

a case is presented to us in 1280. In that year the Abbot of Burton, annoyed by some proceedings which his villeins of Mickleover had ventured to bring against him in the royal courts, proceeded to evict them all, and to seize their cattle. The sheriff sent a writ for the restoration of the cattle, but it was never obeyed; and when some of the tenants brought an action for theft, the Abbot boldly answered that, being villeins, nothing was their own but their bellies; and they could get no remedy. Apparently it never occurred to the sheriff to order the restoration of their tenements; and although they were finally reinstated on paying heavy fines and acknowledging themselves to be "serfs at the will of their lord," it was of the Abbot's free grace—because, in fact, he wanted his lands cultivated, and knew no other way to secure that end.¹

Some ten years after the date of these proceedings the text-book known by the name of Britton was compiled, and it speedily became the most widely used of legal authorities.² In this work a distinction is drawn between villeins on the ancient estates of the crown, and villeins on the estates of the lords. The former, it tells us, "are privileged in this manner, that they are not to be ousted from such tenements so long as they perform the services which appertain to their tenements." But with the latter "villeinage is a tenement . . . delivered to be held at the will of the lord by villein services"; and to make it clear, that "at the will of the lord" is no empty phrase, he returns to the villeins on royal demesne, and adds (speaking in the person of the king), "And even in the

even toward the end of the 14th century. Thus the parson says (*De Avaritia*) that "som lordes stewards," justify unreasonable amercements, "for as moche as a cherl hath no temporel thing, that it ne is his lordes, as they say"; and he attempts later to meet the argument that "the lawe sayeth that temporel goodes of bondfolk ben the goodes of hir lord."

¹ An abstract of the documents is given in Staffordshire Collections, v. p. 82.

² I purposely omit all reference to Bracton. So long as we are without a critical edition, and unable to distinguish Bracton's text from later accretions, it is possible to support by his authority almost any opinion as to villein tenure.