

XVIII century The "quotes" of the Regole and the transactions of year 1734 and 1789

Because of the plague of 1630, also remembered in the famous novel by Manzoni, Preore became almost depopulated: we can imagine how the houses were deserted, the countryside abandoned and the arts and crafts shops closed down.

It happened that some families decided to move to Preore leaving Ragoli, at the time Vicinia (neighbourhood) of Favrio and Bolzana, and also Montagne in order to fill again the emptiness caused by the terrible plague.

These are the families who asked for the right to obtain directly in their hands those quotes, which otherwise would have been kept by the Vicinie of origin.

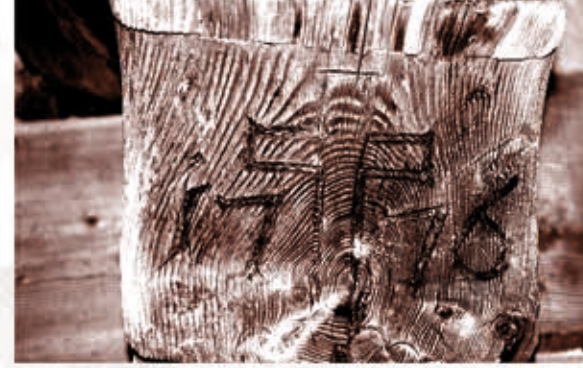
The long judicial controversy was closed with two transactions: the first in 1734, the second in 1789. These documents can be considered one of the last independent acts by the Regole in order to be customs and expression of the traditions and century-long relationship with the land.

"Differently from the people coming from Montagne, who in the transaction of 1734 agreed to suspend their right to receive the incomes of the above mentioned mountains until the parziari (users) of the near Vicinia... agreed on letting the Vicinia keeping these revenues on their behalf in the "quote" of the rents from the two mountains – on the other side, the people coming from Ragoli obtained to receive immediately and in the future the right to receive those incomes."

Taken from Pinelli and Puzet, *La Comunità Agricola di Spinale e Manez. The Communal Pastures of Spinale and Manez*, November, 1992.

Quotes are the net incomes eventually yielded from the management of the belongings of Spinale and Manez, equally divided among the families (called fucchi) of the parziari having the right on the Regole of the two mountains.

During the centuries this praxis management has changed: instead of sharing the quotes among the families, the quotes were given to the Vicinie to be used for the payment of war debts or for other public works, for example in order to build streets and fountains, or to remove the snow, or – during famines – to buy grain to be shared among the families.



1806 from the ancient communes to the modern municipality... from the public Regola to the municipality attorneys

The Napoleonic period and the following Austrian domination on Trentino brought also to the end of the Bishop Princehood and of the traditional regime which had led the communities of the Giudicarie area and, along with them, also of the leading role of the Regole of Spinale and Manez.

In 1805 the public Regole, assembly of the Vicini, were declared as being an "unlawful group of mischief-makers".

The following year the new communes were already born and the ancient distinction between vicinie (neighbours) and foresteri (foreigners) was abolished.

In 1814, after the definitive annexation of Trentino by Austria also the general assembly of the Vicini was suppressed and they were definitively replaced by the communes.

Since 1827 the mountains of Spinale and Manez have been declared proprieties of the Municipality of Ragoli, Montagne, Cultura and Pez.

"Act of the 18th June 1827 in Ragoli in front of the Royal-Emperor Delegate Agguinto Clementi and at the presence of the Civil Representatives of Ragoli, Montagne, Cultura and Pez

... The Representatives, with the exception of the rights of every vicino, unanimously considered and established the following:

That those mountains from now onwards must be considered proprieties of the respective Vicinie or Municipality i.e. Spinale becomes propriety only of the Municipalities of Ragoli, Montagne, Pez and Collura; Manez becomes propriety only of the Municipalities of Ragoli and Montagne and, according to this, the distinction between Vicino or not vicino must be abandoned and the incomes from these mountains have to be lodged in the respective municipally funds..."

Article of Regole:

"After 1827 and until the eve of the First World War the history of the Regole saw a continuous series of actions taken by the parziari in order to claim their right on the incomes from the two mountains.

Only now they become aware of the affects produced by the Austrian communes law which created a very different new corporation from the traditional Vicinia.

The law regarding communes of March 1849 established that the final decision regarding the investment of these incomes was in the hands of the political authority.

This was the law, but on the other side we have to remember that the political authority at that time was the Prince Bishop of Trento under the consuetudinary regime, and the pursuance of this law by any bishop, who for his own sake wanted to enact it, would have meant a rebellion in any corner of the principedom, as dangerous as the peasant rebellion of 1525.

...and the parziari who lived in the joint ex-vicinie of Spinale and Manez, deprived of authority and of their own rights, in order to try in any way to recover them back decided to attempt the only way possible: a civil action against their own municipality."

CPES, The Regole of Spinale and Manez from 1789 up to present – 1993



The end of the Second World War also marks the beginning of the Italian Republic: in the new atmosphere of democracy, it is a new law enacted by the Province of Trento which finally rescued the Regole from the restrictive sentences of the Fascism and recognised them the ancient autonomy also from the municipalities, with their own assembly and their own statute.

L.P. (Law by the Province of Trento) 28 October 1960, nr. 12: Regole of Spinale and Manez Code

Art. 1 The real estate belonging to the Regole of Spinale and Manez are inalienable, indivisible and perpetually bound to their destination....

Art. 2 An Assembly composed by 25 members from the three communities of the Regole of Spinale and Manez, according to the respective population number, is in charge of the administration of the estates...

Statute of the Regole of Spinale and Manez – 5 October 1964

Art. 1 The Community of Spinale and Manez is an agricultural community existing ab immemorabili belonging to the population of Ragoli, Preore and Montagne.

Art. 2 The incomes produced through the use of the estates...will be finalized to these aims according to the following methods and principles:

- a) preservation, maintenance, improvement and management of the properties...
- b) satisfaction of the people rights on the possessions

Art.4 Are to be considered as Regolieri...:

- a) Every person being of origin and having residence in the municipal territory of one of the three Communes...on condition that the person lives there, at least three consecutive months a year
- b) Every new citizen...after a stay of 10 years at least.

Art.6 The profits assignation, which derives from the condition of being a Regoliere, are granted according to the condition of being "fucchi" ("fira" was the word used to indicate the family unit) which is embodied by the head of the family.

"The real joint property is a primary legal system. I use this strong definition on purpose. It is a primary legal system because it is enacted by a Community that shares and observes certain values, values which are peculiar, jealously preserved through age-old generations, values worth of our respect and comprehension."

Paolo Grossi, The collective domains as complex reality in their relationship to the statute law in Acts of the 2nd Scientific Meeting – Study and Documentation: Centre on Civil Belongings and Joint Proprieties (Centro Studi e Documentazione sui Demani Civili e le Proprietà Collettive) – University of Trento, 1996 (Università degli Studi di Trento, 1996)



Spinale Cottage – Hofer Refuge

The History of The Regole and their proprieties on Spinale Mountain, at the end of the XIX century, meets also the beginning and the development of alpine tourism in Madonna di Campiglio.

In 1869 the old hospice was given up by the Capitolo di Trento to G. Battista Righi from Pinzolo who in its place builds an "alpine establishment". In 1872 the S.A.T. Society (Trento Alpine Society) was founded and had its seat in the Righi Family Hotel.

When G.B. Righi died, Franz Josef Österreichischer, natural son of Emperor Francesco Giuseppe, bought the building with the intention to improve and modernize the tourism in that area also through the activity of two societies – the Förderungs Verein (embellishment Society) and the Berliner Alpine Society (S.A.B.).

Thanks to Österreichischer, Madonna di Campiglio became the favourite holiday place for Austrian aristocracy. S.A.T. and S.A.B. encouraged the development of alpinism and hiking in the Brenta Group, thanks to new paths and refuges.

Spinale Cottage was built on the base of a tower, originally erected by Ing. Weber from Berlin. We know about this tower thanks to a report sent in 1915 from Berlin to the Taddei Family from Mail, where Ing. Weber stayed during his tour in Italy. The original aims of the tower were wind studying, mountain observation and above all border definition. Spinale cottage, called at first Hofer Cottage, was at the very beginning the painter's atelier and also an emergency refuge for hikers in case of bad weather.

"In Campiglio G. Hofer had become close friend of the shepherd Melizio Castellani (1875-1949) who worked at Malga Fevi. Hofer proposed to Castellani to become his personal assistant (brush - keeper) giving him a daily salary which was the same as one year work for Castellani as shepherd. In 1897 Castellani was in fact his assistant when Hofer painted the dining hall of Hotel des Alpes (also called Hofer Hall). Melizio, with the help of his wife Maria and of the daughters Piera, Elsa, Lina, was also the first manager of Cottage Spinale. Probably he began this activity when Hofer was obliged to return to Germany because of the war."

Aldo Marzoli, A project regarding restoration and value increase of Hofer Cottage. Historical research – October 1999



1906 Gottfried Hofer and Eduard Pfaffler asked on behalf of the embellishment Society of Madonna di Campiglio the permission to build a "cottage" on the Spinale peak.

The Regole Assembly examined the project and releases the permission but "on condition that the cottage would not compromise the passage of the cattle during the summer period, when the cows were put out to mountain pasture", and that "it would be destroyed without any exception whenever the Regole required to do that".

1906 Max Kurtze, a german doctor in his book "Madonna di Campiglio und seine Umgebung" (Madonna di Campiglio and its surroundings)

1910 new request by Gottfried Hofer and Eduard Pfaffler in order to "obtain the permission for the restoration of the wall of Refuge Hofer on Dosonore... with a tap of dead water".

The Regole conceives the permission for the re-building but confirms the property either for the territory or the building. It has also subscribed a twenty-year rent agreement for 15 cows a year plus 5 crown for the "dead water" tap.

Gottfried Hofer was a painter that for a long time stayed in Madonna di Campiglio. He became famous for the Virgin Mary painted in the dining Hall of Dee Alpes, called in his memory Hofer Hall. The artist left Campiglio at the beginning of the First World War and went to Berlin – he returned there only for a visit in 1926.



SPINALE E MANEZ LE REGOLE A DIFFERENT WAY OF POSSESSING



Photographs and bibliography

Spinale and Manez Archive
Historical Photo Archive of the Superintendency for Historical and Artistic Assets Autonomous Province of Trento – Brothers Pedrotti Foundation
Centro Studi Giudicarie
Photographic Archive Montagne

"These aren't abuses nor privileges; these aren't encroachments nor usurpation of power: it's another way of possessing, another type of law, another social order which, unobserved, reached us from a distant past.

Whilst agriculture has always been based on the Roman principle of freedom and private property, pasturage is based on the tradition of the most ancient peoples, those who, long before the Romans, were holding in usufruct large common properties of land, extended to whole valleys and mountain chains. These are the descendants of a whole people who pastured the cattle in the magnitude of their borderlands..."

Carlo Cattaneo
On the Reclamation of Pavia in Magazzino in Italian Agricultural Enquiry - Istituto Agraria Italiana, 1877 by Stefano Jassi, Sarcogio Publishing

In the common property, next to the superiority of the mere real thing, clearly emerges the supremacy of the role of the community over the individual. The goods' dimension interpenetrates with the social dimension which is generally identified with a sort of union that goes beyond the family... **a mixture of work, production, blood and earth...**

Franco Giusti
The Historical-legal Problem of Common Properties in Italy in State Properties and Environmental Resources, Conference Proceedings, Milano 1997

"They have to do with universal natural properties... **they originate and are founded upon the right to life**... the need of using the land and its resources... it is a sui generis institution, a legacy of ancient regulations, that does not find correspondence in any type of public institution in our system..."

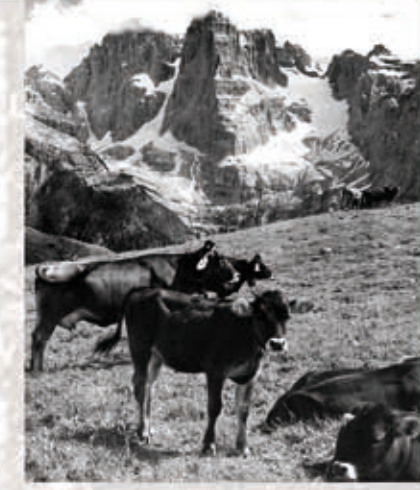
Senate of the Aquila Council of Pioneers of Magnifica Comunità, 6 Farms, Special Session on Public Lands, January 30th, 1993

1249 "a great forest for a cheese"

"In Christi nomine Amen. Anno Domini millesimo ducesimo quadringentesimo, nono die X exeunte Agosto In Campejo apud Hospitalium Sanctae Mariae de Campejo... omnes isti homines potestates et Rectores Montis Spinalis obligaverunt pro se personaliter et proccipaliter et pro omnium suorum vicinorum qui habent partem in praedicto Monte Spinali, nomine locacionis et conduccionis in perpetuum investierunt D. Lombardum contraformem vel Contraformem Hospitalium Sanctae Mariae de Campejo, pro se et praesecto Hospitalio cum iusticiis, de una praesessibus cum arboribus et prativa et cum magna selva... ad effectum videlicet solvendum annualiter in Festo Sancti Michaelis ad caritatem Sancti Faustini de Praeoria, et conduccionem ad dictam caritatem suarum expensarum unum pensum casei boni et puchi, sicci de monte... James' Antius Fioriani Notarius..."

In the Name of Christ, Amen.
In Campiglio, by the Hospice of Saint Mary, on August 22nd 1249... all these men, chancellors and rectors of Mount Spinale, on their behalf and of those who are entitled to the above mentioned mountain let ab aeternum to the prior Lombardo and for him to the previously mentioned hospice a piece of forest with trees and fields and a great wood... may the tenancy be paid yearly on the day of Saint Michael by the Charity of Saint Faustino in Preore and may be led to the said Charly as an whole good, tasty and beautiful dry pasture cheese.

Copied by the notary Giovanni Antonio Pionani on August 19th 1772. Regole Archive



1377 "may any person, both local and alien not dare pasture foreign cattle on Mount Spinale"

"In the name of the Lord, Amen.
On Sunday 24th of the month of May, in the land of Preore, Pieve di Tione, Diocese of Trento, in the place known as "a Balafra", in the common street where the public assembly of the Rule and Council of Mount Manez take place, all the above said men, on their behalf and on behalf of the others who are not here but still users of Mount Manez, all agreeing and nobody opposing... have all fixed, one by one, the below charters and rules:

Firstly they decided that any person, both local and alien, **may not dare nor even think of keeping or pasturing foreign cattle** nor exceed with own cattle in number and quantity the amount of own produced hay, cut with many efforts from their very own fields...

Should a person be found **cutting the grass on the said Mount before Saint Bartholomew's day**, he must pay 20 coins, half of which will go to Sir Vicario and the other half to the previously said men.

Should a person be found **during setting fire that may bring damage** to the said mountain, he must pay each time 100 lire in small Trento coins.

That each man of the said communities and users of the said mountain, whether at least ten in the family, is obliged to go and do some maintenance work for the roads on the mountain when told..."

Transcription by SPES, The Regulations of Spinale and Manez, from the Origine to 1789, from a copy in Italian dated 1796 by the priest Faustino Nicolo' Malacarne

1410 "may everyone elected consul saltaro or juryman take an oath..."

"In the name of Christ, Amen. Wednesday June 10th 1410 in Vigo of Preore... all the above mentioned members of the community... agreed on and decreed that every person of the said villages or users of the very same Mount Spinale who will be elected as consul, or saltaro or juryman, will immediately take an oath: and he who will decline will have to pay ten coins.

Taken from SPES, The Regulations of Spinale and Manez, from the Origine to 1789, from a copy of the original by the notary Bartolomeo Fontana from Sanno



REGOLA, strictly speaking, the assembly of those entitled to use the common properties of Spinale and Manez. The word is also used for the common land property itself.
TERREAFORESTA, used as synonyms of local neighbourhood
SIGNOR VICARIO: the local representative of the Prince Bishop of Trento
CONSOLE, makes sure that statutes and rules are observed, he demands the payment of pledges from landowners, summons the public meetings, he prepares the pastures, organizes the work in common, collects the fees
GIURATO: juryman, helps the consul in his duties
SALTARO, has the duty of surveilling and keeping the common properties, he detains in the goods of those who fail to observe the statutes and the rules, he informs the users about the public meetings, also a kind of forest keeper



1583 "... may on Mount Spinale be three shepherd's hufts"

" In Christi nomine amen: anno salvatoris eiusdem millesimo quingentesimo octogesimo terzo, die dominico octavo mensis Maii in villa Vigo, communi Praeoria, plebe THIONI, DIOECESIS Tridenti et in loco dei consue di Campiglio, inque vicinia comuniarum villarum Favio, Vigo, Bolzana, Pezi, Coltura, Corti, Larzana, Bini et Cerana, comuna Praeoria: citata regia publica. in loco ubi dicitur ad Conceli a similia deputato, in dicta villa Vigo convocata et congregata...

... statuerunt et ordinarunt quod in dicto monte Spinali ordinarie fieri debeant tres malgae, quarum una et prima aequetur in parte de Spinali hominibus de Favio et Pezo, secunda in vicinia della Montagna ai Pezzi hominibus vicarum Corti, Larzana et Bini cum hominibus Coltura, tertia vero et ultima in vicinia de Pozza di Boch hominibus vicarum Vigo, Bolzana et Cerana, quae casinae et singulae maneri debeant cum suis cauldron per proprios magistros, et quod nemini licet a propria sua malga discedere et ad malgam sui coloris per suos bestias nisi praesertim speciali licentia a consue sua Malgae...

... statuerunt et ordinarunt quod omni sub die terminis mensis Maii dicatae tres malgae acquiri debeant vel large loquendo debeant: ingular dando delli magani a quella malga sarà minore. Et eodem tempore stabilia et ordinarie ac terminare corra vero, suo decoreque fieri agendum est: quod dicatae tres malgae uno et eodem die et tempore ascendere debeant et locum suum depulsum modo quo supra, et similiter inde discedere data comuniarum ordine, sub poenis Rhenensium decem pro qualibet malga contrarietate, cuius poenis terminis pro applicator fisco, et illi due tertis malgae suo magis non contrarietate...

" In the name of Christ, Amen. Sunday May 8th 1583. In Vigo of Preore, Pieve di Tione, Diocese of Trento. In the place known as "dal concel ai campani". Summoned the public Rule of Spinale, in the same place as usual, the men of Favio, Vigo, Bolzana, Pez, Coltura, Corti, Larzana, Bino and Cerana... established and ordered... as follows:

that on Mount Spinale must be three pastures: **the pasture of "Spinale"** for Favio and Pez; **the pasture of "Montagne ai Pezzi"** for Corti, Larzana, Bino and Coltura; **the pasture of "Poza di Boch"** for Vigo, Bolzana and Cerana. That the maintenance of the shepherd's hufts and of the cauldrons will be on the owners of the cattle. That nobody may move from one pasture to another with the cattle without asking the proper consul for permission.

That every year on May 3rd the pastures must equal each other in size, and owners of cattle should be given to the less supplied ones. On the same day may be decided what has to be done with the flock... That the cattle belonging to the three pastures may be led to and from Mount Spinale on the same special day fixed by the community: this should happen by paying 10 Ragnesi, a third of which should be given to the Revenue Office, and the rest to the ungully pastures..."

Excerpt taken from the register of documents by the notary Rocco Bertoli. Transcription and summary by SPES, The Regulations of Spinale and Manez, from the Origine to 1789.

Pasture of Spinali: six decades of correspondence to Malga Pez because the users from Favio used to pasture their cattle there as early as the XVI century

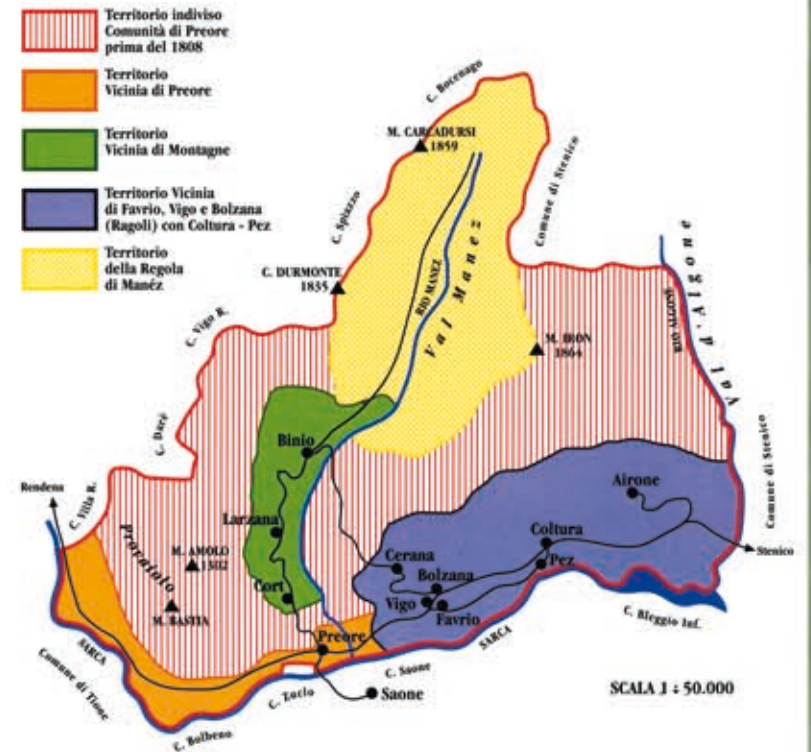
Pasture of Montagne: a forest of spruce trees

Pasture of Poza di Boch: today Malga Boch

Coltura: six copper smiths used in the production of cheese and dairy products



IL TERRITORIO DELLA COMUNITÀ DI PREORE PRIMA DEL 1808



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From the Statute of the Community of Regole of Spinale and Manez in force.

Article 1.
The Regole Spinale-Manez is a pastoral community existing ab immemorabili, it is property of the population of Ragoli, Montagne and Preore, and administrated according to the rules of the Provincial Law 28, October 1962 number 12 and the present chart. The lands and the capital assets of the said community are those inscribed in the Land Registry under the name of the indicated Regole and inscribed in the registry of Ragoli 2nd part (Regola of Spinale) and of Montagne (Regola of Manez) and in any other site where Regole have or may have possessions. These assets are inalienable, indivisible and bound to the above populations ab aeternum, according to and with exceptions of the mentioned law and the present chart.

We are in the geographical and institutional context of the Community of Preore, which was divided into "vicinie" throughout the Bishopric of Trento (1027-1803): one consisted of Cort, Larzana and Bino, another one of Vigo, Favio and Bolzana, then Mondrone/Preore and Coltura-Pez. The community had its own undivided estate of forests and pastures with the exception of Spinale and Manez, the ones who had access to them were the natives of that community or those belonging to the so-called "vicinie" or whoever had previously obtained a right to the public rule, i.e. the gathering of the

"heads of the family". The last one were called vicini (neighbours); all the others were said forestieri (foreigners). Not all the settlements of the community of Preore were owners of Spinale and Manez; the neighbours of Mondrone were excluded both from Spinale and Manez, while the neighbours of Coltura and Pez from Manez only. In the documents we usually find the term "parziari" indicating those who had access to the two Rules (Regole); sometimes it is also used to indicate the so-called neighbours.