






SPECIFIC USE OF HEIMATH BY THE PILOTS OF THE GRAND DUCHE OF FINLAND IN THE 19TH CENTURY

USO ESPECÍFICO DE HEIMATH POR LOS PILOTOS DEL GRAN DUQUE DE FINLANDIA EN EL SIGLO XIX

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ABSTRACT

The article presents the historical and legal study results concerning the specifics of heimath use by the pilots of the Grand Duchy of Finland. To do so, general scientific (dialectical, comparative, historical-genetic, structural-functional), as well as specific scientific (specific-sociological, formal-logical, historical-legal, comparative jurisprudence) methods are utilized. It has been established that a heimath as an additional financial guarantee for the well-being of pilots in the Grand Duchy of Finland came into the Finnish legislation from the Swedish tradition. Pilots, being personally free people, used this form of land tenure as civil servants or as private property. At the same time, differences in the rights of each individual heimath were revealed in terms of its importance, profitability, size, remoteness, as well as in terms of personal qualities and the pilot service position who received it.

Keywords: Heimath; Grand Duchy; financial guarantees; self-government; private property right.

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RESUMEN

El artículo presenta los resultados del estudio histórico y legal sobre los detalles del uso de heimath por parte de los pilotos del Gran Ducado de Finlandia. Para ello se utilizan métodos científicos generales (dialéctico, comparativo, histórico-genético, estructural-funcional), así como científicos específicos (específico-sociológico, lógico-formal, histórico-jurídico, jurisprudencia comparada). Se ha establecido que un heimath como garantía financiera adicional para el bienestar de los pilotos en el Gran Ducado de Finlandia entró en la legislación finlandesa de la tradición sueca. Los prácticos, siendo personas personalmente libres, utilizaban esta forma de tenencia de la tierra como funcionarios públicos o como propiedad privada. Al mismo tiempo, se revelaron diferencias en los derechos de cada heimath individual en cuanto a su importancia, rentabilidad, tamaño, lejanía, así como en cuanto a las cualidades personales y el puesto de servicio del piloto que lo recibió.

Palabras clave: Heimath; Gran Ducado; garantías financieras; autogobierno; derecho de propiedad privada.

INTRODUCTION

The acquisition of Finland by Russia created the need to either change radically the system of law established there, completely different from the Russian one and built mainly on Swedish models, or to understand, legalize, and, if necessary, improve the existing one (Adam, 2005; Wolhuter, 2020).

As is known, the last path was chosen based on the creation of the Grand Duchy of Finland.

The system of land use by its population in the course of various public service performance by population belonged to the great variety of innovations that the new administration found in Finland. Such a term as "heimath" is among them (Kitchen, 2011).

METHODS

The methodological basis of the study is represented by general scientific (dialectical, comparative, historical-genetic, structural-functional), as well as specific scientific (specific-sociological, formal-logical, historical-legal) methods.

RESULTS AND DISCUSSION

Let's try to understand the definition of this term, as it was understood in the Russian language of the pre-revolutionary period (Milne & Milne, 2016).

So, the term "heimath" had the following main well-known interpretations:

- 1) "(German Heimath - homeland). A peasant farm in the Ostsee provinces" (Adam, 2005);
- 2) "In the Baltic region - a land with a meadow and a peasant's estate" (Bartlett, 1974);
- 3) "In the Baltic lands - a peasant's estate with his arable land and meadows" (Cassidy, 2004);
- 4) "(German Heimath - homeland). A household in the Ostsee Provinces" (Adam, 2005).

Despite similar interpretations, the most accurate is the fourth one, in our opinion, denoting the system

of natural and state duties of peasants, although it is not entirely accurate for the term "heimath" interpretation. Obviously, in order to understand fully the meaning of this term, it is necessary to consider its content based on its use by the legislator. At that, we will make a reservation immediately that in the course of consideration we will not touch upon other forms of land use / land tenure in view of the fact that this goes beyond the scope of our study.

The first mention of heimath in the legislation of the Grand Duchy of Finland is in the pilot's charter of 1812, which ordered the pilot's chief to keep and update:

- A register about all pilots' heimathes and the pilots' places of residence, with an indication of their nature, properties, magnitude and the advantages assigned to each pilot station, noting also all the changes that have occurred in them (Glendinning, 2013).

- A register of all signs and poles to recognize shoals, showing their location, in the waters of which the heimathes are located and which the pilot station should be watching, showing all the changes occurring on this subject... (Cassidy, 2004).

As you can see, the above points stipulate the possibility of "registering" the heimathes to specific pilot stations, and the pilots' registering to heimathes. However, everything was much more complicated, since the system of heimath ownership and use turned out to be quite confusing even for the Russian bureaucracy.

So, already a different provision of the same charter of 1812 prescribed that Every officer in the part of the pilotage or lighthouse, convicted of a shameful crime, is excluded from the lists, but if he owns a pilot heimath, the case is submitted for preliminary consideration by a military expedition, from which the resolution of the prescription must be expected. The same rule should be followed in all cases without exception, if the definition of a pilot is dependent with the right to own a heimath and to provide it for his use (Glendinning, 2013).

We can draw two conclusions from this position: 1) the pilots were not assigned to the heimathes as serfs (and the Finns did not know serfdom); 2) being on the pilotage service was not necessarily associated with the possession of a heimath in one form or another. Thus, a certain variety of the same term interpretation and use appeared.

It is obvious that the legislator understood the need to establish a certain order in the considered area of legal relations. An attempt to do this happened already in 1817 with the adoption of the following decree on March 1, 1817: His Imperial Majesty's Highest Resolution "On the state and shkat heimathes, rustrgalts, seterey and other heimathes and estates in the Vyborg province."

This document was adopted as the consideration result of the submission by the Education Committee of the Vyborg province and the report of the Senate of Finland. In the course of its work, preparations were under way to draw up the registration and ownership of state-owned heimathes, purchased from the treasury and registered and redeemed, but not drawn up (Harlin, 2019).

Part of the decree was dedicated to the state rustalts, these are also crown possessions under Sweden, in fact close to the heimathes, but usually used to recruit troops (Brodkin). In the course of this reorganization, some of the heimathes were attributed to them. Their owners were previously obliged

to provide dragoons and horses, and now soldiers, and even to pay rent according to the land register (Kitchen, 2011).

Based on the analysis of this decree, as well as some other documents, we can conclude that the heimathes in Finland were used to maintain civil and military officials, to help Rustgalts, for gunstaberling, for the transportation of mail and the maintenance of institutions for disabled. The owners of the heimathes, for example, did not always have the right to use the heimath forests for sale, production of something, only for home use. Nearby establishments, for example, the Sestroretsk Arms Plant, was given the right to use the part of the parish forests to burn coal, incl. heimath forests (Jędrysiak, 2020).

In subsequent years, the role of heimathes most likely increased, especially in terms of ensuring the activities of pilots in Finland, did not change, and if we take into account the gradual increase of pilot stations and their employees. So, for example, by the decree of August 9, 1841, the role of the pilot station on the Bus-e Island, belonging to the Hest-esk crown heimath, increased in servicing the trade interests of the city of Ekenes (Cassidy, 2004).

An even greater role of the heimathes in the activities of pilots was consolidated on May 30, 1857 by "His Imperial Majesty's Highest Resolution - "On the Pilot and Lighthouse Authority of Finland."

They, in particular, were prescribed, in compliance with the par. 83 of the same decree, regarding the rights of pilotage heimath owners or keepers, to promote mainly a senior from the lower ranks of the same station to senior and junior pilots, if he had the necessary knowledge and, moreover, "is known for sobriety and decent behavior" (Green, 2001).

When establishing the salary for lighthouse and pilot officers, a special deduction was due from it for the use of heimathes (paragraph 21), which, as we see, did not deprive these officers of their own salaries. If an owner of a pilot's heimath was a pilot himself, and the ships on his territory were navigated by another pilot hired instead of him, then such a pilot was supposed to have a full salary from the treasury without deduction for the benefits provided to this pilot's heimath (Mitchell, 2002).

However, in this case, the owner of such a heimath was obliged, when collecting state taxes, to pay to the treasury the amount that he should have paid directly to the pilot for these benefits, and thus reward the treasury for the money issued to the pilot (Jędrysiak, 2020).

For accounting and calculation of the heimathes and other lands belonging to the department, as well as other privileges, a special book was kept in the department's headquarters. The director of the department was obliged to report to the economic department of the Senate of Finland and to the governor-general about the changes about this and other property that occurred during the year (Glendinning, 2013).

As in the old days, being the users of the heimathes, the pilots were also "free from participation in the raid, from the nemdeman post and the obligation to be at the mantle censuses and attend the meetings convened to pay taxes and fees; however, at such censuses and meetings, the foreman of all the pilot's servants of his department was obliged to appear for the submission of the prescribed listings or for the payment of taxes.

Sedentary pilots are given the privilege from mantle money as this tax is collected from themselves, as well as from their wives, children and their servants only in the amount of 18 kopecks. per man; and the pilot and lighthouse attendants, who do not use the pilot heimath, for themselves, their wives, children and servants, as well as the pilot's students, are completely exempted from paying the mantle tax. Non-sedentary pilots are also exempt from the contribution of bread to the salaries of the Langman and Geradgevdings and from the referee's fee”.

At the same time, the apartment money was not due to the foreman, senior and junior pilot, if they owned the pilot's heimath, or were hired as pilots for the heimath instead of its keeper, since the owner of the heimath was obliged to provide housing and the necessary amenities, set aside pasture for one cow and allow them to get food on the land, fish for domestic needs to such a pilot on the basis of old decrees. The pilot's servants who were housed in a state house also did not receive housing money.

The pilots who performed pilot duties themselves because of a pilot heimath ownership, it was supposed to have the value deduction of those duties from their salary, from which heimath was exempted in exchange for pilot duty (Harlin, 2019).

Pilot heimathes, as before, were exempted from quarterage, the obligation to maintain roads, bridges, post stations and court houses, as well as from the obligation to set up government, post and prison carts, and from a round-up.

If, however, certain privileges and benefits were granted to some heimathes by special resolutions, then they also remained with the heimath (Milne & Milne, 2016).

An owner or a keeper of a pilot heimath, of a frelz, shkat or crown property, was obliged, if he himself did not serve a pilotage position in the station to which the estate belonged, to be responsible for the execution of the pilotage duty in this heimath through another appropriate person (Mitchell, 2002).

At that, an owner or a keeper of a pilot heimath, if he was capable of fulfilling the pilot position, take it himself voluntarily with the production of an appropriate salary in this case, only minus the amount of the benefits provided to that heimath in exchange for pilotage duty (Whittington, 2018).

If the owner or the keeper of the pilot heimath could not or did not want to fulfill the position of a pilot, the director of the pilotage department had to appoint another capable person, and give the advantage to the one proposed by the owner or the keeper of the heimath, if the person represented had the right to do so and recognized as capable.

However, with regard to the right to own the pilot heimath, as it was then said of the "crown nature" (obviously a literal translation from the Swedish language), their cultivation, development and control over this heimath, as well as the right to redeem the heimath in a shkat, it was supposed to be guided by the general regulations about the crown heimathes (Jędrysiak, 2020).

If the crown heimath, not previously imposed with a pilot duty, was recognized by the state as necessary or convenient to apply to the pilot heimath service and was appointed by the authorities, then regarding the performance of the pilot duty by the landlord himself or through another person (Glendinning, 2013).

Further development of the legislation on the use of heimathes by Finnish pilots proceeded in an evolutionary way. Obviously, this is due not only to well-established traditions, but also to the successfully developed form of management with the pilot and lighthouse department in this country (Green, 2001).

Subsequent changes took place in 1870 with the adoption of two legislative acts on May 9: "His Highest Imperial Majesty's Resolution on the Pilot and Lighthouse Office in Finland" (Jędrysiak, 2020) and "His Highest Imperial Majesty's Resolution on pilot heimathes and dwellings for pilots, as well as on the benefits of pilot and lighthouse attendants."

If the first act had no significant changes in relation to the right of heimath use, then the second act, in particular, established that all heimathes and estates of a frelz, shkat or crown property, which have long served pilot duty and were not exempted from it officially, should be considered as pilot heimathes and dwellings (Milne & Milne, 2016).

The rest of the provisions of the law on May 9 basically repeated those previously adopted, however, with the clarification of the wording, clarification and strengthening of the forms and methods of control over pilot heimathes; the determination of knowledge about other property of the pilots who used the heimathes; the setting of a 10-year period of validity for the amount of funds paid to the pilot by the heimath owner who hired him, and control over this process in relation to each heimath by the Senate; confirmation of the rights and basic privileges of pilots, etc (Surówka, 2018; Harlin, 2019).

Subsequent legislative acts in relation to heimathes did not affect the rights of pilots in this matter, but rather consolidated them, when the conditions of ownership by other groups of the population and institutions were changed (Green, 2001). Of course, this statement cannot apply to those cases when a heimath part had to be taken away for state needs, for example, for a railway construction.

CONCLUSIONS

Heimathes, as an additional financial guarantee for the well-being of pilots in Finland, came to the legislation of the Grand Duchy of Finland from Swedish tradition and legislation. Pilots, being personally free people (which was the norm even in Russia by the beginning of the 18th century), used this form of land ownership either as civil servants or as private property. However, in each case, such a heimath was considered a pilot one, even its owner was not personally involved in pilotage.

The rights of each individual heimath were different. Obviously, this happened in the pre-Russian period, and depended on such factors as its importance, profitability, size, remoteness, and possibly on personal qualities and the owner's service position.

It should be recognized that the preservation of such a form as heimath in Finland until the beginning of the twentieth century, speaks not only about the established workshop, albeit subordinate to the state, but about the deep-rooted traditions of the Finnish people in the field of self-government, as well as about the specific conditions of their residence (long distances between settlements, poor development of land routes, the importance of waterways, etc.).

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