

JOHN CROUCH

Unwritten

If you weren't in my dream
Then you'll never get
What this poem is about.
And now I forget
The dream myself,
Since I've taken the time
To kindly explain to you
Why you don't get it.
I'll tell you what—
I'll skip the writing
If you'll agree
To stop reading now.

God, what a fine piece of work!
So deep in my mind,
Ultimate obscurity
Triple-sealed by not writing,
Not telling, forgetting.
It was delicious,
So dense,
And so self-reverential.

Flat Tax?

Poor woman
Puts in her two cents—
God approves.

The Madmen and the Law

The madmen and madwomen pound every morning
On my e-mail box, and show me the wounds
The law has ripped in them and their families.

After ten years of this, I sit down with my father,
A veteran of the last revolution—
Defender of Abbie Hoffman, free-speakers,
Druggies and conscientious objectors,
Indians with imprecise objectives,
Victims of police brutality,
Prosecutorial witch-hunts,
And child-abuse hysteria,
Of innocent parents whose kids were taken
And molested in backwoods foster-homes—
And I ask for advice on my own revolution,
Which he believes in, sometimes, more than I.

“The first people you get to fight the oppression,”
He explains, “are always so warped by it
They can’t function, damn near sink their own cases,
But you start with them, if you start at all.”

Will

A man called to make an appointment, and since
He lived down the street, I said come on over.
He had no children, and he wanted to change
His will, which named his old friend Judge Smith
(The dean of our bar) as executor,
And left everything to nature groups,
To insert, as his heir and executor,
And holder of his Power of Attorney,
A young man who was like a son to him.

At these times you think about future fights
Over whether the person making the will
Was in his right mind, but this fellow was
Sharper than me at 75,
The crusty, rock-hard New England type
And I noted he knew just what he was doing.

His Power of Attorney needed replacement,
But a codicil to his will would suffice,
So I told him I'd do them "while you wait"
For as long as it took, at my hourly rate.
I sat down to work and pounded them out,
Making the cut and the graft clean and tight;
Lubricating some sticky points;
Fixing inelegances in the will,
Where its lifelong, living meaning
Was welded to ephemeral, brittle things
Like street addresses, that sort of thing
(The Nature Conservancy, named in the will,
Had moved up the road to the man's neighborhood).
He was pleased with my skill, and I was pleased
That someone like him thought I'd done well.
He signed it and left. Total time, point-four
Hours, and so total fee, eighty dollars.

A few times I wondered whether one day
I'd be in a court fight with my friend
Jon, the Nature Conservancy lawyer.

Instead, a year later, the old man
Strode into the street, right around the corner
From the Conservancy, and the subway stop,
And his condo—I can see how straight
He held himself, with confident step
And critical gaze—in a little side street
With not much traffic, a car ran through
And knocked him down.

His heir came to see me, confused and panicked,
Telling me how his friend was in surgery,
On his vertebrae and spinal cord;
And of possible damage to his brain,
Which was so traumatized they couldn't operate
Until the swelling went down—
He could see, hear, respond, but couldn't speak.
Weeks later, he was slightly improved—
They could operate, but as they got done,
His oxygen mask exploded and burned—
They moved him to rehab, where he lingered
A few more weeks, and died.

Meanwhile my office-mates were suing
The driver, talking to witnesses
Who saw brief movements, heard loud noises,
But couldn't remember what happened first;
As the months went on, the medical bills
Approached the size of his whole estate,
And the heir ran around, trying to deal
With paying the bills, which required abundant
Copies of my Power of Attorney,
And after the man died, when he looked for
The original of the codicil,
He thought it was somewhere in the condo,
But he finally decided he'd probably left it
In a Xerox machine at the county library.
Weeks before. Well, the law says a will
That disappeared in its maker's lifetime
Is presumed to have been destroyed on purpose,
To cancel it, and revive the old will.
Even though there was no reason to think
The old man had done that, or wanted to do it.

There are many lawyers whose worlds revolve
Around the courtroom, for whom its rules,
The rights upheld there, are the great things in life.
But my work is more about contracts and wills,
And the warp core of all the work that I love
Is that people can say things,
Sign things, and mean them,
Be bound by their words.
So any attack on a contract or will
Strikes at the value of all of my work.
So I was ticked off, but that didn't change
What the law said, or the fact that my work
Had been lost, then discarded by whoever found it.

So not only was the inheritance unclear,
But the court couldn't tell who should take charge
As executor, and continue the suit
Against the driver—and the heir and Judge Smith
Couldn't agree what to do with the body.
Judge Smith was concerned with preserving evidence
Of the original injury, and medical malpractice,
But the heir just wanted his friend to have peace
And repose, which he did, for some weeks
At the funeral home. And I put in hours
On hysterical calls from the heir, and his pleas
For me to step in as executor,
And also re-authenticating
All the copies of the papers I'd drafted,
And finally I was called as a witness
At a hearing with four other lawyers,
Mostly old friends and colleagues of mine,
Representing the dueling executors,
A forestry group, and a lawyer appointed
To represent unknown heirs, if any.
More hearings and depositions were set.
I waited a few months, and the day before
My deposition downtown, I called
The heir's lawyer, who told me the case had settled—
The law was unfriendly, the facts hard to prove,
The inheritance was kind of a windfall,
So they'd split what was left, roughly three ways:
Some to the young man, some back to Nature,
And some to Judge Smith's favorite charity.
We all thought the old man would approve.

I'm glad I did those point-four hours,
And all the free work it entailed.
I stood up for the guy and helped him do
What he wanted with his life and his loved ones.

Crowder v. Commonwealth

41 Va. App. 658, 588 S.E.2d 384
(Va. App. 2003)

Crowder drove his brother's ZR-2
Chevy truck into a barley field,
Did donuts, driving in pure freedom
Like the pioneers back before there were roads,
Or the SUVs in the TV commercials,
Free to steer where he fancied
From one second to another,
The track behind no bind on the way ahead.
The barley was ten days away from harvest,
Meant for the brewery down by Williamsburg,
And the farmer said he ruined the entire crop.
"Felony destruction of property" was the charge.
Like the laws on theft, they go by the dollar value,
And it's a felony if it's over a thousand dollars.
The indictment stated the value as two thousand.
The DA began his questioning of the farmer:
"Now, sir, the defendant was indicted
For destroying property worth two thousand dollars"—
"Objection: leading." "Sustained. If that's a question,
It's a leading one: contains, suggests, its answer.
And this witness can't tell us what the indictment says.
Let's get a move on, and hear what he has to say."
The DA, unfazed, proceeds to do just that,
And moves along to ask the farmer how
He arrived at his opinion of the value,
Being careful here to do what lawyers call
"Laying the foundation"—a witness can't just say
That something's so, until he's testified
To how he knows it's so. He did this well.
The farmer said he'd talked to a couple other
Farmers, who both gave him the same figure.
And having moved the dialogue right along,
Just as the judge desired, the DA
Concluded, "No further questions." Then the jury,
Pleased with this efficient examination
That was not derailed in spite of the objection,
Convicted the defendant. The DA
Went home and told the story of this case,

Which seemed a throwback to ancient legal history,
When courts could only deal with land-rights cases,
And a special kind of trespassing, that in which
Crops were trampled, allowed awards of damages,
And began to let courts give relief for torts,
If they could somehow be labeled as a “trespass.”
He thought the case had passed into that history,
But Corwin appealed, and we must overturn.
The witness never built on his “foundation”—
The jury had no evidence at all
Of the value of the crop, which was a key
Element of the crime, as per the statute.
Though the owner of the crop could have
Given an admissible lay opinion
On its value, the fact is, he never did.
The Commonwealth says “a reasonable inference”
Could be drawn from the DA’s mention of the indictment,
And the witness’s failure to contradict its numbers.
But supposition as a substitute for evidence
Pushes the concept of reasonable inferences
Into the realm of non sequitur.
An inference is the conclusion of one fact
From other facts in evidence—the completing
Of a chain—not beginning one from scratch!
We reverse the felony conviction, but note
That the farmer clearly testified
To some damage, and so we remand
For trial on a lesser included offense,
Intentional property damage, which requires
No threshold dollar amount.

Smith v. United States

507 U.S. 197, 113 S. Ct. 1178, 122 L.Ed. 2d 548
(U.S. Supreme Court, 1993)

THE VICTIM IMPACT STATEMENT:

One trail traversed the Antarctic waste,
and knowing I could not travel it
and be my own trend-setter, I barely stood
a second, then I leapt with haste,
to make another, just as good,
and having quite the better claim,
for it was mine—I'm no mere follower;
and the blank-slate landscape was all the same;
and because no sign said "WARNING! HOLLOWER
ICE THIS WAY! IT MAY COLLAPSE!"
Rejoicing, onward, with barbaric yaps
I blazed an easy shortcut, a threefold
improvement on the winding path of old,
worn by superstitious dead white men,
and rutted by the ignorant since then.

My two companions followed, and we three
made a straight, clean path from A to B;
but, after stopping briefly for a bite,
one took a step—and disappeared from sight!
I took the same step, thinking I would see
if it would have the same effect on me,
and fell into an icy cave. "Alas!"
I cried. "I fear this must be some crevasse!
Oh, why did no one tell us? Why no sign,
or other warning, that we must confine
our steps to pathways that are tried and true?
Friends, tell my wife I love her, and to sue
my country, for whose contractor I work,
which failed to warn me that such chasms lurk
beneath the childlike, innocent fields of snow
that look so smooth. For how was I to know?"
Before relief could come, my life was lost
and with my dying breath I cursed the frost.
This was a place I would not visit twice:
this albatrosses' haunt, with caves of ice!

REHNQUIST, C. J.:

The Federal Tort Claims Act, which lets one sue
the United States, as an exception to
its otherwise total sovereign immunity,
says “Use the local law of the community.”
‘Tis right we’re bound by Rome’s law when in Rome:
conditions differ from those we knew at home.

The local law was that of Antarctica,
a sovereignless expanse that knows no law
but that of nature, red in tooth and claw,
and that of the Antarctic Treaty, which
suspends all nations’ claims upon that rich
country. The law of nature says, “Too bad.
If you don’t know my laws, you’ll wish you had.”

And the Act says it does not cover torts arising
in “a foreign country.” This is not surprising.
Sovereign immunity is a trusty, crucial shield;
construing exceptions, we must not stray afield.
The common meaning of “country” is any great
expanse of land, not just a nation-state;
from “Marlboro Country” to “that undiscovered country”—
strict construction must no silly wordplay-stunt be!

We lawyers know crevasses do abound
and lie in wait for those who’d break new ground.
In drafting pleadings, contracts, statutes, wills,
trusts and court orders, we seek no novel thrills,
but stick to whatever path across the marsh
has worked before, to avoid perils harsh—
known and unknown, forgotten and renowned.
The law enshrines each long-established use,
and innocence of law is no excuse.

STEVENS, J., DISSENTING:

And such would be the law, in lawyer-land.
But tort law’s yardstick is “The Reasonable Man,”
not The Smug Lawyer, who with convert’s zeal
ridicules all those who still dare feel

what he himself felt, all too recently,
because they haven't earned a law degree.

Lincoln said one of government's holiest labors
is "to render prompt justice against itself, in favor
of citizens." This majestic legislation
must be read with the expansive imagination
of enlightened judges, the anointed who look deeper
not the opaque green eye-shade of the cloistered book-keeper!

Anyhow, if Antarctica has no law,
we apply the laws of California.
For the Act says on the high seas, or in space,
the law to be applied is from the place
the plaintiff lives. In that most modern state
in this most modern country, there's a great
chance of the suit succeeding. Way out there,
custom, tradition, and common law are rare
and little thought of. There, the rules of life
are writ in signs and statutes—both are rife.
"Don't build on faults." "Don't swim in tidal waves."
"No smoking." "No O.D.ing at the raves."
That "high seas" exception, passed in '62,
implies a rule to make exceptions to.
The Act itself, then, logically must have meant
a worldwide waiver by the government.

To lawful men, there is no lawless place.
Migrants bear the laws of their own race.
Indeed, Americans in Antarctica
are under U.S. tax and criminal law.
So even where there is no sovereignty,
you wouldn't have the right to murder me.
The international community embraces
all creation, even sovereignless places,
and even in unseen chasms that never thaw,
its spirit says there abides a rule of law.

The Virginia Statute For Religious Freedom

Virginia Code § 57-1

Whereas Almighty God
hath created the mind free:
all attempts to influence it
by temporal punishments or burthens,
or by civil incapacitations,
tend only to beget habits
of hypocrisy and meanness,
and are a departure from the plan
of the Holy author of our religion,
who being Lord both of body and mind,
yet chose not to propagate it
by coercions on either, as it was
in his Almighty power to do.

The impious presumption of rulers,
civil and ecclesiastical,
fallible and uninspired men,
assuming dominion over the faith of others,
hath established and maintained false religions
over the greatest part
of the world,
and through all time.

To compel a man to fund
the propagation of opinions
which he disbelieves,
is sinful and tyrannical.

Even forcing him to support
this or that teacher of his own persuasion,
robs him of the comfortable liberty
of supporting the particular pastor,
whose morals he would make his pattern,
and whose powers he feels
most persuasive to righteousness,
and denies the ministry those temporary rewards,
conditioned on their personal conduct,
that incite them to earnest unremitting labours
for the instruction of mankind.

Our civil rights have no dependence
on our religious opinions, any more
than our opinions in physics or geometry;
so proscribing any citizen
as unworthy of confidence or office
unless he profess or renounce
this or that religious opinion,
deprives him injuriously
of our common natural right
and tends only to corrupt the principles
of the religion it is meant to encourage,
by bribing with a monopoly
of worldly honours and emoluments,
those who will externally profess it;
these false professors are criminal,
but so are those who bait them.

To suffer the civil magistrate to intrude
his powers into the field of opinion,
and to restrain the profession of principles
on supposition of their ill tendency,
is a dangerous fallacy, which at once destroys
all religious liberty.

For the rightful purposes of civil government,
it is time enough to interfere
when principles break out into overt acts
against peace and good order.

And finally, truth is great and will prevail
if left to herself, for she is the proper
and sufficient antagonist to error,
and has nothing to fear from the conflict,
unless by human interposition
she's disarmed of her natural weapons,
free argument and debate,
for errors cease to be dangerous
when it is permitted freely to contradict them.

Therefore, be it enacted:
No man shall be compelled to frequent or support
any religious worship, or ministry whatsoever,
nor shall be enforced, restrained,

molested or burdened in body or goods,
nor shall otherwise suffer for his opinions;
all men shall be free to profess,
and by argument to maintain
their opinion in matters of religion,
and it shall not affect their civil capacities.

These are the natural rights of mankind.
If an act repeals or narrows this one,
it shall be an infringement of natural right.

Rex ex rel. Skallagrimson et Ux. v. Thorgeirson et Ux.

An able attorney was Egil the Exile:
First in the phone book when looking for lawyers
In Ninth-Century Norway. His weapons were words,
Wildly woven, queerly combined;
And club-wielding, head-butting, hip-breaking carnage,
Ear-ripping, shield-shattering, nose-biting bloodshed
In time-tested, truth-telling trial by combat.

Persuasive and powerful, prompt with his poetry,
He pled people's cases to Kings and to councils.
He was so well-connected, commanded such swordsmen,
Most Kings cared to count him a friend, not a foe.

Here's how he launched his legal career:
A case came along that caused him concern.
A king tried to take the lands of his lady,
Asgerd, daughter of Thora and Bjorn,
Branding her "bastard." Back in the bad old days
Before Christianity came, as was custom,
Her father had kidnapped her mother to mate.
Norwegians know better now, but back then,
Courtship by club gave no comfort to cowards,
And nobles were those who could kill with most courage.

They initially wed without kinsmen's consent
(We think she was willing, but that's not important)
At the first port they stopped at, in the Shetland Islands,
Where the weather had forced them to stay the whole winter.

But the King would condemn this by modern morés:
To waylay a wife was not Christian, he claimed.
Her father had followed her, met with her man,
And contracted a marriage by mutual consent,
Founding fast friendship between the two families;
But all that was after the deed had been done.
By that time the babe was to bastardy born.
And thus Thora's father was forced, and not freely
Contracting the coupling, his honor held hostage.
So the King claimed. And he further contended
Before her kinsmen consented, the bride
Was by definition abducted, a captive,

A slave, and her daughter, born to her then,
Was likewise born into lifelong bondage.

Slaves' property all belonged to the King
By the law of the land. And so when Bjorn died,
The King, Eirik Blood-Axe, boldly barged in,
Took charge of his lands, cattle, servants and treasure,
And gave them to Asgerd's younger half-sister
By a second wife, more conventionally courted.

Asgerd, the heiress thus dispossessed,
And Egil, her husband, heard of this crime
In Iceland, where they lived, and returned
To Norway, where their forebears were from,
To settle old scores and claim their fair share.

Egil tried to talk sense to the half-sister's husband,
Berg-Onund, got nowhere, and so gave him summons
To the Gula Assembly, to be judged by its laws.
And meanwhile they stayed with Lord Airinbjorn,
Who was Egil's best friend, but also King Eirik's.

When winter was over, assembly-time came.
Egil and Airinbjorn brought many men,
But so did Berg-Onund, and so did King Eirik.

Eirik's wife was a witch, and had no sense of humor
About Egil's habit of killing each man
Who looked at him cross-eyed, with no concern whether
Such fellows were friends or kinsmen of Kings.
Such foibles had forged his life into a Saga,
And fated him to have long-running lawsuits.

The Assembly took place on a level plain,
Inside a circle of hazel-wood poles
With ropes all around them. No arms were allowed
Inside the ropes, so that reason and right
Would rule the day when decisions were made,
And to give the day's losers, dubbed outlaws, some leeway
To make their escape to some exile, like Iceland
Before the winners, and everyone else
Reclaimed their weapons at "weapon-taking,"
Which marked the Assembly's end, after which

Anyone could kill any outlaw. But now
It was just getting going. Gathered at Gula
Twelve men from each county, to determine the truth
And judge every case that came forward that day.
Two of those twelve-packs were picked by his pals,
Jury selection being a key legal skill.

Egil, as plaintiff, stated his case,
Citing Asgerd's high birth and royal descent.
Berg-Onund rebutted, calling her "concubine,"
And also a slave of the King, born to outlaws.
Airinbjorn confronted the King: "You know well
How you yourself pardoned her parents completely."
Egil piped up with a poem that pled,
"Asgerd serves no small beer. Trust an oath, true-born King."

Twelve trustworthy men came to testify to
The terms of the marriage contract concluded
Between Asgerd's father and her mother's family,
Swearing they spoke it in their presence,
And that it confirmed her legitimate birth
And inheritance rights. The court was inclined
To accept their assertions, and let them be sworn,
Unless the King told them that it was forbidden.

The King said they could, but the Queen, all aquiver,
Cussed out the King, and called out, "Alf Askman!
Stir your men! Stop this miscarriage of justice!"
Alf and his Alflings ran up, cut the ropes,
Pushed down the poles and scattered the judges.
General chaos broke out. Egil cried through the din,
And challenged Berg-Onund to a duel, but the King
Made clear that he and his men would take part,
So Egil forswore a fight so unfair.

Then, asking the others to witness his words,
Egil laid down a ban on his lands,
Saying no one could live on them, work them or use them
Lest they break the land's law, and the peace, and the gods
Would rain down their wrath. Then he beat a retreat
To his boats, with his men, and his ally, Airinbjorn.

The King would not kill him right there and then,
As all were unarmed. But he promptly pursued him,
Looted his longship, and killed all aboard.
But Egil and eighteen men, in a boat,
Escaped him, returning to Asgerd and Airinbjorn.
On their way he killed the King's helmsman, while having
A close call, passing his ship in the night.
The King then declared him an outlaw, fair game.

Egil took time to drop in on Berg-Onund,
Killing him and his cattle, all men on his farm,
Destroying all that the boat couldn't hold.
They bumped into the boat of the King's pre-teen son,
Or rather, they rammed it, received no resistance,
And slaughtered the son, and all of his shipmates.
Then they looted Berg-Onund's father's farm,
Letting everyone flee—what friendly forbearance!

Egil then grabbed a horse's head which was handy,
Happened to be lying around, I suppose,
As heads generally were, when Egil was present,
And speared it upon a sharp hazel pole
Which he crammed in a crevice of a crag by the beach,
Turning the head towards the land, while incanting:
"I set up this scorn-pole, turning its scorn
On the King and the Queen, and also on all
The guardian nature spirits of this,
The land that they rule, and sending the spirits
Astray, so that they may find no resting-place
'Til they drive the King and Queen from their land."
He carved the whole curse in runes there, then rested.

Egil and Asgerd went home to Iceland,
And King Eirik fell into some family feud,
Losing the kingdom to Hakon, his brother,
Foster-son of Athelstan, King of the English,
A great friend of Egil's. So Eirik and all
Of his armies, outnumbered, fled Norway, and went
A-Viking, raiding in Scotland and England.
Athelstan, with armies, came to confront him,
And cut him a deal, that he could rule Yorkshire,
Defending the borders from the Irish and Scots
(Though "vassals," a couple of treacherous lots).

After some years, Egil yearned for his land
Back in Norway, and went there, bringing King Hakon
Witnesses, oaths, and good words from Athelstan.
The King would not grant him justice directly
Saying he'd rather not get in the middle
Of a painful and personal fight with his family.
"My relatives think that you've thrown a stone
that's too heavy for you in your dealings with them.
My advice is to prosper in Iceland, in peace."
Egil asked how the King could keep quiet:
"They say you are writing a book of the laws,
Of the rights of every man in the kingdom.
Let me fight for my rights like anyone else."

The King said he could. So back to the farm,
Now held by Berg-Onund's brother, called Atli
The Short, Egil went, and demanded the land.
"I reopen the offer I made to Berg-Onund
To have the case settled by the Gula Assembly
In accordance with that assembly's laws.
I will summons you there." "I'll go," Atli answered.

So back to the annual Assembly at Gula
They went. Egil pled his case. Atli replied:
"It's proper the poet fares from afar:
He should give me my man-gold for killing my kin
On the land that King Eirik, whose word was the law,
Awarded to them." He tendered twelve men
To swear that the land was his, and not Egil's.

Egil objected to accepting the oath
And offered to Atli a duel to the death
In accordance with the Assembly's laws,
Which let either party proffer a duel
To decide any action. Atli agreed:
"You wrested the words right out of my mouth:
I could pay you the property to safeguard my skin,
But that would besmirch the law's blessing, my birthright,
And besides, I feel justice stands afar off
"Til I bathe in your blood, avenging my brothers."
And so they shook hands, agreed on procedure.

There were few formalities: the fighters were furnished
With halberd and helmet, shield, sword and spear.
A huge old bull was brought out, for the victor
To slaughter and sacrifice at the end.
They got down to business, hacked hard and fast.
Atli the Short was strong, brave and unyielding,
A veteran at dueling, and a sorcerer, too.

Soon both of their shields started to splinter.
Atli tossed his away, and hacked with two hands.
Egil's sword Slicer scored many hits,
But none of them bit—Atli had sword-proofed
His skin with some spell. Egil's shield was in shambles,
So he threw down his shield and his sword, ran at Atli,
Pushing him over, sprawling on top of him,
And bit through his throat, so his breath and his blood
Both left him. He hoisted the bull by the horns
And, with his other hand, by the nostrils,
Bowling-ball style, slammed it down on its back,
Broke its neck, pronounced a new poem composed
In the combat, and calmly collected his winnings.
Egil's Saga recounts many other adventures:
Viking-raids, wars, and all kinds of sinning,
And approximately where he buried his treasure.

If single combat seems savage and cruel,
It was. But think how many wouldn't have died
If the original parties had just had their duel
At the first assembly! Instead, greed and pride
And vengeance-lust gave a great blood-feud its fuel.
That's why the law tried to bring violence inside
By degrees, slowly adding rule after rule.
But let's not imagine the law's purified:
Force still remains its definitive tool.

Butler v. Crouch

2 Dyer 266b, 73 ER 592, 9&10 Eliz. I
Court of Common Pleas, 1568

Crouch was a villein-regardant:
a slave, that is, to the manor tied
from before he was born until after he died,
bound to do “villein-services,”
tasks unfit for a free man to do.
His right to be there, his right to exist,
he held by performing his lord’s every whim.
“He knows not in the evening what he’ll do in the morning”
is the classic description of a villein’s estate.
And all he might own would belong to his lord,
and so would his children; they’d be villeins, too.

In 1466, his son said, “Dad,
a career in slavery seems kind of sad.
I must go and seek my fortune,
meaning no disrespect.”
The son left Gloucestershire for good,
and never returned to the neighborhood,
never did villein-services,
and all who knew him considered him free,
for he carried himself so erect.
He settled in Somerset, where he died
sixty years after he left.

And in those sixty years, poor King Henry was slain,
as was Edward V, before he could reign;
the Wars of the Roses came to an end
when King Richard lost crown, life and horse.
Another Henry took the throne,
and after him another, styled “Defender of the Faith.”
The Portuguese sailed around Africa’s cape,
which no man had done before.
The Spaniards discovered America,
threw off the Moors and cast out the Jews;
the printing press was introduced;
Luther discovered Protestantism,
and the Pope unloosed his Jesuit horde,
causing widespread sectarian war.

And when Crouch died, King Henry
was beginning to ponder divorce.

And after the son died, his son, Will Crouch,
lived on the land where his father had died
for another forty years.
He amassed considerable property,
and all who knew him considered him free.
He never set foot on the manor land,
never did villein-services,
perhaps never knew what “villein” means.

And in those forty years we’ve had eight or nine queens,
give or take Lady Jane Grey.
We’ve all changed religions three or four times;
Each time, thousands were burned and beheaded
for their spiritual crimes.

This brave new age made the lord grow greedy,
or else its turmoils left him needy,
for he leased Crouch’s land to Butler,
saying, “He’s my villein, what’s his is mine.”
Crouch ejected the lessee, who fought back,
filed counter-ejectments to counterattack,
and a jury was summoned from Somerset,
esquires and gentlemen all.
They gathered the facts and sorted them out,
and sent to this court one dispositive question:
whether Crouch be a villein, or no?

DYER, C.J.:

Milord should improve his own estates,
and not filch food from poor men’s plates.
For while he dreams of knight-errantry,
we’ve grown as modern as we can be.
We interact as man with man,
and not as pawns in some feudal plan.
We have no truck with medieval ways.
And lands change hands like a watch these days!
So must each buyer or lessee
vet each past owner’s pedigree,

then trace each grantor and executrix,
and their bloodlines back to 1066?
Though two of us, privately, think maybe so,
our reply to the jury is, "No."