

WINCHESTER

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A GLOSSARY OF TERMS

Some Possibly Unfamiliar, Associated with Land and Its Ownership

- ACRE. This ninth-century Germanic borrowing, which first signified the amount of land that could be ploughed by a team of oxen in a day, was by the thirteenth century legally defined as an area measuring 220 by 22 yards—4,840 square yards—and to be configured in any shape.
- APPANAGE. A piece of territory—sometimes quite a large piece, as in all of Wales or Cornwall or Cumberland—set aside for the security for the younger children of a monarch or a prince.
- **BUNDLE OF RIGHTS.** Central to the concept of ownership, at least in western society, are the five fundamental rights that are implicitly bundled with the title: the owner is free to possess the land; to control it; to exclude others from it; to enjoy it; and to dispose of it as is deemed fit.
- **CADASTRE.** A public register of real property assembled for the purpose of determining its value and so how much tax should be levied.
- CHENGBAO SYSTEM. An ancient Chinese arrangement of tenancy—now much revived and corrupted—whereby a farmer may have a thirty-year lease on a tract of land and after supplying the state with an agreed amount of foodstuffs may retain any surplus for himself. The rules, laid down by the vaguely formed local party collective, allowed for all manner of venality, and have enriched many officials and aided in the creation of vast cities clawed from the Chinese countryside.
- **CIFTLIK.** A system of land tenure in later Ottoman times, by which Turkish military commanders seized territory and ruled the local peasantry as serfs. It replaced the ancient and rather more liberal Timar system (qy).
- **CLEARANCE.** Applied most commonly to Scottish moorland, this often cruelly imposed Victorian-era policy was designed to clear the countryside of unprofitable crofters and replace them with sheep, from which the landlords could expect a more considerable and reliable income. Victims of clearances often immigrated to North America.
- **CORNAGE.** A form of rent determined by the number of horned cattle—cornu meaning horn in Latin—owned by the tenant.

- **COUVERTURE.** A now technically obsolete U.S. legal doctrine that prevented women from owning real property. Prejudice against female landownership persists in some few states, with banks still reluctant to permit women to take out mortgages without a man as a cosigner.
- **CROFTING.** The practice, peculiar in name to Scotland, of the peasantry having the right to farm some small portion of arable land, as tenancies. But in the nineteenth century the price of wool rose so steeply that major landowners reckoned it more profitable to raise sheep rather than rely on crofting for income, and so cleared the land of the resident crofters, with predictably melancholy consequences.
- **CUBIT.** From the Latin for "elbow" this Roman and Egyptian unit of length measured from elbow to index fingertip—seventeen inches for the average citizen of Rome, up to four inches longer for the evidently sturdier residents of Cairo.
- **DAIMYO.** A senior member of the Japanese nobility, answerable to the shogun, and the employer of a number of samurai as guardians of the lands and protectors of his family and his family's honor.
- **DEED.** The formal written evidence, invariably a handsomely inscribed document of paper, parchment, or vellum, attesting to the ownership of the title to a piece of real estate, signed and sealed by an earlier owner.
- **DIGGERS.** In 1649 the agrarian reformer Gerrard Winstanley led a group of radicals to dig up recently privatized land on St. George's Hill south of London. They also filled in ditches and tore down hedges with a view to giving the fields back to the common people. They called themselves True Levellers, but the press of the day called them The Diggers. Their movement failed.
- **DUNUM.** An area of land, roughly equivalent to an English acre, used by the Ottoman administrators of their various conquered territories. The unit varied wildly: in Ottoman Iraq one dunum was equivalent to 2,500 square meters; in Palestine, little more than 900.
- **EMINENT DOMAIN.** An ever-present reminder that the ultimate owner of land in many countries is a monarch. In Britain, where the reigning sovereign in theory has supervising authority over ownership of every acre in the country, there are occasions when a supposed owner is compelled to relinquish title to his lands, and for the supposed good of all. The British call the practice compulsory purchase, which is what it is. The American phrase, unnecessarily baroque, means essentially the same thing.
- **ENGLOSURE.** The practice, which by the eighteenth century was generally backed by law, of fencing off areas of commonly used and hitherto unowned land and declaring it henceforward to be private property. The effects of enclosure on the development of society were profound, driving many dispossessed country dwellers to the cities, or else persuading them to emigrate.
- **ENCOMENDADO SYSTEM.** Land seized by Imperial Spain belonged, ipso facto, to the monarch. But the conquistadores who performed the seizing were allowed—*encomendado*—to use the local native people to farm and extract minerals from this land, and, as noble hidalgos, lived there and prospered, though without ownership.
- **ENFEOFF.** To give a fief, or land that is offered in exchange for military service.
- **ESCHEAT.** Land seized by the state for nonpayment of taxes—a reminder that ownership is invariably less than absolute, and can be forfeit, and that the state is almost everywhere the ultimate true owner of all.

- **ESTATE.** The interest one has in land, which may vary from a tenancy to various forms of ownership. Real property refers to land and any immovable structures on it; personal property is the term used in law for the estate one has—usually ownership—in movable objects, from handbags to books to motor cars.
- **FALL.** A seldom-used and somewhat elastic Scottish and northern English length measurement, equivalent to such older units as the rod, pole, and perch, and about one fortieth of a furlong, itself a measure that varies by region. Also, a measurement of volume in the marl-digging business.
- FEDDAN. An areal unit of land measurement in some Arab countries and roughly equivalent to an English acre.
- **FEE SIMPLE.** The term, derived from the French, denoting the absolute ownership of a piece of property, and its heritability to heirs and successors who then enjoy similar absolute ownership.
- **FEUDAL TENURE.** Where one may, as a vassal, enjoy use of land in exchange for some obligation, usually military service, on behalf of the ultimate owner.
- **FOOT.** A unit of linear measure, originally and roughly based on the length of an adult foot, but latterly codified against the standard yard measurement, of which one foot is precisely one third.
- **GEORGISM.** Followers of the once wildly popular Victorian-era journalist and polemicist Henry George, who argued forcefully for the abolition of all taxes except one Land Value Tax, which would be assessed on the rental value of land.
- **GUNTER'S CHAIN.** Invented by the English mathematician Edmund Gunter in 1623, this iron chain, consisting of one hundred links, and which at a specific temperature measures a length of exactly sixty-six feet, is used as the basis for much surveying, worldwide. Ten square chains is equivalent to one acre.
- JAMES HARRINGTON. A seventeenth-century political theorist whose seminal book Oceana (1656) suggested limits on private landownership, since in his view those who owned too much land accreted to themselves an unhealthy amount of political power that would, ultimately, destroy them. His ideas were debated in the Rota Club, which he founded.
- **HEADRIGHT.** A term of colonial settlement indicating the grant of landownership made in exchange for, say, the cost of transportation to a tract of unsettled territory—much of rural Virginia was given a fifty-acre headright exchange for the payment of passage fees.
- **HECTARE.** An increasingly common metric measurement based on a square of one hundred meters. It is equivalent to 2.47 acres.
- **HOLODOMOR.** The Ukrainian word meaning "to kill by starvation" and applied to the great famine of 1932 that resulted in between 3 million and 12 million deaths, and which many regard as a genocide perpetrated by the then—Soviet leader, Josef Stalin.
- KIBBUTZ. A cooperative settlement, usually based on agriculture, deriving from an idea originating in the Jordan valley of Palestine in 1910, by Jewish settlers from Europe.
- KULAK. A class of landholding peasantry of very moderate means, regarded with contempt by Stalin and subject to the most savage treatment during the Holodomor of the early 1930s.
- LANDSCHAFT. The German classification of landscape is meticulous and detailed, and became bound up in the Nazi era with the so-called blood and soil movement with its

- racial and nationalist overtones. The word literally translates to landscape, but in this sense now extends well beyond into more sinister territory.
- **LEVITTOWN.** William Levitt of New York built seven massive suburban housing developments—all houses factory-made on production lines, one every eleven minutes—for soldiers returning from the Second World War. Eminently affordable, and with lawns and white picket fences, they seemed to represent an ideal—but Levitt's company was criticized for refusing to sell to Black people, and the word Levittown soon became a byword for racial prejudice and discrimination.
- LI. A unit of measurement in China, originally considered the length of extent of an average village, or about one third of a western mile.
- LIEN. The right—if documented as part of a contract or agreement—to retain possession of another's property, including land, for the failure to repay a debt.
- LYNCHET. An earth terrace, built up over the years at the end of the lower slope of a ploughed field in early southern England. If aligned in parallel these banks of earth are known as strip lynchets and can form early field boundaries between neighboring farms.
- **KEN.** A unit of measurement in Japan, standardized today as the equivalent of 19/11 meter. Half a square ken is the size of a tatami mat, another unit still employed in the measurement of floor space.
- eddle MABO. An indigenous Australian from the Torres Strait Islands who fought for aboriginal land rights, and won. The ruling in the case, *Mabo vs Queensland No. 2*, overturned the British notion of *terra nullius* and recognized aboriginal land rights for the first time. The ruling was handed down in June 1992, five months after Mabo died; he was much honored, but posthumously.
- METES AND BOUNDS. The boundaries and limits of extent of some human-made settlement—a village or a town or a county.
- METER (METRE). This unit of length was created in 1793, defined initially as one tenmillionth of the length of a quadrant of the earth measured from the North Pole to the Equator along the meridian that passes through Paris. Like all metric measurements it has been much refined, and is now the length of the path of light passing through a vacuum during a time interval of 1/299,792,458 of a second.
- MILE. Originally a Roman unit of length, derived from the Latin *mille passus*, a thousand double-paces of a marching centurion, and about 1611 England yards. It has been codified in law since 1592 when Parliament in London declared a mile to be eight furlongs, or 5,280 feet, 1,760 yards.
- MOU. A Chinese measurement of land area, defined today by customs agreements as 920.417 square yards. In the Tang dynasty, from the seventh to tenth centuries, every Chinese man was entitled to a loan of eighty mou of land, to be returned to the state on his death, and twenty mou that could be kept and inherited by his descendants.
- PARASANG. An old Persian unit of length, some three or four miles. It was divided into thirty stadia.
- PATENT. The ultimate document offering evidence of the ownership of land—an official government writ, signed and sealed by sovereign authority, showing to whom the land was first granted. All deeds and titles of today's ownership can in theory be traced back to the "letters patent" guaranteeing the rights of heritable possession to all in the subsequent chain of ownership.

- **PERCH.** An old English measure of length, equal to 5.5 yards. Also a rod, pole, or lug. First employed in the fourteenth century.
- **PHYSIOCRACY.** A form of natural-order government based on the understanding that since land is the only and ultimate true source of wealth, so the direct taxation of land should be the only true source of revenue. The idea first advanced by the French economist Francois Quesnay was later popularized by Henry George.
- **PICKSHAFT.** The handle of a pick was briefly used as a length measure in fourteenth-century England.
- PING. A traditional Chinese areal measurement unit, equal to some 3.3 square meters.
- PLAT. A map, usually large-scale, of a building or an area of land on which buildings are, or are about to be, built.
- **PLETHRON.** A unit of length in ancient Greece, or a square with one side measuring one plethron. There are one hundred Greek feet in a plethron, surprisingly almost exactly one hundred standard Imperial feet.
- **POLDER SYSTEM.** Though this Dutch word strictly signifies the low-lying land reclaimed from the sea and kept dry by the use of dykes, its modern use now extends to mean the cooperative work needed to maintain the habitable nature of the land and of the country itself: the polder system suggests a national need to set politics aside and pull as one to offset harm.
- **PRIMOGENITURE.** The custom and right by which the firstborn child—in most early instances the firstborn male child—inherits property or title to real estate.
- PUBLIC LAND STATES. In those American states that originated after the original colonial holdings, all land belonged to the national government (though Native Americans naturally disagreed). Land patents were thus issued by the U.S. government's Public Land Office and not, as in the earlier settlements, by the individual state governments.
- **PYONG.** A Korean unit of areal measurement, a square kan, some 36 square Korean feet. Like the Chinese ping (qv), it is equal to some 3.33 square meters, or almost 4 square vards.
- **REDLINING.** The practice—employed by government bodies, banks, insurance companies, and the like—of designating certain areas of a community as being of greater commercial risk, and so less eligible for loans or other services. Critics rightly regard redlining as racist and discriminatory.
- **ROOD.** Confusingly, a rood was a historic English measure both of length (between eighteen and twenty-four feet) and area (a quarter of an acre). The word and area measurement are originally Dutch.
- **ROTA CLUB.** Established by James Harrington (qv) during the political interregnum that followed the execution of King Charles I. The club, whose members included Christopher Wren and Samuel Pepys, debated utopian ideas, including radical approaches to land reform.
- **SACHEM.** A term, most commonly used in the American northeast, for a Native American chief. A sachem of the Wampanoag in eastern Massachusetts is often credited for having saved the Pilgrim settlers from starvation.
- **SAMURAI.** A soldier-retainer in service to a daimyo, a nobleman and landowner. Samurai, belonging to a revered military caste, usually carried two swords, and were ferciously skilled in using them.

- **SERF.** Down at the very bottom of the feudal system, a serf worked as a laborer, essentially in no more than a modified form of slavery.
- **SHAKU.** A traditional Japanese measure of length, the Japanese foot, allowed officially until 1966, still used for some cloth measurement today. One variety, the whale shaku, used baleen whiskers as ruler.
- **SHARECROPPER.** A tenant farmer who works the land for its owner and receives a portion of the crop as compensation for doing so.
- **TERRA NULLIUS.** The classically Imperial legal fiction claiming that sparsely populated lands unoccupied by (generally British) settlers belonged in law to nobody, and were thus susceptible to ownership by their European discoverers. Australia and much of interior North America were once regarded in this manner.
- **THEODOLITE.** A barely portable instrument of lenses, compasses, and brass vernier scales and mounted usually on a tripod, combining great precision with cumbersome weight and size, used in surveying tracts of land, meridians, or entire countries.
- TIMAR. An early form of land distribution during the Ottoman empire in which temporary and nonheritable grants of conquered territory were made to those cavalrymen, Janissaries, and even slaves who had taken part in the conquest.
- TITLE. A legal right to the ownership of land or of other property, usually based on an aggregation of facts or evidence from the land's recorded history.
- **TORRENS TITLE.** While serving as registrar general of South Australia in 1858, the Irish lawyer Sir Robert Torrens introduced a system of land registration that allowed the government to create certificates of ownership—Torrens titles—that decisively proved possession. The system has since been adopted near universally in Western nations.
- **TRESPASS.** Defined in law as the wrongful and uninvited entry onto lands owned by another person, and the perpetration of damage, however trivial, to the owner's real property.
- **TSUBO.** A Japanese unit of a measurement equivalent to two tatami mats.
- **USUFRUCT.** The right to enjoy—but not to destroy, sell, or otherwise profoundly alter—land that belongs to someone else. Thomas Jefferson famously remarked that "the earth belongs—in usufruct—to the living."
- VARA. The Spanish yard, generally equivalent to some thirty-three inches, and which is still occasionally found used as a measurement standard in Texas
- YOJANA. A varying unit of distance employed in early fifth-century India and equating to between eight and nine miles.
- YOKELET. In Kent, in southern England, a yokelet once signified a small arable farm that could be worked by one yoke of oxen. It became briefly used as a measure of land—somewhat larger than an acre, which originated in the size of a field that could be worked by just a single animal.
- YOKING. A strip of ploughed land, usually no more than ten yards wide, fashioned by farmers in Scotland and far northern England.

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