

## THE COMPOSSESSORATES IN OLT COUNTY

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**Abstract:** *Compossessorates are social unions instituted with the object of sharing the exploitation of the stock of wood. In Olt County there are two prevalent types of compossessorates: the former boyars' compossessorates (of genealogical consuetudinary system) and the former serfs' compossessorates (of non genealogical consuetudinary system).*

**Key words:** *compossessorate, boyars, serfs, consuetudinary, Olt County.*

1. In order to cut the jointly possessed (common) stock of wood, the co-owners grouped into social unions called compossessorates. They are "social realities of a special character; they are neither identified nor lost in the village or the commune. A compossessorate can result in grouping only a part or all the inhabitants of a village and it can also accept inhabitants of the neighbouring villages" (2, p. 3). This type of social unions inculcates economic force to the various rural communities and due to their economic value it ensures stability and social solidarity. From a juridical point of view, the compossessorates are private law institutions structured on some local practices, customary laws which by the community's will turned into legitimate rules into a genuine consuetudinary (unwritten, sanctioned by usage, custom, a customary, common) juridical system of the area (Olt county).

The activity of each compossessorate used to develop on the basis of a statute or private regulation which mainly stipulated for the joint ways of usage and the wise

exploitation of the joint woods and pastures, for the sum of the adequate income of the joint owners (in currency or timber) directly proportional to the surface owned in the undividable estate or by leasing the pastures and the hunting right; the leading board of the compossessorate was elected on the basis of the above principles, which were also the criteria of setting the rapports between the compossessorate and the bodies of the local and county administration.

### 2. Types of Compossessorates in Olt County

Olt County, this region full of "mixed (joint) and round estates", distinguished by its old Romanian historical background, preserved at the date of the monographic researches carried out by Vasile V. Caramelea under the aegis of the Romanian Social Institute in the above area (1939) the following types of compossessorates:

a) boyar like compossessorates (the former boyars' compossessorates);

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- b) frontier guard and confessional (joint, also frontier guard) compossessorates;
- c) the former serfs' compossessorates;
- d) mixed compossessorates (of former serfs, former frontier guards and former boyars) (2, pp. 5-6).

The above types of compossessorates are differentiated by the origin of their estate and also by the way it was agreed to be used. Of all the above types of compossessorates, in Olt County the compossessorates of the former boyars and those of the former serfs proved to be predominant. The following sections of this paper will focus on the above mentioned types of compossessorates.

### 2.1. The Former Serfs' Compossessorates

The emancipation and apportionment of estate patents of the enslaved issued in 1853 and 1854, regulated in Transylvania the conditions of ownership of the woods and pastures jointly owned until 1848. The descendants of the former serfs, who acquired "their estates" by means of segregation after abolishing serfdom, set up compossessorates to exploit the stock of wood jointly by continuing to make use of the customary practices performed by their descendants: the smoke, the outhouse, the family, the dwelling place, the homestead, the house number, the involvement into the shared chores, religion etc. These customary practices were compulsory for all the joint landowners as a proof of the firm will expressed by these communities; any deviation from the customary practices was sanctioned by the elimination of the individual from the compossessorate. The rules set up as the shared core of the practices were very important to set up the condominium:

- a) any apportionment of property involves being a former serf or a descendant of his;
- b) nobody can own two estates;

c) the ownerships cannot be alienated either totally or partially, they are transmitted from ascendants to descendants, the owners of a certain period are only entitled with the usufruct;

d) the ownerships of the owners without any descendants become the community's ownership;

e) the new comers of the commune cannot acquire any compossessorate usufruct;

f) the income and expenses are equally distributed to all the holders and the regular payment of taxes proves the continuity of using the usufruct (2, p. 9).

Partial ownership of this type of compossessorate is attributed not by means of inheritance but according to the quality of being a descendant of a former serf integrated into an independent social union (compossessorate); in other words, the joint owners are grouped according to a social non genealogical relationship. The non genealogical consuetudinary social system, specific to the former serfs' compossessorates in Olt County is intended to preserve and transmit the community estate to every generation of descendants.

### 2.2. The Former Boyars' Compossessorates

The origin of the undivided estate of a great part of these compossessorates can be found in the period in which the rulers of Wallachia used to rule Făgăraş and free people (the boyars) used to own the woods and pastures jointly. The rulers of Wallachia ratified by letters patent old possessions or they decided to offer a mountain or an edge of a village to certain boyars who used to be the leaders of some troops of villagers. Subsequently, the later compossessorates were founded on the basis of these collective properties.

*"In order to build up the condominium, to regulate the inter individual*

*relationships and those set up between the individuals and the group established, the boyar unions instituted an inheritable juridical system also unwritten (accepted by repetition), but genealogical*"; it was a system meant to "set to rights the individuals owning a compossessorate by interrelating them biologically, according to consanguineous criteria" (1, p. 4). The consuetudinary genealogical juridical system provides an easy way of setting up the condominium co owners' rights and it led to making up many types of social unions:

- a) social unions like "freeholders communities based on descendant relationship"; this type of unions is formed of the people (the boyars) who settle up a condominium on an ancient possession of an estate edge of a village, a condominium which subsequently turned into a compossessorate from a juridical point of view;
- b) the compossessorates are set up according to felii (halves) and fârtare (quarters); the social unions of this type set up according to the shares reverted by succession arrange their individuals (according to halves and quarters of estates), most of the time according to a virtual, juridical relative; the scouts' relationship proves to be rather an estate relationship (estate-based brothers);
- c) social unions with fixed and equal rights, the genealogical inequality rises within the group; within these unions the owner is entitled to dispose of his asset the way it is included in the condominium, which means that the legitimate owner (the owner of the compossessorate) once having his asset nominally entered into the land register he can dispose of it as he wishes: he can either sell it, or he can set up by associating (by sharing) a new family group within the basic group which subsequently leads to changes inside the shares; in this way, the following need

is satisfied: the compossessorate is set up in view of subsequent adaptation to the development of the type of ownership (from an absolute condominium on equal shares to unequal shares) without prejudicing the solidarity of the social union.

Beyond all these descriptions, it is worth pointing out a fact preserved by the social memory and mentioned by Traian Herseni with reference to the social unions: "The serfs (the bondmen) were despised by the boyars (the freeholders) and the frontier guards (soldiers in the former frontier regime) for a long time. Nowadays these social ranks consciously preserve only few traces; still their social echo has not been completely obliterated. The greatest part of the former serfs are considered common people ... The juridical breakage of serfdom could not wipe out its traces as well, which were prolonged for a long time after the proper causes disappeared" (3, p. 95).

After 1923, the provisions of the Forest Code from 1910 extended to the whole country and subsequently all the existing laws and regulations were abolished. These important decisions were intended to the natural foundation of a unitary, coherent policy and outlook on the Big Romania in the forest domain also meant to ensure "exploiting the woods without ravaging them, by keeping a reasonable balance between the afforested areas and the ones deprived of woods, by dosing the forest felling and the natural and artificial reforestation actions undertaken" (4, p. 226).

## References

1. Caramelea, V. V.: *Tipuri de composesorate ale foștilor boieri și grăniceri din Țara Oltului, Sistemul juridic consuetudinărilor, genealogic*. Gh. G. Vlădescu Printing House, Câmpulung-Muscel. 1945:

2. Caramelea, V. V.: *Composoratele foştilor iobagi din Ţara Oltului. Sistemul juridic consuetudinar, negenealogic*. Ramuri, Craiova. 1944.
3. Herseni, T.: *Drăguş – un sat din Ţara Oltului (Făgăraş). Unităţi sociale*. The Social Sciences Institute of Romania, Bucharest. 1944.
4. Stahl, H. V.: *Contribuţii la studiul satelor devălmaşe româneşti*. Academiei Printing House, Bucharest. 1958, vol. I.
5. *The Forest Code*. Ministry of Agriculture and Estates, Gutenberg Printing House, Anonymous Society, Bucharest, 1922.

## Annexe 1

**The estates pattern of the stock of wood in Romania, 1929**  
(V. Stinghe, D. Sburlan, 1941)

No.	Type of estate	Romania		The Old Kingdom		Transylvania		Bucovina		Bessarabia	
		thousand ha	%	thousand ha	%	thousand ha	%	thousand ha	%	thousand ha	%
<b>1.</b>	<b>State</b>	1965	30.4	1113	44.2	659	20.1	13	2.9	180	90.0
1.1.	State managed woods	1904	29.5	1052	41.2	659	20.1	13	2.9	180	90.0
1.2.	The crown's estates	61	0.9	61	2.4	-	-	-	-	-	-
<b>2.</b>	<b>Communes, public institutions</b>	1308	20.3	132	5.2	908	27.6	265	58.9	3	1.5
2.1.	Communes	746	11.6	-	-	716	21.7	33	7.3	-	-
2.2.	Charity institutions	132	2.0	132	5.2	-	-	-	-	-	-
2.3.	Cultural institutions	301	4.7	-	-	6	2.0	232	51.6	3	1.5
2.4.	Private institutions	129	2.0	-	-	129	3.9	-	-	-	-
<b>3.</b>	<b>Collectivities</b>	1309	20.3	455	18.1	832	25.4	22	4.9	-	-
3.1.	Compossessorates	651	10.1	-	-	636	19.4	15	3.3	-	-
3.2.	Communities	196	3.0	-	-	196	6.0	-	-	-	-
3.3.	Freeholders	462	7.2	455	18.1	-	-	7	1.6	-	-
<b>4.</b>	<b>Private bodies</b>	1867	29.0	817	32.5	883	26.9	150	33.3	17	8.5
	<b>TOTAL</b>	<b>6449</b>	<b>100</b>	<b>2517</b>	<b>100</b>	<b>3282</b>	<b>100</b>	<b>450</b>	<b>100</b>	<b>200</b>	<b>100</b>

**Annexe 2****The woods pattern according to the types of ownership in Romania  
(comparative study between 1929- 1947)****1929**

<b>No</b>	<b>Type of ownership</b>	<b>Thousand ha</b>	<b>%</b>
1.	State woods	1965	30.4
2.	Communal woods and woods belonging to public institutions	1308	20.3
3.	Woods belonging to the community (compossessorates, village community, wealth communities)	1309	20.3
4.	Woods belonging to physical persons	1867	29
	<b>TOTAL</b>	<b>6449</b>	<b>100</b>

**1947**

<b>No.</b>	<b>Type of ownership</b>	<b>Thousand ha</b>	<b>%</b>
1.	State woods	1979	29
2.	Communal woods and woods belonging to public institutions	1761	27.2
3.	Woods belonging to the community (compossessorates, village community, wealth communities)	1330	20.5
4.	Woods belonging to physical persons	1515	23.3
	<b>TOTAL</b>	<b>6485</b>	<b>100</b>

**Notes:**

1. The comparative study points out the following facts:
  - a) the woods areas belonging to the state decrease (-86,000 ha);
  - b) the pasture areas belonging to the communes and the public institutions substantially increase ( + 453,000 ha);
  - c) the areas of the private woods decrease (- 352,000 ha);
  - d) the woods areas belonging to the communities slightly increase: compossessorates, village communities, wealth communities (+ 21,000 ha);
  - e) the total area increases (+ 36,000 ha).

2. The woods pattern according to types of property changes in 1947 as compared with 1929, mainly in two ways:
  - a) the private woods are massively transferred to the ownership of the communes and institutions;
  - b) the total area increases due to justified afforestation measures of the uneven areas, by planting the forest shelter belts in the sandy areas etc.