BRATISLAVA LAW REVIEW

PUBLISHED BY
THE FACULTY OF LAW,
COMENIUS UNIVERSITY
BRATISLAVA

ISSN (print): 2585-7088
ISSN (electronic): 2644-6359

THE INTERPRETATION OF THE NORMS OF THE 1922 CONSTITUTION OF LITHUANIA BY THE SUPREME TRIBUNAL / Anatoliy A. Lytvynenko, Jevgenij G. Machovenko

Anatoliy A. Lytvynenko
Doctor of Legal Sciences
Baltic International Academy
Valērijas Seiles iela 4, LV-1003,
Riga; Latvia
anat.lytvynenko@gmail.com
ORCID: 0000-0002-0036-0677

Jevgenij G. Machovenko
Dr. Hab. (HP)
Vilnius University
Saulėtekio al. 9 - I rūmai, 10222,
Vilnius; Lithuania
jevgenij.machovenko@tf.vu.lt
ORCID: 0000-0003-2930-3526

Abstract: *There were six constitutions in the Republic of Lithuania during the period of 1918-1940: three provisional ones (enacted in 1918, 1919, and 1920) and three permanent ones (enacted in 1922, 1928, and 1938). A body of constitutional control, such as a constitutional court or a distinct highest administrative court did not exist those days. The surviving factual material gives grounds to assert that it is necessary to systematize the interpretation of the norms of the Constitutions that were in force in the Republic of Lithuania in the period of 1918-1940 mainly owing to the judgments and rulings of the Supreme Tribunal of the Republic of Lithuania, which carried out the interpretation of the norms of the Constitution and laws either in the context of solving civil, administrative and criminal cases, cases on issues of disciplinary liability of lawyers, and in rulings on requests for interpretation of the Constitution and laws by state institutions and courts. The first provisional Constitution (1918) established (in Article 24) that "In areas where the State of Lithuania has not issued new laws, those that existed before the war are temporarily left, as long as they do not contradict the basic laws of the Provisional Constitution". Applying the pre-war law, the Supreme Tribunal checked its constitutionality every time, which means it interpreted both the law and the constitution. Therefore, it can be said that the practice of the court in the interpretation of the constitution is very abundant. However, the Supreme Tribunal very rarely publicly interpreted the constitution, i.e., expressed his opinion expressis verbis, addressed it to other courts. The Supreme Tribunal could not strike down a law that contradicted the Constitution, but the refusal to apply the law was a message to other state institutions (but only the lower courts had to follow the Supreme Tribunal's position, and the executive authorities and parliament could have a different opinion). The paper represents an analysis of the cases, which were adjudicated by the Supreme Tribunal of the Republic of Lithuania in 1923-1928, where the Court discussed the application of the norms of the Constitution and their interpretation according to some peculiar legal disputes.*

Key words: *Constitutional Law; the Republic of Lithuania (1918-1940); Supreme Tribunal of the Republic of Lithuania*

Suggested citation:
Lytvynenko, A. A., Machovenko, J. G. (2024). The Interpretation of the Norms of the 1922 Constitution of Lithuania by the Supreme Tribunal. *Bratislava Law Review*, 8(2), 177-198. https://doi.org/10.46282/blr.2024.8.2.849

Submitted: 26 March 2024
Accepted: 20 June 2024
Published: 31 December 2024

1. INTRODUCTION

In Lithuania in the period of 1918-1940, the concept of the rule of law prevailed in a narrow or formal procedural sense (*rule of law*, in German: *Rechtsstaat*, in French: *l'état de droit*), according to which public authorities must act according to valid legal norms, regardless of their content. However, lately it is common to evaluate the 1918-1940 Lithuanian Constitutions from the standpoint of current constitutionalism, i.e., supplementing the narrow concept of the rule of law with the principles of the supremacy of the Constitution, limitation of government powers and justice, as done by the authors of the fundamental monograph on the history of Lithuanian constitutionalism (Griškevič et al., 2016). The possibility and overall necessity of evaluating the Constitutional Acts of Lithuania not only in the context of the time of their adoption, but also using modern doctrine, is based on the conviction that Lithuanian constitutionalism is a continuous process, and current and historical Constitutional Acts form a phenomenon called *the Historical Constitution of Lithuania*.

The supremacy of the Constitution in the Provisional Constitution (1918) was expressed *expressis verbis* in Article 24: "*In areas where the State of Lithuania has not issued new laws, those that existed before the war are temporarily left, as long as they do not contradict the basic laws of the Provisional Constitution*".[1] At first glance, the principle of the supremacy of the Constitution should apply only to those laws "*that existed before the war*", but the interpretation of this provision must be expansive, because newly adopted national and *foreign laws*[2] must hold the same formal legal power. If the new and old laws have the same legal force, then the principle of constitutional supremacy that applies to one group of these laws also applies to all others. The reason why Article 24 sounds exactly like this and not otherwise, presumably, is that during the restoration of independent Lithuania, it was relevant to emphasise exactly this point – everything that is created elsewhere and transferred by a foreign government, introduced, implemented, or imposed on Lithuania, is valid to the extent that it does not contradict the Constitution of independent Lithuania, and the constitutionality of the laws and other legal acts of the independent Lithuanian provisional government (the State Council of Lithuania (hereinafter - the Council) itself and the institutions created by it) is simply presumed here. For a comparison, the Provisional Constitution of Lithuania of 1920 can be presented, in which the principle of supremacy is stated in a more modern and familiar form: "*3. Laws in force until the date of promulgation of this Constitution, which do not conflict with this Constitution, remain in force*".[3] According to M. Maksimaitis, the authors of this Constitution relied on the classic vision of constitutional law (M. Romeris also followed and promoted it) – only those ordinary legal norms that are based on the current Constitution are valid. Laws and by-laws that were valid before its adoption automatically cease to be valid. In order for them to retain legal power, it is necessary to sanction them in the current Constitution (Maksimaitis, 2001, p. 33). At present, it is common to believe that the formal principle of the supremacy of the Constitution, enshrined in its own text, can be implemented only after ensuring the stability of the Constitution (understood as a special procedure for adopting and changing the constitution), direct application of the Constitution, and control of constitutionality. The stability of the Constitution is enshrined *expressis verbis* in all Lithuanian Constitutions (for example, in Article 4 of the Provisional Constitution of 1918). The provisions on the direct application of the Constitution and the

[1] Lietuvos Valstybės Laikinosios Konstitucijos Pamatiniai Dėsniai. (Valstybės tarybos priimta 1918 m. lapkričio mėn. 2 d.). Lietuvos aidas. 1918–11–13. No 130(178).
[2] Which were all the laws in force in Lithuania before the First World War.
[3] Laikinoji Lietuvos Valstybės Konstitucija. Laikinosios Vyriausybės žinios. 1920–06–12. Nr. 37–407.

control of constitutionality are revealed through systematic interpretation of the text of the Constitution.

The questions of interpreting various norms of the Constitution of the State of Lithuania, from the point of view of judicial practice, were raised in the scientific literature infrequently. M. Maksimaitis noted that during the period of 1918-1940, all courts and other state authorities had the right to interpret the Constitution and decide the issue of compliance of laws with the Constitution (Maksimaitis, 2001, p. 71). The Ministry of Justice expressed great confidence in the courts and even assigned the judges of the lowest courts to decide issues that now fall within the competence of the Constitutional Court (Circular No. 5).[4] Reasoning about the issues of constitutional control can be found in the works of the Lithuanian lawyer, scientist and judge M. Romeris (1880 – 1945), who expressed the idea of creating a court of constitutional jurisdiction in his 1925 article for this purpose.[5] A more detailed evaluation of the debate on Article 3 of the Constitution in the Constituent Seimas (1920-1922) was presented by Juozas Žilys (Žilys, 2001, pp. 39-40). He came to the conclusion that the establishment of the principle of constitutionality of laws in the Constitution meant that the doctrine of legality was recognised as one of the most important laws of society and state development, but without a special legal regulation, such a function remained only a democratic abstraction (Žilys, 2001, p. 41). However, at the same time, M. Romeris mentioned that at that time, in no country in the world (in particular, speaking about the judicial system of the United States of America and Switzerland) constitutional courts did exist (Romeris, 1925). Later, M. Romeris noticed a rather interesting detail: the Constitution (meaning the one enacted in 1922) did not prescribe the system of the judiciary (Romeris, 1937, pp. 66-67): for example, Art. 2 of the Constitution stated that the Seimas, the Government, and the Court are the organs of the state power[6] – this norm has remained unchanged in both Constitutions of 1922[7] and 1928;[8] Art. 4 of the Constitution of 1938 stipulates that the state power is fulfilled by the President of the Republic, the Government, the Seimas, and the Court;[9] Art. 63/64 of the Constitution of 1922/1928 stated that cases of criminal offences committed by ministers must be heard in the Supreme Court,[10] which was the Supreme Tribunal of the Republic of Lithuania, *Vyriausiasis Tribunolas* (hereinafter – the Supreme Tribunal), which had respectively explained why, according to the legislation, the Supreme Tribunal was meant to be the Supreme Court for Lithuania in all instances in its judgment of the

[4] Aplinkraštis 5. Apygardų teismams, Taikos teisėjams, teismo tardytojams, Valstybės gynėjams irnotarams. Laikinosios Vyriausybės žinios, 1919-04-04, nr. 5. See in detail: Machovenko and Šinkūnas (2019, pp. 269 – 283).

[5] Read more about attempts to establish a Constitutional Court in interwar Lithuania (1918-1940) here: Maksimaitis (2004, pp. 19-26).

[6] Read more about the principle of separation of powers and judicial power according to the 1922 Constitution here: Monkevičius (2005, pp. 127-150)

[7] 1922 m. rugpjučio 1 d. Lietuvos Valstybės Konstitucija, Vyriausybės Žinios. 1922. Nr. 100, 799, pp. 1-8.

[8] 1928 m. gegužes 15 d. Lietuvos Valstybės Konstitucija, Vyriausybės Žinios. 1928. Nr. 275, 1778, pp. 1-6.

[9] 1938 m. vasario 11 d. Lietuvos Valstybės Konstitucija, Vyriausybės Žinios. 1938. Nr. 608, 4271, pp. 237-245.

[10] The 1922 and 1928 Constitutions referred to the Supreme Court in the system of the judiciary as "Aukščiausiasis Teismas", whereas the name of the court acting as the highest judicial instance in all cases was Vyriausiasis Tribunolas. However, the name of the court was not changed, and in 1933, when the Law on the Judiciary was adopted (1933 m. liepos 11 d. Teismų santvarkos įstatymas. Vyriausybės Žinios. 1933 Nr. 419-2900, pp. 1-26), the Vyriausiasis Tribunolas was referred to as the court of cassation (Art. 21), whereas the Supreme Tribunal itself explained in its 1925 judgment (see the comment to it below), that it was precisely the Supreme Court which was mentioned in the Constitution.

DOI: 10.46282/blr.2024.8.2.849

Supreme Tribunal's General Assembly of 4-10 February, 1925).[11] It should be noted that in the Constitution of 1938, namely in Section XVII, the judicial system was already prescribed: thus, the independence of the court is guaranteed (Art. 129), as well as the powers of the President of the Republic to approve the punishment, or a part of it, which were determined by the decision of the court, or to replace it with a milder punishment; and in cases established by law, the President had the right to restore the rights that were restrained or deprived by a court decision.[12] Art. 131 of the Constitution of 1938 defined the Supreme Tribunal as the Supreme Court, which acted throughout the territory of Lithuania, and Art. 132 of the Constitution of 1938 determined that the courts are created by law, and the judiciary is determined by law.[13]

The Supreme Tribunal had to cope with civil, administrative, criminal, constitutional and disciplinary cases for attorney´s misdemeanours. In this paper, we will discuss the interpretation of the norms of Art. 51 and 63, 65, 66, 67 and 68 of the 1922 Constitution of Lithuania by the Supreme Tribunal, which had to act as a constitutional court in such an instance. The aim of the paper is to illustrate the positions of the Supreme Tribunal in relation to the aforementioned provisions of the Constitution. The following methods of scientific research are used in the paper: 1) historical-legal method, since the scientific research considers the time period of the Republic of Lithuania 1918-40; and 2) the method of interpretation of legal norms, since the paper deals with the interpretation of the norms of the Constitution by the Supreme Tribunal of the Republic of Lithuania.

2. THE SUPREME TRIBUNAL

Lithuania had a very peculiar system of the judiciary during the First Republic (1918-1940).[14] In the 1922/1928 Constitutions, the judiciary system was not prescribed. Art. 64 of the Constitution provided that the courts had to proclaim judgments on behalf of the Republic of Lithuania, and the Supreme Tribunal held in a 1928 judgment that all the Lithuanian courts, including the ones in the Klaipeda Region, had to promulgate judgments on behalf of the Republic of Lithuania (as provided by Art. 64 of the Constitution of 1922 and Art. 66 of then-acting Constitution of 1928).[15] In relation to the issue of prescribing the judiciary, M. Romeris wrote in his 1937 treatise that it was rather difficult to explain the origin of the absence of a prescribed system of the judiciary in the text of the Constitution, and among the possible reasons he outlined the following reasons: 1) the lack of a clear organisation of the judiciary system in 1918; 2) possible lack of confidence in the newly formed judicial system; 3) the fact that the court is not a body of political power (Romeris, 1937, pp. 66-67) (to wit, the Supreme Tribunal explicitly

[11] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1925 m. vasario 4-10 d. sprendimas, 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, 1933., Byla № 10, pp. 17-28 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 7. Sausis – Birželis. 1925., pp. 65-86.

[12] 1938 m. vasario 11 d. Lietuvos Valstybės Konstitucija, Vyriausybės Žinios. 1938. Nr. 608, 4271, pp. 237-245.

[13] 1938 m. vasario 11 d. Lietuvos Valstybės Konstitucija, Vyriausybės Žinios. 1938. Nr. 608, 4271, pp. 237-245., see in particular at p. 244.

[14] See in detail: Dvareckas (1997).

[15] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1928 m. birželio 15 d. nutarimas, 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, 1933., Byla № 72, pp. 129-130.

denoted the latter argument in its ruling of 11 May , 1928).[16] M. Romeris (1937) outlined that by the time when the Law on Provisional Order of the Judiciary and its Work of 28 November, 1918 was promulgated,[17] the Supreme Tribunal was not yet operating, and hence, the formation of a provisional system of the judiciary was not concluded by then (Romeris, 1937). To wit, the explanation to the said law mentioned a court of cassation (that is, the Supreme Tribunal) only in the context of a prospect for the future, and the Supreme Tribunal acted as a court of appeals for the cases, which were adjudicated by the district courts.[18] The Law on the Judiciary was adopted only in 1933,[19] whereas a highest administrative court, or a court of constitutional jurisdiction were not founded (Romeris, 1937, p. 68), and as practice had shown, it was the Supreme Tribunal that coped with their functions to a major extent (Maksimaitis, 2014, pp. 440-460). Since the enactment of the Law on the Judiciary of 1933, the Supreme Tribunal was referred to as a cassation court (Art. 21) and was designated to be the Supreme Court in administrative cases coming from the Klaipeda Region (Art. 22 (2)).[20] However, the projects for the foundation of a highest administrative court in Lithuania did exist and were actively discussed among lawyers from the second half of the 1920s (Račkauskas, 1937, pp. 55-65), and the idea of establishing such a court was expressed for the first time in 1924 (Anonymous, 1938, pp. 522-525), albeit a draft law was developed in more than a decade – in 1936 (Račkauskas, 1937, pp. 63-64). The system of Lithuanian administrative law, as contended by K. Račkauskas in his 1937 work, functioned in such a way that the supervision of the work of various officials was carried out by the courts (for example, the Supreme Tribunal indicated in its judgment of March 26, 1926 that a judge can only be liable to the court, depending on which branch of law the case concerning him lied in, but not to any administrative body distinctly and not within the framework of any court case)[21], and the laws were obligatory for fulfillment by the officials in the same mode, as by all other citizens (Račkauskas, 1937, pp. 56-57). There were no courts of administrative jurisdiction, as such, apart from the only exception of the State Court (originally known as *Valsčiaus teismas*) in Klaipeda region, which was established in 1920, a local law on whose functioning was enacted in 1938 (where, besides, the court was called *Administrativynis teismas*),[22] and whose judgment excerpts were occasionally published in "*Klaipedos Krašto Valdžios Žinios*".[23]

At the same time, the existing system of administrative law in the Republic of Lithuania in 1918-40, though not containing administrative courts apart from the one in the Klaipeda region, had developed a slightly different principle, founded on the fact that

[16] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1928 m. gegužės 11 d. nutarimas, 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, 1933., Byla № 67, pp. 109-124 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 13. Sausis – Birželis. 1928., pp. 61-72.

[17] 1918 m. lapcričio 28 d. Laikinasis Lietuvos teismų ir jų darbo sutvarkymas, Laikinosios Vyriausybės Žinios. 1919. Nr. 2/3, pp. 6-7.

[18] Paaiškinimas įstatymui „Laikinasis Lietuvos Teismų ir jų darbo sutvarkymas", Laikinosios Vyriausybės Žinios. 1919. Nr. 2/3, pp. 7-8. See in detail: Maksimaitis (2013, pp. 375-390)

[19] 1933 m. liepos 11 d. Teismų santvarkos įstatymas. Vyriausybės Žinios. 1933 Nr. 419, 2900, pp. 1-26.

[20] 1933 m. liepos 11 d. Teismų santvarkos įstatymas. Vyriausybės Žinios. 1933 Nr. 419, 2900, pp. 1-26 (see, in particular at p. 2).

[21] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1926 m. kovo 26 d., Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 9. Sausis – Birželis. 1926., pp. 82-85.

[22] 1938. m. gegužes men. 25 d. Įstatymas apie Klaipedos Krašto Administrativinio Teismo. Klaipedos Krašto Valdžios Žinios, Nr. 63, 1938. m. birzelio men. 28. d. Nr. 168, pp. 509-511.

[23] Valsčiaus Teismas, 1935 m. vasario men. 7. d. Klaipedos Krašto Valdžios Žinios., Nr. 22, 1935 m. kovo men. 2. d., pp. 175-176.

DOI: 10.46282/blr.2024.8.2.849

the decisions of different state authorities and higher instances of various institutions could be appealed to the Supreme Tribunal (Račkauskas, 1937, pp. 60-61; Fridšteinas, 1937, p. 188). According to the later jurisprudence of the Supreme Tribunal, it can be seen that this principle did really work.[24] Apparently, under the given conditions, the Supreme Tribunal performed the functions of the highest administrative court.[25] According to the bill, which was developed in 1936, it was proposed to create a new department for the resolution of administrative disputes in the Supreme Tribunal (there was no such department in the structure of the court, and the creation of a distinct administrative court was considered too costly (Anonymous, 1938, pp. 522-525)), and it could determine, *inter alia*, the competence of the courts in resolving such disputes – which dispute should be resolved in a court of general jurisdiction and which should be resolved in a court of administrative jurisdiction (Račkauskas, 1937, p. 64). There were also various proposals regarding the work of the courts of administrative jurisdiction – for example V. Fridšteinas (1937) found a two-tier system of courts of administrative jurisdiction to be convenient, within which the first instance would be the district court (*Apygardos Teismas*), where a department of administrative affairs would be created, and the second instance would be the Supreme Tribunal. According to the second option, which was proposed by M. Romeris, the system would have looked differently: if, on the basis of Art. 63 of the Constitution, cases of official criminal misconduct of persons holding ministerial positions were heard by the Supreme Tribunal (as a court of first and last instance in such cases), then in this instance, the court of first instance in such cases would be a special department of the Supreme Tribunal, and the court of second instance in these cases would also be based in the Supreme Tribunal, which, according to M. Romeris, would increase the prestige of the administrative court. Moreover, in both cases, these courts would consider the case both from the point of view of substantive law and from the point of view of the factual part of the case – by analogy with the fact that the courts of general jurisdiction in the three-tier system of courts, where there is a court of first instance, a court of appeal, and a court of cassation, whereas the courts of the first two instances evaluate the factual part of the case (Fridšteinas, 1937, p. 204) (the court of cassation reviews a case from the point of the review of the application of substantive norms by the lower courts, i.e., the norms of legislation, and the application of procedural norms – the norms of the procedural code, i.e., from the point of view of observance of the organisation and conduct of the court proceedings – the Authors). Disputes in administrative courts may involve more than just an appeal concerning certain administrative orders, since the administrative courts around the world have dealt with disputes over the authority of government agencies and officials for a long time. The Supreme Tribunal, in fact, performed these functions – among the bright examples when the court clarified the legal issues concerning the powers of state institutions and the officials. Such clarifications were, *inter alia*, made from the point of view of the Constitution of the State of Lithuania, where we may note the judgments of 4-10 February,

[24] Vyriausiasis Tribunolas (Civilinis Skyrius), 1939 m. kovo 20 d. sprendimas, Byl. 54 Nr. S. Baltūsis, Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. Kaunas: Raidė, 1939. 52 p., Byla Nr. 21, pp. 35-37.
[25] See the history of the administrative court in Lithuania in more detail Deviatnikovaitė (2021).

1925,[26] and the rulings of 26 March 1926,[27] 15 October, 1926,[28] and 11 May , 1928.[29] Hence, the interpretation of the norms of the Constitution of the State of Lithuania by the Supreme Tribunal, to a significant extent, took place in the field of administrative law, which, in addition, included clarifications of the norms of the Constitution and the norms of legislation by the Supreme Tribunal in its decisions, where the court answered questions from various state institutions regarding the application of the norms of law and their interpretation.

The Lithuanian lawyer Antanas Sugintas in his article on the conformity of laws to the Constitution (1924) indicates that the principle of conformity of all normative legal acts to the Constitution of the State of Lithuania, set out in Art. 3, means that both, all normative legal acts adopted before the enactment of the Constitution, and those acts that were adopted after it, must comply with the Constitution, which A. Sugintas called "*the dominance of the Constitution*." How, in theory, the constitutionality of all legal acts, which were adopted after the Constitution had been enacted, remains unknown (Sugintas, 1924, pp. 29-30). A. Sugintas mentioned that according to Art. 68 of the Constitution, the Court was assigned the role of considering disputes related to the issue of the legitimacy of administrative orders, which is completely different (besides, as we may learn from the early judicial practice of the Supreme Tribunal, namely the decisions of 2 February and 23 May, 1923, at that time the respective procedure for consideration of such cases had not yet been developed).[30] A. Sugintas also pointed out that Art. 69 of the draft Constitution contained a clause that the courts did not consider the legitimacy of laws adopted after the entry of the Constitution into force. However, this provision was rejected and was not included in the final version at the final stages of consideration of the draft Constitution of 1922 (Sugintas, 1924, pp. 30-31). In practice, the Supreme Tribunal subsequently considered the issue of compliance of the norms of laws adopted in the pre-war period with the Constitution of the State of Lithuania, occasionally at the

[26] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1925 m. vasario 4-10 d. sprendimas, 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, 1933., Byla № 10, pp. 17-28 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 7. Sausis – Birželis. 1925., pp. 65-86.

[27] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1926 m. kovo 26 d. nutarimas, Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 9. Sausis – Birželis. 1926., pp. 82-85.

[28] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1926 m. 15 spalio d. nutarimas / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 10. Liepos – Gruodis. 1926., pp. 75-78.

[29] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1928 m. gegužės 11 d. nutarimas, 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, 1933., Byla № 67, pp. 109-124 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 13, pp. 61-72.

[30] Vyriausiasis Tribunolas, 1923 m. vasario 1 d. ir gegužės 23 d. nutarimas / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. №4 1922 m. spalių – 1923., pp. 46-47.

DOI: 10.46282/blr.2024.8.2.849

request of the Ministry of Justice,[31] as well as district courts.[32] Since at that time the law did not determine which instance should deal with the interpretation of the norms of the Constitution, the practice has shown that both the courts and different state institutions were engaged in the interpretation of the norms of the Constitution. Over the years, the role of the authority dealing with the interpretation of the norms of the Constitution became more clearly visible in the Supreme Tribunal. In addition, we should denote that the history has preserved the practice of interpreting the norms of the Constitution, by the State Council (*Valstybės Taryba*), which was established by the Constitution of 1928 and became known owing to the publication of its explanations relating to the application of the norms of legislation, among which there were also interpretations of the norms of the Constitution.[33] The Lithuanian legal scholarship also contained an opinion that the State Council (*Valstybės Taryba*) performed the role of an administrative court to a certain extent (Romeris, 1930, p. 30; Jakučionis, 1938, pp. 22-25), due to the function of clarifying the norms of legislation, as well as because of the right of this institution to report to the Cabinet of Ministers and the other ministries concerning inconsistencies of administrative orders or by-laws with the norms of the legislation (according to Art. 3 of the Law on Council of State of 1928[34]), although it was never officially included into the Lithuanian judicial system. Despite the fact that the State Council did not perform the functions of the court, its explanations were quite authoritative (Jakučionis, 1938, pp. 22-25). The French lawyer A. Mestre published an article relating to the work of the State Council of France ("*Conseil d'Etat*") in the Lithuanian law journal "*Teise*", No. 42 (1938), where A. Mestre thoroughly described the work and peculiarities of practice of the State Council of France (Mestre, 1938, pp. 195-198) – it should be noted here that this institution has initially performed the function of the highest administrative court in France, while the functions of the State Council, which operated in the Republic of Lithuania in 1928-40, included proposals for amendments to laws, the plans for codification, the preparation of bills, etc.[35], however, as mentioned earlier, it did not perform judicial functions; for instance, as M. Romeris noted in his 1930 work that if an administrative court could annul an administrative act by its judgment, then the State Council in this case notified the Cabinet of Ministers or Ministries that certain administrative acts did not comply with the law (Romeris, 1930, p. 34). We will discuss the practice of interpreting the norms of the Constitution of the State of Lithuania by the State Council in subsequent scientific publications, and in this paper we will discuss the practice of interpreting the norms of the Constitution by the Supreme Tribunal.

[31] (1) Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1926 m. spalio 8 d. nutarymas, 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, 1933., Byla № 31, pp. 52-53.
(2) Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1930 m. lapcričio 13 d. nutarimas, 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, 1933., Byla № 124, pp. 192-194.
[32] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1929 m. kovo 22 d. nutarimas, 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, 1933., Byla № 86, p. 146.
[33] Valstybės Taryba, 1933 m. lapcričio 7 d., Nr. 46, Valstybės Tarybos nuomonės teisės klausimais, 1929 – 1937. Leidžia Lietuvos Teisininkų Draugija. Kaunas, „Spindulio" B-vės spaustuvė. 1937., pp. 123-125.
[34] 1928 m. rugsėjo 21 d. Valstybės Tarybos įstatymas. Vyriausybės Žinios. 1928. Nr. 283-1813, p. 8.
[35] 1928 m. rugsėjo 21 d. Valstybės Tarybos įstatymas. Vyriausybės Žinios. 1928. Nr. 283-1813, p. 8.

3. INTERPRETATION OF THE NORMS ART. 51, 63, 65-68 OF THE 1922 CONSTITUTION IN THE PRACTICE OF THE SUPREME TRIBUNAL IN 1923-1928

The Supreme Tribunal was founded in 1919 initially as an appellate court for the cases, which were heard by the district courts (*Apygardos Teismas*). It became the court of cassation for all court cases heard by the Lithuanian courts since 1921,[36] and was the Supreme Court in the state within the meaning of Art. 63 of the Constitution of the State of Lithuania (see the interpretation of this provision of the Constitution in the judgment of 4 -10 February, 1925 below);[37] since 1924, after the Klaipeda Convention was enacted on 8 May, 1924, the Supreme Tribunal became the court of highest instance for the Klaipeda region. Interpretations of the norms of the Constitution are contained also in the judgments of the General Assembly of the Supreme Tribunal, where complex cases were considered. Although the right of the Supreme Tribunal to interpret the Constitution was not enshrined in law *expressis verbis*, it was never questioned by the judges of the Tribunal. Each court had the right to review the constitutionality of applicable laws, and the Supreme Tribunal was the highest court under the Law on Provisional Order of the Judiciary and its Work (1918) and Law on the Judiciary (1933). Arguably, these legal norms were sufficient and, when making decisions, the Supreme Tribunal did not see a great need to additionally justify its right to interpret the Constitution. Let us consider the judgments of the Supreme Tribunal, which provide *expressis verbis* interpretations of the norms of the Constitution of the State of Lithuania.

3.1 Judgments Relating to Administrative Procedure

In two judgments of 1 February, 1923 and 23 May, 1923, the Supreme Tribunal clarified the meaning of Art. 68 of the Constitution of the State of Lithuania. In January 1923, the Šiauliai District Board applied to the Supreme Tribunal with a request to interpret the provision of Art. 3 and 4 of the Law on Police; the District Board was dissatisfied with the fact that the administration required local boards to provide local policemen with apartments and allowances for both official and personal purposes. This was followed by an appeal to the Kaunas Regional Court with the aim of cancelling the deduction of income tax established by the Šiauliai tax inspector on the basis of an order of the Ministry of Finance, Trade and Industry, which was also impugned by the complainants in court. The complaint was dismissed by the Kaunas Regional Court as inadmissible, followed by a complaint to the Supreme Tribunal. If the second complaint was a fairly typical administrative complaint (here it should be noted that the Supreme Tribunal later performed a number of functions of an administrative court, although there was never a division of administrative cases in the structure of this court), then the appeal to the Supreme Tribunal on the issue of interpreting the norms of the Constitution then looked like a substantial innovation. Both complaints were dismissed by the Supreme Tribunal. The Court points out that Art. 68 of the Constitution requires the courts to resolve disputes regarding the legality of certain administrative orders, but at the same time Art. 66 of the Constitution indicates that the competence of the courts is determined

[36] 1921 m. liepos 20 d. Laikinojo Lietuvos teismų ir jų darbo sutvarkymo, civilinio ir baudžiamojo proceso įstatymų pakeitimas ir papildymas, Vyriausybės Žinios. 1921. Nr. 68, 607, pp. 1-2.

[37] Vyriausiasis Tribunolas, 1925 m. vasario 4-10 d. sprendimas, 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, 1933., Byla № 10, pp. 17-28 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 7. Sausis – Birželis. 1925., pp. 65-86.

DOI: 10.46282/blr.2024.8.2.849

by law; but the legislation in force at that time on the organisation of the work of courts did not define any special procedure for complaining against any administrative acts, and therefore, the norm of Art. 68 of the Constitution can be applied by the courts in resolving disputes only in a general manner; but if talking about the administrative procedure, then until the moment a law is adopted establishing a special procedure for resolving disputes for the implementation of Art. 68 of the Constitution, no court can perform functions that are not assigned to it by the acting legislation.[38] It should be noted, that in Supreme Tribunal's later practice, the Court adjudicated cases, where different administrative acts were impugned; some judgments in administrative disputes were handed down by the Department of Civil Cases,[39] whereas more complex cases were resolved by the General Assembly of the Supreme Tribunal.[40]

3.2 Case of J. Purickis

A rather extensive interpretation of various norms of the Constitution of the Republic of Lithuania (first of all, Article 63) is contained in the decision of the Supreme Tribunal in the case of the well-known politician Juozas Purickis (1883-1934), in which the Supreme Tribunal delivered an acquittal on 4–10 February, 1925. J. Purickis, as well as three other officials, were accused of having decided in November 1921 to send three carriages of flour, sugar, and a number of prohibited substances to the Soviet Union, and in order not to pay the import tax, they had registered the carriages as government cargo. Separately, J. Purickis was also charged with the fact that when he was the Lithuanian envoy to Germany, he was engaged in buying up foreign currency and valuables, and in order to freely transport them from one state to another, he used diplomatic couriers and a state seal, and also, according to the state prosecution, the accused was engaged in other machinations. Regarding the dispatch of wagons, J. Purickis was charged under part 3 of Art. 636 of the Criminal Code. J. Purickis was subsequently acquitted, but the interpretation of the Constitution concerned the question of the competence of the Supreme Tribunal to hear the case. So, the lawyers of the politician stated that, in their opinion, the given case was started illegitimately, based on Art. 63 (1) of the Constitution, and that the given case, according to Art. 63 (2) of the Constitution, should not have been tried by the Supreme Tribunal, since, according to lawyers, it was not the Supreme Court, but only the highest appellate or cassation instance, and that a distinct court should consider the cases of those who held ministerial positions. Apparently, the Supreme Tribunal did not agree with these statements, and explained how the relevant provisions of the Constitution should be understood. First, the Court clarified that, according to Art. 67 of the Constitution, there was only one Supreme Court in the territory of the Republic of Lithuania, and according to Art. 63 (2) of the Constitution the Supreme Court also adjudicated cases concerning ministries. As regards Art. 67 of the Constitution, the Supreme Tribunal also provided an interpretation of this provision. Art. 67 of the Constitution speaks of a single Supreme Court that operates in the territory of the Republic of Lithuania, meaning the same Supreme Court, and the Constitution defines a single Supreme Court for all residents of the Republic of Lithuania, whose jurisdiction, among other things, applies to cases relating to ministries. The norm of Art. 63 of the

[38] Vyriausiasis Tribunolas, 1923 m. vasario 1 d. ir gegužės 23 d. nutarimas / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. №4 1922 m. spalių – 1923., pp. 46-47.
[39] Vyriausiasis Tribunolas (Civilinis Skyrius), 1939 m. balandžio 21 d. sprendimas, Byl. 98 Nr. Al Milčinskas / Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. Kaunas: Raidė, 1939. 52 p., pp. 44-45, Byla Nr. 27.
[40] Vyriasiasis Tribunolas (Visuotinis susirinkimas), 1926 m. kovo 26 d. nutarimas / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 9. Sausis – Birželis. 1926., pp. 82-85.

Constitution does not provide for the creation of any special courts. Thus, according to the norms of the Constitution, there is one Supreme Court in the Republic of Lithuania. Since in the judicial system the final decision in all cases is made by the Supreme Court, accordingly, the Supreme Court operates in the Republic of Lithuania.

The Supreme Tribunal recalls that on 16 January, 1919, the Law on the Provisional Order of the Judiciary and its Work (adopted on 28 November, 1918) was published,[41] and on 20 July, 1921, corresponding amendments were made to this law,[42] according to which, the Supreme Tribunal is now authorised to administer justice throughout the territory of the Republic of Lithuania (thus, according to Article 2 of the amendments, cassation appeals against decisions and decisions of district courts were filed with the Supreme Tribunal). The Supreme Tribunal was appointed to be the highest court for the army courts under the "Provisional Statutes" of 7 August, 1919,[43] and then became the highest court in the Klaipeda region on the basis of Art. 23 and 24 of the appendix to the Klaipeda Convention of 8 May, 1924.[44] Thus, the Supreme Tribunal is the Supreme Court, whose activities are provided for by the Constitution of the State of Lithuania. The Court also clarifies that, according to Art. 66 of the Constitution, the organisation, competence, and jurisdiction of the courts is determined by law. No new laws on this matter have been adopted so far, and therefore the above laws remain in force, which means that the Supreme Tribunal has always been and remains the Supreme Court in Lithuania. The attorney of J. Purickis, in his next argument, also argued that the Supreme Tribunal, in the sense of Art. 63 of the Constitution, will not have the necessary composition in order to consider the case, to which the Supreme Tribunal did not agree, and again gave the appropriate interpretation of the Constitution. The Court again clarified that since the new law on the judiciary had not been adopted, the former ones remained in force. Then, according to the defendant's lawyer, Art. 63 of the Constitution had a declarative character, like Art. 68, according to which the court decides disputes about the legality of various administrative acts, and referred to the decision of the Supreme Tribunal of 3 May, 1923, where the court indicated that the procedure for resolving administrative disputes had not yet been adopted, and therefore, this interpretation should be used by analogy. However, here the Supreme Tribunal denoted that there was a significant difference between Art. 63 and Art. 68 of the Constitution: if in the first case we are talking about the fact that the Supreme Court, as the court of highest instance, is the same for the entire territory of Lithuania, then Art. 68 of the Constitution refers to the consideration by the court of the disputes on the legality of administrative acts without specifying any specific court. The Supreme Tribunal further emphasised that the provision of Art. 63 of the Constitution was not declarative, but was in fact imperative. With regard to the consideration of administrative cases by the Grand Tribunal, the Court outlined, that the function of considering such disputes was actually provided for by the Constitution, and in the decision of 3 May, 1923 it was only indicated that until there was no law that would determine the procedure for considering these cases, then such cases were not assigned to consideration. In order for such disputes to be considered in the courts, the Supreme Tribunal argued, that it was necessary to adopt

[41] 1918 m. lapkričio 28 d. Laikinasis Lietuvos teismų ir jų darbo sutvarkymas, Laikinosios Vyriausybės Žinios. 1919. Nr. 2/3, pp. 6-7.
[42] 1921 m. liepos 20 d. Laikinojo Lietuvos teismų ir jų darbo sutvarkymo, civilinio ir baudžiamojo proceso įstatymų pakeitimas ir papildymas, Vyriausybės Žinios. 1921. Nr. 68, 607, pp. 1-2.
[43] 1919 m. rugpjūčio 7 d. Laikinieji Armijos teismų Įstatai. Laikinosios Vyriausybės Žinios. 1919. Nr. 10, pp. 5-6.
[44] 1924 m. gegužės 8 d. Klaipėdos krašto konvencija, Vyriausybės Žinios. 1924. Nr. 169, 1186, pp. 1-20.

DOI: 10.46282/blr.2024.8.2.849

a relevant law, but not to use any interpretation of the court. And besides, the discussed situation did not apply to the current case. The attorney also pointed out that on 29 October, 1924, the Seimas adopted a resolution with the same interpretation of Art. 63 of the Constitution, which he cited in his argument, and that this interpretation should also apply to criminal cases relating to ministers. Concerning this argument, the Supreme Tribunal pointed out the following. According to Art. 64 of the Constitution, the court makes a decision acting on behalf of the Republic of Lithuania. According to Art. 27 of the Constitution, the Seimas is the legislative body, and laws are proclaimed, on the basis of Art. 50 of the Constitution, by the President of the Republic. The Supreme Tribunal explains that only those laws that are legally binding are binding on the court, and the conclusion of the Seimas does not have the force of law. Art. 1 of the Constitution of the State of Lithuania declares that state power belongs to the People, and of course, it is impossible to identify it with the Seimas; this is shown in Art. 2 of the Constitution, which states that the management is carried out by: the Seimas, the Government and the Courts. In addition, according to Art. 103 of the Constitution, the Seimas may propose amendments to the Constitution, and the decision is submitted to a popular vote. As for the interpretation of laws, this, in the opinion of the Supreme Tribunal, is the prerogative of the court, which follows from the norms of Art. 12-13 of the Criminal Procedure Code and Art. 9-10 of the Civil Code.

From the point of view of the principle of separation of powers, the judiciary is independent, and the judiciary (that is, the court) cannot be compared with the legislative branch of power (that is, the Seimas). Art. 28 of the Constitution provides that the Seimas exercises control over the work of the Government, whereas there are no such provisions regarding the courts, and Art. 65 of the Constitution guarantees that the court exercises its powers independently. Another argument of the defendant's attorney that the Supreme Court, referred to in Art. 63 of the Constitution, and that the Supreme Court referred to in art. 67 of the Constitution, is not the same court, was found wrong by the Supreme Tribunal. As regards the attorneys' argument that the case should be heard not in the Supreme Tribunal, but in the district court, since the case was initiated before the entry into force of the Constitution on 6 August, 1922, the Supreme Tribunal notes that Art. 63 of the Constitution defines two distinct laws, and the second gives such a category of cases, like the one that was heard now, to the competence of the Supreme Tribunal of the Republic of Lithuania. The effect of the new procedural law also applies to those procedural actions that were *ongoing* at the time of its entry into force. And if so, then accordingly, under Art. 63 of the Constitution, this case is within the jurisdiction of the Supreme Tribunal, even if the proceedings were initiated before the entry into force of the Constitution of the Republic of Lithuania.

The next issue for the Supreme Tribunal to determine was whether the criminal case against J. Purickis had been legally initiated. The situation was that when a case was opened against him, Art. 34 of the Law on Provisional Order of the Judiciary and its Work of 1918, according to which public servants were to be brought to responsibility by the public prosecutor, while Art. 63 of the Constitution determined that only the Seimas had the right to do so; the constitutional law also made changes to the Code of Criminal Procedure. The Supreme Tribunal clarified that the new law concerned proceedings that were *already in progress*, as mentioned above, but did not concern proceedings that were completed *before its entry into force*, i.e., there was no need to conduct new procedural actions, and this was not required by the Constitution, the new procedural law was not applied to cases opened in due course before the adoption of the Constitution. Then the defendant's attorney claimed that if the procedural law had a certain retroactive effect, then it turned out that the case should have been considered by the Seimas. However,

the Grand Tribunal found that the retroactive effect of the law was very limited. If the criminal case was initiated by the public prosecutor in the appropriate manner, there is no need to review it again. To the attorney´s argument that Art. 63 (1) of the Constitution is a constitutional and not a substantive or procedural norm, the Supreme Tribunal notes that it is, of course, constitutional, but at the same time, the norms of the Constitution are either substantive or procedural; in the case of Art. 63, on the one hand, this is a guarantee of protecting the honour of the Government, on the other hand, criminal cases against civil servants are entrusted to be considered only by certain authorities so that many unnecessary cases are not opened. Thus, the Supreme Tribunal fully recognised its jurisdiction regarding the consideration of this case.[45]

3.3 Liability of Judges

In the decision of the General Assembly of the Supreme Tribunal dated 26 March, 1926, the Court clarified the procedure for collecting invoices due to the commission by a justice of peace of a certain error in calculating the court fee at the request of the Ministry of Justice. The issue was initially raised by the Marijampolė District Court with regard to the magistrate of the district, who did not fully collect the court fee from the parties to the process during 1924, as a result of which, according to the calculations of the Control Audit, he did not collect the court fee in the total amount of 206.47 lits, after which it was decided to collect the amount from him. Based on the acting legislation, the Supreme Tribunal determined that employees in such cases can be charged under two procedures: within the framework of the criminal proceedings if there is evidence of malicious intent, or within the framework of the administrative procedure if the fault of the employee is negligence. The Court notes that according to Art. 1131-1136 Code of Civil Procedure, Art. 1066-1116 of the Criminal Procedure Code, as well as Art. 262-269 of the Law on Judiciary, judges are responsible to the court – within the civil, criminal, and disciplinary proceedings. The justice of the peace, when collecting the court fee from the litigants, is conducting the work of the court. Based on the procedural regulations and the Law on the Judiciary, the Supreme Tribunal found that within the framework of the administrative procedure, a judge cannot be charged with an account if no court cases have been opened in this case - i.e., civil, criminal, or disciplinary ones. This position is in line with the Constitution of the State of Lithuania, based on Art. 2 which is the principle of separation of powers. The Supreme Tribunal also notes that according to Art. 65 of the Constitution, the decision of the court cannot be cancelled, or changed, except by the procedure prescribed by law. The Supreme Tribunal drew attention to the fact that the justice of the peace, while collecting the court fee, at the same time, performed work based on his resolution or decision, that is, in this case, impossible to charge any charges from the judge on the basis of an administrative order due to the fact that errors arose in his work due to negligence. Thus, the judge can only be held liable within the framework of an open case. In addition, the decision of the Marijampolė District Court requiring the District Justice of the Peace to charge a court fee for the corresponding amount, as it turned out, also contained an incorrect calculation of the court fee. The Supreme Tribunal, in its decision, indicated that it should be recognised that such an accusation from a

[45] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1925 m. vasario 4-10 d. sprendimas, 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, 1933., Byla № 10, pp. 17-28 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 7. Sausis – Birželis. 1925., pp. 65-86.

DOI: 10.46282/blr.2024.8.2.849

judge cannot be demanded in any way, and the decision can only be cancelled in the manner prescribed by law – in the order of a complaint (i.e., appeal or cassation), or supervision, and also quashed the decision of the Marijampolė District Court regarding the payment of the court fee.[46]

3.4 Authority of the President of the Republic in Relation to Amnesty

The Supreme Tribunal provided an interpretation of the norms of Art. 51 and 65 in the ruling of the General Assembly of 15 October, 1926, which was handed down upon the request of the Ministry of Justice of the Republic of Lithuania for the explanation regarding the powers of the courts and the President of the Republic of Lithuania in the issue of amnesty. The Supreme Tribunal, in the reasons for this ruling, noted that Art. 65 of the Constitution, according to which justice is administered by the court, and the amnesty is determined by law, and that this norm clearly defines the autonomy of the function of the judiciary on an equal basis with all other branches of government, and no other state body has the right to interfere in the work of the court. An exceptional case is an amnesty, however, even that, based on its essence, concerns only criminal justice and is in the prerogative of the legislator. In this case, the question of the scope of powers cannot be raised in this way since this question does not come into contact with the powers of the President of the Republic. As regards Art. 51 of the Constitution, under which the President has the right to impose punishment, here the Supreme Tribunal indicates that this rule is an exception to the ones referred to above. The Court also mentioned that historically, the function of state power was separated from general administration, and that in earlier times (especially in monarchical states), the separation of the branches of power (in the earlier context – into the administration and judiciary) was not so specific and amnesty remained in the competence of these two branches, although the institution of amnesty often worked differently, which could be expressed in reducing the sentence, or changing its measure, occasionally to a milder one. According to the constitutional and legal principle of separation of the branches of power, where there is an institution of judicial rehabilitation (in the Republic of Lithuania in 1918-40, the institution of judicial rehabilitation acted on the basis of Articles 975-1 and 975-2 of the Criminal Procedure Law), such is not included in the functions of administrative bodies, therefore, the powers of the President under Art. 51 of the Constitution have no effect within the framework of this institution. The court points out that a convicted person who has been deprived of certain rights has the opportunity to restore these rights through the institution of rehabilitation, which is conducted by a court, and with the help of this institution, the convict's punishment or restriction is removed and rehabilitation does not occur through the prerogative of the President, but occurs according to the general procedure for obtaining rights. With regard to the powers of the President of the Republic in the matter of obtaining rights, they may be exercised by the President on the foundation of other functions and powers of the President, but not from the prerogative to impose penalties.[47]

[46] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1926 m. kovo 26 d. nutarimas, 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, 1933., Byla № 26, pp. 45-48 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 9. Sausis – Birželis. 1926., pp. 82-85.

[47] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1926 m. 15 spalio d. nutarimas / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 10. Liepos – Gruodis. 1926., pp. 75-78.

3.5 Case of Petrulis

Great attention to the interpretation of Art. 63 of the Constitution is also given in the decision of the General Assembly of the Supreme Tribunal of 11 Ma, 1928 in the case of Vytautas Petrulis (1890-1941), who held various positions in the political leadership in Lithuania in the 1920s, and was accused of different instances of misconduct and at the time of the start of the case he worked as the Minister of Finance. As the reader remembers from the decision in the case of J. Purickis, which is described above, Art. 63 of the Constitution of the State of Lithuania, provided for a separate procedure for bringing high-ranking officials to criminal responsibility for official misconduct, and the court, which has to try this case as a court of first (and last) instance is particularly the Supreme Tribunal. An investigation was opened, and found that the official's actions contained signs of criminal offences contained in Art. 636 (2), 639 (3) and 656 (3) of the Criminal Code. At the same time, the investigation stated that they could not interrogate Petrulis, since, on the basis of Art. 63 (1) of the Constitution of the Lithuanian State, the Seimas should initiate a criminal case against a minister for misconduct in office, which, however, has not been done. Therefore, the investigator in this case had to refer the case to the public prosecutor of the Kaunas District Court, who accordingly applied to the Ministry of Justice through the public prosecutor of the Supreme Tribunal. An explanation was received from the Ministry of Justice: the crimes committed by officials in ministerial positions should be classified as follows: a) malfeasance; b) unlawful actions of the minister as a public servant, which, in themselves, do not violate ministerial service, but consist in other offences. From the point of view of the case, the situation with the accused fell precisely under the second option, whereas Art. 63 (1) of the Constitution spoke about the first option, and therefore, in the second case, the participation of the Seimas in the case is not necessary, and accordingly, such a criminal case can be initiated by the public prosecutor and the judicial investigator in the general manner. Therefore, the case was transferred from the Ministry of Justice to the Public Prosecutor of the Supreme Tribunal for further investigation. Then, the Public Prosecutor of the Supreme Tribunal again referred the case to the investigator who had earlier started this case, however, the investigator considered that until there was a corresponding decision of the Seimas, it was impossible to arrange an interrogation of the official, on which he informed the Public Prosecutor, although he remained with his opinion, based on a letter from the Ministry of Justice with the above explanation, from which one can make a brief conclusion that Petrulis (if his guilt is proven) should be held liable in the general manner, as an ordinary official (i.e., the case in this situation would have to be handled by an investigating judge), and considered that such an interpretation of Art. 63 of the Constitution is incorrect, with which he appealed to the Supreme Tribunal. The Supreme Tribunal, after reviewing the case, came to the following conclusions. The Court noted that there are two procedures for bringing officials to criminal responsibility, namely: a) opening a criminal case in the general order for them (respectively, the case will be considered by a lower court, and the Supreme Tribunal can consider such a case only in cassation order); and b) consideration and decision of the case by the Supreme Tribunal itself, as the court of first (and last) instance in the case. At the same time, the Supreme Tribunal does not consider all criminal cases on issues of responsibility of officials under the second procedure, but only those cases that concern ministerial officials. In fact, as the Supreme Tribunal points out, this procedure is an exception to all the rules of criminal procedure, which is enshrined in the Constitution (Art. 63 (1)), however, the procedure for conducting procedural actions in such a case remains the same as in all others. Art. 63 of the Constitution does not provide for any special procedure for how the proceedings

DOI: 10.46282/blr.2024.8.2.849

in such a case should be carried out, which means that they must be carried out in accordance with the general procedure established in the Code of Criminal Procedure. Thus, the investigator's assertion that this case should be handled by a representative of the Supreme Tribunal cannot be considered correct.

Then the Court turned to the question of how to interpret Art. 63 of the Constitution correctly, namely, what this provision of the Constitution includes: does it provide for the investigation of cases of all crimes committed by officials in ministerial positions (as the investigating judge claimed), or any individual ministerial offences? The norm of Art. 63 of the Constitution did not contain a list of criminal offences, in which the criminal case had to be initiated by the Seimas. The Court proceeds from the fact that if an official who was a minister had committed a crime, then he committed it as a minister. If he combined the position of minister with the position of a university professor, which he actively held, then one could say that he committed a certain criminal offence not as a minister, but already as a professor; if an official committed an offence while in any other position, before he became a minister, then a criminal case against him will be opened as against an official, but not as a minister, i.e., in general order. Thus, the Court concludes that the special procedure for conducting criminal cases, which is enshrined in Art. 63 of the Constitution of the Lithuanian Stated concerned not only officials who work in positions of ministers but are engaged in ministerial service. Further, the Supreme Tribunal held that the roots of Art. 63 of the Constitution historically originate from the English constitutional system, where a constitutional institution of impeachment exists, the mechanism of which is that the Ministers of the Crown were prosecuted for the committed criminal offences by the lower house of English Parliament (i.e., the House of Commons), and accordingly, they were judged by the highest house of Parliament, or the House of Lords, which at that time operated as the highest court in the United Kingdom. The Supreme Tribunal also notes that a similar constitutional institution has also been adapted in the United States, as well as in a number of European states, with the difference that it concerned only ministers; in addition, sometimes the very procedure for bringing an official who committed a certain criminal offence to justice, could differ. Thus, the Court outlined that based on a literal and historical analysis of the norm of Art. 63 of the Constitution of the State of Lithuania, the norm should apply to all cases concerning criminal offences of ministers committed in ministerial positions. Thus the position of the investigator was correct.

However, the situation outlined above concerned the constitutional order that existed at the time of 1922. The Supreme Tribunal recalls that there were two constitutional upheavals in December 1926 and April 1927. After the first one, the Seimas still continued to work; however, on 12 April, 1927, the Seimas was dissolved but the elections to the new Seimas, which, according to Art. 52 of the Constitution of the Lithuanian State, were to be conducted within sixty days from the moment of its dissolution, and the elections were not held, and hence the Seimas remained unelected and was not convened (the Seimas partially restored its work only almost a decade later – in 1936). The Court pointed out that in the time that had already passed since those events, one could hear many statements about the need for a constitutional reform or the adoption of a new Constitution, which would be submitted to a popular vote; however, based on the situation that was at the time of the consideration of the case, the Supreme Tribunal considered that it was impossible to call such a constitutional order stable. The Court also notes that it would not be expected that the Court could prevent certain events; the Court draws legal conclusions from the existing norms of the law, it cannot be required to adapt to any political work, and besides, the court does not wield political power. Since the Seimas was dissolved and at the time of the consideration of the case,

the Seimas was not convened again, then certain difficulties with the interpretation of Art. 63 of the Constitution arose due to the absence of the functioning Seimas at that time. The norm of Art. 63 of the Constitution provided that the Seimas, endowed with significant powers, would start criminal cases but at the time the case was heard, it did not function and it was not known when it would start functioning again and in what form, and on the basis of which Constitution – a temporary one, a permanent one, a Constitution that would be structured similarly, or in some other way? Thus, the Supreme Tribunal stated that the disposition of Art. 63 of the Constitution temporarily did not work, and in terms of what would happen to the cases: the suspension of cases, the closure of these cases, or the fact that officials who committed criminal offences while holding ministerial positions would not be punished at all – probably, one could only guess.

The Supreme Tribunal again states that the norm of Art. 63 of the Constitution definitely cannot work in its original meaning. The Court then asks the question: in such a case, if the previous is true, then it turns out that such criminal cases should be opened and considered in a general manner? The Court reiterates that the exceptional procedure for opening criminal cases on the fact of criminal offences by officials holding ministerial positions proceeded from the fact that such a procedure was necessary due to the political nature of the ministerial service and the powers of the government, and the procedure was made following the example of a number of states of the world where such a procedure was implemented. The Supreme Tribunal considers that one way or another, but Art. 63 of the Constitution, in itself, has not been abolished, which means that it must somehow work, which means that there will be some special procedure, and concludes that with the existing political organisation of the Republic of Lithuania, which has been established since 1927, such a function may belong to the President. This conclusion is made according to how the government was organised at that moment: it consisted of the President of the Republic and the Cabinet of Ministers, the senior of which was the President. Under the constitutional order acting in 1927-1928, the Government was the main political body of the Republic of Lithuania, which was supported by ministries. The President of the Republic, who was elected by the Seimas at the end of 1926, in the opinion of the Supreme Tribunal, can exercise the part of the constitutional powers of the Seimas, which was not functioning at the time of hearing the case, and since the provisions of Art. 63 of the Constitution remained in force, then it turns out that the President can start criminal cases against officials who were in ministerial positions for criminal offences committed by them. Thus, the investigator was correct in his conclusions – there were legal barriers to the investigation, and in order for the case to be investigated, the President could start the case. Thus, the Supreme Tribunal decided the following: a) the actions of the accused were a criminal offence relating to ministerial service within the meaning of Art. 63 of the Constitution; b) based on the organisation of work of the government during that time, it was up to the President of the Republic to commence the case.[48]

[48] Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1928 m. gegužės 11 d. nutarimas, 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, 1933., Byla № 67, pp. 109-124 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 13, pp. 61-72.

DOI: 10.46282/blr.2024.8.2.849

4. CONCLUSIONS

In order to provide the results of the research carried out in the paper, we outline the following conclusions:

1. Despite the fact that the legislation did not precisely determine the authority, which was assigned the role of interpreting the norms of the Constitution of the State of Lithuania, there is a weighty amount of practice of the Supreme Tribunal, which confirms that the Supreme Tribunal's conclusions had the primary importance of interpreting the norms of the Constitution. In the judgment of 4-10 February, 1925, the Supreme Tribunal deduces its role in interpreting the Constitution on the basis of Art. 9 of the Code of Civil Procedure, according to which the court interprets the provisions of the legislation. This role of the Supreme Tribunal is also emphasised in the ruling of the General Assembly of 15 October, 1926, where the court, at the request of the Ministry of Justice, explains the powers of the President in the issue of amnesty, based on the norms of the Constitution.

2. To a certain extent, the Supreme Tribunal had to fulfil the role of a constitutional court. As mentioned earlier, neither the highest administrative court nor the constitutional court existed in the judicial system of Lithuania in 1918-40. For example, in the judgment of 11 May, 1928, the Supreme Tribunal holds a very meaningful interpretation of the norm of Art. 63 of the Constitution, based on a dispute between the parties to the process regarding its interpretation. The case law of the Supreme Tribunal featured many cases, where the Court had to check pre-war legal norms for their compliance with the Constitution at the request of state institutions and courts, which suggests that over time, the interpretation of the norms of the Constitution, along with the interpretation of the norms of other laws, was fully recognised as the prerogative of the Supreme Tribunal, at least in practice. The Supreme Tribunal repeatedly ruled in cases relating to the application of pre-war laws, verifying their constitutionality, and occasionally discussed the norms of the Constitution in civil cases, for instance, in a 1929 judgment in terms of the rights and privileges of the citizens, which cannot be constrained due to their religious belief and freedom of religion in a case relating to metrication of marriages of the Old Believers[49].

3. The practice of the Supreme Tribunal remains relatively little studied, including in the context of this court's interpretation of the norms of the Constitution of the State of Lithuania. The authors of this paper conducted a study of the practice of the Supreme Tribunal in 1923-28, which contains several concordant precedents. Apparently, the study of the precedents of the Supreme Tribunal, where the interpretation of the Constitution in later cases would require further research.

BIBLIOGRAPHY:

(Anonymous) (1938). Administracinio Teismo įstatymo projektas [Draft Law on Administrative Court]. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija, 44 (Spalių – Gruodis 1938), 522-525.

Deviatnikovaitė, I. (2021). Administracinio teismo istorija Lietuvoje: 1918–1940 m.: monografija. [History of Administrative Court in Lithuania: 1918-1940: a Monograph]. Kraków: Księgarnia akademicka.

Dvareckas, S. (1997). Lietuvos teismai 1918-1940 metais. [Lithuanian Courts in 1918-1940]. Vilnius.

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

Fridšteinas, V. (1937). Dėl administracinio teismo Lietuvoje [Regarding the Administrative Court in Lithuania]. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija, 38 (Balandis – Birželis. 1937), 187-205.

Griškevič, L. et al. (2016). Lietuvos konstitucionalizmo istorija (istorinė Lietuvos konstitucija). 1387 m. – 1566 m. – 1791 m. – 1918 m. – 1990 m.: monografija. [History of Lithuanian Constitutionalism (Historical Lithuanin Constitution) – 1387 – 1566 – 1791 – 1918 – 1990: Monograph]. Vilnius: Vilniaus universiteto leidykla.

Jakučionis, J. (1938). Knygų apžvalga [Book review]. Teisininkas (Red. J. Žagarkalys), 1(7) (Antri metai. 1938 m.), 22-25.

Machovenko, J. and Šinkūnas, H. (2019). Establishment of a judicial system and ensuring independence of judges in Lithuania, 1918–1920. Acta Universitatis Wratislaviensis, 327(No. 3888), 269-283.

Maksimaitis, M. (2001). Lietuvos teisės šaltiniai 1918-1940 metais [Sources of Lithuanian Law in 1918-1940]. Vilnius: Justitia.

Maksimaitis, M. (2004). Konstitucinis Teismas 1938 m. Lietuvos Konstitucijos projekte [The Constitutional Court in the Draft Constitution of Lithuania of 1938]. Jurisprudencija, 52(44), 19-26.

Maksimaitis, M. (2013). Teismų santvarkos pagrindų formavimas Lietuvoje (1918–1933) [Formation of the foundations of the judicial system in Lithuania (1918-1933)]. Jurisprudencija, 20(2), 375-390.

Maksimaitis, M. (2014). Lietuvos Vyriausiasis tribunolas XX amžiuje. [The Lithuanian Supreme Tribunal in the 20th Century] Jurisprudencija, 21(2), 440-460.

Mestre, A. (1938). Prancūzijos Valstybės Taryba [The French Council of State]. Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija, 42 (Balandis – Birželis. 1938.), 191-201.

Monkevičius, K. (2005). Valdžių padalijimo principas 1922 m. Lietuvos Valstybės Konstitucijoje [The Principle of Separation of Powers in the 1922 Lithuanian Constitution]. Parlamento studijos, 5, 127–150.

Račkauskas, K. (1937). Lietuvos administracinio teismo pradai. [Beginnings of the Lithuanian Administrative Court] Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija, 37 (Sausis – Kovas 1937), 55-65.

Römeris, M. (1925). Įstatymų konstitucingumas [Constitutionality of the Laws], Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija, 7 (Sausis – Birželis 1925), 1-16.

Römeris, M. (1930). Valstybės Taryba [The Council of State]. Kaunas/Marijampolė:„Dirvos" B-vės leidynis.

Römeris, M. (1937). Lietuvos konstitucinės teisės paskaitos. I Dalis [Lectures on Lithuanian Constitutional Law, Part I]. Kaunas: Vytauto Didžiojo Universiteto Teisių Fakulteto Leidinys, „Spindulio" Spaustuvė.

Sugintas, A. (1924). Įstatymų konstitucingumas [Constitutionality of Laws], Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija, 6 (Gegužes – Gruodis. 1924.), 22-32.

Žilys, J. (2001). Konstitucinis teismas – teisinės istorinės prielaidos [Constitutional Court – Historical-Legal Assumptions]. Vilnius.

1918 m. lapkričio 28 d. Laikinasis Lietuvos teismų ir jų darbo sutvarkymas [Law on Provisional Order of the Judiciary and its Work (1918)], *Laikinosios Vyriausybės Žinios*. 1919. Nr. 2/3-26.

1919 m. rugpjūčio 7 d. Laikinieji Armijos teismų Įstatai [Provisional Statutes of Army Courts (1919)]. *Laikinosios Vyriausybės Žinios*. 1919. Nr. 10-130.

DOI: 10.46282/blr.2024.8.2.849

1921 m. liepos 20 d. Laikinojo Lietuvos teismų ir jų darbo sutvarkymo, civilinio ir baudžiamojo proceso įstatymų pakeitimas ir papildymas [Amendment and Addition on the Provisional Order of the Judiciary and its Work, Civil and Criminal Process (1921)], *Vyriausybės Žinios*. 1921. Nr. 68-607.

1922 m. rugpjučio 1 d. Lietuvos Valstybės Konstitucija [Lithuanian State Constitution (1922)], *Vyriausybės Žinios*. 1922. Nr. 100-799, pp. 1-8.

1924 m. gegužės 8 d. Klaipėdos krašto konvencija [Klaipeda Region Convention (1924)], *Vyriausybės Žinios*. 1924. Nr. 169-1778, pp. 1-20.

1928 m. gegužes 15 d. Lietuvos Valstybės Konstitucija . [Lithuanian State Constitution (1928)], *Vyriausybės Žinios*. 1928. Nr. 275-1778, pp. 1-16

1928 m. rugsėjo 21 d. Valstybės Tarybos įstatymas [Law on the Council of State]. *Vyriausybės Žinios*. 1928. Nr. 283-1813, p. 8.

1933 m. liepos 11 d. Teismų santvarkos įstatymas [Law on the Judiciary (1933)]. *Vyriausybės Žinios*. 1933. Nr. 419-2900, pp. 1-26.

1938 m. vasario 11 d. Lietuvos Valstybės Konstitucija [Lithuanian State Constitution (1938)]. *Vyriausybės Žinios*. 1938. Nr. 608-4271, pp. 1-6.

1938. m. gegužes men. 25 d. Įstatymas apie Klaipedos Krašto Administrativinio Teismo [Law on the Klaipeda Region Administrative Court (1938)]. *Klaipedos Krašto Valdžios Žinios*, Nr. 63, 1938. m. birzelio men. 28. d. Nr. 168, pp. 509-511.

Aplinkraštis 5. Apygardų teismams, Taikos teisėjams, teismo tardytojams, Valstybės gynėjams ir notarams. [Circular 5. For District Courts, Justices of Peace, Court Investigators, Public Defenders and Notaries (1919)]. *Laikinosios Vyriausybės Žinios*, 1919. Nr. 5.

Lietuvos Valstybės Laikinosios Konstitucijos Pamatiniai Dėsniai. (Valstybės tarybos priimta 1918 m. lapkričio mėn. 2 d.) [Basic Laws of the Provisional Lithuanian State Constitution (1918)]. *Lietuvos aidas*. 1918–11–13. No 130(178).

Laikinoji Lietuvos Valstybės Konstitucija [Provisional Lithuanian State Constitution (1920)]. *Laikinosios Vyriausybės Žinios*. 1920–06–12. Nr. 37–407.

Paaiškinimas įstatymui „Laikinasis Lietuvos Teismų ir jų darbo sutvarkymas" [The Explanation of the Law on Provisional Order of the Judiciary and its Work]. *Laikinosios Vyriausybės Žinios*. 1919. Nr. 2/3, pp. 7-8.

Valsčiaus Teismas, 1935 m. vasario men. 7. d. sprendimas *Klaipedos Krašto Valdžios Žinios*., Nr. 22, 1935 m. kovo men. 2. d., pp. 175-176. [State Court, judgment of March 7, 1935].

Valstybės Taryba, 1933 m. lapcričio 7 d., Nr. 46, Valstybės Tarybos nuomonės teisės klausimais, 1929 – 1937. Leidžia Lietuvos Teisininkų Draugija. Kaunas, „Spindulio" B-vės spaustuvė. 1937., pp. 123-125. [Council of State, November 7, 1933].

Vyriausiasis Tribunolas, 1923 m. vasario 1 d. ir gegužės 23 d. / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. №4 1922 m. spalių – 1923., pp. 46-47. [Lithuania, Supreme Tribunal, Judgment of February 1 and May 23, 1923] Available at: https://www.epaveldas.lt/preview?id=LNB01351CF1-1923-Nr.4 (accessed on 25.11.2024).

Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1925 m. vasario 4-10 d. sprendimas, 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, 1933., Byla № 10, pp. 17-28 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 7. Sausis – Birželis. 1925., pp. 65-86. [Lithuania, Supreme Tribunal, Judgment of February 4-10, 1925] Available at: https://kolekcijos.biblioteka.vu.lt/objects/VUB01_000202842#00021 (accessed on 25.11.2024).

Vyriasiasis Tribunolas (Visuotinis susirinkimas), 1926 m. kovo 26 d. nutarimas / 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, 1933., Byla Nr. 26, pp. 45-48. /Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 9. Sausis – Birželis. 1926., pp. 82-85. [Lithuania, Supreme Tribunal, Judgment of March 26, 1926] Available at: https://kolekcijos.biblioteka.vu.lt/objects/VUB01_000202842#00049 (accessed on 25.11.2024).

Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1926 m. spalio 8 d. nutarymas, 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, 1933., Byla № 31, pp. 52-53. [Lithuania, Supreme Tribunal, Judgment of October 8, 1926] Available at: https://kolekcijos.biblioteka.vu.lt/objects/VUB01_000202842#00056 (accessed on 25.11.2024).

Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1926 m. 15 spalio d. nutarimas / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 10. Liepos – Gruodis. 1926., pp. 75-78. [Lithuania, Supreme Tribunal, Judgment of October 15, 1926] Available at: https://www.epaveldas.lt/preview?id=LNB01351CF1-1926-Nr.10

Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1928 m. gegužės 11 d. nutarimas, 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, 1933., Byla № 67, pp. 109-124 / Teisė. Teisės Mokslų ir Praktikos Laikšrakstis. Leidžia Lietuvos Teisininkų draugija. № 13, pp. 61-72. [Lithuania, Supreme Tribunal, Judgment of May 11, 1928] Available at: https://kolekcijos.biblioteka.vu.lt/objects/VUB01_000202842#00113 (accessed on 25.11.2024).

Vyriausiasis Tribunolas, 1928 m. birželio 15 d. nutarimas (Visuotinis susirinkimas), 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, 1933., Byla № 72, pp. 129-130. [Lithuania, Supreme Tribunal, Judgment of June 15, 1928] Available at: https://kolekcijos.biblioteka.vu.lt/objects/VUB01_000202842#00133 (accessed on 25.11.2024).

Vyriausiausis Tribunolas (Civilinis Skyrius), 1929 m. spalio 18 d. ir lapcričio 4 d., sprendimas № 581, Vyriausiojo tribunolo civilinių kasacinių bylų sprendimų rinkinys. Paruošė ir išleido Zigmas Toliušis ir Vladas Požela. 1929 metų. Kaunas, 1931, pp. 167 – 169. [Lithuania, Supreme Tribunal, Judgment of October 18 and November 4, 1929] Available at: https://kolekcijos.biblioteka.vu.lt/objects/VUB01_000673985#00197 (accessed on 25.11.2024).

Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1929 m. kovo 22 d. nutarimas, 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, 1933., Byla № 86, pp. 146. [Lithuania, Supreme Tribunal, Judgment of March 22, 1929] Available at: https://kolekcijos.biblioteka.vu.lt/objects/VUB01_000202842#00150 (accessed on 25.11.2024).

Vyriausiasis Tribunolas (Visuotinis susirinkimas), 1930 m. lapcričio 13 d. nutarimas, 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, 1933., Byla № 124, pp. 192-194. [Lithuania, Supreme Tribunal, Judgment of November 13, 1930] Available at: https://kolekcijos.biblioteka.vu.lt/objects/VUB01_000202842#00196 (accessed on 25.11.2024).

Vyriausiasis Tribunolas (Civilinis Skyrius), 1939 m. kovo 20 d. sprendimas, Byl. 54 Nr. S. Baltūsis, Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. Kaunas: Raidė, 1939. 52 p., Byla Nr. 21, pp. 35-37. [Lithuania, Supreme Tribunal, Judgment of March 20, 1939] Available at: https://kolekcijos.biblioteka.vu.lt/objects/VUB01_000701845#00037 (accessed on 25.11.2024).

Vyriausiasis Tribunolas (Civilinis Skyrius), 1939 m. balandžio 21 d. sprendimas, Byl. 98 Nr. Al Milčinskas / Vyriausiojo Tribunolo civilinių kasacinių bylų sprendimai. Kaunas: Raidė, 1939. 52 p., pp. 44-45, Byla Nr. 27. [Lithuania, Supreme Tribunal, Judgment of April 21, 1939] Available at: https://kolekcijos.biblioteka.vu.lt/objects/VUB01_000701845#00046 (accessed on 25.11.2024).

.