

Statutory Appendix

Statute of Redemptions, 1861, Article 165:

Before payment of the redemption obligation, separation of tracts of individual householders from commune land is permissible only with the consent of the commune. But if a householder wishing to separate deposits to the uezd treasury the entire redemption obligation applicable to his portion, the commune is obliged to assign to the peasant who has so deposited the corresponding portion of land due him, as near as possible in one place according to the judgment of the commune, but until the separation the peasant can continue to use his portion of land from the village allotment without deposit [of his share] of the applicable redemption dues.

Act of December 14, 1893, 13 Polnoe Sobranie Zakonov, Sobranie Tretie [Complete Collection of Laws, Third Series], No. 10151.

Part II.

Before the redemption obligation is paid off, separation by individual householders and premature redemption by them of tracts of commune land is permissible only with the consent of the commune and on conditions set out in a decree of the relevant village assembly.

Ukaz of November 9, 1906

Part I.

Article 1. Each householder owning allotment land in repartitional

tenure may at any time demand conversion into personal property of the parcel to which he is entitled.

Article 2. In communes in which there has been no general repartition in the course of 24 years preceding the application of a householder for conversion from repartitional ownership into private ownership, all tracts of communal land in the continuous (non-rental) use of such householder, besides his household plot, will be converted into personal property.

Article 3. In communes in which in the 24 years preceding the application of a householder for conversion from repartitional title into personal property there has been a general repartition, all tracts of communal land allocated to him by the commune in continuous use (until the next general repartition), besides his household plot, will be converted into personal property. But if the applicant has more land in continuous use than would be assigned to him on the basis of the last calculation [for purposes of repartition] according to the units in his family [for repartition calculation purposes] before the above application, then there will be converted for him as personal property the amount of commune land that should be assigned to him by such analysis.¹ Beyond that, the above izlishki will be converted to personal property only on condition of his payment to the commune of their value, defined as the average redemption price per desiatina of lands allotted to the commune [assessed by redemption payments]. In the opposite case the whole aforementioned izlishek will be put at the disposition of the commune.

Article 4. Householders who have converted commune lands held in continuous use into personal ownership (arts. 1–3) preserve their right to use, in an unchanged share, hayfields, forests and other areas that are allocated on a special basis (such as in accordance with the quality of the soil, or separately from areas divided in a general repartition and on another basis, etc.), and also the right to participate in

1. In other words, the applying householder has assigned to him, without having to meet the payment condition set out in the next sentence, an area calculated as the product of (1) the amount of land due a household for each household unit as computed in the last calculation for a repartition, and (2) the units actually in his household just before his application.

the use, on the basis understood in the commune, of undivided areas, such as village estate lands, pastures, quit-rent articles² and others.

Article 8. Parties and interested persons can take appeals to the uezd council from the village decree and ruling of the land captain (art. 6) within 30 days from the time of their issuance. . . .

Article 9. Rulings of the uezd council issued on appeals from village decrees and land captains' rulings, and equally for confirmations of those decrees and rulings (art. 6), will be considered final and will be carried out by the village or volost elder. Appeals may be taken from the rulings of the uezd council to provincial officials in cases of excess of jurisdiction or clear violation of law.

Article 12. Every householder who has converted title to his parcels of allotment land in accordance with articles 1–11 of these rules has the right to demand at any time that the village assign to him, in lieu of those parcels, corresponding parcels, in one place to the extent possible.

Article 13. In those cases where the request for single-household consolidation [*vydel k odnomu mestu*] does not coincide with a general repartition, and the *vydel* appears inconvenient or impossible,³ the

2. “Quit-rent articles” is a literal translation. Evidently intended is land used to yield production for the purpose of paying *obrok* (or quit-rent) due from the village, or the production itself.

3. Atkinson, without textual analysis, suggests that until the Act of June 14, 1910, the commune could invoke the cash alternative even if separation to one place was neither inconvenient nor impossible. See Dorothy Atkinson, *The End of the Russian Land Commune, 1905–1930* (1983), 61 (seeing the language of the 1910 Act as greatly expanding the right to attain single-household consolidation). Robinson reads the provisions of the ukaz as vesting in the discretion of the *commune* the decision whether separation to one place was inconvenient or impossible, so that it could *always* satisfy the demand in cash, whereas under the laws of 1910 and 1911 the decision as to inconvenience lay with the uezd congress. Geroid T. Robinson, *Rural Russia Under the Old Regime* (1969), 219 (citing articles 12–14, 15 of the ukaz). According to Zyrianov, temporary rules adopted October 15, 1908 specified that the decision lay in the hands of the uezd council. P. N. Zyrianov, “Problema vybora tselei v Stolypinskaia agrarnom zakonodatelstve” [“The Problem of Choice of Goals in the Stolypin Agrarian Legislation”], in *Gosudarstvennaia deiatel'nost' P. A. Stolypina: sbornik statei* [*State Activity of P. A. Stolypin: Collected Articles*], eds. N. K. Figurovskaia & A. D. Stepanskii (1994), 105. See also David A. J. Macey,

commune can satisfy the requesting householder with money, either by agreement with him, or in the absence of agreement, according to the valuation of the volost court. If a householder seeking *vydel* finds the valuation of the volost court insufficient, he may refuse to accept the money and continue in ownership of the land for which he has converted title within its former boundaries.

Article 14. In a general repartition consolidation of the tracts of householders who have applied for conversion of their titles to personal property before the entry into legal effect of a village repartition decree, or who have previously converted their title to tracts of allotment land in accordance with articles 1–11 of these rules, is obligatory on demand either of such householders or of the village, without any right in the village to satisfy the consolidating householder's demand with money.

Article 15. Disputes arising about consolidation of land are to be resolved on the basis set forth in the note to article 12 of the General Statute on Peasants issued 1902.⁴

Article 17. Conversion of title to personal property and consolidation of tracts will be effected in accordance with and on the basis of articles 4–16 of these rules for those parcels that have been prematurely redeemed on the basis of article 165 of the Statute on Redemptions (issued 1876) and not previously consolidated.

Part IV.

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Conversion of a whole commune, whether with repartitional or with hereditary tenure, to otrub form may be accomplished by an

Government and Peasant in Russia, 1881–1906: The Prehistory of the Stolypin Reforms (1987), 236 (indicating that the ukaz gave the uezd council jurisdiction to decide whether the consolidation was inconvenient or impossible).

4. See George L. Yaney, *The Urge to Mobilize: Agrarian Reform in Russia, 1861–1930* (1982), 261 (explaining that the cross-reference locates such disputes in the uezd congress). See also *ibid.*, 282.

order adopted by a two-thirds majority of the peasants having a vote in the commune assembly.

Act of June 14, 1910

Chapter I.

Article 1. Communes, and villages owning property, in which there has been no general repartition since the time of allotment of their lands, will be considered to have transferred into hereditary (uchastkovoe or podvornoe)⁵ ownership.

Article 8. In communes and villages referred to in article 1, consolidation of householders' parcels is obligatory in the cases referred to in point 2 of article 34, and will be conducted in accordance with the rules set forth in articles 37 and 38.

Article 33. If consolidation (art. 32 [allowing consolidation at the behest of a single householder]) is recognized as inconvenient or impossible by the appropriate authorities (arts. 37 & 60 [either the uezd Land Settlement Commission or the uezd council]), the commune is obliged to satisfy the householder applying for consolidation with money, by mutual agreement with him or in the absence of agreement by the evaluation determined by the uezd Land Settlement Commission. If the householder seeking to consolidate finds the evaluation fixed by the commission insufficient, he may refuse to accept the money and continue to own the parcels whose title was already converted in their pre-existing boundaries.

Article 34. Consolidation in one place, as near as possible (art. 32), is obligatory for a commune without a right to satisfy the separating householder with money in the following cases: (1) in general repartitions if the application for consolidation was made before the issuance of the repartition decree, and (2) apart from general repartitions, (a) if consolidation is demanded by no fewer than one fifth of all householders, or, in communes of more than 250 households by no

5. The distinction between these two kinds of hereditary title appears of no consequence for the basic story.

fewer than 50 householders, and (b) on the application by only one householder when consolidation is recognized (arts. 33 & 37) as possible and not connected with special inconvenience.

In cases covered by the second point of this article the commune can conduct a premature repartition without asking for the permission of provincial officials (general statute on peasants, art. 29).

Article 35. In general repartitions any householder shall have the right to demand consolidation, on the basis of the new calculation for purposes of the repartition, of parcels of allotment land of which he has not converted the title, if his demand is filed before the issuance of the repartition decree.

Article 36. Obligatory consolidation of parcels of which title has already been converted can take place without the owner's agreement: (1) when more than half of those remaining in repartitional title demand it and (2) when, in consolidations contemplated in article 34, an owner wishing to remain in open fields does not obtain agreement for the exchange of fields (converted by him to hereditary title) that appear necessary to include in the borders of the parcels consolidated. In cases covered by the first point of this article the commune can conduct a premature repartition without asking for the permission of provincial officials (general statute on peasants, art. 29).

Article 37. Consolidations will be conducted by the uezd Land Settlement Commissions, which will resolve all disputes arising in connection with them, including disputes between the commune and the consolidating householder about the inconvenience or impossibility of consolidation (art. 33), with the necessary participation of the uezd member of the circuit court. Rulings of the uezd Land Settlement Commissions may be appealed within 30 days from their issuance to the provincial Land Settlement Commissions, or, in the absence of one, to provincial officials.

Article 38. Appeals from rulings of the provincial Land Settlement Commissions or in appropriate cases provincial officials to the Senate (Second Department) in cases of violation of law by these rulings or excess of jurisdiction. . . .

Article 56. Temporarily, before review of the legalization of peasant land ownership, it is forbidden for there to be concentrated in one

person within the borders of a single uezd, by means of purchase or acceptance of gifts, allotment land . . . exceeding the allotment of six souls⁶ in provinces and oblasts where the Great Russian and Little Russian statutes apply. . . .

Act of May 29, 1911

Article 3. Separate otrub holdings of peasants and other village residents, reformed in a joint razverstanie of allotment and non-allotment land (art. 2), shall be considered lands of private property instead of the types of lands prevailing before the razverstanie. Such otrub holdings, however, will be considered allotment lands if preferred by the owner, if the non-allotment lands are free from obligations to private persons or to credit establishments other than the Peasant Bank.⁷ . . .

Article 21. The carrying out of land settlement activity for parts of communes or separate members will be done so as to assure that future possible land settlement measures in the commune are not made more difficult by such partial land settlement activities.

Article 27. Separation [of lands intermingled between different villages] will be carried out with obligatory removal of scattered parcels between separate areas of the separating villages, and lands included in the separation that constitute personal property of householders [art. 47 of the Act of June 14 1910] will be divided into separate otrubs.

Article 35. In a commune's repartition of arable land, each householder, whether or not he has converted title of his commune lands to personal property, has the right to demand consolidation of the amount of arable land (belonging to him or with title converted to him) if his demand is filed before issuance of the repartition decree.

6. Speaking of the six-soul allotment, the text adds the modifiers "vysshie" or "ykaznye." They seem unimportant for our purposes.

7. The last exception is evidently intended to assure that mortgaged non-allotment land is not sneaked away from the reach of creditors by being transformed into allotment land, which would have been subject only to mortgages to the Peasant Bank.

In a division of arable land between villages or parts of villages (parts II & III), the same right belongs to each householder whose fields are affected by such divisions, or consolidation of which is recognized by the Land Settlement Commission as possible without injuring substantial interests of the commune.

Article 36. Outside of the repartitions or divisions referred to in the preceding article, consolidation of parcels of arable land into otrub parcels (whether title has been converted to personal property or not) will be conducted: (a) if not less than one fifth of all households having votes in the assembly (or not less than 50 if the commune has more than 250 households) demand consolidation, and (b) on the application of a single householder if consolidation is possible and not associated with special inconvenience.

Article 42. Complete whole-commune razverstanie of all or several areas of separate use, will be carried out, in communes with land in hereditary title⁸ . . . by a decree approved by a simple majority of householders having the right to vote in the assembly; and in villages with repartitional or mixed ownership by a decree approved by a two-thirds majority. . . . If in such [mixed-ownership] villages a minority of those householders who do not own their land as personal property wish to remain in repartitional ownership, on their application, made before the land captain's review of the decree of razverstanie, there will be allotted to them in repartitional ownership the amount of land belonging to them.

Article 50. All scattered plots [*cherezpolosnye zemli*] without exception, regardless of who is the owner, may be subjected to combined razverstanie with lands indicated in article 2 into otrub parcels, either with the agreement of all interested owners or obligatorily, with the observation in the latter case of the following conditions:

- (1) that razverstanie has previously been found by the local land settlement authorities, in accordance with part IX of this statute, to be impossible without the inclusion of these lands;

8. The text also explicitly includes communes wherein the lands are recognized as having transferred to hereditary title under Article 1 of the Act of June 14, 1910 or in which all householders have converted title to their parcels to personal property.

(2) that lands whose owners have voluntarily agreed to inclusion in the razverstanie constitute more than half of all lands subject to the razverstanie; and

(3) that the number of owners expressing agreement to the razverstanie constitute more than half of the whole number of owners of land (counting each separate owner of land, whether in repartitional or hereditary ownership) included in the razverstanie; provided, however, that if land included in the razverstanie is in repartitional ownership, for a complete, whole-commune razverstanie it is necessary that no less than two-thirds of the holders in repartitional tenure be included in the calculation referred to above, and the minority will if they express such a preference receive their land in repartitional ownership. Absent such two-thirds majority, lands will be consolidated into otrub parcels only for those members of a commune who agreed to the razverstanie.

Article 54. Separation of areas in general [mixed] ownership of peasants and private owners will be carried out on the application of one side or the other.

