

CASES OF DOCUMENT FALSIFICATION IN LEGAL PRACTICE OF THE SUPREME TRIBUNAL OF THE GRAND DUCHY OF LITHUANIA (LATE EIGHTEENTH CENTURY)

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This article analyses allegations in document falsification that were investigated by the Supreme Tribunal of the Grand Duchy of Lithuania in the late eighteenth century. The objective was to reveal key tendencies in document falsification, the praxis of proving the felony in court and the nature of sentencing of the forgers (or those who failed to prove the fact of falsification). The research allowed presenting following conclusions.

In the late eighteenth century the Supreme Tribunal of the Grand Duchy of Lithuania was mainly involved in cases brought against lower rank court officers. The allegations were brought forward both because of the abuse of office and also because of the inefficient legislation in ensuring necessary control of the books. Attempts to introduce legislation regarding work of the offices and to eliminate opportunities for falsification were not successful because of the desire by office clerks to gain illegal income as well as for other reasons. Because of that there were some instances of document falsification in the Supreme Tribunal of the Grand Duchy of Lithuania as well. In investigating cases of document falsification, the Tribunal was relying on arguments presented by the opposing sides of the case, also performing visual inspection of the presented documents.

The judges would take into account various marks of the documents, their compliance to legal requirements and the established practices. One of the most common ways of falsification was through the use of regular forms. The process of discovering the author of the forgery and sentencing him was very complicated. Such nature of the process, and strict penalties for the individuals who failed to prove the allegation, meant that often the only request by the plaintiffs would be to declare the document a forgery. In the late eighteenth century certain sanctions of the law were not applied by the Supreme Tribunal of the Grand Duchy of Lithuania in cases against forgers of documents (i.e. death penalty).

In court cases where it was demanded to penalise an alleged forger or a person who failed to prove the allegation, we may observe several tendencies: 1) avoidance to maintain the law to the letter; 2) failure to apply sanctions by finding justification in notional circumstances, or simply denying obvious facts; 3) leniency in sentencing and ordering of alternative punishments (usually sentencing to a short period of incarceration in the higher tower of prison).

Keywords: document, falsification, Supreme Tribunal of the Grand Duchy of Lithuania, legal practice.