THE DULWICH COURT ROLLS

Dulwich's manor court rolls, now kept in the Archive Room at Dulwich College, form an almost continuous series from 1333 to 1903, although there are gaps, some of only a year or two, others more serious (e.g. from 1335 to 1399, and from 1497 to 1519). We can assume that those which have been lost were lost centuries ago, and evidence for this is provided by Edward Alleyn himself. When the court rolls were delivered to him in 1606 on his purchase of the manor of Dulwich, he (or his attorney) made margin notes on several of the later ones, and on that for 1602 he wrote: *"Court Rowlls holden by Sr ffra: Calton, but ther wants many"*. The fully-developed style of the 1333 roll suggests strongly that courts had been held previously, perhaps (who knows) for centuries, but the rolls for these too have been lost.

Thus the Court rolls which Alleyn received in 1606 consisted of 76 parchment 'skins' of varying size, but averaging about 10" wide by 30" long, and usually written on both sides. Three of them are not true rolls, but copyhold title deeds which came into Alleyn's possession. Three others are simply 14th-century lists of 'custumers', i.e. tenants, one of them specifically dated to 21st May 1376, the other two undated. Now kept flat (for easier storage), the rolls were originally rolled up - hence the name. Later rolls are in English, but until the 18th century they were generally in Latin, with occasional lapses into legal French. Overall their condition is remarkable, considering their age, but studying them does pose certain difficulties, in that (a) they are written in 'low' Latin, although admittedly the scholarship of the scribes was apparently not great, and therefore not too much is required of the reader; (b) the script used is not at all like modern handwriting; (c) a few have been injured by damp or are otherwise illegible; and (d) having overcome these hurdles, the student has to interpret what, at first sight, are meaningless abbreviations for commonly occurring words or phrases. However, all the rolls up to 1672 have now been transcribed and translated (where necessary) into English, and those for the later rolls (which have all been photographed) are to follow shortly.

One has to admit that large portions of the rolls make extremely tedious reading. Usually the Steward of the Manor, who was responsible to the lord for convening the manor court and keeping its records, was a professional lawyer, and lawyers were reputedly paid by the word. Even so, once the dross is discarded, there is much valuable material for the local and family historian.

In theory, there were two types of court. One, called the 'Court Leet' or 'View of Frankpledge', dealt mostly with, one might say, aspects of village life, such as punishing petty offenders and arranging for ditches to be scoured. The other, called the 'Court Baron', dealt with property matters. Before we take a closer look at each of these, it should be mentioned that for Dulwich the two courts were almost invariably held simultaneously once a year, sometimes more frequently, and their proceedings recorded on the same roll. Where exactly the courts were held we cannot say for certain. Before 1616 Dulwich Court (in Court Lane), often described as '*the Manor House*', would seem the obvious venue; later courts were initially held at the College, although, as their importance declined, a local hostelry was probably favoured; '*The Greyhound*', with its various meeting-rooms, would have been ideal. By 1880, when all Dulwich's copyhold properties had been enfranchised, the manor court ceased to have any significance, and was discontinued.

The proceedings of the 'View of Frankpledge' opened with '*essoins*', what we would call apologies for absence. Each tenant in the manor, even the handful of freeholders, had a duty to attend the lord's court, and would be fined for default without sufficient excuse. In December 1400 William Lane's fine of 6d was remitted by the Steward *"because it is said he is in the service of our lord the King"*. Once assembled, the court heard reports from the Headboroughs, the Constable, and the Aleconner. The two Headboroughs were a reminder of earlier times,

when local inhabitants were organised in groups of ten (more or less), known as 'tithings', the members of which were responsible for each other's good behaviour; each tithing had a head pledge, or Headborough. The duty of the Headboroughs at the court was to hand to the Steward 'the Common Fine', invariably four shillings, although what it was supposed to represent, or how it was raised as between the tenants, we do not know. The Constable, responsible overall for law and order, came next. Often he could report *"All's well"*, but sometimes there were minor infractions such as assault or trespass to be dealt with. Finally the Aleconner made his report. A sort of Trading Standards Officer, his duty was to report anyone making and selling ale or bread in short measure or of poor quality, or *"contrary to the assize"* as it was called. In October 1333 no less than eighteen such culprits were named, out of an adult population not much more than a hundred. The Aleconner may not have enjoyed his job as much as one might suppose. One method of testing the quality of ale, known from another manor in the 19th century, was to provide him with a special pair of leather trousers and a bench. Ale was poured over the bench, on which the Aleconner sat, and if (after a suitable delay) he was found to be stuck, the ale had passed the test. In Dulwich the Aleconner, Constable and Headboroughs generally held office for one year only.

The jury, or 'Homage', was then empanelled, consisting of twelve or more tenants, who swore on oath to the truth of the reports which had just been delivered, and went on to make 'presentments' (in effect, orders) for the better regulation of village life. By far the most common are orders for the making or repairing of ditches, since in the absence of a natural water supply it was important that the artificial ditches which served most of the fields should be kept free of mud and leaves, and each tenant was responsible for that section of watercourse, or 'Common Sewer' which adjoined his property. The maintenance of 'rustic stiles' in the public footpaths was another favourite topic. If any animals had strayed into the lordship, the fact was announced to the court, and recorded on the roll; the procedure for dealing with such strays (cows, sheep or horses) was to impound them for a year and a day - there was a pen or pound constructed in the village for the purpose –, and in the meantime to 'cry' them three times at local markets; if the true owner did not appear, the finder (or his master) could claim them.

In addition to the 'Common Fine' and fines for default and misdemeanour, the lord of the manor was entitled to two types of payment known respectively as '*Avisagium*' (usually translated as Pannage) and 'Romppenny'. The former was paid by each inhabitant who owned pigs, for the right to allow them to forage in the common woods. The custom, which probably pre-dated the Conquest, died out after 1445, but until it did the names of the payers, the numbers of pigs, sows and piglets (male and female) they owned, and the amount they had to pay, were solemnly recorded. Of comparable antiquity was 'Romppenny', a penny tax for which any inhabitant with goods and chattels worth over 2s 6d was liable. The custom was so ancient that no-one really knew what it was supposed to be for, and whether the lord was supposed to keep the money collected for himself or pass it on to higher authority. It was generally thought to be some form of ecclesiastical tax (i.e. 'Romppenny' = 'Rome-penny'), so that the name was tactfully dropped after the Reformation, and it became simply a payment *"for free right of commons"*. As it was often spelt 'Rumppenny', one could argue that it had nothing at all to do with the Church, but was a payment based on the number of 'head' (or rumps, depending on which way you looked at them!) of cattle. The word 'chattels', after all, originally only meant cattle. By the end of the 16th century this tax too had ceased to be collected.

One other function of the Homage worth mentioning was the swearing-in of new tithingmen. Anyone moving into the area, or any male child of an existing inhabitant on attaining the age of twelve, was supposed to attend the following court in order to be *"sworn into the King's*

assize", in other words promise to be a good and law-abiding subject. These entries are particularly useful for the family historian; for instance, we know the names of five sons of one Christopher Curson who were sworn into the assize between 1576 and 1584, which gives us a good idea of each one's year of birth, information which might not be available from any other source (although, as it happens, the parish register of St Giles, Camberwell, lists their dates of baptism). The inclusion of the same names in the rolls over long periods enables us to work out who those tenants replaced and who in turn replaced them, and gives us as much information as we could reasonably hope for to calculate trends in population growth. Even such mundane matters as orders for scouring ditches, when carefully compared, gives important clues as to which tenant was occupying which property at any given date.

Much the same can be claimed of the records of the other type of court, the Court Baron, which, as I have said, dealt with property transactions. Until the mid-16th century leases were almost unheard of, and the freehold properties dotted about the manor were few and far between. Almost all tenants on the manor, therefore, were 'copyholders', which involved recording sales, or succession to the holdings of deceased tenants, on the court roll. As often as not, holdings were kept intact, so that it is sometimes possible to trace the chain of ownership of a particular parcel of land over several centuries, even (by combining this data with later leasehold information) up to the present day. For example, the 3-acre site of the houses between Bell House and the College Gate entrance to Dulwich Park ceased to be copyhold as recently as 1876, and its history can be traced through the court rolls back to 1519, when it was a three-acre field with the unprepossessing name of 'Gorye land', being the ‘gore’, or unploughable corner, of a former large common field. One of its owners was the Christopher Curson mentioned in the last paragraph, and in fact the property remained in his family for nearly a century. We know, from the rolls, that Christopher was succeeded in 1602 by his youngest son Richard, who in 1604 was succeeded by his elder brother Edmund. He was followed in 1615 by his youngest son Henry (aged 7), whose elder brother Edmund succeeded him (after he died from plague) in 1626, and so on. Thus the court rolls provide a great deal of information, both topographical and genealogical.

This is, of course, entirely a matter of luck. The court rolls were not written with future historians in mind; they were simply records of proceedings which had importance both for the lord of the manor and for his tenants. For the lord, the holding of the manor court provided a useful source of income. Each failure to attend court or scour a ditch, each minor infraction of the law, each transmission of copyhold property, gave rise to a fine or amercement payable to the lord, who in addition received the customary payments for Romppenny, Pannage, and the Common Fine. In 1333, the first year for which the court rolls have survived, these payments by the inhabitants of Dulwich total 14s 3½d, and in 1604 the total was £5 15s 5d, both considerable sums in their day.

For the tenants, the court provided a useful method of local self-government. Although it was the lord or his Steward who presided over the court, the jury of local inhabitants presented the agenda, and there are even examples of the lord himself being censured for failing to scour his ditches. It is still widely believed that medieval society consisted of autocratic lords and downtrodden serfs, but the impression given by the court rolls is rather different. They suggest a well-ordered, even sophisticated, society, with an enviable degree of control over the management of local affairs.

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