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The evolution of the act of administrative exile in the 19th century in Russia in the light of selected memories of people suspected of committing political crimes*

Abstract

The administrative exile passed in Russia in the second half of the nineteenth century, a normative evolution. After the January Uprising of 1863, this institution, despite the fact that it was not in force in the Russian Empire, it was often used by the government administration against people accused of participating in the national insurrection. The changes that occurred in Russian legislation after 1881 made it possible to construct a legal framework defining the functioning of this institution.

Keywords: the prison system, exile, Siberia, the Russian administration, the conditions of imprisonment.

Introduction

The institution of administrative exile without a court sentence, was first mentioned in Russia in 1683, when Ivan V Alexeyevich was in power. It should be emphasized that this solution bore the hallmarks of a preventive measure at the time. In the 1830s, however, a type of exile was used which was formally based on a decision taken by the rural community. This type of exile was a form of repression of an inhabitant of the *obshchina*¹, who had been recognized as having a demoralizing influence on other members of the community by the community rally or the village elders, and often also by the state administration bodies. In practice, the exile pronounced in this way meant that the land previously used by the outcast was shared among the inhabitants of the *obshchina*. After serving his sentence, the returning peasant may have been refused entry into the former community. Sometimes it was necessary for the state authorities to intervene. They were obliged to indicate an enforced place of residence². In the 18th century, the need to colonize Siberia was based on two main

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¹ Obshchina (obszczina) — peasant community; see: J. Sobczak, Nowy "Kodeks karny" Cesarstwa Rosyjskiego z kwietnia 1903 r., [w:] Państwowość konstytucyjna XIX i XX wieku, ed. E. Hull, E. Sokalska, Olsztyn 2015, p. 18.

²E. Kaczyńska, Syberia: największe więzienie świata (1815–1914), Warszawa 1991, pp. 16–17.

reasons: the internal security of the Russian Empire and the development of the area's defense system. The incoming group of convicts who were isolated from the Russian Emperor's other subjects, was primarily to ensure the livelihood of the Russian army and the slowly developing state administration in these vast areas. This process, which was controlled at central level involved changes in the Siberian administration system as well³.

1. The normative basis of the institutions of exile

Administrative reforms including the fight against corruption in Siberia were carried out in the following decades of the 19th century. Among the officials who have counteracted this phenomenon are the lawyer Michaił Speranskij, who served as Governor-General of Siberia from 1819 to 1821⁴ and Nikolai Muravyov-Amursky who served as Governor-General of Eastern Siberia (1847–1861) and who was in favour of rejuvenating the civil servants⁵.

The final effect of the changes to the Siberian administrative system was the abolition of the Western Siberian General-Governorate in 1882. The guberniyas (governorates) and districts were thus placed under the direct supervision of the Interior Minister⁶, to whom the Russian prison facilities and the penal labour places were also subject⁷.

In 1822, Emperor Alexander I approved a number of legal acts which governed the legal status of a person sentenced to exile (in particular, these were regulations and ukases relating to: deportees; stages of deportation; rules for managing the deportation process; the rights of the deportees and the rights of free residents).

The Siberian Governor-General Michaił Speranskij was responsible for drafting these laws and regulations⁸. In characterizing the institutions of exile under criminal law, which was in force in the Russian Empire, it is important to mention the Code of Main and Corrective Penalties adopted in 1845. The extensive catalogue of main and corrective penalties based on the deterrence, which was established on the basis of the regulations adopted in it, included in particular main penalties such as:

- 1) exile for heavy labour, including stigmatization and flogging from 80 to 200 lashes for persons who have not been exempted from corporal punishment;
- 2) exile to Siberia, with 40 to 80 lashes. The principal penalties were combined with the deprivation of the convicted person of his or her rights resulting from his/her state affiliation.

³ A. Brus, E. Kaczyńska, W. Śliwowska, *Zesłanie i katorga na Syberii w dziejach Polaków (1815–1914)*, Warszawa 1992, pp. 17–18.

⁴D. Szpoper, *Michail Speranskij i jego rzekome "zesłanie" na Syberię w latach 1818–1921*, [in:] "Studia Iuridica Lublinensia. Księga jubileuszowa dedykowana Profesorowi Wojciechowi Witkowskiemu", Lublin 2016, vol. 3, p. 914.

⁵T. Aleksiejewa, W. Afanasew, W. Biersienew, S. Wołkowa, A. Ilin, S. Kazancew, M. Kapustina, O. Karamyszew, N. Kopnewa, D. Raskin, A. Sokołow, Je. Timoszina, *Institut genieral-gubiernatorstwa i namiestniczestwa w Rossijskoj impierii*, Sankt Peterburg 2001, p. 200.

⁶S. Wiech, *Urząd general-gubernatora w Rosji i Królestwie Polskim*, [in:] "Czasopismo Prawno-Historyczne", Poznań 2007, t. LIX, z. 1, p. 61.

⁷A. Brus, E. Kaczyńska, W. Śliwowska, Zesłanie i katorga... op. cit., p. 18.

⁸ Ibidem.

The Code included in particular corrective penalties such as:

- 1) exile for settlement (residence) in Siberia without the right to return, and for those who are not exempt from corporal punishment, penal labour in penal battalions, and additionally flogging;
- 2) deportation to settlement in the remote governorates of the Russian Empire, excluding Siberia, combined with imprisonment at the place of deportation for up to two years or without imprisonment, and, for those not exempt from corporal punishment, incarceration in a labour house for between three months and three years⁹.

The rules based on the norms of Russian legislation, which specified the type and duration of the criminal measure for selected groups of convicts, did not apply to persons who were sentenced in an administrative manner. There was a certain degree of arbitrariness in this area, limited only by the norms and orders of administrative instructions. However, and this seems very important, the administrative authorities that decided to apply this preventive measure to a person suspected of having committed a political crime were similarly imposing the exile for settlement (residence) procedures provided for defendants convicted in court¹⁰.

Elżbieta Kaczyńska pointed out that the administrative exile included several categories of people:

- 1) persons who were sentenced for four years under police supervision, having previously served their sentences in penal battalions or in prison.
- 2) persons who were expelled from the *obshchina's* territory on the basis of a decision of the rural community;
- 3) persons who were suspected of having committed a political crime on the basis of the decision of the Interior Minister or bodies subordinate to him (general-governors, governors)¹¹.

The power to carry out administrative exile has been conferred upon the Governor-General of Vilnius and the Lieutenant Governor of the Caucasus. Governor-General Michaił Muravyov, who held this post between 1863 and 1865, exercised his prerogatives during the period of fighting against the January insurgents. Regulations were introduced that required the competent governors to provide detailed information on persons deported administratively to central governorates in order to place them under police surveillance for their participation in the January Uprising or for committing other types of political crimes were introduced in the form of a communiqué of the Interior Minister of 7 August 1863 and in the form of a circular letter of the same Minister of 1 April 1864. These regulations also clarified the rules for deporting such people¹².

⁹W. Ćwik, *Prawo karne (podrozdział XV). Królestwo Polskie 1815–1863 (rozdział III)*, [in:] *Historia Państwa i Prawa Polski. Od rozbiorów do uwłaszczenia*, ed. J. Bardach i M. Senkowska-Gluck, Vol. III, Warszawa 1981, pp. 548–549.

¹⁰ E. Kaczyńska, Syberia: największe więzienie..., op. cit., p. 33.

¹¹ *Ibidem*, pp. 33–35.

¹² Wysyłka politiczeskich priestupnikow, [in:] Sbornik rasporiażenij grafa Michaiła Nikolajewicza Murawjowa po usmirieniju polskogo miatieża w Siewiero-zapadnych gubiernijach 1863–1864, ed. N. Cyłow, Wilno 1866, p. 55.

Michaił Muravyov used this measure mainly towards the poorer members of the Polish nobility. In the second half of the 1870s, administrative exiles were used by government authorities against units from Chełmszczyzna and Podlachia. In 1879, the Governor-General of Warsaw obtained the authority to decide on administrative exile regardless of the state of emergency. In 1881, Emperor Alexander III sanctioned the law on measures to protect state order and public security, as well as the law on police supervision. Both legal acts constituted the legal basis for the existence and functioning of the institution of administrative exile¹³. The competence to carry out administrative exile was entrusted to a larger group of Russian officials (including the chiefs of the military police and military heads of the cities). These competencies were assigned to them depending on the type of state of emergency introduced: state of enhanced protection or state of emergency or martial law¹⁴.

Only approximate data are available in the historical literature, because there is a lack of precise research on the number of people who experienced administrative exile. Initially, those who were exiled to Siberia preventatively as a result of a suspicion of having committed a political crime and the possibility of disturbing public order accounted for five to ten percent of all convicts who were sentenced to exile or imprisonment with hard labour. However, during the reign of Emperor Alexander II (1855–1881), and especially after the January Uprising, this value began to grow significantly¹⁵. The governor of the Kingdom of Poland, Fiodor Berg, wrote in a letter to Emperor Alexander II in September 1863 in the following way (emphasizing that the administrative exile was repressive): "The arrests of insurgents and civilians reached such an extent that the committees of inquiry and court-martials failed. The prisoners were sent to Pskov without a court to the disposal of the Ministry of the Interior, where they were punished administratively. Apparently, Minister Piotr Valuyev was complaining about it. The number of such complaints soon grew to such an extent that such methods of repression also had to be dammed"16. In 1900, there were about two hundred and ninety-eight thousand exiles in Siberia. Half of them were imprisoned there by virtue of acts issued by the Russian administration. At the same time, the overcrowding of the Siberian territory, which was beyond the control of the administrative authorities, resulted in the elimination of one of the options for administrative exile (temporary exile), leaving only permanent exile in force (na wodworienije)¹⁷.

2. Diary reports

Reaching the place of exile was connected with marches and transports of the convicts through the European area of Russia. In the summer, river barges were used to transport prisoners in stages. Persons sentenced to exile who came from the former

¹³ K. Grzybowski, *Historia Państwa i Prawa Polski. Od uwłaszczenia do odrodzenia*, ed. J. Bardach, S Grodziski, M. Senkowska-Gluck, Vol. IV, Warszawa 1982, pp. 248–249.

 $^{^{14}\}mathrm{A.~Brus,~E.~Kaczyńska,~W.~\acute{S}liwowska,}$ Zeslanie~i~katorga...,~op.~cit.,~p.~25.

¹⁵ *Ibidem*, p. 25.

¹⁶ F. Berg, List do cesarza Aleksandra II, dat. Warszawa 22 IX 1863 r., [in:] Korespondencja namiestni-ków Królestwa Polskiego: sierpień 1863–maj 1864, ed. S. Kieniewicz, I. Miller, Wrocław-Warszawa-Kraków-Gdańsk 1978, p. 38.

¹⁷ K. Grzybowski, *Historia Państwa i Prawa..., op. cit.*, p. 249.

Grand Duchy of Lithuania, as well as from the Kingdom of Poland and the Caucasus were directed to collection points located in the Central Transit Prisons, for example in Kharkiv.

A large transit point for prisoners was located in Moscow. Here, they shaved their heads and checked the condition of the handcuffs that were put on the people from underprivileged social classes (who had to pay taxes). There were two Central Prisons in Tobolsk and Tiumeni on the border between European Russia and Siberia. The Tobolsk prison lost its importance at the end of the 19th century, with the opening of the railroad line from Samara via Ufa to Omsk. Its branch line led to Yekaterinburg additionally. The place of exile was the main factor determining the assignment of prisoners to particular groups¹⁸. In practice, the conditions of travel to the place of forced settlement depended on the state origin (social class) and wealth of the convicts. At the initial stages of the transportation, which included a section of the route from St. Petersburg to Nizhny Novgorod (later to Pskoy), the people of noble origin were transported in passenger cars, while the representatives of other social classes were transported in freight cars¹⁹. Reports have been preserved which prove the lack of respect for the privacy of women who, as family members, accompanied the convicts on their way deeply into the Russian Empire²⁰. Zygmunt Mineyko, an inhabitant of the Oszmiański district (Vilnius Governorate), stated: "To the left of the rear of the train car there was a toilet without any curtain, so that the modesty of our women, which was carefully observed, was exposed in a terrible way"21.

At the further stages of the exile journey, richer people could afford to rent means of transport (especially postal tarantasses, i.e. four-wheeled vehicles driven by animals).

The exiled people were also escorted by vehicles in the form of *kibitkas*²² (Russian covered wagons). From Stanisław Kirkor's memoirs, it appears that the uprising activist Helena Kirkor together with a group of other convicts crossed the Moscow-Nizhny Novgorod route by rail. Stanisław Kirkor added: "This is where the railroad ended [in Nizhny Novgorod — MT] and the *kibitkas* were waiting here [...] to take them in a huge hurry, day and night, through more than a thousand versts²³ to Tobolsk. They were small and narrow carriages without support, which were led by three horses. Two prisoners with luggage and two military policemen were assigned to each kibitka. The prisoners, sitting on their bundles, had to hold each other's arms in order not to fall out. The military policemen sat on prisoners legs and placed their own legs outside the cart"²⁴.

¹⁸ E. Kaczyńska, Syberia: największe więzienie..., op. cit., pp. 98–99.

¹⁹K. Grzybowski, Historia Państwa i Prawa..., op. cit., p. 250.

²⁰ A. Markiewicz, Kobiety i rodziny powstańców styczniowych zesłanych w głąb Rosji, Warszawa 2018, p. 112.

²¹ Z. Mineyko, Z Tajgi pod Akropol. Wspomnienia z lat 1848–66, Warszawa 1971, p. 367; see also: A. Markiewicz, Kobiety i rodziny..., op. cit., p. 112.

²² Kibitka — a covered horse-drawn cart used in tsarist Russia to transport prisoners to exile; see: O. Zinurova, *Orientalny rusycyzm czy zrusyfikowany orientalizm? W sprawie wyrazów: dżigit, jurta, kumys, kibitka, papacha*, [in:] "Annales Universitatis Mariae Curie-Sklodowska", Lublin 2014, Vol. XXXII, sectio FF, p. 108.

²³ 1 verst — about 1066 m.

²⁴S. Kirkor, *Przeszłość umiera dwa razy: powieść prawdziwa*, Kraków 1978, p. 91.

The participant of the January Uprising — Jakub Gieysztor, who came from the Kaunas Governorate and who was sentenced to twelve years of the penal labour and exile to Siberian Usol (Irkutsk Governorate), described with these words the next stages of his journey into the Russian Empire: "In Moscow we were only passing through, as well as in Nizhny [Novgorod — MT] and Kazan. Sailing on the Volga and Kama is beautiful and vivid. From Perm we drove by post, renting tarantasses [...]. In Kungur the military policemen did not let us stay a little longer. On the border of Siberia, I saw something like mounds in one of the places [...]"25. Jakub Gieysztor, continuing his description of the journey, also wrote about the meeting with officials of the local Russian administration: "We were brought to Tobolsk straight to the governor, Zenovich [Alexander — MT]. He was not at home. After a while he came back from the town and spoke to us in Polish, asking about our names. »Unfortunately, there is nothing else I can do for you, but send you to the dungeon, where, as far as possible, you will find some the comfort ([...]. He was very active and useful in Tobolsk, and very kind to our people [...]. He helped the craftsmen. He tried to find work for those who decided to stay in Tobolsk [...]"26.

Governor Alexander Despot Zenovich, often mentioned in the diary literature, was of Polish origin. As an official of the Russian administration, he supported the Polish population in exile (within the limits set by legal norms). Michał Janik stated: "Zenovich [...] had a noble heart and wanted to alleviate the misery of the exiles, while strictly observing the letter of the law. The diarists recall that on the occasion of the reception of the exiles, he ordered to clean all the prisons in the subordinate governorate and then ordered to provide them with new couches, dishes, towels, underwear and food. He took care of the sick ones, spoke Polish and was open to wishes and requests".

Governor Zenovich was sympathetic to the Polish population in the Eastern Siberia, although at the same time he was aware of the problems associated with the attitude of the lower-ranking officials and military subjects of Emperor Alexander II towards this group. He emphasized that the brutality of the Russian soldiers was confronted with a sense of human dignity, which was very well developed among this group of exiles. At the same time, the same Russian official saw this phenomenon as a cause of potential conflicts and rebellions²⁸. In the second half of the nineteenth century, there were accumulated problems with the insufficient number of officials who worked within the structures of the Siberian government administration and with the inadequate level of qualifications (merits-related and moral) presented by these officials. At the same time, the overpopulation of towns, villages and prisons to which the convicts were sent was a real trouble. The ineffectiveness of the governorate authorities and the inactivity of the lower level of administration caused considerable confusion in the functioning of the Russian state apparatus, which was responsible for

²⁵ J. Gieysztor, *Pamiętniki Jakuba Gieysztora z lat 1857–1865*, ed. T. Korzon, Wilno 1913, Vol. II, pp. 227–228.

²⁶ *Ibidem*, pp. 228–229.

²⁷ M. Janik, Dzieje Polaków na Syberii: z 23 ilustracjami, Kraków 1928, p. 311.

²⁸D. Beer, *Dom umarlych. Syberyjska katorga w czasach carów*, Kraków 2018, p. 299.

organizing the exile and controlling the execution of sentences imposed on a very large number of political offenders (especially after the outbreak of the January Uprising)²⁹.

The second wave of exile from Lithuania and Belarus took place after the January Uprising. The General-Governor of Vilnius, Konstantin von Kauffman, who was in office between 1865 and 1866, applied the policy of depolonization of the northwestern governorate, one of the instruments of which was the deportation of political prisoners, including administrative exile, to Siberia, just like Michail Muravyov. The owner of the landed estates of Łazduny, which was located in the Oszmiański district, Hipolit Korwin-Milewski, on the pages of his memoirs, characterized the methods of Russian administration in the following way: "In the meantime, Kauffman had already fully acclimatized and it turned out that in the second part of the Murayvov's system, i.e. the uprooting of Polishness, no change could be expected. There were no more arrests or court martials. However, sending to the »settlement« to the internal governorates through administrative exile continued and proceeded"30. This representative of the landed gentry emphasized one more extremely important thing. Namely, the administrative exile of people suspected of committing a political crime, who at the same time were the owners of properties and landed estates located in Lithuanian-Belarussian governorates was connected with the imposition of management sequestration on these properties. It should also be mentioned that from that moment on, they were supervised by officials of local chambers of state property. Hipolit Korwin-Milewski wrote in connection with this: "I read [...] the text of a similar resolution concerning one of our neighbors. It sounded literally: »Such a person, due to the lack of any evidence of his participation in the uprising movement, should be considered as a legally acquitted person. However, because [...] he is suspected of having compassion for this movement, he should be sent to the Tambovian Governorate in an administrative manner«"31. Between 1863 and 1867, about four thousand Polish people were exiled to the Tobolsk Governorate³², while four and a half thousand to the Yenisei Governorate. Since January 1866, the exiles were not allowed to obtain employment in such business establishment as printing-houses, photographic studios, pharmacies, wine warehouses, hospitals and clinics³³.

In the following years, the Russian administration was engaged in resolving the cases related to the sale of landed property, which belonged to persons participating in the uprising, and the cases related to the inheritance of the property by family members of persons exiled in an administrative manner. On the basis of the ukase of December 10th 1865, the General-Governors from Vilnius and Kiev were obliged to allow the former participants of the uprising, who were administratively exiled deep into Russia, to return for a short time. During their stay, a contract of sale of the property was to be concluded. If the transaction was not carried out within a period of two years, the

²⁹ *Ibidem*, pp. 275–278.

³⁰ H. Korwin-Milewski, Siedemdziesiąt lat wspomnień (1855–1925), Warszawa 1993, p. 48.

⁵¹Ibidem

³² About the fate of the representatives of the Lithuanian nobility, exiled in the first half of the 19th century to Tobolsk; see: S. Maksimow, *Syberia i ciężkie roboty (Sybir i katorga)*, ed. Z. Pietkiewicz, Warszawa 1899, No. II (*Winni i oskarżeni*), p. 196.

³³ D. Beer, *Dom umarlych...*, op. cit., pp. 279–280.

landed property was subject to the general procedures of selling the property covered by the monarchy's treasury sequestration by public auction³⁴. In 1879, a noblewoman, Franciszka Pogowska, the widow of Bonifacy Pogowski, applied to the contemporary Minister of State Assets, Piotr Valuyev for a return of the land estate she had inherited from her husband for her and her children. Her husband was exiled to the Arkhangelsk Governorate on the basis of an administrative order³⁵.

In the mid-seventies of the nineteenth century, the procedure related to the application of administrative exile was applied to Jan Witort, who came from Poniewieski district (Kaunas Governorate). As a result of the testimony of members of radical organizations, he was exiled to the Arkhangelsk Governorate on the basis of an administrative order issued in 1875. In his memoirs, John Witort reported on the moment of reading the decision of Emperor Alexander II, which resulted in administrative exile in the following way: "General Łosiew arrived as the president of the Vilnius Committee of Inquiry, which still existed at that time since 1863 [...]. Taking into account the extenuating circumstances, it was decided that a dozen or more defendants would be exiled to the most remote places in the European part of Russia and that they would be placed under the strictest supervision of the local police [...]. While reading this decision, some people laughed and smoked cigarettes, which made General Łosiew extremely angry. He said: »You miss Siberia, tavern«"36. The testimonies from the first days of the stay in Arkhangelsk, recalled by Jan Witort, testify to the legal and social conditions in which political exiles lived. Jan Witort, who applied to the governor of Arkhangelsk, to the Count Nikolai Ignatiev, for permission to live in the governor's city, stated: "After a few weeks of staying I got used to it a bit, but I got used to it, but I was overwhelmed by the cold when I thought about the necessity of leaving, because only in exceptional situations political exiles were allowed to live in governor's cities. I went to the governor [...]. Count Ignatiev welcomed me very politely and kindly, said a lot of compliments, but firmly refused my request [...] to let me live in Arkhangelsk, after all, he added that I could still spend some time in the city for rest"37. Jan Witort also added: "In general, the political exiles enjoyed great freedom — they could leave the city without even saying a word, provided that it was not for long and not too far away. Admittedly, the Police Master demanded a word of honour that »none of us would leave in our own interest« [...]. The police neither cared about us nor persecuted us. Policemen and lower-level officials were always ready for any service. A political exile meant a lot at the time, it was an excellent recommendation even in the eyes of administrative officials. Although there were strict regulations that hampered us at

³⁴ Ukaz Prawitielstwujuszczago Sienata, ot 31 diekabria 1865 g., posledowawszij po Wysoczajszemu powieleniu 10 diekabria 1865 g., o poriadkie priwiedienija w ispolnienije oznaczennago powielenija, [in:] Sbornik uzakonienij i rasporażenij po ziemlewładieniju w Zapadnych gubiernijach s rieszenijami Prawitielstwujuszczago Sienata, ed. T. Rafalski, Kijów 1895, pp. 108–109.

³⁵ LVIA, F. 525, ap. 14, b. 1680, manuscript, Pismo gubernatora wileńskiego do zarządzającego Izbą Dóbr Państwowychw Wilnie, dat. Wilno 28 III 1879 r. Zarząd rolnictwem i dobrami państwowymi w guberni wileńskiej i kowieńskiej, c. 410–413.

³⁶ J. Witort, *Znad brzegów Morza Białego*, [in:] *idem, O syberyjskim zesłaniu i rusyfikacji Żmudzi*, ed. W. Caban, J. Szczepański, współpraca J. Wójcik, Warszawa 2017, p. 49.

³⁷ *Ibidem*, p. 67.

every step, they existed only on paper. We were strongly forbidden to teach children [...]. Nevertheless, not only the children of ordinary mortals were taught, but even the children of administrative dignitaries"³⁸.

The institution of administrative exile based on the regulations enacted by the Russian emperor in 1881 was used in the following decades. In 1908 an administrative order was imposed on Władysław Gawroński (born in Białystok), who was the son of a participant in the January Uprising. He was an activist of the Polish Socialist Party and was arrested in November 1907. A few months later, he was exiled to Narimski Krai (Siberia) for three years³⁹.

Conclusions

From the point of view of the Russian administration, the administrative exile, regardless of the normative state of affairs, was an instrument for ensuring internal security in the various guberniyas (governorates). In the case of Michaił Muravyov's and Konstantin von Kauffman's policies, this institution was defined as a typical measure of political repression, which resulted in placing the private landed properties belonging to participants in the January Uprising under public surveillance (by way of a sequestration). With the cessation of actions against the January insurgents, this institution underwent a normative evolution, which resulted, firstly, in its legalization and, secondly, in its inclusion even more clearly in the catalogue of measures used by the government authorities during the periods of the state of emergency, including martial law.

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³⁸ *Ibidem*, pp. 67–68.

³⁹ A. Brus, E. Kaczyńska, W. Śliwowska, Zesłanie i katorga..., op. cit., p. 372.

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