

Freedom Matters

We are a free people in a republic, under a constitution which limits the powers of government to those necessary to secure the unalienable rights of each person to their life, liberty and property. We dedicate this paper to saving and preserving our freedom.

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Land Ownership

by Bob Bowman

Let us say that Jones owns 160 acres of rural land in an unzoned town in Wisconsin. Note that "town" refers to a unit of rural government in a township, the latter a geographical area typically six miles square. A town however is less than 36 square miles if part of the township has been annexed into a city or a village.

Does Jones own the land? No. What he owns is **title** to the land. You see, ownership is a legal concept. It exists only in legal records. Does Jones have the **use** of the land? Yes. Legal title to the land, in fee simple, gives one all uses of the land, *restrained only by not doing harm to the neighbors or the common good*. At least, it does so if the land is in an unzoned town.

You see, in Wisconsin, by its constitution (Article I, section 14), all land in the state is **allodial**. It is owned without owing any legal obligation to any other for that ownership. One does not have to pay either money or services to any other in exchange for continuing to "own," hold or use the land. That's what our state constitution says. It further supports that meaning by adding that feudal tenures are prohibited.

The **allod**, or **allodium**, is defined as follows (from freedictionary.com, on the web):

n. 1. (Law) Freehold estate; land which is the absolute property of the owner; real estate held in absolute independence, without being subject to any rent, service, or acknowledgment to a superior. It is thus opposed to feud.

The allod is violated if land is taxed; however, the Wisconsin constitution specifically allows land to be taxed. Beyond that breach, the allod is clearly violated by zoning, because zoning takes away many of the free uses of the land. Only if just compensation is paid for the loss of those free uses, as required by the U. S. constitution and the Wisconsin state constitution, would the allod not be violated. Let's look at it.

Ownership, in our society, is a legal concept. It exists via records of title to the land and the uses of it. In a word, one holds title to a parcel of land and the bundle of all uses of it that do not harm others.

Imagine a parcel of land. Imagine the uses of the land as being vehicles parked on the parcel. Each vehicle represents a different possible use, thus:



Residential



Commercial



Agricultural



Mining



Recreational

Under zoning, each of those uses would constitute a zoning district, and only the listed use would be allowed in each zoning district. That takes away a lot of property rights, requiring just compensation, by the constitution. *Logically, just compensation would fall due if the landowner sought a rezone for a feasible use and it was not granted. That refusal is the point at which a takings would occur and just compensation be due.*

Yet, courts refuse compensation for such taking of our property, until less than 5% of the value of the parcel is left as a result of regulatory takings. That's like confiscating all of your above vehicles but one (the tricycle), and saying that because you have that one left, there was no taking of your property.

Shame on our courts. Shame on our state. Justice prohibits such legalized plunder of private property.

Property rights web sites: < <http://www.fairnessinlaw.org/> >
< <http://www.takebackwisconsin.com/> >
<<http://www.PropertyRightsResearch.org>>

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