

in one or two cases we get glimpses of wholesale evictions. Thus, "within the vill of Choyzell the houses aforetime of John Willyers are laid waste, and the inhabitants have departed; and there pertain to the said houses 300 acres of land, whereof 30 are (now ?) arable, and the rest are in pasture. And the houses of Burton Lazars in the same vill are laid waste, and the inhabitants have departed; and there belong to the same houses 300 acres of land, whereof 40 are (still ?) ploughed, but the rest are in pasture: and by this downfall the church has fallen into ruins."<sup>1</sup>

Instances of this kind show us that the language of the statutes concerning "the pulling down and destruction of towns," so that where once two hundred persons had been employed,<sup>2</sup> there were now but two or three herdsmen, is no exaggeration, but a sober description of what had really taken place. And yet the Acts never imply that these evictions were in violation of the rights of the tenants. They lay down that "houses of husbandry" ought to be maintained, on the ground that it is desirable that men should find employment; but they never provide means by which the copyholders could enforce their legal rights, if they had any. The natural explanation would seem to be that they had none.

My conclusion, then, is this: Of late years our conceptions of mediæval history have been unduly colored by a theory which, as we are now finding, has yet to be proved—the theory, namely, that the group of customary tenants represent an originally free "mark" community, and that the powers of lords of manors are so many encroachments

et posuit ad pasturam xii acras quae fuerunt in cultura post tempus commissionis, et tenementum illud decedit."

<sup>1</sup> It may be well to give the text of the second paragraph: "Item Mansiones de Burton Lazars in villa predicta devastantur, et inhabitantes ibidem recesserunt; et spectant ad eadem mansiones ecc. necne terrae, quarum x arantur, residuae vero in pastura; et per decasum predictum ecclesia ibidem decedit." We are not surprised to find that according to the Imperial Gazetteer, Chosely has now but one house and a population of seven.

<sup>2</sup> See especially 4 Hen. VII. c. 19, and 7 Henry VIII. c. 1. Statutes of the Realm, ii. p. 542; iii. p. 176.