

Unrented Commons Land



In the legal system that evolved in the United Kingdom since medieval times, several kinds of commons land are closely associated with English Common Law.

In English common law, certain rights are associated with commons land, such as the right to pasture, the right to fish, the right to hunt, the right to extract minerals, the right to turn out pigs, and the right to take wood.

These rights exist on unrented commons land in a [land-based capitalist](#) economy. However, extracting natural resources, such as mining, fishing, hunting, and lumbering, often requires a [treble](#) of the right to remove those resources.

Such a rights treble is independent of whether the land is unrented or commons land rented for [exclusive use](#). In the latter case, only the [property owner](#) controls the exercise of these trebled rights on the land they own, and personal use of any natural resource from land rented for exclusive use does not require trebling for a right.

For instance, even for personal use, fishing requires trebling a fishing license in a particular river or lake from unrented commons land. If that same river passes through land rented for exclusive use, fishing for personal use would not require trebling for a fishing license, but running a commercial fishery would require trebling an appropriately sized fishing license.

Because unrented commons land can be rented for exclusive use for as little as \$0.08/month/acre, and because every person [receives \\$404/month](#) (2022 dollars) for housing, including [ground rent](#) on their primary residence, the main use of unrented commons land will be pastureland.

Even there, a consortium of ranchers might treble the land for nominal ground rent to control the tragedy of the commons and increase oligopoly profits. [Trebler war](#) between ranchers is more likely than unrented commons land.

Historical accounts show a trebler war between farmers and ranchers is also likely. [Class II regulation](#), the threat of trebler war, and no restrictions on voluntary

collusion (a contract of collusion is unenforceable) are conducive to land-sharing negotiations.

One impediment to trebling unrented commons trust land is the border between land rented for exclusive use and unrented commons trust land must be fenced. Otherwise, the right of exclusive use is compromised.

The farmer might treble non-arable land to minimize fence size and save costs. The farmer could threaten to treble many acres of unrented land used as rangeland unless the rancher(s) paid for the fence.

Roads crossing through unrented commons land are a problem. Wildlife and livestock cross the road, causing injury and death to people and animals. The [normative Hobbes Theorem](#) says that if negotiations over who pays for the fence fail, liability should fall on the one hurt the most.

A proposed law would hold that exclusive use by the road owner, be that a [district dominion](#) or private party, is compromised without a fence separating unrented commons land. Thus, [auto pass revenue](#) cannot be collected until exclusive use is established with a barrier. The owner of the road will build the fence.

Liability and ownership rights on unrented commons land defer to English common law and subsequent precedent in [legacy courts](#), if not explicitly altered by legislation at the various [levels of dominion](#), which include the unrented commons land. These cases continue to be controversial, like the famous case of [Pierson vs. Post](#). There would be no controversy if Pierson or Post had nominally trebled the land.

Dangerous mining pits from mineral exploration and forest fires from careless campers likely carry more liability on unrented commons land than on land rented for exclusive use. Unspoiled, unrented commons land is an [objective right](#) of people and other species, and violations of that right as crimes or torts are under the jurisdiction of the [district councils](#).

In no case can the [commons trust](#) be liable for accident or injury on unrented commons trust land.