, the Lithuanians did not try to impose their own laws and customs upon these areas. It was a set policy of the Lithuanian rulers of the thirteenth and fourteenth centuries to change as little as possible in the life of the annexed lands. Usually, the native prince of the House of Rurik was replaced by a Lithuanian prince of the House of Gediminas, and the central cities were garrisoned by Lithuanian troops. Otherwise, everything remained as of old.

The power of the Grand Dukes of Lithuania was very great, especially over the ruling classes of the country: they could appoint and demote the local princes and had a firm control over lives and estates of the nobles. As the princes and nobles in case of war raised and led armed troops, the might of the country depended on their loyalty to the Grand Duke as well as on their military and administrative abilities. Hence, it was expedient for the Grand Duke to keep them under close supervision.

During the last decades of the fourteenth century a new source of law came into general use; these were privileges granted by the Grand Duke to the Church, to the nobility, to cities, to individual provinces, to ethnic groups such as Jews or Tartars, as well as to individual persons. Though privileges were known in earlier times, they became particularly frequent since the late 1380's when the Grand Duke Jogaila became King of Poland and Christianity was definitely established in Lithuania. The Catholic nobility received its privilege from Jogaila and Vytautas, who after Jogaila became Grand Duke of Lithuania, in Horodlo in 1413. This privilege granted to a selected group of lords liberties concerning their persons, families, and properties; it was aimed at encouraging the upper class of the population to be loyal to the new religion. The Greek Orthodox Ruthenian lords were excluded from this privilege, but legal differences between Catholic Lithuanians and Orthodox Ruthenians tended to disappear in the course of time. It took, however, about 150 years for these differences to disappear completely.

The cities received privileges which granted them local government and various other liberties. The law of Lithuanian cities was brought from Germany. Several German cities had developed legal systems which later were extended to many other cities, both in Germany and in neighboring countries.

The city law that was eventually accepted in Lithuania originated in the city of Magdeburg (at present, in East Germany). Beginning with Vilnius in 1384, the Lithuanian cities obtained their charters in the form of the Law of Magdeburg. This system of city laws survived for over four centuries, until the end of the old Grand Duchy in 1795. During this long period of time a large number of cities received privileges that conferred upon them the right to live according to the Law of Magdeburg.

The first attempt of nationwide legislation in a major field was made in 1468 by the Grand Duke Casimir who promulgated a written criminal code, known as the Code of Casimir or "Sudiebnik". The regulations of this code were later used for the preparation of the sections of the Lithuanian statute which dealt with criminal law.

The First Statute

During the fifteenth century, a deep transformation took place in the life of the Grand Duchy. Local principalities were abolished, and the administration taken over by the appointees of the Grand Duke. A new aristocracy of high officials emerged to replace the old families of princes of the House of Gediminas. The Council of Lords developed; it included the highest officials, both lay and spiritual. As during most of the latter part of the century the Grand Duke was also the King of Poland and spent most of his time there, the administration of the country was mostly in the hands of the Council of Lords. Thus, the trend went toward unification of the country and toward replacement of an absolute monarchy by an aristocratic rule. Simultaneously, differences between the two national and religious groups, the Catholic Lithuanians and the Orthodox Ruthenians, tended to decline. Many Ruthenian lands had been a part of the Lithuanian State for several generations, and Lithuanians and Ruthenians became used to living under the same ruler. A feeling of patriotism emerged uniting the two halves of the population.

One of the results of this process of unification was a widely felt need of superseding diverse local customs and laws and of replacing them by a national law which would apply both in the Lithuanian and in the Ruthenian parts of the country. The Code of Casimir was the first step in this direction, but it was not considered to be sufficient. In 1514, the Grand Duke Sigismundus the Old was petitioned to give the country a unified law. A commission under the chairmanship of the Chancellor Albertas Goštautas was appointed to draft the code. Little is known about the activities and membership of this commission. It took many years to prepare the draft, and in 1529 it was finally signed by the Sovereign. Thus the first version of the Lithuanian Statute became the law of the land.

The First Statute was a comparatively short and unsystematic piece of legislation. It consisted of 13 chapters, with a total of 282 sections. Some archaic concepts were embodied in several parts of the Statute. Thus, e.g., the criminal law aimed at satisfying the victim of the crime or, in case of homicides, the victim's kinsmen, rather than at safeguarding the interests of society at large; the institution of slavery, as different from peasant serfdom, had survived, and several categories of slaves were mentioned in the Statute. The outline of the chapters and the distribution of the sections were not well planned.

Life was changing rapidly in the sixteenth century Lithuania. Though the military power was on its decline, the Renaissance civilization was spreading, propagated by the royal court and by young nobles who had traveled abroad or studied at foreign universities. The First Statute satisfied public opinion only for about fifteen years, and in 1544 the estates petitioned the new ruler, Sigismundus Augustus, to have the Statute revised and improved; a commission was appointed for this purpose.

The Statute and other official documents of old Lithuania were written in the official language of the Lithuanian Chancery, a Slavic tongue of debatable origin using Cyrillic characters. The First Statute was not printed at the time when it was in force, and for centuries it was all but forgotten. Several handwritten copies of this Statute are still in existence and, eventually, modern scholars did publish the first version of the Statute.³

The Second Statute

The commission appointed for the revision of the Statute was headed by Jonas Domanievskis, Bishop of Samogitia. Its membership consisted of legal experts well versed in the Statute, privileges, and local custom laws, as well as two scholars of Roman Law: Augustine Rotundus, Lord Mayor of Vilnius, who was later to participate in the drafting of the third and final version of the Statute, and Petras Roizius, a Spanish born priest settled in Lithuania. The membership of the commission consisted of an equal number of Catholics and of Orthodox, thus emphasizing the equality of the two major groups of the population, though complete equality before the law had not yet been achieved. As the work of the commission lasted over 20 years, its membership changed because of death or resignation.

The goal of the commission was to improve, bring up to date, and systematize the laws of the Statute. When the work of the commission was almost completed, very important new laws were enacted changing completely the constitution of the Grand Duchy, and making necessary far-going revisions of the draft.

The Diet of 1564, held in Bielsk, abolished legal distinctions between the lords and the broad masses of the gentry. The aristocratic regime, which in the earlier century had replaced the absolute monarchy, had to yield to a democracy (using this term in its Aristotelian rather than modern meaning). The gentry, called *bajorai* in Lithuanian, was a very numerous class comprising about ten percent of the total population. Many localities were inhabited exclusively by the gentry. The basic duty of that class was the defense of the country, and in case of war able-bodied members of the gentry were called to arms. They were personally free, as distinguished from peasants who were serfs, but economically a large section of the gentry was not better off than most peasants.

The repeated wars with Moscow had to be carried out by the gentry, and thus their duties as defenders of the country became more and more burdensome. On the other hand, the gentry from the whole country meeting in army camps acquired a formerly non-existent sense of class solidarity and of strength. They discussed their problems and compared their rights with those of their counterparts in Poland — the latter country being not only a neighbor, but having also the same sovereign. The Polish gentry had already acquired a preponderant influence in the country's political life — they elected the national Diet and were organized into self-governing counties. The Lithuanian gentry, assembled in army camps, demanded similar rights. In view of the pressing need of defense against Muscovy, the Lithuanian lords, with a political wisdom rarely found in history, decided to satisfy the demands of the gentry; they voluntarily renounced their privileges and thus made it possible to introduce in Lithuania a system of government by the elected representatives of the gentry, following the Polish model. The whole government was reorganized. A House of Representatives, elected by the gentry, came into being to share the power with the old Council of Lords (later known as the Senate). Local offices were also made elective, and county assemblies of the gentry met at least once annually. Lords and gentry became equal before the law, but the holding of the highest offices of the state and great wealth continued to distinguish the aristocratic families. Such a radical change in the constitution required many revisions in the draft of the Second Statute.

Another major change in the laws was the final abolition of legal distinctions based on differences of religion. Seemingly it was the end product of a long process of equalization which lasted for more than a hundred years but, due to specific conditions of the sixteenth century, it had various additional implications. In the middle of the sixteenth century many Lithuanians, both Catholic and Orthodox, had accepted the Reformation, mostly Calvinism, and the traditional division of the population into two religious groups was no more consonant with the facts. Moreover, many persons changed their religion several times. As it turned out, the surge of Protestantism in Lithuania was an ephemeral phenomenon, and in the next generation almost everybody returned to Catholicism. However, during the years when the Second Statute was being prepared, the influence of Protestantism was at its maximum, and the old privileges, based on the distinction between Catholic and Orthodox, became meaningless. The response to this change was the introduction of equality before law, irrespectively of religion. Thus the response of the Lithuanian people to the Reformation was basically different from that of most of Europe: Reformation brought civil wars in France and in Germany, a bloody persecution of Catholics in England and of Protestants in lands of the Spanish Crown, but the same Reformation helped to achieve the equality before the law in Lithuania.

The Second Statute became law in 1566, after twenty-two years of preliminary work. It was better organized and larger than the First Statute. The number of chapters was increased from 13 to 14 and that of sections from 282 to 368. Many changes were made in the legal norms, but they did not satisfy the public opinion which wanted to have a still more perfect

code. Demands for further revision were heard immediately after the Second Statute was accepted, and a few amendments were made during the same year.

The Second Statute was not printed during the short period of time when it was in force in Lithuania (1566-1588). It has an interesting history. In 1569, the southern provinces of the Grand Duchy, approximately the area of the present Ukraine, were ceded to Poland. The Poles did not abolish the Statute in their newly acquired territory and, when the Third Statute was introduced in Lithuania, the Second Statute remained in force in the ceded provinces. The eastern part of this area came under Muscovite (later called Russian) rule in the seventeenth century, and the western part, in the eighteenth. Many parts of the Second Statute, except, of course, the constitutional and administrative provisions, survived these changes. Eventually, in 1840, both versions of the Lithuanian Statute were abolished and replaced by the newly codified Russian law. This, however, did not apply to the Eastern, or Left-Shore, Ukraine which was under Russia since the seventeenth century and included the provinces of Charkov and Poltava. When the Russian law was codified in the nineteenth century, some regulations of the Statute were included in the new code as local variations in force in these two provinces and thus survived until the Communist revolution.

The Third Statute

In 1569, a few years after the second version of the Statute went into effect, the union of Lithuania and Poland was formed. From the city where the union treaty was made, it is known as the Union of Lublin, and the federal state that was formed there is usually referred to as the Republic. It was agreed that the two countries would have a common elective King and a common Diet, but separate administration, army, treasury, and judiciary. As far as the Lithuanian Statute was concerned, the Diet of Lublin called for a further revision, in order to make its regulations similar to those in force in Poland. As before, a commission was appointed to work on this revision but this plan was never implemented and, eventually, the commission dispersed without having accomplished its assigned task.

The revision of the Statute went forward, but in a different spirit than that expressed at Lublin, and new methods were used. The Lithuanians tried to preserve as much as possible the sovereignty of their country and to amend those sections of the Union of Lublin which were considered contrary to the interests of Lithuania. The system of commissions was abandoned, and the revisions were discussed at the meetings of the Lithuanian members of the common Diet. In addition, all the gentry participated in preparing the new code by discussing various parts of it in the assemblies and by reporting their decisions to the Chancery of the Grand Duchy. There the ideas expressed at the meetings of the members of the Diet and at the county assemblies were edited and systematized under the leadership of the Chancellor Eustace Valavičius (also spelled Wollowicz) and the Vice-Chancellor Leonas Sapiega (Sapieha).

The third version of the Statute was prepared in order to improve the laws as formulated in the second version and to strengthen the legal rights of Lithuania in the frame of the common Republic. From the text of the Statute it would be difficult to recognize that the union had taken place: the terms "State" or "Country" referred to Lithuania alone, the common Republic was hardly mentioned at all, and the Poles were treated in the same manner as other foreigners. The third version shows many improvements, when compared to the two preceding ones. The Statutes became more comprehensive, and the number of sections grew to 488; the outline is better worked out and more systematic. Out-of-date legal institutions, such as slavery, were abandoned. In spite of all improvements there was little hope that the new version of the Statute would be accepted by the Diet, because the latter was common to the whole Republic and included representatives of both Lithuania and Poland. It was assumed that the Poles would oppose the interpretation of the regulations of the Union of Lublin given in the draft of the Third Statute. The new version was ready for some time, and the Lithuanian leaders were waiting for a propitious moment to have it confirmed. This moment came when, after the death of King Stephen Bathory, the Poles elected two kings: Sigismundus Vasa of Sweden and Maximilian Habsburg of Austria. A civil war started between the two competing factions, but Lithuania at first took no sides in the conflict. The Lithuanians, led by the Vice-Chancellor Sapiega, promised to support Sigismundus, provided he would confirm the third Statute. The Polish advisors of Sigismundus decided that, because of the emergency, the King should confirm the Statute by his own authority without waiting for a Diet to assemble. Following this advice, the King signed the new Statute, and shortly afterwards his followers defeated the Archduke Maximilian. Thus, by a strange coincidence, the three versions of the Statute were signed by three different rulers all named Sigismundus.

The third version of the Statute proved to be the final one and it was in force for more than two and a half centuries (1588-1840). Commissions for further improvements of the Statute were appointed and worked as late as 1636, but they did not achieve anything, and no fourth version was ever prepared. (By further coincidence, no later King was named Sigismundus.) An attempt to replace the Statute by a code common to both nations of the Republic was defeated in the eighteenth century, and one of the reasons of this defeat was the unwillingness of the Lithuanians to abandon the Statute.

After 1588, all new laws, called "constitutions," were passed by the Diet of the Two Nations. These "constitutions" were later collected and published under the title of *Vohimina Legum*, a collection of laws containing many volumes. Some constitutions applied to both nations of the Republic but some to Lithuania alone; these were known as Lithuanian constitutions.⁴

The Statute survived the independence of the country and continued to be in force under Russian domination, with the exception of the sections dealing with the political set-up of the country. As mentioned, the second version of the Statute in

the Ukraine had exactly the same fate. In the early nineteenth century the Russian government decided to codify the laws of the Empire. For areas that had their own laws different from those of Russia, separate codes were to be prepared.

It was decided that the Lithuanian laws would be codified, and a new code prepared, which would include the parts of the Statute still in force, the constitutions, and other laws valid in Lithuania. However, after the Lithuanian insurrection against Russia was put down in 1831, the policy of the Russian government became much more oppressive than it had been before, and a program of intensified russification was adopted. One of the victims of the new policy was the Lithuanian Statute. In order to abolish distinctions between Russia and Lithuania, the government decided to discontinue the work on a new Lithuanian code, and to replace the Statute by the newly codified Russian law, the Svod Zakonov. This policy was implemented in 1840, when the Statute was abolished.

During the interwar period (1918-1940) Lithuania regained its independence, but no basic changes were made in the laws. The Svod Zakonov remained in force in the major part of the country. In other parts, the Code of Napoleon, the German Law and the Baltic Law were in force: the first was introduced in the beginning of the nineteenth century in the part of Lithuania which under Napoleon was included in the Duchy of Warsaw; the second was in force in the Territory of Klaipėda (Memel) which before the World War I belonged to Germany, and the third was one of the local codes of the former Russian Empire in force in an area that included Estonia, most of Latvia and a few localities of Lithuania. After the Soviet invasion of 1940 all legal systems were replaced by the Soviet laws.

Contrary to the first and the second versions of the Statute, the third version was printed as soon as it became law. When King Sigismundus Vasa confirmed the Third Statute, he conferred a privilege upon Leon Sapiega giving him exclusive rights to publish the Statute in print. The Statute was printed both in the original language of the Lithuanian Chancery and in a Polish translation; it was reprinted many times afterwards.⁵ The Lithuanian gentry became very attached to this Statute. Printed or handwritten copies were found in many homes. Reputedly, for generations the Statute was the most widely read book in Lithuania, except for prayer books and some other religious books.

Some Characteristics of the Statute

The three versions of the Lithuanian Statute differed considerably in the amount of influence they exerted on the life of the country. The first version was in force for less than forty years, 1529-1566, and afterwards it was practically forgotten for generations, until scholars began to investigate the history of the Lithuanian law. The interest in this Statute is necessarily limited to a small number of specialists. The Second Statute was in force in Lithuania for an even shorter period of time, 1566-1588. Afterwards for centuries it remained the law of the land in a considerable part of the present Ukraine, and it may be of greater interest to Ukrainian than to Lithuanian scholars. Contrarily, the Third Statute had for a quarter of a millenium (1588-1840) a considerable influence upon the legal and social life of Lithuania, including both its ethnically Lithuanian and ethnically Byelorussian parts; this Statute is important for understanding the life in Lithuania during this long period of time.

During the period of the dual Republic, the state was ruled by the gentry, and only the gentry had the franchise; hence, understandably, the Statute governed the life of both the state and the gentry. The view expressed by some scholars that the Statute was exclusively the law of the gentry is onesided as the Statute regulated the whole power structure of the state, and court cases between members of the gentry and members of other estates were tried according to the Statute. On the other hand, classes of persons other than the gentry had for their internal use laws other than the Statute, the clergy had the Canon Law, the cities the Law of Magdeburg, the Jews were organized in communities called kakhals living according to their own law. The peasants were tried by patrimonial courts, i.e., by the lord of the manor or his agents, and there were no written prescriptions how legal cases between peasants should be decided. However, as the Statute was well known to, and highly valued by, the gentry, there can be no doubt that decisions of the patrimonial courts were influenced by regulations of the Statute.

The scope of the Third Lithuanian Statute can be best understood by analyzing its fourteen chapters. In the first four we find the constitutional and administrative law of Lithuania; in the following six, the civil law; and in the last four chapters, the criminal law. The titles of the individual chapters and the numbers of sections included in each chapter are as follows:

Chapter One, "Concerning the Person of the Sovereign," 35 sections.

Chapter Two, "Concerning the defense of the country," 27 sections.

Chapter Three, "Concerning the liberties of the gentry and the expansion of the Grand Duchy of Lithuania," 51 sections.

Chapter Four, "Concerning Judges and Courts," 105 sections.

Chapter Five, "Concerning dowries," 22 sections.

Chapter Six, "Concerning guardianship," 15 sections.

Chapter Seven, "Concerning the transfer and sale of property," 31 sections.

Chapter Eight, "Concerning last wills and testaments," 9 sections.

Chapter Nine, "Concerning landed property courts, rights to the land, and boundaries of manors, and balks," 32 sections.

Chapter Ten, "Concerning forests, hunting, trees with bee hives, lakes, and meadows," 18 sections.

Chapter Eleven, "Concerning injuries, brawls, and penalties for homicides," 68 sections.

Chapter Twelve, "Concerning punishments and penalties of commoners, and concerning commoners, and bondsmen who desert their master, and servants," 24 sections.

Chapter Thirteen, "Concerning robberies and penalties," 14 sections.

Chapter Fourteen, "Concerning crimes committed by persons of various estates," 37 sections.

The laws of the Statute were upheld by three courts in each county. Roughly speaking, one court tried civil cases, the other criminal cases, while the third was concerned with landed property. Appeals from these courts went to the Supreme Tribunal, instituted by King Stephen Bathory, predecessor of Sigismundus Vasa, in 1581. The justices of the Supreme Tribunal were elected annually by the gentry, in county assemblies meeting on Candlemass. Two justices were elected by every county. The autonomous Duchy of Samogitia was given the choice either to establish its own Tribunal or to adhere to that of the Grand Duchy and eventually the Sa-mogitians decided to participate in the nationwide Supreme Tribunal, electing annually three justices.

A member of other courts existed to try various special types of cases; e. g., there was a Spiritual Tribunal to try cases that arose between the clergy and the gentry; it was composed of an equal number of priests and of justices of the Supreme Tribunal.

The Statute was from the beginning in force in Lithuanian, Byelorussian, and Ukrainian lands, which in the sixteenth century constituted the Grand Duchy of Lithuania. The influence of the Statute was felt outside of the boundaries of the Grand Duchy. Particularly noticeable was its influence on Muscovite, or Russian, law. This can be observed in the legal code of Czar Alexis, known as "Ulozhenye," issued in 1649. where many regulations are based on the law of the Lithuanian Statute.⁶

The debate is still going on among scholars concerning the origin of the legal regulations emlxlied in the Lithuanian Statute. Many scholars claim that the Statute is simply a codification of the laws of their own nation, of Poland. Russia, or another countrv. depending on the nationality of the scholar.⁷ This, of course, proves that the Statute is a code any nation could be proud of, but does no help to solve the problem of the origin of the legal regulations found in the Statute. This controversy is hardly profitable, as the author of the Statute had no intention of codifying the existing law or legal usages of any given national groups. The actual regulations found in the Statute came from many sources: Lithuanians and Ruthenians were given an equal voice in the drafting of the Second Statute; priests knowledgeable in Canon Law were appointed to the commissions, as well as were scholars of Roman Law; the rights, privileges and organization of the gentry were patterned upon the laws of Poland; the commissions met in Vilnius, or other cities, that lived according to the law of Magdeburg, and the Lord Mayor of Vilnius participated in the drafting of the Statutes; Lithuanian legal terms found in the Statute written in the official Slavonic language of the Chancery testify to ethnically Lithuanian elements of the Statute. The importance of the Lithuanian Statute is due not so much to the materials used, but to the creative use of various materials to produce a unified and comprehensive code, as well as to the urge to improve this code throughout the three consecutive versions.

The sixteenth century was in Lithuania a period of a rapid cultural development. During a short period of time, the system of land holding was reorganized, the Jesuit Academy (future university) was established in Vilnius, the first Lithuanian books were published. The three Statutes were the part of the same creative activity, and they remain an important element of the cultural heritage passed on by the old Grand Duchy of Lithuania.

NOTES

1 Tadeusz Czacki, *O Litewskich i Pohkich Prawach*, Warszawa, 1800-1801; S. B. Linde, *O Statucie Litewskim*, Warszawa, 1816; I. Danilowicz, "Historischer Blick auf die Litauische Gesetzgebung," *Dorpater Jahrbuecher*, No. 6, Riga, 1834; I. Danilowicz, *Svod Mestnykh Zakonov Zapadnykh Gubernii*, 1834; F. I. Leontovich, "Russkaya Pravda i Litovskii Statut," *Kiyevskiya Universitetskiya Izvestiya*, No. II-IV, 1865; N. K. Maksimeika, *Istochniki Ugolovnykh Zakonov Litovskago Statuta*, Kiyev, 1894; M. K. Lubavskii, *Litovsko-Russkii Seim*, 1901; S. Kutrzeba, *Historja Ustroju Polski*, II part: *Litwa*, 1914; Augustinas Janulaitis, *Lietuvos Visuomenės ir Teisės Istorija*, Tilžė, 1920; Ignas Jonynas, *Pirmasis Lietuvos Statutas, 400 Metų Sukaktuvių Proga*, Kaunas, 1930; Stefan Ehrenkreutz, ed. *Księga Pamiątkoiva ku Uczceniui Czterechsetnej Rocznicy Pierwszego Statutu Litewskiego*, Wilno, 1935; J. Lappo, *1588 Metų Lietuvos Statutas — Litovskii Statut 1588 Goda*, 3 books, Kaunas, 1934-1938 (written in Russian); in the 2nd book (Vol. I, part 2) pp. 484-563, there is a survey of learned publications about the Statute; A. Mikalauskas, *Das Strafrecht der Drei Litauischen Statute*, 1937. A bibliography of the three Statutes is given in Johannes Klesmet, Domas Krivickas, Vaino Riismandel, and Armins Ruis,

Legal Sources and Bibliography of the Baltic States. New York, Frederick A Praeger, 1963, pp. 13-7; also in Leo Okinshevich, *The Law of the Grand Duchy of Lithuania, Background and Bibliography*. Research Program of the U.S.S.R. Mimeographed Series No. 32, New York, 1953.

2 The term "Ruthenians" is used here to denote Eastern Slavic people, ancestors of the present Byelorussians, Ukrainians and Russians. The term "Russians" is often used for this purpose, but it is misleading as this term predominantly applies to the Great-Russian or Muscovite nation, as different from the Ukrainians and Byelorussians.

3 *Zbior Praw Litewskich od Roku 1389 do Roku 1529*, published by Count A. T. Dziayinski. Poznan, 1841 (printed in Latin characters); "Staryi Litovskii Statut 1529 Goda" in *Vremennik Imperatorskogo Moskovskago Obshchestva Istorii i Drevnostei*, Book 18, Moskva, 1854 (printed in modern Cyrillic characters); *Statut Velikogo Kniazhestva Litovskogo 1529 Goda*, K. Jablonskis, editor, Minsk, 1960.

4 *Leges, Statuta, Privilegia, Regni Poloniae, Magni Ducatus Lithuaniae, omniumque ... Varsaviae, In typographia ... Scho-larum Piarum, 1732-1782*, 8 volumes; reprinted as *Volumina Legum*, Petersburg, Nakt. J. Ochryzki, 1859-1860, 8 volumes; vol. 9 printed in Krakow, 1889, and vol. 10 in Poznan, 1952.

5 The third Statute was afterwards printed in 1614, 1619, 1648, 1693, 1744, 1786, 1811, and in 1819. These editions are discussed by Lappo, *op. cit.*, book 2 (vol. 1, part 2), pp. 412-473.

6 The influence of the Statute on the *Ulozhenye* was studied by several Russian scholars, among whom were the following: Nikolai Ustryanov who wrote in *Russkaya Istoriya* (p. 107 of the 1837 edition): "more than 50 of its (the Statute's) sections were later included in the *Ulozhenye* of the Czar Alexis Mikhailovich"; M. F. Vladimirsky-Budanov in "Otnoshenya mezhdru Litovskim Statutom i Ulozhenyem Tsarya Alekseya Mikhailovicha," *Sbornik Gossudarstvennykh Znaniy*, Vol. IV, Sankt Petersburg, 1877, states that the Statute became a subsidiary source of law in the Muscovite State. A summary of the comparisons between the Statute and the *Ulozhenye* is given by Lappo, *op. ext.*, Vol. 1, part 2, pp. 522-530.

7 The claim that the Statute is Russian law is made by Ustryanov, *op. cit.*, Leontovich, *op. cit.*, and others.

That it is Polish law is affirmed by: F. Piekosinski, *Statut Litewski*, Krakow, 1900; O. Balcer, "Prof. Piekosinski i Statuty Litewskie," *Przygodne Slowa*, Lwow, 1912; and others.

That it is Czech law — H. Jirecek, see Lappo, *op. cit.*, book 1, p. 109, ff.

That the Statute is Ukrainian law: A. Yakovliv, *Vplyvy Starocheskogo Pravda na Pravo Ukrainake Litovskoi Dobi*, Praha, 1929; R. Lashchenko, *Litovskii Statut yako Pamiatnik Ukrainakogo Prava*, Praha, 1923.