



THE MESS OF DILLEGROUT

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FREE SOCAGE TENURE, with its characteristic fees, leaseholds, and future interests, is the nearly universal system of land ownership in modern Anglo-American law.¹ It has not always been so close to a monopoly. Several unfree tenures, and competing forms of free tenure, emerged from the feudal relations harbored in our misty past.² Free socage differs from these other systems in allocating land in return for an impersonal obligation – giving personal property, eventually purchase money – rather than, say, fighting in the lord’s army or carrying dung from the lord’s manor. Precisely this impersonality assured its superiority as a means of distributing resources in a post-feudal England.³ The

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¹ See AMERICAN LAW OF PROPERTY 1.41 (Casner ed. 1952); 87 HALSBURY’S LAWS OF ENGLAND, *Real Property and Registration* ¶38 (entitled “All land of socage tenure”) (2022).

² Free tenures other than *free socage* and *serjeanty* include *knight-service*, the classic military tenure exchanging land for the promise to support the King in war, and *frankalmoign*, wherein land held of the King by a mesne lord was granted to parish churches or religious orders on condition that the tenant pray for the soul of the donor or another. Regional free variants include *gavelkind* and *borough-English*. The unfree tenures include *copyhold* and *villeinage*. See 1 EDWARD COKE, INSTITUTES OF THE LAWS OF ENGLAND (COKE UPON LITTLETON) book 2, chs. 4-11 (London 1628); 2 WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND **78-102 (London 1755); 1 FREDERICK POLLOCK & FREDERIC WILLIAM MAITLAND, THE HISTORY OF ENGLISH LAW TO THE TIME OF EDWARD I (2d ed. 1952).

³ See S.F.C. MILSOM, HISTORICAL FOUNDATIONS OF THE COMMON LAW 102-103 (1980); T.F.T. PLUCKNETT, A CONCISE HISTORY OF THE COMMON LAW (5th ed. 2001); J.H. BAKER, AN INTRODUCTION TO ENGLISH LEGAL HISTORY 259 (3d ed. 1990).

other systems have essentially died out; “[i]ndeed, so unimportant have tenures become that nobody quite knows what kinds of tenures can still exist, and in practice this matters not at all.”⁴ But a colorful vestige survives: the services associated with the old grand serjeanty tenure, one of which forges a link among the law of real property, the coronation of a monarch, and the craft of preparing a chicken dish known as the Mess of Dillegrout.

1. THE LAW OF THE MESS

Serjeanty, a variant of the medieval Latin *seriantia* or “service,” has been described as the least significant of the old systems, embracing all free tenures not belonging to the other three categories.⁵ It encompasses a number of land grants whereunder the tenant is obligated to perform, as a condition of his title, a specified non-military service at extraordinary events or regular intervals. Such services could be rendered either directly to the King (“grand serjeanty”) or for the benefit of the royal household or offices (“petty serjeanty”).⁶

Typical of the grand serjeanties is the rendition of a personal service for the King in connection with his holiday dining, clothing, or sporting, or his coronation. Thus, the tenant of the Ashwell estate near Finchingfield in Essex so held at the time of the 1086 Domesday reckoning in return for acting as turn-spit for the King’s roast on feast days.⁷ The tenant of Aylesbury in Buckinghamshire reportedly had to train eight hounds to hunt otters; East Carlton in Norfolk was held by the service of bringing the

⁴ A.W.B. SIMPSON, AN INTRODUCTION TO THE HISTORY OF THE LAND LAW 1 (1961).

⁵ See ELISABETH KIMBALL, SERJEANTY TENURE IN MEDIEVAL ENGLAND vi (1936) (serjeanty “has left no permanent mark on English institutions, except in connection with the ceremonial of the coronation”); *id.* at 15 (“a creation of the royal officials of the twelfth century who wished to systematize unusual services”). Kimball rationalizes her years of studying the subject: “Nevertheless it is not too unimportant to deserve consideration.”

⁶ See THOMAS BLOUNT, ANTIEN TENURES OF LAND & JOCLAR CUSTOMS OF SOME MANNORS MADE PUBLICK FOR THE DIVERSION OF SOME, & INSTRUCTION OF OTHERS (London 1679; W. Carew Hazlitt ed. 1874); J. HORACE ROUND, THE KING’S SERJEANTS & OFFICERS OF STATE WITH THEIR CORONATION SERVICES (1911).

⁷ Similar is the tenure of Bures in South Essex, whose tenant is obliged to scald the King’s pigs. See ROUND, *supra*, at 252-257. Round quotes a tempting recipe for “Pygges in sauge.”

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King 24 herring pies every Michaelmas.⁸ These examples are far from the strangest in the rolls of services, “which range from the ludicrous to the obscene.”⁹

Tenures akin to serjeanty even crossed the Atlantic. Lord Baltimore had to send the Crown five arrows each Christmas, and send the governors of Pennsylvania two beaver-skins. In their turn, Lord Colepeper granted 30,000 acres in Virginia in exchange for a beaver-skin yearly, and the Commonwealth of Pennsylvania made grants to individuals and the Schuylkill Fishing Company in return for annual rents of one ear of corn, one red rose, or one white perch.¹⁰

Such intensely personal exchanges were impractical as a means of allocating land across generations and amid economic change. Issues of partibility, alienability, and inheritance arose. When the Ashwell estate descended to multiple heirs, for example, who was to turn the spit? And can a corporation turn a spit? The House of Lords denied a claim made by London & Fort George Land Company Ltd. (all shares being held by the family of the

⁸ See ROUND, *supra*, at 298-303 (Aylesbury); KIMBALL, *supra*, at 109, 114-115 (Aylesbury and East Carlton). The otter was hunted not only for its sleek pelt but because it was “the vermin of the water, the poacher of the streams and ponds.” Using dogs to hunt otters was apparently effective but rather noisy:

For if the Houndes be good Otter hounds and perfectly entered, they will come chaunting and trayling alongst by the rivers side, and will beate every tree roote, every holme, every osier bedde, and tuft of bulrushes; yea sometimes also they will take the ryver and beate it like a water spaniel.

ROUND, *supra*, at 303, quoting JOHN TUBEVILLE, BOOK OF HUNTING 202 (London 1576).

⁹ SIMPSON, *supra*, at 5. The most ludicrous and obscene grand serjeanty was in fact the Christmas duty of the unlucky tenant of Hemingston in Suffolk: “he was to leap, whistle, and make a passing of wind before the King.” KIMBALL, *supra*, at 59-60. BLOUNT, *supra*, at 154, and SIMPSON, *supra*, at 6, both use more vulgar words, which vulgarities are available from the author on signature of his standard form Social Media Liability Release. See CAL. CIV. CODE §1542. Kimball quotes the grant as *saltum et siffletum et unum bumbulum* (Blount again differs (*unum saltum, unum sufflum et unum bombulum*)). Kimball adds: “This duty, which was discontinued by Henry III on the ground of indecency, may give some indication of the sense of humor of the king, whoever he was, who created the tenure.” Blount notes that the tenure was converted to annual rent of 26s 8d.

¹⁰ On the American grants, see Nicholas Sellers, *Tenurial Serjeants*, 14 AM. J. LEGAL HIST. 319, 330-331 (1970). The dispositions from Pennsylvania and Colepeper (variously spelled over the years on the Virginia map) were (or are now) free socage tenures, not true serjeanties from or for the King.

Duke of Newcastle) to carry the King's Right Hand Glove, the Lord Chancellor saying "he doubted whether there was any precedent for a limited company being granted the right to take part in the ceremony."¹¹

In any event, most of the serjeanty tenures were abolished by a 1660 statute in the reign of Charles II, in effect converting them to free socage. But that law preserved the "honorary services of Grand Sergeantie."¹² Those are of course the services owed directly to the monarch, notably featuring services associated with the coronation. The coronation duties include those performed during the ceremony at Westminster Abbey, those performed during the processions to and from venues, and those performed during an elaborate meal held at Westminster Hall known as the banquet.

There were many serjeanties involving coronation service, and the inheritance of these tenures grew in doubt over the generations. A Court of Claims was established to resolve the assertions of the bickering potential heirs. This court was once within the hereditary jurisdiction of the Lord High Steward of England, an office of state granted by Henry II to the then Earl of Leicester. The office reverted to the Crown in 1265 with the attainder of Simon V de Montfort.¹³ The Stewardship was newly created in Edmund Crouchback that same year, and the office passed to his descendants (including John of Gaunt, for whom we have the first records of coronation claims being adjudged in 1377) until it merged again with the crowning of Henry IV in 1399. Since 1421, a Lord High Steward and a Court of Claims have been specially created by the monarch for his or her coronation.¹⁴

¹¹ THE TIMES, Nov. 1, 1952; Sellers, *supra*, at 328-329.

¹² Tenures Abolition Act 1660, 12 Car. 2 c. 24 §VII. This "ill-drafted and obscure Act" required clarification in the Law of Property Acts of 1922 and 1925 to extinguish the old tenures. SIMPSON, *supra*, at 22.

¹³ Simon V de Montfort, 6th Earl of Leicester, led the Second Barons' War against Henry III. He was slain in the Battle of Evesham. The traitor's body was beheaded and mutilated, adjourning the Court of Claims as a practical matter. See DAN JONES, THE PLANTAGENETS: THE KINGS WHO MADE ENGLAND (2013).

¹⁴ See G. WOODS WOLLASTON, CORONATION CLAIMS (2d ed. 1910) (summarizing results of claims decisions through 1901 in preparation for the 1910 Court of Claims); LEOPOLD G. WICKHAM LEGG, ENGLISH CORONATION RECORDS (1901). The later claims or decisions are reported in LONDON GAZETTE No. 28449, Dec. 23, 1910; LONDON GAZETTE No.

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These coronation events were once quite elaborate. A modern peak was reached in the coronation of George IV in 1821, fueled by the passage of 60 years since the prior coronation of George III in 1761 and by the new monarch's desire to "quite eclipse Napoleon." The 1821 coronation featured a formal banquet in all its glory, including the associated grand serjeanty services. There were 1,268 diners and 2,934 spectators, some of whom looted the silver and crystal; Lord Gwydyr and soldiers had to guard and rescue the gold plate. The event was criticized for its excess and its expense (£238,000 in 1821 currency).

Owing partly to that criticism and partly to the successor's sober personality, the coronation of William IV in 1831 was considerably scaled back (£30,000 in 1831 currency) – it was in fact derided in some circles as the "half crown-nation." Among the cuts was the banquet, and with that meal omitted, the associated grand serjeanty services lay dormant.¹⁵ The banquet was also dispensed with for the ceremonies of Victoria (1838),

34342, Nov. 20, 1936; and THE TIMES, Nov. 1, 1952. Some coronation services are hereditary, such as that of the Lord Great Chamberlain and the Carrying of the King's Spurs, or appended to titles, such as those of the Bishops of Durham, Bath, and Wells. The rest are real property rights relating to the old grand serjeanty tenures.

Disputes as to who holds the right to perform which coronation services are referred to as "coronation claims." They are not to be confused with the famous "coronation cases" in contract law involving day-leases of flats offering views of Edward VII's coronation procession – leases whose purpose was frustrated when the ceremony was delayed owing to the King's illness. See, e.g., *Krell v. Henry*, 2 K.B. 740 (1903); *Chandler v. Webster*, 1 K.B. 493 (1904); cf. Law Reform (Frustrated Contracts) Act 1943, 7 Geo. 6 c. 40.

¹⁵ The most famous of the banquet services is that of the King's Champion, held by the lords of the manor of Scrivelsby in Lincolnshire (lately the Dymoke family). Round opines (*supra*, at 378), "There is no feature of the ancient coronation ceremony that is more familiar to the public and about which more nonsense has been written." The Champion is "to ride on horseback in full armor into Westminster Hall and three times loudly denounce as a 'false traitor' any who defied the king's right to the crown, and, throwing down a gauntlet, offer to do combat to any challenger." Sellers, *supra*, at 327; TAYLOR, *supra*, at 221-223. Before a hushed audience in 1685, the knight in shining armor stumbled and tipped over, which must have made a "horrid clang" (John Milton). The last such spectacle occurred in 1821, when the Dymoke scion had to hire a horse from a nearby circus; the talented steed was able to back deftly out of the hall after completion of the young Champion's demand. In later processions, including 1953, the Lord of the Scrivelsby manor was in lieu allowed to carry the Union standard. His 1953 flag duty was the last visible vestige of the grand serjeanty banquet services.

Edward VII (1901), George V (1910), George VI (1937 – Edward VIII had no coronation), and Elizabeth II (1953). The odds of a formal banquet for Charles III occurring in cost-conscious 2023 Britain are vanishingly low. The serjeanty services still survive, however – the royal proclamations dispensing with the banquet for a particular ceremony state that the omission on one occasion does not impair rights with respect to future coronations.¹⁶

All arcane things tend to come to an end. The feudal tenures from a real property law perspective came to a close with the Law of Property Act of 1922, which “explicitly abolished the [grand serjeanty] tenures themselves, but still preserved the services which were to be performed.”¹⁷ Thus the remaining serjeanties were converted to free socage, but the “holder” still has the right to claim the associated service of the monarch on a feast day or at the coronation. Who that holder is – in a free socage world of leases, tenants in common, and corporation grantees – is a question left for another day.

2. THE RIGHT OF THE MESS

So much for general principles. Whence comes and where stands the right to have a Mess of Dillegrout prepared and served at the coronation banquet?

At the time of Domesday in 1086, the King’s cook held by his culinary services the tenancy of the Addington estate (in the historic county of Surrey and now located in Croydon).¹⁸ By the reign of Henry III, the Addington kitchen service and the coronation service were merged. A Mess is described in the 1254-1255 record of services: the Addington lord’s widow held the estate “by service of making a dish called ‘maupigernoun’ at the King’s

¹⁶ See, e.g., WOLLASTON, *supra*, at 1-6, quoting the Proclamation of 1 Edw. 7, June 26, 1901 (dispensing with Westminster Hall services for this coronation “shall not interfere with the rights and privileges of any of Our loving subjects to claim the performance of such several services or any of them at any future Coronation”).

¹⁷ Sellers, *supra*; HALSBURY’S, *supra*; Law of Property Act 1922, Stat. 12 & 13 Geo. 5 c. 10 §136 (“Nothing in this Act shall affect the services incident to Grand and Petty Serjeanty (which shall not be deemed to be manorial incidents), but the land affected shall be subject to . . . this Act . . . as if . . . it had been held in free and common socage”).

¹⁸ See TAYLOR, *supra*, at 147-148; ROUND, *supra*, at 13, 243-249; BLOUNT, *supra*, at 2-3.

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Coronation.” She was succeeded by Thomas Bardolf. William Bardolf was recognized in 1377 by John of Gaunt: “The Lord of the Manor of Addington has to bring a dish of gruel called Dillegrout or Malepigernout.”¹⁹

The Leighs were Lords of the Manor of Addington by the reign of Richard II. A Leigh claimed the right to serve the Mess at the coronation of James I, and other Leighs were recognized by the courts for the coronations of Charles II (who accepted the service but declined to taste it), James II, William and Mary, Anne, George I, George II, and George III. In 1807 the estate passed to the Archbishop of Canterbury. At the elaborate coronation banquet of George IV in 1821, “the Deputy appointed by his Grace the Archbishop of Canterbury, as Lord of the Manor of Bardolf, otherwise Addington, presented the mess of Dillegrout, prepared by the King’s Master Cook.”²⁰ That was the last such dish. The formal banquet, and thus the Mess, have not been seen for over two centuries.

The Archbishop used Addington Manor as a summer home through 1895. Until 1996, the manor was used as a church music school. It then became a resort, golf course, and wedding venue. The property or its operation was ignominiously placed into liquidation in 2021 amid COVID-19 cancellation and refund claims.²¹ If Addington is now or has been owned by one or more limited companies, as noted above there is further doubt whether the privilege could be exercised even if there were a banquet. The right of serving a Mess still exists, but it sleeps more or less soundly.

3. THE RECIPE OF THE MESS

And now we come to the question for which we have all been waiting: what is this dish? Even the name varies in earliest records – sometimes *maupygernon* (a dish including lard or other fat), sometimes *de gyron*.

¹⁹ ROUND, *supra*, at 248, quoting WICKHAM LEGG.

²⁰ ARTHUR TAYLOR, THE GLORY OF REGALITY 148-149, 219, 221 (1820); WICKHAM LEGG, *supra*, at 358.

²¹ *Couples lose £740,000 after failing wedding company ignores Covid refund rules*, Metro.co.uk, April 24, 2021. The rights in the historic property were entangled among limited companies, the Croydon Council, liquidators, and a horde of angry brides, grooms, and other creditors. One is reminded of “The Scouring of the Shire” in J.R.R. TOLKIEN, THE RETURN OF THE KING (1955).

Round believes the following recipe entitled “Bardolf” from the 14th century is genuine.

Take almonde mylk, and draw hit up thik with vernage, and let hit boyle, and braune of capons braied and put therto; and cast therto sugre, claves maces, pynes, and ginger, mynced; and take checkyns parboyled and chopped, and pul of the skyn, and boyle al ensemble, and, in the settinge doune from the fire, put thereto a lytel vynegur alaied with powder of ginger, and a lytel water of everose, and make the potage hanginge, and serve hit forth.²²

This can be read (with a low level of confidence) to call for almond milk, sweet wine, braised breasts of capons (castrated roosters),²³ sugar, cloves, mace, pine nuts, minced and powdered ginger, parboiled skinned chickens, vinegar, and steeped rose petals, all reduced to a thick pottage.

Sellers opines the result “would gag a maggot.” The odors of the individual ingredients suggest a pungent and spicy *coq au vin*, perhaps originally masking the taste of spoiled fowl. Like Charles II, I might quaff some wine and look forward to the next course.

CONCLUSION

The coronation services are a window into a world that is difficult to see on any other day of the calendar.²⁴ The Mess of Dillegrout reminds us that not all common-law ownership of private land is allodial – acquired independent of any superior landlord – but some retains rights relating to our feudal roots. An elegiac and nostalgic tone is struck by this May 16, 1952 letter, from an assistant editor of *Debrett’s Peerage* to (who else?) *The Times*:

²² ROUND, *supra*, at 248-249, quoting HOUSEHOLD ORDINANCES (SOCIETY OF ANTIQUARIES) 466 (London 1790).

²³ Blount reads “braune of capons” as “the brawn of capons” (4 n.2), as does Taylor (148-149 n. 109). An early cookbook appears to use “brawn” to mean the breast of a bird. FORME OF CURY OF RICHARD II (London c. 1400). Sellers interprets the phrase instead as “brain” of capons (326); no wonder he thinks of retching.

²⁴ Cf. PETER LASLETT, THE WORLD WE HAVE LOST: ENGLAND BEFORE THE INDUSTRIAL AGE (1965); TOLKIEN, *supra*.

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One cannot but regret that the coronation banquet, omitted for the first time at William IV's "half crown-nation" [1831], has been allowed to lapse. What great interest there would be if this could be revived next year with all its traditional splendour! Not only could Captain Dymoke then ride into Westminster Hall in full armour to challenge any who disputes the Queen's title, but many other ancient banquet services, such as the Chief Cupbearer, the Grand Carver, the Royal Napier and Herb Strewer, could be revived, and perhaps even a "mess of dillegrout" prepared. Admittedly, a large burden would fall upon the Court of Claims, but genealogists would be grateful for their pronouncements on such claims. The banquet could be on more austere lines than the last [1821], when, to mention a few of the dishes, 7,442 lb. of beef, 7,133 lb. of veal, 2,478 lb. of mutton, 912 lb. of butter, and 8,400 eggs were prepared and consumed.

No one can but regret, with the possible exception of the British taxpayer and the chickens themselves.²⁵



²⁵ Cf. GAME OF THRONES S4E1 (HBO ENTERTAINMENT 2014) (Sandor "the Hound" Clegane: "I think I'll take *two* chickens") (emphasis in original).